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## Final Report

# "Interdisciplinary Evaluation of Child Custody Decision-making among Intimate Partner Violence Families"

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## Abstract

**Goals and Objectives:** The major aim of this study was to examine the effect of parenting evaluations and corroborating evidence of a history of parental intimate partner violence (IPV) on the award of legal protections in child custody and visitation orders. Secondary aims were to examine the effect of parenting evaluations on post-dissolution IPV and child maltreatment as mediated by the legal protections awarded.

**Subjects:** This study involved a sample of King County, WA couples with minor children filing for marriage dissolution between January 1, 2000 and December 31, 2010 who had a history of police- or court-documented intimate partner violence (IPV) preceding the filing date of the marriage dissolution. A complete sampling of custody cases with a history of IPV and a parenting evaluation was conducted. Cases with a parenting evaluation were matched via propensity score techniques to comparison group cases without a parenting evaluation.

**Research Design and Methods:** A retrospective cohort study was conducted to accomplish study aims. Data collection involved the use of existing police and court electronic data as well as extensive data collected from dissolution case files. Study outcomes included five legal protections that can be awarded in the child custody and visitation plan (denial of visitation, requiring supervision of visitation, placing restrictions or conditions on child visitation, and requiring treatment program completion of the IPV abusing parent and ordering sole decision-making to the non-IPV abusing parent). Parenting evaluation study groups were matched to cases not involving a parenting evaluation using propensity score techniques. Standard multivariable analyses were conducted to examine the effect corroborating IPV evidence on custody outcomes, and propensity score matching will be used as an alternative analytic approach for future sensitivity analyses.

**Analysis:** Multiple robust Poisson analyses were conducted to allow for direct calculation of relative risks when binary study outcomes are common. Extended Cox regression analyses will be conducted in follow-up analyses examining the effect of parenting evaluations and corroborating IPV evidence on post-dissolution IPV and child maltreatment as potentially mediated through legal protections awarded.

**Results:** Cases that involved a parenting evaluation were 59% more likely to result in the court ordering the IPV abusing parent to treatment program completion (typically batterers' treatment, substance abuse treatment and anger management) compared to matched cases not involving a parenting evaluation. Parenting evaluation cases were marginally more likely to result in supervision of the child visitation being required of the IPV abusing parent; restrictions or conditions being placed on the IPV abusing parent's child visitation, and sole decision-making being awarded to the non-IPV abusing parent. Inclusion of corroborating IPV evidence in the dissolution case file was significantly associated with increased award of all five legal protections.

Conclusions: Parenting evaluations showed a trend toward greater likelihood of legal protections being awarded overall, and presence of corroborating evidence of IPV was significantly associated with a greater likelihood of all five of the measured legal protections being awarded. These two mechanisms offer potential avenues for greater protections being awarded to IPV victims and their children in the context of marriage dissolutions involving children.

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## Executive Summary

### Purpose, Goals and Objectives

It is estimated that 7 million children live in US households in which *severe* parental intimate partner violence (IPV) is occurring<sup>1</sup> and that well over 150,000 marriage dissolutions involve child witnesses to parental IPV in the US each year.<sup>1-3</sup> Surprisingly, and despite the large evidence base on the broad range of physical and psychological risks to victims and children due to IPV exposure<sup>4-7</sup>, and the escalation of risk inherent to separation,<sup>8-11</sup> empirical research on factors predictive of greater protections in child custody orders among divorcing couples with a history of IPV is rare. No studies to date have examined the impact of parenting evaluations or corroborating evidence of IPV on child custody orders or post-dissolution abuse.<sup>12,13</sup> Given the multitude of concerns,<sup>3,14,15</sup> it is critically important to identify factors with the potential to improve protections awarded in child custody orders and lower the risk of post-dissolution abuse to IPV victims and their children. This study was designed to examine two such factors, the use of parenting evaluations and the inclusion of corroborating evidence of IPV in the dissolution case file. The specific aims of this study were to:

1. Examine the association between involvement of a parenting evaluator and corroborating evidence of IPV in the dissolution case on child custody and visitation decisions (e.g., visitation by abusing parent is denied; supervision of abusing parent's visitation is required).
2. Assess whether greater protections awarded in the custody and visitation order were associated with lower rates of post-dissolution IPV and child abuse.
3. Determine if involvement of a parenting evaluator is associated with lower rates of post-dissolution IPV and child abuse as mediated by greater protections having been awarded in the child custody and visitation order. Assess whether this relationship is further mediated by an increase in the availability of corroborating evidence identified and presented by the evaluator.
4. Examine the effect of parenting evaluations on custody/visitation orders and post-dissolution abuse by characteristics of evaluators and evaluator adherence to guidelines.

## Review of the Relevant Literature

It is estimated that 7 million children live in US households in which *severe* parental intimate partner violence (IPV) is occurring<sup>1</sup> and that well over 150,000 marriage dissolutions involve child witnesses to parental IPV in the US each year.<sup>1-3</sup> Exposure to IPV is associated with a wide range of adverse physical and psychological health effects for both IPV victims and the children growing up in these households.<sup>4-7</sup> Children exposed to parental IPV are also more likely than children not exposed to IPV to be victims of child abuse.<sup>16</sup>

Despite the strong empirical evidence of the multitude of adverse effects of IPV on victims and child witnesses, the majority of IPV abusers receive continued access to their ex-partners and children following marriage dissolution. Prior research estimates have found between 85% and 94% of IPV abusing parents were awarded child visitation.<sup>17 12 14</sup> In one of these studies, cases with allegations of IPV but without corroborating IPV evidence in the dissolution case file (despite that evidence being available from police and court records) had comparable custody and visitation outcomes to cases without a history of IPV.<sup>17</sup>

Parenting evaluations are sometimes ordered in complex child custody cases such as those involving allegations of IPV, child abuse, substance abuse or mental illness. The task of the evaluator is provide evidence to bear on these allegations; and to provide an objective assessment of the attributes and parenting capacity of each parent, the psychological and developmental needs of the child(ren) and the ability of each parent to meet the child(ren)'s needs.<sup>18,19</sup> Empirical research on parenting evaluations has been extremely limited and no studies (that we are aware of) have examined the effect of parenting evaluations on child custody outcomes prior to the current study.

Previous research suggests that the vast majority of judges place great value in evaluators' recommendations<sup>20 21 22</sup>, therefore, it is likely safe to conclude that parenting evaluators carry significant influence in custody proceedings. Following, it is imperative that empirical evidence is brought to bear on whether, and what elements of, parenting evaluations lead to greater protections being awarded in custody orders among families with a history of

parental IPV and if such protections are associated with lower rates of post-dissolution IPV and child abuse.

Judges' guides to child custody decision-making routinely refer to the critical need for and too common absence of access to objective, corroborating evidence to assist with determining which allegations in a custody case are likely to have merit (whether this information is provided by an evaluator or another party).<sup>18,23</sup> Nevertheless, evidence of a clear history of abuse accompanied by, for example, documentation of criminal IPV charges describes a small minority of cases with a true history of IPV.<sup>17</sup> In recognition of this issue, guidelines have been developed for the assessment of the credibility of IPV allegations and offer assistance in weighing and objectively considering the validity of less compelling evidence.<sup>24</sup> In the absence of criminal convictions for IPV, evidence of police-reported incidents, medical reports of injury consistent with IPV, corroborating reports by objective third parties and a pattern of violent behavior outside the intimate partnership offer alternative evidence profiles for establishing credibility of IPV. Although it seems reasonable to conclude that presentation of convincing evidence of a history of IPV to the court would increase the likelihood that adequate protections are awarded, there currently is no empirical evidence to support this claim.

Given concerns that protections are underutilized in child custody and visitation cases with a history of IPV,<sup>3,14,15</sup> it is critically important to identify factors with the potential to improve the protections awarded in these orders and, as a consequence, lower the risk of post-dissolution abuse to IPV victims and their children. This study examined two factors likely to be influential in this regard, both of which are underutilized even among this high risk population. Because both parenting evaluations and corroborating evidence of IPV have a large capacity for increased utilization, even if small protective effects are found for custody protections and post-dissolution IPV and child abuse, the potential impact for future prevention is substantial.

### **Research Design and Methods**

A retrospective cohort study was conducted among King County couples with minor children petitioning for dissolution of marriage between January 1, 2000 and December 31, 2010 and

with a documented history of police- or court-reported, male-perpetrated IPV . Our independent variables of interest were the: 1) performance of a parenting evaluation in the dissolution case; and 2) presence of corroborating evidence of IPV in the dissolution case file.

Performance of a parenting evaluation was operationalized as a dichotomous variable (yes/no) to study overall effects, and as a series of categorical measures to study the effects of the background characteristics of the evaluator and evaluator adherence to professional guidelines. Guideline adherence measures are currently being finalized. We provide preliminary results on select summary adherence measures below. We sampled 100% of cases involving a parenting evaluation identified from the eligible pool of IPV positive cases to have sufficient power to examine study aims. Parenting evaluation negative cases were drawn from the parent study which comprised a sample from the same eligible population to examine the effect of attorney representation for IPV victims in marriage dissolution cases involving children.<sup>25</sup> Propensity score matching techniques were used to identify the final comparison group.

Corroborating evidence of the history of IPV was defined as the presence of evidence of IPV in the dissolution case file likely to provide credible, objective evidence that IPV had occurred. Consistent with existing literature<sup>26</sup>, we defined this as presence of any of the following in the dissolution case file: 1. one or more police incident report(s) indicating IPV; 2. medical reports or physician statements documenting IPV-related injury; 3. admission of guilt by the abusing party; or 4. an arrest, criminal charge or conviction for IPV. Cases with corroborating evidence of IPV presented in the dissolution case file were compared to those without corroborating evidence of IPV presented in the dissolution case file (regardless of whether that information was documented in a parenting evaluation or elsewhere).

Primary study outcomes were legal protections awarded in the child custody and visitation order. These included the proportion of couples for whom: 1) visitation was denied to the IPV abusing parent, 2) the court ordered supervision of visitation between the IPV abusing parent and the child(ren), 3) restrictions or conditions were placed on the IPV abusing parent's visitation with the child(ren), 4) treatment program completion (typically batterers'

treatment, substance abuse treatment, anger management) was ordered as a prerequisite to the abusing parent's award of visitation, and 5) sole decision-making was awarded to the non-IPV-abusing parent.

Study analyses to examine the effect of parenting evaluations involved the use of propensity score matched comparison cases given the disparities between cases involving and those not involving parenting evaluations. Study analyses to examine the effect of corroborating evidence of IPV included all eligible IPV+ cases from the parent and current study, and included all forms of corroborating evidence of IPV presented in the case file (including parenting evaluations and court findings). The results provided on the effect of corroborating evidence in this report are from robust Poisson multivariable regression analyses, and did not involve propensity score matching. Propensity score matching will be conducted in future analyses for comparative purposes. The effects of potentially confounding factors were evaluated for their effects on the risk estimate in all study analyses. Comparison was made between the unadjusted risk estimate and that obtained following adjustment. A 10% change in the risk estimate was used a guideline for inclusion.<sup>27,28</sup>

## **Results**

Of the 3,591 eligible IPV+ marriage dissolution cases involving children during our study period, a total of 386 (10.7%) cases involved a parenting evaluation. Of these 386 parenting evaluations, 273 (70.7%) were conducted by a Family Court Services evaluator, 42 (11.1%) by a Guardian ad Litem, 48 (12.4%) by a Court Appointed Special Advocate, 16 (4.1%) by a private evaluator and the remaining 7 (1.6%) by more than one evaluator type. The private evaluator cases and cases with more than one evaluator type were excluded from evaluator-type specific analyses (due to insufficient power and privacy concerns) but retained in analyses on the global parenting evaluator exposure measure. Seven parenting evaluation cases were outside of common support and were dropped from the regression analyses examining the effect of parenting evaluations. The comparison pool of cases for this study included all abstracted cases from the parent study that did not involve a parenting evaluation in the dissolution case file (n=1,144).

Cases in which a parenting evaluation was conducted were more likely to involve parents with higher annual gross incomes; a father/husband who petitioned for divorce; and allegations of almost all forms of IPV, child maltreatment, mental health concerns, and child custody related threats and actions mentioned in the case file (exclusive of allegations only mentioned in the parenting evaluation or the Findings of Fact to avoid reporting bias) compared to the pool of all eligible cases in which a parenting evaluation was not conducted. Parenting evaluation cases were less likely to have a Seattle police-reported IPV incident in the 2 and 5 years prior to the divorce petition compared to cases without a parenting evaluation.

## **Multivariable Regression Results**

### **Effect of Parenting Evaluation on Child Custody and Visitation Outcomes**

Results from robust Poisson multivariable analyses (following kernel propensity score matching and weighting) of the effect of any parenting evaluation involvement on child custody and visitation outcomes are as follows. Cases involving a parenting evaluation ( $n=379$ ) were no more likely than those without ( $n=1,144$  without accounting for kernel weights;  $n=379$  with kernel weighting) to result in visitation being denied to the IPV abusing parent (aRR=0.81; 95% CI: 0.59, 1.12). Restrictions or conditions were marginally more likely to be placed on the IPV abusing parent's visitation, and supervision of the IPV abusing parent's visitation was marginally more likely to be required in unadjusted analyses (cRR=1.24; 95% CI: 0.95, 1.60 and cRR=1.38; 95% CI=0.96, 1.97, respectively). Following adjustment for confounding, results reached significance for both restrictions and supervision outcomes and showed elevated levels of these protections awarded in parenting evaluation cases (aRR=1.33; 95% CI: 1.01, 1.74 and aRR=1.67; 95% CI: 1.15, 2.42). Treatment program completion was more likely to be required of the IPV-abusing parent in cases with a parenting evaluation compared to those without (aRR=1.59; 95% CI: 1.32, 1.93). Lastly, sole decision-making was marginally and slightly more likely to be awarded to the non-IPV abusing parent for cases with a parenting evaluation involved in the unadjusted analyses (cRR=1.08; 95% CI: 0.94, 1.24). Following adjustment for confounding, results reached significance (aRR=1.21; 95% CI: 1.05, 1.40).

## **Effect of Corroborating Evidence Parenting Evaluation on Child Custody and Visitation Outcomes**

Results from robust Poisson multivariable analyses of the effect of any IPV corroborating evidence of the IPV abusing parent's perpetration of IPV against the non-IPV abusing parent are as follows. Cases involving corroborating evidence of IPV were significantly more likely to: result in denial of child visitation to the IPV abusing parent (aRR=1.57; 95% CI: 1.31, 1.88); have restrictions placed on the IPV abusing parent's child visitation (aRR=1.76; 95% CI: 1.42, 2.19); require supervision of the IPV abusing parent's child visitation (aRR=2.19; 95% CI: 1.68, 2.84); require treatment or program completion by the IPV abusing parent as a prerequisite to child visitation (aRR=2.03; 95% CI: 1.71, 2.41); and to order sole child-related decision-making to the non-IPV abusing parent (aRR=1.71; 95% CI: 1.56, 1.86) relative to cases without corroborating evidence.

## **Preliminary Results on Evaluator Characteristics and Evaluation Content**

The majority of cases with a parenting evaluation completed by a single evaluator were completed by family court services evaluators (72.0%). Court Appointed Special Advocates completed 12.7% of these evaluations, Guardian ad Litem completed 11.1%, and private evaluators completed 4.2%.

Although these results are preliminary, we found significant differences in documentation and assessment procedures by role of the parenting evaluator. Family Court Services evaluators had the highest proportion of cases in which the dissolution case file contents were reviewed, criminal background checks were performed on both parents (as required by statute) and in-person interviews with both parents were conducted (and all were documented as having been conducted). Private evaluators were most likely to perform observations of all mother-child and father-child pairs. GALs and private evaluators showed low adherence on having conducted (and documented) criminal background checks on parents.

## Discussion

This retrospective cohort study was designed to test the hypothesis that parenting evaluations conducted in the course of a marriage dissolution involving children among divorcing couples with a history of IPV would lead to greater legal protections being awarded in child custody and visitation awards relative to propensity matched cases for which no parenting evaluation was conducted. To our knowledge, this is the first empirical study of the impact of parenting evaluations on child custody and visitation outcomes for IPV victims and their children. We found preliminary evidence suggesting that cases involving parenting evaluations have a tendency toward greater protections being awarded compared to cases not involving a parenting evaluation. Future analyses of these data will involve the examination of newly developed techniques in propensity score matching that may be able to address the issues of distributional overlap that resulted in less statistical power than we had for the parenting evaluation analyses included in this report. Inclusion of corroborating IPV evidence in the case file was associated with significantly higher likelihoods of all five legal protections being awarded in the child custody and visitation order. These findings have important policy implications with regard to achieving custody arrangements with greater legal protections for IPV victims and their children. Future analyses will allow a more full and robust understanding of how this may translate into effective policy change.

We found marriage dissolution cases involving with a parenting evaluation to be 59% more likely to have treatment or program completion required of the IPV abusing parent relative to marriage dissolution cases not involving a parenting evaluation. We also found a tendency toward other legal protections for parenting evaluation cases including: a 33% greater likelihood of having restrictions or special conditions placed on the IPV abusing parents child visitation, a 67% greater likelihood of supervision of child visitation being ordered, and a 21% greater likelihood of sole child decision-making being ordered to the non-IPV-abusing parent.

Presence of corroborating evidence of IPV was present in only 23.5% of cases overall despite having identified the IPV-positive sample through police- and court-reported IPV sources. Further, this is expected to be an overestimate given our oversampling of parenting evaluation cases (which present with a more complex history). When corroborating evidence

of IPV was present, however, each of our five legal protection outcomes were more likely to be ordered. Specifically, visitation was 57% more likely to be denied to the IPV abusing parent; restrictions were 76% more likely to be placed on child visitation; supervision of visitation and treatment program requirements were more than twice as likely; and sole decision-making was 71% more likely to be awarded to the non-IPV abusing parent. As mentioned in the introduction, it seems reasonable to conclude that presentation of corroborating evidence of the IPV history to the court would increase the likelihood that adequate protections are awarded, no empirical evidence supporting this claim was available prior to this study. This finding offers a potential and relatively simple solution to establishing the merit of that history, and in turn, increasing the likelihood of greater custody protections being awarded. Results from our corroborating IPV evidence analyses will be further examined in sensitivity analyses to determine if they are robust to propensity score matching techniques.

In our preliminary analysis of guideline adherence by parenting evaluators, we found comparable results to Horvath, et al.<sup>20</sup> Like the Horvath study, we found family court services evaluators to show high levels of guideline compliance for most of the adherence measures examined thus far. This was in agreement with what we expected *a priori* given this earlier research and conversations with family court personnel on evaluation procedures. The standardization of procedures adopted by family court services (as noted by Horvath), and the experience from conducting the majority of these evaluations, likely both contribute to better adherence.

## **Conclusions**

More than 150,000 custody decisions each year involve families with a history of IPV.<sup>1-3</sup> Based on our previous research in this area, we identified a need for improvement in the identification and substantiation of IPV in custody cases. This study focused on two possible solutions to meeting that need and each showed potential improvements to the likelihood of greater legal protections being awarded in marriage dissolutions involving children and a history of parental IPV. Importantly, there is substantial room for improvement in the utilization of parenting evaluations and for the inclusion of corroborating IPV evidence as they

are currently infrequently employed in these cases. As we finalize the large number of analyses for this study, we will be able to rigorously inform how parenting evaluations can be improved upon. We will additionally embark on sensitivity analyses using recently released improvements to propensity score techniques under conditions of different distributions of propensity score overlap thus potentially gaining additional statistical power for the parenting evaluation analyses described in this report. Importantly, we will be able to examine whether the greater legal protections awarded in child custody cases that have parenting evaluations conducted and corroborating IPV evidence documented, translate into lower rates of post-dissolution IPV and child maltreatment.

## **Purpose, Goals and Objectives**

It is estimated that 7 million children live in US households in which *severe* parental intimate partner violence (IPV) is occurring<sup>1</sup> and that well over 150,000 marriage dissolutions involve child witnesses to parental IPV in the US each year.<sup>1-3</sup> Children who are exposed to parental IPV are at increased risk of child abuse, internalizing problems,<sup>29,30</sup> externalizing behavior problems,<sup>29-31</sup> post-traumatic stress disorder,<sup>32,33,34</sup> and other adverse outcomes<sup>35</sup> compared to children living in households without parental IPV. Continued conflict between parents following divorce has been established as the primary risk factor to child emotional and behavioral well-being beyond that of the loss of the non-primary caretaking parent.<sup>36-38</sup> Risk to IPV victims is heightened during periods of separation and having children in common with their abuser has been found to increase the risk to victims and children further.<sup>8-11</sup> Despite the clear and wide-ranging risks to IPV victims and their children and the suggestion by the National Council of Juvenile and Family Court Judges and others that it is not in the best interests of the child for a spousally abusive parent to receive joint or sole custody, the majority of IPV abusing parents do receive joint or sole custody.<sup>39</sup> Quantitative studies that have examined visitation outcomes in families with a history of IPV have found that between 78% and 93% of IPV abusing parents are awarded child visitation.<sup>12,14,17,40</sup>

Surprisingly, and despite the large evidence base on the broad range of physical and psychological risks to victims and children due to IPV exposure<sup>4-7</sup>, and the escalation of risk inherent to separation,<sup>8-11</sup> empirical research on factors predictive of greater protections in child custody orders among divorcing couples with a history of IPV is rare. No studies to date have examined the impact of parenting evaluations or corroborating evidence of IPV on child custody orders or post-dissolution abuse.<sup>12,13</sup> Given the multitude of concerns,<sup>3,14,15</sup> it is critically important to identify factors with the potential to improve protections awarded in child custody orders and lower the risk of post-dissolution abuse to IPV victims and their children. This study was designed to examine whether the use of parenting evaluations or the inclusion of corroborating evidence of IPV in the dissolution case file resulted in greater protections being awarded in child custody orders and whether greater protections in the

custody order resulted in lower rates of post-dissolution IPV and child abuse. Parenting evaluators have been shown to be strongly influential in the determination of custody awards, but are currently utilized in a minority of child custody cases. These two conditions provided for a unique opportunity to identify a potentially largely impactful intervention for not only preventing future secondary events of IPV but also for primary prevention of IPV by lessening children's continued exposure to parental IPV. The specific aims of this study were to:

1. Examine the association between involvement of a parenting evaluator and corroborating evidence of IPV in the dissolution case on child custody and visitation decisions (e.g., visitation by abusing parent is denied; supervision of abusing parent's visitation is required). We hypothesized that involvement of a parenting evaluator and corroborating evidence of IPV would each be associated with greater protections being awarded in the custody and visitation order.
2. Assess whether greater protections awarded in the custody and visitation order were associated with lower rates of post-dissolution IPV and child abuse. We hypothesized that greater protections would be associated with lower rates of post-dissolution IPV and child abuse.
3. Determine if involvement of a parenting evaluator is associated with lower rates of post-dissolution IPV and child abuse as mediated by greater protections having been awarded in the child custody and visitation order. Assess whether this relationship is further mediated by an increase in the availability of corroborating evidence identified and presented by the evaluator. We hypothesized that involvement of a parenting evaluator would result in more corroborating evidence being made available to the court and in greater protections being awarded, and that these effects would be associated with a decrease in post-dissolution IPV and child abuse.
4. Examine the effect of parenting evaluations on custody/visitation orders and post-dissolution abuse by characteristics of evaluators and evaluator adherence to guidelines. We hypothesized that cases involving Family Court Services evaluators and evaluators who best adhere to guidelines would result in greater custody order protections and lower rates of post-dissolution abuse.

## Review of the Relevant Literature

It is estimated that 7 million children live in US households in which *severe* parental intimate partner violence (IPV) is occurring<sup>1</sup> and that well over 150,000 marriage dissolutions involve child witnesses to parental IPV in the US each year.<sup>1-3</sup> Exposure to IPV is associated with a wide range of adverse physical and psychological health effects for both IPV victims and the children growing up in these households.<sup>4-7</sup> Children exposed to parental IPV are also more likely than children not exposed to IPV to be victims of child abuse.<sup>16</sup>

Despite the strong empirical evidence of the multitude of adverse effects of IPV on victims and child witnesses, the majority of IPV abusers receive continued access to their ex-partners and children following marriage dissolution. For example, Logan et al. in a study of randomly selected divorce cases in one jurisdiction in Kentucky found that 84% of IPV abusing parents were awarded child visitation.<sup>12</sup> In a study of contested custody cases with a history of IPV drawn from several states, Morrill, et al. found 92% of spousally abusive fathers were awarded visitation.<sup>14</sup> Kernic, et al. in a large study of randomly selected marriage dissolutions involving children in one jurisdiction in Washington state found 83% of cases with a history of substantiated IPV known to the court were awarded child visitation.<sup>17</sup> Among those cases with allegations of IPV but without corroborating evidence in the dissolution case file (all cases had police- or court-reported IPV prior to the petition for dissolution therefore corroborating evidence was available), all custody and visitation outcomes were comparable to cases without a history of IPV.

An appreciation of the importance of recognizing and addressing the issues and needs of IPV victims and their children in the context of child custody cases has grown tremendously in recent years.<sup>41</sup> Nevertheless, in a broad search of publications on IPV and child custody, we identified only 6 quantitative studies that examined court ordered custody/visitation outcomes among parents with a history of IPV, and **no studies that have examined the effect of parenting evaluations or of corroborating evidence (vs. allegations only) of IPV on custody outcomes or on post-dissolution IPV or child abuse in these families.**

Parenting evaluations are sometimes ordered in complex custody cases such as those involving allegations of IPV, child abuse, substance abuse or mental illness. The task of the evaluator is provide evidence to bear on these allegations; and to provide an objective assessment of the attributes and parenting capacity of each parent, the psychological and developmental needs of the child(ren) and the ability of each parent to meet the child(ren)'s needs.<sup>18,19</sup> Guidelines for parenting evaluations have been developed by the Association of Family and Conciliation Courts (AFCC)<sup>19</sup> and the American Academy of Matrimonial Lawyers (AAML).<sup>42</sup> AFCC and AAML guidelines are comparable in content and specify, for example: the expected educational background, and years of experience an evaluator should have prior to independently conducting evaluations; that comparable interview and assessment techniques be used to evaluate each parent and parent-child pair; that data from multiple sources (e.g., school, police records, health care providers) be collected to corroborate pertinent issues; and that all children, household residents and potential caregivers involved in the case be assessed.

Empirical research on parenting evaluations has, to date, focused on survey research with evaluators' opinions and recollections of their evaluations rather than on the content of case-specific evaluations and their impact on custody orders. In contrast to this literature base, Horvath, et al. conducted a study of the specific content of parenting evaluations conducted from one jurisdiction in the US midwest.<sup>20</sup> Parenting evaluations were assessed with regard to their level of completion in attending to professional guidelines, and level of completion was examined by type of evaluator. They found social workers (MSW) employed by the court to be more likely to adhere to the breadth of evaluation guidelines than private evaluators (PhD psychologists and MSW social workers). Importantly, the authors note that the court social workers' assessments followed a standardized format and this standardization of approach may have facilitated more complete assessments. This study also examined the degree to which custody recommendations made by the evaluator agreed with the final custody order awarded. In 27.3% of cases, the award was exactly as ordered by the court, and an additional 63.6% were less detailed, but otherwise closely similar to what was ordered by the court. An earlier study by Kunin found, similarly, that judges final custody recommendations in contested custody cases mirrored that of guardian ad litem's recommendations.<sup>21</sup> From this research and survey

research with judges that show the vast majority are interested in evaluators recommendations<sup>22</sup>, it is likely safe to conclude that parenting evaluators carry significant influence in custody proceedings. Therefore, it is imperative that empirical evidence is brought to bear on whether, and what elements of, parenting evaluations lead to greater protections being awarded in custody orders among families with a history of parental IPV and if such protections are associated with lower rates of post-dissolution IPV and child abuse.

In an earlier retrospective cohort study of child custody cases by our team, we found that 47.6% of IPV-positive cases had no mention of IPV in the dissolution case file. Of those with documentation of the IPV history in the case file, 55% involved only allegations of IPV despite the existence of a police or court record to substantiate the claim.<sup>17</sup> There was also a tendency in our results toward greater protections being awarded in cases with evidence of a substantiated history of IPV. Although some research has found that there is a need for improvement in parenting evaluator practice of screening for IPV<sup>20</sup>, record reviews (e.g., police, criminal, medical records) are among the professional criteria for conducting parenting evaluations, and therefore serve as a likely avenue for identifying IPV and providing credible, corroborating evidence of that history, when available.<sup>19</sup> Sufficient examination and identification of existing records of the IPV history may also serve to counter biases held by some parenting evaluators. In a study of 465 parenting evaluators, Saunders found that evaluators who were more likely to believe that allegations of IPV were often false were also more likely to favor joint child custody and unsupervised visitation to an alleged IPV abuser.<sup>43</sup>

Judges' guides to child custody decision-making routinely refer to the critical need for and too common absence of access to objective, corroborating evidence to assist with determining which allegations in a custody case are likely to have merit (whether this information is provided by an evaluator or another party).<sup>18,23</sup> Nevertheless, evidence of a clear history of abuse accompanied by, for example, documentation of criminal IPV charges describes a small minority of cases with a true history of IPV.<sup>17</sup> In recognition of this issue, guidelines have been developed for the assessment of the credibility of IPV allegations and offer assistance in weighing and objectively considering the validity of less compelling evidence.<sup>24</sup> In

the absence of criminal convictions for IPV, evidence of police-reported incidents, medical reports of injury consistent with IPV, corroborating reports by objective third parties and a pattern of violent behavior outside the intimate partnership offer alternative evidence profiles for establishing credibility of IPV. Although it seems reasonable to conclude that presentation of convincing evidence of a history of IPV to the court would increase the likelihood that adequate protections are awarded, there currently is no empirical evidence to support this claim. If this is shown to be empirically supported, it offers an additional potential (and relatively simple) solution to increasing the likelihood of greater custody protections being awarded.

Given concerns that protections are underutilized in child custody and visitation cases with a history of IPV,<sup>3,14,15</sup> it is critically important to identify factors with the potential to improve the protections awarded in these orders and, as a consequence, lower the risk of post-dissolution abuse to IPV victims and their children. This study is designed to examine two factors likely to be influential in this regard, both of which are underutilized even among this high risk population. Because both parenting evaluations and corroborating evidence of IPV have a large capacity for increased utilization, even if small protective effects are found for custody protections and post-dissolution IPV and child abuse, the potential impact for future prevention is substantial.

## **Research Design and Methods**

**Study Participants.** The study population consisted of King County couples with minor children petitioning for dissolution of marriage and with a documented history of police- or court-reported, male-perpetrated IPV. Specifically, a complete list of all such cases filed between January 1, 2000 and December 31, 2010 comprised the initial eligible pool from which the study sample was drawn. Because of the disproportionate share of severe abuse suffered by female victims of IPV<sup>44</sup>, and the extra resources that would be required to oversample male victims of IPV to reach any meaningful conclusions, we limited our study to examining exposure to IPV involving female victims and male abusers. Therefore, couples with a history of IPV in which the husband was the victim and the wife was the abusive partner were excluded from the

study. We also excluded cases with dual arrest which constitute only 2% of Seattle police-reported IPV cases. Importantly, and adding to the efficiency of this study, data identifying the eligible pool of cases were available from a parent study on the legal effectiveness of attorney representation for IPV victims.

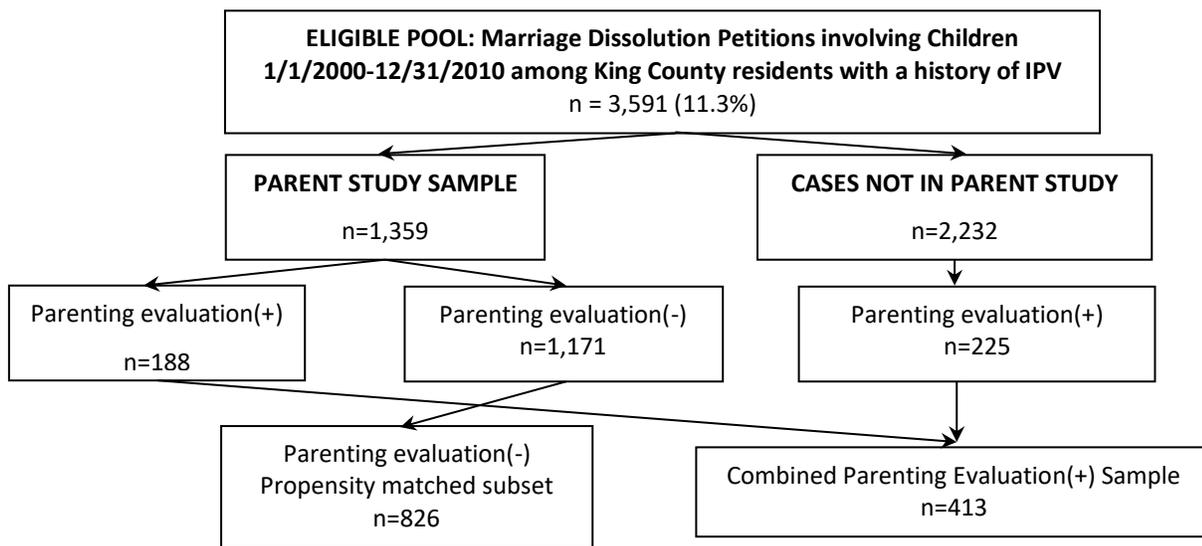
**Independent Variable of Interest: Parenting Evaluation.** The independent variables of primary interest for the proposed study were: 1) performance of a parenting evaluation in the dissolution case; and 2) presence of corroborating evidence of IPV (also referred to as substantiated allegations of IPV) in the dissolution case file. Performance of a parenting evaluation was operationalized as a dichotomous variable (yes/no) to study overall effects, and as a series of categorical measures to study the effects of the background characteristics of the evaluator and evaluator adherence to professional guidelines. We also characterized parenting evaluations as follows: 1) employment type/role of evaluator (King County Family Court Services evaluator, volunteer court appointed special advocate (CASA), guardian ad litem (GAL), evaluator in private practice); 2) educational background and discipline of evaluator (MSW, PhD, MD, JD, MA/MS, BA/BS or less; social work, psychology, psychiatry, law, marriage/family psychotherapy, other field); 3) minimum training requirements and supervision: number of hours of general training and number of hours of DV training; and 4) evaluator adherence to select, measurable parenting evaluation guidelines. We found that training requirements were consistent with employment type/role and that training in DV was not available (e.g., through a universal registry or other available online services), therefore, we omitted this characteristic from consideration. Guideline adherence measures are currently being finalized. We provide preliminary results on select summary measures in the Results section below.

We sampled 100% of cases involving a parenting evaluation identified from the eligible pool of IPV positive cases to have sufficient power to examine study aims. We originally estimated that we would have a total of 413 eligible cases that involved a parenting evaluation based on reviews of docket contents for a random sample of eligible cases. Because we anticipated it to be unlikely that cases in which a parenting evaluation was conducted would be comparable to cases in which a parenting evaluation was not conducted, we proposed using

propensity score matching techniques to identify a highly matched comparison group of cases that did involve a parenting evaluation. Parenting evaluation negative cases from the parent study served as the pool from which comparison cases were drawn for propensity score matching.<sup>25</sup> In planning, this allowed for 2 comparison cases to be propensity matched to each case with a parenting planning, this allowed for 2 comparison cases to be propensity matched to each case with a parenting evaluation provided at least 70.5% of these cases (n=826) were able to be matched (see Figure 1).

**Secondary Independent Variable: Corroborating Evidence of IPV.** Corroborating evidence of the history of IPV was defined as the presence of evidence of IPV in the dissolution case file likely to provide credible, objective evidence that IPV has occurred. Consistent with existing literature<sup>26</sup>, we defined this as presence of any of the following in the dissolution case file: 1. one or more police

**Figure 1. Original Sampling Design for Parenting Evaluation Analyses**



incident report(s) indicating IPV; 2. medical reports or physician statements documenting IPV-related injury; 3. admission of guilt by the abusing party; or 4. an arrest, criminal charge or conviction for IPV. Cases with corroborating evidence of IPV presented in the dissolution case file were compared to those without corroborating evidence of IPV presented in the dissolution

case file (regardless of whether that information was documented in a parenting evaluation or elsewhere).

### **Outcome definition and ascertainment.**

**Primary Outcomes: Child Custody and Visitation Outcomes.** In Washington State, all dissolutions involving dependent children require the development of a court approved parenting plan. The purpose of the parenting plan is to establish a primary residential parent, to explicitly detail visitation arrangements and limitations, and to establish sole or joint decision-making authority regarding the children's affairs.<sup>45-47</sup> The first set of study outcomes, legal protections awarded in the child custody and visitation order, were measured at the time the divorce decree and Final Parenting Plan were awarded. Custody and visitation outcomes (as with descriptive and much of the covariate data) were collected by abstraction of key documents from dissolution case files following procedures established and successfully employed in the parent study. Primary outcomes examined included the proportion of couples for whom: 1) visitation was denied to the abusing parent, 2) the court ordered supervision of visitation between the abusing parent and the child(ren), 3) restrictions or conditions were placed on the abusing parent's visitation with the child(ren), 4) treatment program completion (typically batterers' treatment, substance abuse treatment, anger management) was ordered as a prerequisite to the abusing parent's award of visitation, and 5) sole decision-making was awarded to the non-IPV-abusing parent.

**Propensity Score Matching.** Propensity scores were generated using Stata's pscore routine (package st0026\_2 from <http://www.stata-journal.com/software/sj5-3>) and multivariable logistic regression modeling a set of covariates to predict whether a parenting evaluation was performed. Two sets of covariates were available to develop propensity score models. The first set of data consisted of external data (police, civil and criminal court, arrest, child maltreatment reports) and family court data available from computerized sources. The variables from this set included: legal representation and age of each parent; whether child custody is contested; case complexity; frequency, recency and severity of police-involved IPV; recency and type of protective court orders; child maltreatment reports; and arrest, criminal

charge and conviction histories of each parent. The second set of data available for propensity score matching was available from case abstraction data and included: income of both parents, duration of marriage, number of children involved, child maltreatment by either parent (sexual, physical, emotional, neglect, abandonment), and parent psychological problems (substance abuse, mental illness, antisocial behavior). Parental unfitness allegations were operationalized as trichotomous variables (none, allegations only, substantiated allegations) with separate measures for each parent and type of allegation. Outcome variables were not used in propensity score analyses.<sup>48</sup> Several models and matching methods were explored using Stata's `psmatch2` routine (`psmatch2` from <http://fmwww.bc.edu/RePEc/bocode/p>) with the aim of optimizing covariate balance and hence, reducing bias between study groups. Covariate balance was assessed by calculating the standardized bias between levels of each independent variable of interest.<sup>49</sup> Ultimately, kernel matching within the area of common support was chosen as the best solution and kernel weights were employed in multivariable regression analyses. We additionally performed necessary adjustments post-sampling to account for any residual confounding.<sup>25,50,51</sup>

**Methods to Address Potential Reporting Bias.** We anticipated in advance that parenting evaluators would be more likely to identify allegations, and in some cases, substantiated evidence of parental unfitness, that would not otherwise have been brought to the court's attention. This is, in fact, one of the expected goals of ordering an evaluation. However, we also anticipated that cases involving an evaluator would, on average, involve more complex cases with greater prevalence of or more severe forms of parental unfitness. As with independent and dependent variables of interest, it is necessary to have sufficient and equivalent methods of ascertainment (across study groups) for confounding variables. Unless studying mediational effects, adjustment (or matching) on a consequence of exposure is inappropriate, in that it diminishes or nullifies any true effect of that exposure. Therefore, matching and confounding adjustment for parenting evaluation analyses utilized data available from external sources (police incidents, arrests/convictions, protective orders, CPS child abuse or neglect findings) and from dissolution case files with the noted exception of data derived from the parenting evaluation itself. We also omitted findings from the court (from the Court

Findings of Fact document) on allegations made in the dissolution case given these may have been informed by the parenting evaluation. This method provided appropriate and thorough adjustment for confounding from a rich set of data while not inappropriately diminishing or nullifying any effect of parenting evaluations attributable to identification of additional findings regarding parental unfitness.

**Data Sources.** In addition to abstracted dissolution case data, several external data sources were involved in the identification of subjects and collection of exposure, covariate and outcome data. Each of these sources are described below.

**Washington State Justice Information System (JIS) data.** JIS is an existing computerized database that allows for the tracking and case management of all cases filed through Washington State Courts. Through JIS, we identified all marriage dissolution cases involving dependent children in King County, Washington during 2000-2010, and criminal and civil protective orders histories involving our sample.

**Seattle Police Department's Domestic Violence Unit (SPD DVU) database.** The SPD DVU maintains an incident-based database of all police-reported domestic violence incidents occurring within Seattle. Among the data elements included in the DVU database are names, sexes, and dates of birth for involved parties, incident date and time, victim-suspect relationship, and type of offense. We used DVU data to identify IPV incidents occurring prior to the filing date of the marriage dissolution.

**King County Superior Court (KCSC) Dissolution Case Files.** Marriage dissolution case files are housed electronically at the KCSC and are available for review publicly or with special permissions granted. We were approved by the court via a judicial sponsor to collect data for all eligible cases.

**Washington State Identification System (WASIS).** The WASIS database houses arrest, criminal charge, conviction and incarceration data for offenses occurring in Washington state. The following are among the data elements included in this data set: demographic and identifying information; offense type; offense, arrest, conviction and incarceration dates; arrest and court

dispositions; associated police incident report and court case numbers; and sentencing and incarceration data. We used WASIS to identify post-dissolution incidents of IPV and child abuse among our sample.

**State Automated Child Welfare Information System (SACWIS), FamLink.** FamLink serves as the system of record for all children and families served by the child welfare system in Washington State. The data in this system includes various demographic variables including personally identifying information which was used for matching purposes. FamLink also includes information concerning each intake record for the child welfare system. An intake record is entered each time an individual contacts the child welfare system reporting a suspected instance of child abuse or neglect. We used intake records and associated data (including records of substantiation) in order to identify post-dissolution incidents of maltreatment among children in our sample.

**Analytic Plan Overview.** Stratified analysis, multiple logistic regression and Cox regression (survival analysis) were the statistical methods employed in the analysis of this study. Given our binary outcome variables were relatively common (>10%), we used robust Poisson regression to allow for direct calculation of relative risks as outlined by Zou.<sup>52</sup> Cox regression will be used to examine post-dissolution IPV and child abuse (results pending). This will allow us to take any post-dissolution periods of out-migration or death into account in the analyses. Likelihood ratio tests were performed to test for statistical significance in logistic regression analyses, and Wald tests were/will be performed for robust Poisson and Cox regression analyses. Relative risks (Poisson) and hazard ratios (Cox) were/will be calculated as measures of association with 95% confidence intervals providing a measure of precision in the risk estimates. Analysis of, and adjustment for, potential confounding will be performed following the procedures discussed below.

**Primary Analyses.** Primary analyses involved comparing each of our independent variables of interest (parenting evaluations and corroborating evidence) on each of the dependent variables of interest (child custody / visitation conditions; post-dissolution IPV and child abuse). For example, to test the hypothesis that parenting evaluations lead to more restrictive custody and

visitation decisions against the IPV abuser (e.g., denial of visitation), we compared the proportion of cases in which the IPV abusing parent was denied child visitation among cases with a parenting evaluation to the proportion of cases in which the IPV abusing parent was denied child visitation among cases without a parenting evaluation.

Study analyses to examine the effect of parenting evaluations involved the use of propensity score matched comparison cases given the disparities between cases involving and those not involving parenting evaluations. Study analyses to examine the effect of corroborating evidence of IPV included all eligible IPV+ cases from the parent and current study, and included all forms of corroborating evidence of IPV presented in the case file (including parenting evaluations and court findings). The results provided on the effect of corroborating evidence in this report are from robust Poisson multivariable regression analyses, and did not involve propensity score matching. Propensity score matching will be conducted in future analyses for comparative purposes.

***Confounding assessment and control.*** As noted above, we collected data on a number of potentially confounding variables that were available for use in propensity score matching procedures and for subsequent evaluation of residual confounding post-matching.<sup>25,50,51</sup> In our analyses, the effects of potentially confounding factors were evaluated for their effects on the risk estimate. Comparison was made between the unadjusted risk estimate and that obtained following adjustment. A 10% change in the risk estimate was used a guideline for inclusion.<sup>27,28</sup>

## **Results**

### **Study Samples and Sample Characteristics**

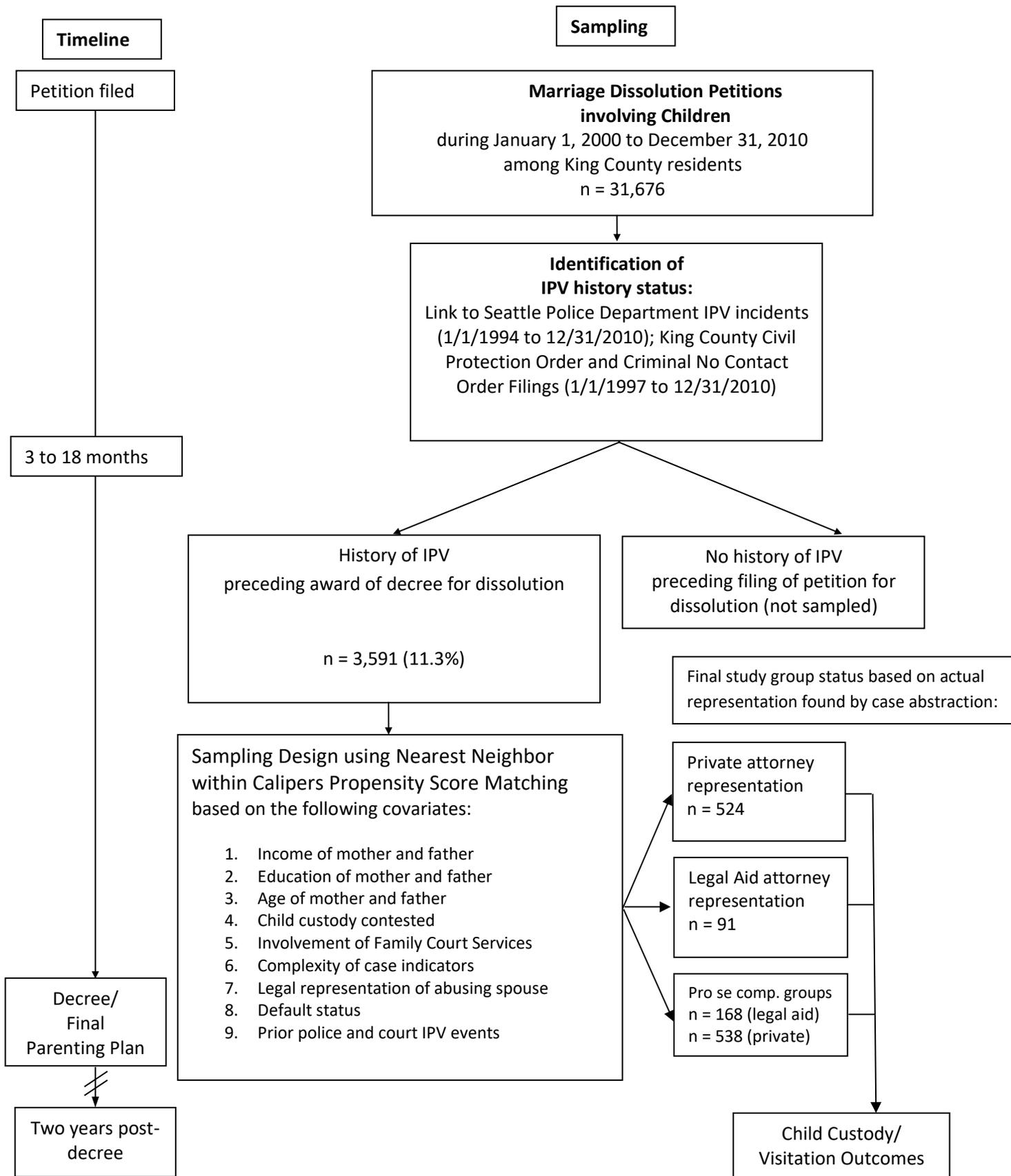
**Overview of *Parent Study Sampling.*** Between January 1, 2000 and December 31, 2010, 31,676 petitions for marriage dissolution involving children were filed in King County, Washington (Figure 2). Among these 31,676 petitions, 3,591 (11.3%) were found to have police- or court-reported male-perpetrated IPV prior to the award of the divorce decree.

Of the 3,591 marriage dissolution petitions with police- or court-reported male perpetrated IPV, 91 (2.5%) cases were identified using initial computerized data as involving the wife/mother being represented by a legal aid attorney and were propensity score matched to 196 cases identified using initial computerized data as involving a wife/mother without legal representation. One (1.1%) legal aid case was excluded from study sample because the Final Parenting Plan was missing from the case file.

Of the 3,591 petitions, 2,136 (59.5%) cases were identified using initial computerized data as involving the wife/mother being represented by a private attorney. Of those 2,136 cases, 244 cases (11.4%) had missing data on 1 or more of the covariates involved in propensity matching and therefore were not included in matching. Of the 1,892 remaining cases, 1,358 cases (71.8%) had no suitable control within 0.25 sd caliper of the propensity score. The remaining 534 cases were matched 1:1 with controls. Thirteen private attorney cases were found to be ineligible following abstraction and were excluded from the study sample. Reasons for ineligibility included the following: child(ren) reached age 18 by time decree was awarded (n=6); child(ren) placed with other relative (n=5); case did not reach decree or final parenting plan status (n=1); case was misidentified in computerized data as involving children in common (n=1). Five private attorney comparison cases were found to be ineligible following abstraction and were excluded from the study sample. Reasons for ineligibility included the following: child(ren) reached age 18 by time decree was awarded (n=2); child placed in dependency care (n=1); case was misidentified in computerized data as involving children in common (n=1); child ran away from home (n=1).

Final study group membership included 91 cases in which the IPV victim was represented by a legal aid attorney, 168 unrepresented IPV victims in the legal aid comparison group, 524 IPV victims represented by private attorneys and 538 unrepresented IPV victims in the private attorney comparison group.

**Figure 2. Parent Study Sampling Design**



## **Sampling for the Current Study**

**Identification of Parenting Evaluation-Involved (PE+) Cases.** For the current study, we identified the subset of all 3,591 eligible IPV+ marriage dissolution cases involving children from the parent study for which a parenting evaluation was conducted and recorded in court dissolution records. Of the 3,591 eligible IPV+ marriage dissolution cases involving children, a total of 386 (10.7%) cases involved a parenting evaluation. Of these 386 parenting evaluations, 273 (70.7%) were conducted by a Family Court Services evaluator, 42 (11.1%) by a Guardian ad litem, 48 (12.4%) by a Court Appointed Special Advocate, 16 (4.1%) by a private evaluator and the remaining 7 (1.6%) by more than one evaluator type. The private evaluator cases and cases with more than one evaluator type were excluded from evaluator-type specific analyses (due to insufficient power and privacy concerns) but retained in analyses on the global parenting evaluator exposure measure. Seven parenting evaluation cases were outside of common support and were dropped from the regression analyses examining the effect of parenting evaluations.

**Comparison Cases without a Parenting Evaluation (PE-) Cases.** The comparison pool of cases for this study included all abstracted cases from the parent study (and from the additionally abstracted IPV+ random sample cases) that did not involve a parenting evaluation in the dissolution case file (n=1,144).

## **Characteristics of the Study Samples**

The characteristics of the study sample provided in Table 1 exclude allegations identified in the parenting evaluation and the Findings of Fact that were not provided elsewhere in the dissolution case file (as described in the Methods section).

**Table 1. Sample Characteristics by Parenting Evaluation Status**

	Full Sample	
	Parenting Evaluator - Cases (n=1,144)	Parenting Evaluator + Cases (n=386)
	%	%
<b>Demographics</b>		
<b>Mother's age</b>		
18 to 24	9.4	7.8
25 to 34	46.7	45.1
35 to 44	35.9	37.3
45 and over	8.0	9.8
<b>Father's age</b>		
18 to 24	5.2	3.1
25 to 34	38.0	30.8
35 to 44	38.6	43.0
45 and over	18.2	23.1
<b>Mother's gross monthly income (dollars) **</b>		
0 – 1,300	25.4	22.0
1,301 – 1,807	26.4	21.8
1,808 – 2,521	22.7	20.5
2,522 – 19,136	24.9	35.0
<b>Father's gross monthly income (dollars), in quartiles ***</b>		
0 – 1,907	26.1	17.1
1,908 – 2,600	25.4	15.8
2,601 – 3,276	23.9	23.3
3,277 – 13,600	24.2	43.0
<b>Relationship Characteristics</b>		
<b>Duration of Marriage, years</b>		
0-3	13.9	16.3
>3-6	24.8	21.8
>6-10	26.2	25.4
>10	35.1	36.5

	Full Sample	
	Parenting Evaluator - Cases (n=1,144)	Parenting Evaluator + Cases (n=386)
	%	%
<b>Number of children</b>		
1	46.6	44.6
2	37.6	40.0
>=3	15.7	15.8
<b>Petitioner for dissolution ***</b>		
Mother	82.7	66.1
Father	17.3	33.9
<b>Separated at time of filing?</b>		
Yes	94.4	93.8
No	5.6	6.2
IPV Abuse History Identified from Linked Data		
<b>Seattle Police involved incidents</b>		
<b>Number in year prior to filing</b>		
0	91.0	93.0
1	6.5	4.9
>=2	2.5	2.1
<b>Number in 2 years prior to filing*</b>		
0	88.1	92.8
1	8.5	5.2
>=2	3.4	2.1
<b>Number in 5 years prior to filing**</b>		
0	84.7	91.2
1	11.2	6.5
>=2	4.1	2.3
Civil and Criminal Protective Orders in King County		
<b>Number in 1 year prior to filing</b>		
0	59.0	52.9
1	17.5	20.0
2	12.3	12.4
>=3	11.2	14.8

	Full Sample	
	Parenting Evaluator - Cases (n=1,144)	Parenting Evaluator + Cases (n=386)
	%	%
<b>Number in 2 years prior to filing</b>		
0	52.1	47.4
1	18.7	21.8
2	14.8	13.7
>=3	14.4	17.1
<b>Number in 5 years prior to filing</b>		
0	47.6	44.6
1	20.1	22.3
2	15.9	14.8
>=3	16.4	18.4
IPV Abuse History Identified from Dissolution Data		
<b>Physical IPV by husband against wife***</b>		
None noted	76.3	17.4
Allegations only	17.9	44.0
Substantiated allegations	5.8	38.6
<b>Sexual IPV by husband against wife***</b>		
None noted	95.9	81.9
Allegations only	3.9	16.6
Substantiated allegations	0.3	1.6
<b>Emotional IPV by husband against wife***</b>		
None noted	66.4	10.9
Allegations only	26.0	41.2
Substantiated allegations	7.7	47.9
<b>Any IPV by husband against wife***</b>		
None noted	63.8	2.9
Allegations only	26.3	33.2
Substantiated allegations	9.9	64.0
<b>Physical IPV by wife against husband***</b>		
None noted	94.8	65.8
Allegations only	4.1	25.4
Substantiated allegations	1.1	8.8

	Full Sample	
	Parenting Evaluator - Cases (n=1,144)  %	Parenting Evaluator + Cases (n=386)  %
<b>Sexual IPV by wife against husband</b>		
None noted	99.9	99.7
Allegations only	0.1	0.3
Substantiated allegations	0.0	0.0
<b>Emotional IPV by wife against husband***</b>		
None noted	87.2	36.8
Allegations only	9.0	47.7
Substantiated allegations	3.8	15.5
<b>Any IPV by wife against husband***</b>		
None noted	86.5	31.1
Allegations only	9.4	49.2
Substantiated allegations	4.2	19.7
Child Abuse History Identified From Dissolution Data		
<b>Physical child abuse by father***</b>		
None noted	90.6	52.1
Allegations only	8.0	38.1
Substantiated allegations	1.5	9.8
<b>Sexual child abuse by father***</b>		
None noted	97.9	92.2
Allegations only	1.5	6.5
Substantiated allegations	0.6	1.3
<b>Emotional child abuse by father***</b>		
None noted	72.6	23.6
Allegations only	25.1	59.1
Substantiated allegations	2.3	17.4
<b>Any child abuse by father***</b>		
None noted	69.1	15.3
Allegations only	27.3	61.1
Substantiated allegations	3.7	23.6

	Full Sample	
	Parenting Evaluator - Cases (n=1,144)  %	Parenting Evaluator + Cases (n=386)  %
<b>Child witnessed any abuse of others by father<sup>***</sup></b>		
None noted	82.5	39.1
Allegations only	15.9	47.9
Substantiated allegations	1.6	13.0
<b>Physical child abuse by mother<sup>***</sup></b>		
None noted	97.2	81.6
Allegations only	2.5	15.5
Substantiated allegations	0.3	2.9
<b>Sexual child abuse by mother<sup>**</sup></b>		
None noted	100.0	98.7
Allegations only	0.0	1.3
Substantiated allegations	0.0	0.0
<b>Emotional child abuse by mother<sup>***</sup></b>		
None noted	91.1	59.8
Allegations only	8.3	31.9
Substantiated allegations	0.6	8.3
<b>Any child abuse by mother<sup>***</sup></b>		
None noted	90.7	55.4
Allegations only	8.4	35.0
Substantiated allegations	0.9	9.6
<b>Child witnessed any abuse of others by mother<sup>***</sup></b>		
None noted	95.1	81.9
Allegations only	3.9	14.5
Substantiated allegations	1.0	3.6
Mental Health Concerns Regarding Father		
<b>Threats of suicide or suicide attempts by father</b>		
None noted	93.2	74.4
Allegations only	6.4	20.2
Substantiated allegations	0.4	5.4

	Full Sample	
	Parenting Evaluator - Cases (n=1,144)  %	Parenting Evaluator + Cases (n=386)  %
<b>Substance abuse concerns regarding father<sup>***</sup></b>		
None noted	78.4	50.3
Allegations only	17.6	29.0
Substantiated allegations	4.0	20.7
<b>Mental Health Concerns Regarding Mother</b>		
<b>Threats of suicide or suicide attempts by mother<sup>***</sup></b>		
None noted	98.3	89.6
Allegations only	1.2	7.8
Substantiated allegations	0.4	2.6
<b>Substance abuse concerns regarding mother<sup>***</sup></b>		
None noted	93.2	72.8
Allegations only	5.0	17.9
Substantiated allegations	1.8	9.3
<b>Criminal involvement history of father<sup>***</sup></b>		
None noted	87.1	60.6
Allegations only	8.9	17.4
Substantiated allegations	4.0	22.0
<b>Threats of harm, physical or sexual abuse of others by father (other than index family)<sup>***</sup></b>		
None noted	87.1	60.6
Allegations only	8.9	17.4
Substantiated allegations	4.0	22.0
<b>Criminal involvement history of mother<sup>***</sup></b>		
None noted	96.7	83.4
Allegations only	2.6	10.4
Substantiated allegations	0.7	6.2

	Full Sample	
	Parenting Evaluator - Cases (n=1,144)  %	Parenting Evaluator + Cases (n=386)  %
Child Custody-Related Threats or Actions by Father		
<b>Custody related threats by father***</b>		
None noted	98.9	89.9
Allegations only	1.1	8.6
Substantiated allegations	0.1	1.6
<b>Threats of kidnapping by father***</b>		
None noted	91.8	73.1
Allegations only	8.1	25.4
Substantiated allegations	0.1	1.6
<b>Attempted or completed kidnapping by father***</b>		
None noted	100.0	95.9
Allegations only	0.0	3.4
Substantiated allegations	0.0	0.8
<b>Interference with mother's access to child(ren) by father***</b>		
None noted	99.8	86.3
Allegations only	0.0	11.7
Substantiated allegations	0.2	2.1
Child Custody-Related Threats or Actions by Mother		
<b>Custody related threats by mother***</b>		
None noted	97.7	87.8
Allegations only	2.2	11.7
Substantiated allegations	0.1	0.5
<b>Threats of kidnapping by mother***</b>		
None noted	98.2	94.6
Allegations only	1.8	5.4
Substantiated allegations	0.1	0.0

	Full Sample	
	Parenting Evaluator - Cases (n=1,144)  %	Parenting Evaluator + Cases (n=386)  %
<b>Attempted or completed kidnapping by mother<sup>***</sup></b>		
None noted	100.0	97.4
Allegations only	0.0	2.6
Substantiated allegations	0.0	0.0
<b>Interference with father's access to child(ren) by mother<sup>***</sup></b>		
None noted	99.2	78.5
Allegations only	0.6	18.7
Substantiated allegations	0.2	2.9

\* p<0.05; \*\* p<0.01; \*\*\* p<0.001

**Parenting Evaluation (PE+) Cases vs. Cases without a Parenting Evaluation (PE-).** Table 1 displays the characteristics of all eligible cases by whether a parenting evaluation was conducted. Cases in which a parenting evaluation was conducted were more likely to involve parents with higher annual gross incomes; a father/husband who petitioned for divorce; and allegations of almost all forms of IPV, child maltreatment, mental health concerns, and child custody related threats and actions mentioned in the case file (exclusive of allegations only mentioned in the parenting evaluation or the Findings of Fact to avoid reporting bias) compared to cases in which a parenting evaluation was not conducted. Parenting evaluation cases were less likely to have a Seattle police-reported IPV incident in the 2 and 5 years prior to the divorce petition compared to cases without a parenting evaluation.

### **Multivariable Regression Results**

#### **Effect of Parenting Evaluation on Child Custody and Visitation Outcomes**

Results from robust Poisson multivariable analyses (following kernel propensity score matching and weighting) of the effect of any parenting evaluation involvement on child custody and visitation outcomes are provided in Table 2. Cases involving a parenting evaluation (n=379)

were no more likely than those without (n=1,144 without accounting for kernel weights; n=379 with kernel weighting) to result in visitation being denied to the IPV abusing parent (aRR=0.81; 95% CI: 0.59, 1.12). Restrictions or conditions were marginally more likely to be placed on the IPV abusing parent’s visitation, and supervision of the IPV abusing parent’s visitation was marginally more likely to be required in unadjusted analyses (cRR=1.24; 95% CI: 0.95, 1.60 and cRR=1.38; 95% CI=0.96, 1.97, respectively). Following adjustment for confounding, results reached significance for both restrictions and supervision outcomes and showed elevated levels of these protections awarded in parenting evaluation cases (aRR=1.33; 95% CI: 1.01, 1.74 and aRR=1.67; 95% CI: 1.15, 2.42). Treatment program completion was more likely to be required of the IPV-abusing parent in cases with a parenting evaluation compared to those without (no additional confounding was identified, therefore crude and adjusted results are identical; aRR=1.59; 95% CI: 1.32, 1.93). Lastly, sole decision-making was marginally and slightly more likely to be awarded to the non-IPV abusing parent for cases with a parenting evaluation involved in the unadjusted analyses (cRR=1.08; 95% CI: 0.94, 1.24). Following adjustment for confounding, results reached significance (aRR=1.21; 95% CI: 1.05, 1.40).

**Table 2. Effect of Parenting Evaluation Involvement on Legal Protections Awarded**

<b>Outcome</b>	<b>cRR (95% CI)</b>	<b>aRR (95% CI)</b>
Visitation denied to IPV abusing parent <sup>1</sup>	0.83 (0.60, 1.14)	0.81 (0.59, 1.12)
Restrictions/conditions placed on IPV abusing parent's visitation <sup>2,3</sup>	1.24 (0.95, 1.60)	<b>1.33 (1.01, 1.74)</b>
Supervision required for IPV abusing parent's visitation <sup>2,3</sup>	1.38 (0.96, 1.97)	<b>1.67 (1.15, 2.42)</b>
Treatment Requirements ordered for IPV abusing parent <sup>2,3</sup>	<b>1.59 (1.32, 1.93)</b>	<b>1.59 (1.32, 1.93)</b>
Sole decision-making ordered to non-abusing parent <sup>2</sup>	1.08 (0.94, 1.24)	<b>1.21 (1.05, 1.40)</b>

<sup>1</sup> relative risk adjusted for father’s gross income

<sup>2</sup> relative risk adjusted for the percent of case filings for which the father had attorney representation

<sup>3</sup> no confounders identified, therefore unadjusted RR = adjusted RR

<sup>4</sup> restrictions, supervision and conditions outcomes measured among the subset of cases in which the non-residential parent was awarded child visitation

cRR= crude relative risk; aRR= adjusted relative risk; CI=confidence interval

## Effect of Corroborating Evidence Parenting Evaluation on Child Custody and Visitation Outcomes

Results from robust Poisson multivariable analyses of the effect of any IPV corroborating evidence of the IPV abusing parent’s perpetration of IPV against the non-IPV abusing parent are provided in Table 3. Cases involving corroborating evidence of IPV were significantly more likely to: result in denial of child visitation to the IPV abusing parent (aRR=1.57; 95% CI: 1.31, 1.88); have restrictions placed on the IPV abusing parent’s child visitation (aRR=1.76; 95% CI: 1.42, 2.19); require supervision of the IPV abusing parent’s child visitation (aRR=2.19; 95% CI: 1.68, 2.84); require treatment or program completion by the IPV abusing parent as a prerequisite to child visitation (aRR=2.03; 95% CI: 1.71, 2.41); and to order sole child-related decision-making to the non-IPV abusing parent (aRR=1.71; 95% CI: 1.56, 1.86) relative to cases without corroborating evidence.

**Table 3. Effect of Inclusion of Corroborating Evidence of IPV in Case File on Legal Protections Awarded**

Outcome	cRR (95% CI)	aRR (95% CI)
Visitation denied to IPV abusing parent <sup>1</sup>	<b>1.58 (1.33, 1.88)</b>	<b>1.57 (1.31, 1.88)</b>
Restrictions/conditions placed on IPV abusing parent's visitation <sup>2</sup>	<b>2.20 (1.85, 2.62)</b>	<b>1.76 (1.42, 2.19)</b>
Supervision required for IPV abusing parent's visitation <sup>3</sup>	<b>2.43 (1.93, 3.05)</b>	<b>2.19 (1.68, 2.84)</b>
Treatment Requirements ordered for IPV abusing parent	<b>2.81 (2.42, 3.24)</b>	<b>2.03 (1.71, 2.41)</b>
Sole decision-making ordered to non-abusing parent	<b>1.79 (1.64, 1.96)</b>	<b>1.71 (1.56, 1.86)</b>

<sup>1</sup> relative risk adjusted for any IPV by mother against father, any child maltreatment by father, any child maltreatment by mother, any child witnessing of abuse by father, any maternal substance abuse concerns, any maternal mental illness concerns and percent of case filings for which the father had attorney representation

<sup>2</sup> relative risk adjusted for any child maltreatment by father and any paternal substance abuse concerns

<sup>3</sup> relative risk adjusted for any IPV by mother against father, any child maltreatment by father, any child maltreatment by mother and percent of case filings for which the father had attorney representation

<sup>4</sup> relative risk adjusted for any child maltreatment by father, any child witnessing of abuse by father, any paternal substance abuse concerns and any paternal criminal involvement

<sup>5</sup> relative risk adjusted for any IPV by mother against father, any child maltreatment by father and any child maltreatment by mother  
cRR= crude relative risk; aRR= adjusted relative risk; CI=confidence interval

## Preliminary Results on Evaluator Characteristics and Evaluation Content

Preliminary analysis of the characteristics of evaluators and the content of evaluations were conducted on the 380 (98.4% of the PE+ cases) cases with only a single evaluator assigned. Distribution by role of the evaluator and highest educational degree/certification (as noted by the evaluator) are provided in Table 4.

**Table 4. Evaluator Characteristics**

<b>Evaluator Role</b>	<b>n (%)</b>
Family Court Services Evaluator	273 (72.0)
Court Appointed Special Advocate	48 (12.7)
Guardian ad Litem	42 (11.1)
Private Evaluator	16 (4.2)
Unspecified	1 (0.3)
<b>Evaluator Highest Degree</b>	
CASA Training and/or <=BA/BS	73 (19.2)
Master's degree	256 (67.4)
PhD or JD	33 (8.7)
Unspecified	18 (4.7)

The content reviewed and assessment procedures conducted by parenting evaluators as documented in their reports serve as measures of adherence to parenting evaluation guidelines. In general, the goal of assessing adherence was to measure the quality, thoroughness, balance (by parent) and impartiality of the evaluation. Preliminary findings are provided on the proportion of parenting evaluation cases that documented review of key documents and background materials (e.g., the dissolution case file contents; criminal backgrounds of both parents), assessment procedures conducted (e.g., observation of each parent-child pair; mental health and psychological testing) and interviews performed (in-person interviews with each parent). Percentages in Table 5 refer to the proportion of cases that included documentation by the parenting evaluator that the specified records were reviewed or assessment procedures conducted. Note that this required not only the review of records or conduct of assessment procedures, but also documentation of having done so.

Significant differences in documentation and assessment procedures were found by role of the parenting evaluator. Family Court Services evaluators had the highest proportion of cases in which the dissolution case file contents were reviewed, criminal background checks were performed on both parents (as required by statute) and in-person interviews with both parents were conducted (and all were documented as having been conducted). Private evaluators were most likely to perform observations of all mother-child and father-child pairs. GALs and private evaluators showed low adherence to having conducted (and documented) criminal background checks on parents.

**Table 5. Select Characteristics of Evaluation Content by Evaluator Role**

<b>Content Item</b>	<b>FCS</b>	<b>CASA</b>	<b>GAL</b>	<b>Private</b>
	<b>%</b>	<b>%</b>	<b>%</b>	<b>%</b>
Dissolution case contents noted as reviewed <sup>***</sup>	96.7	20.8	52.4	50.0
Criminal background check performed on mother <sup>1,***</sup>	98.2	75.0	9.5	12.5
Criminal background check performed on father <sup>1,***</sup>	98.2	77.1	11.9	18.8
In-person interview with mother conducted <sup>2,***</sup>	89.7	20.8	42.9	37.5
In-person interview with father conducted <sup>2,***</sup>	75.5	33.3	52.4	25.0
Observations conducted on all mother-child pairs <sup>*</sup>	52.4	41.7	52.4	87.5
Observations conducted on all father-child pairs <sup>*</sup>	30.0	37.5	50.0	75.0

FCS= Family Court Services evaluator; CASA=Court Appointed Special Advocate; GAL=Guardian ad Litem; Private=Privately retained evaluator  
<sup>1</sup> Background criminal check noted as performed specifically noting use of the Washington state Justice Information System or simply as noted as performing a criminal background check  
<sup>2</sup> Percentages do not account for parent interview refusals in this preliminary analysis  
<sup>\*</sup>p<0.05, <sup>\*\*\*</sup>p<0.001

## Discussion

This retrospective cohort study was designed to test the hypothesis that parenting evaluations conducted in the course of a marriage dissolution involving children and parents with a history of IPV would lead to greater legal protections being awarded in child custody and visitation awards relative to propensity matched cases for which no parenting evaluation was conducted. To our knowledge, this is the first empirical study of the impact of parenting evaluations on child custody and visitation outcomes for IPV victims and their children. We found preliminary evidence suggesting that cases involving parenting evaluations have a tendency toward greater protections being awarded compared to cases not involving a parenting evaluation. Future analyses of these data will involve the examination of newly developed techniques in propensity score matching that may be able to better address the loss of power from having less successful matching than originally planned. Inclusion of corroborating IPV evidence in the case file was associated with significantly higher likelihoods of all five legal protections being awarded in the child custody and visitation order. These findings have important policy implications with regard to achieving custody arrangements with greater legal protections for IPV victims and their children. Future analyses will allow a more full and robust understanding of how this may best inform effective policy change.

We found marriage dissolution cases involving a parenting evaluation to be 59% more likely to have treatment or program completion required of the IPV abusing parent relative to marriage dissolution cases not involving a parenting evaluation. We also found a trend toward other legal protections being more likely among parenting evaluation cases including: a 33% greater likelihood of having restrictions or special conditions placed on the IPV abusing parents child visitation, a 67% greater likelihood of supervision of child visitation being ordered, and a 21% greater likelihood of sole child decision-making being ordered to the non-IPV-abusing parent.

Presence of corroborating evidence of IPV was present in only 23.5% of cases overall despite having identified this IPV-positive sample through police- or court-reported IPV sources. Further, this is expected to be an overestimate given our oversampling of parenting evaluation cases (which present with a more complex history). When corroborating evidence of IPV was

present, however, each of our five legal protection outcomes were more likely to be ordered. Visitation was 57% more likely to be denied to the IPV abusing parent; restrictions were 76% more likely to be placed on the IPV abusing parent's child visitation; supervision of visitation and treatment program requirements were more than twice as likely to be ordered for the IPV abusing parent; and sole decision-making was 71% more likely to be awarded to the non-IPV abusing parent. As mentioned in the introduction, it seems reasonable to conclude that presentation of corroborating evidence of the IPV history to the court would increase the likelihood that adequate protections are awarded, no empirical evidence supporting this claim was available prior to this study. This finding offers a potential and relatively simple solution to establishing the merit of that history, and in turn, increasing the likelihood of greater custody protections being awarded. Results from our corroborating IPV evidence analyses will be further examined in sensitivity analyses to determine if they are robust to propensity score matching techniques.

In our preliminary analysis of guideline adherence by parenting evaluators, we found comparable results to Horvath, et al.<sup>20</sup> Like the Horvath study, we found family court services evaluators to show high levels of guideline compliance for most of the adherence measures examined thus far. This was in agreement with what we expected *a priori* given this earlier research and conversations with family court personnel on their evaluation process. The standardization of procedures adopted by family court services (as noted by Horvath), and the greater experience from handling the majority of these evaluations, likely both contribute to better adherence.

It should be reiterated that these protections were measured at one point in time, the time of the award of the Final Parenting Plan. Many parenting plans articulate specific phases that allow for removal of certain protections and/or increases in visitation time as mandated programs are completed or other conditions are met. Other plans state that the non-residential parent can petition the court for additional rights once mandated programs and other conditions are met. Other plans do not specifically state what changes will occur. As with our results from the parent study which examined the effect of attorney representation of the

non-IPV abusing parent on these same set of custody and visitation outcomes, the prevalence of protections should be interpreted as being greater than what would be expected over time given the IPV abusing parent's compliance with conditions. These results should also be considered in light of research that shows that, for many victims, IPV continues post-separation<sup>53-55</sup>, that spousal relationships that have ended are more likely to have involved severe abuse in which the victim feared for her life.<sup>55</sup> Additionally, having children in common with the IPV abuser has been identified as a risk factor for post-separation stalking and assault<sup>11</sup>, and among those cases in which post-separation assault occurs, children witness at least one episode of post-separation assault an estimated 50% of the time.<sup>54</sup> Lastly, separating from an abusive partner has been identified as a risk factor for IPV homicide.<sup>8</sup> These findings from previous research highlight the critical importance of continuing to provide protection to IPV victims and their children in the post-separation period.

### **Limitations**

Limitations should be considered in interpreting the findings from this study. As with the parent study, this study was conducted in one jurisdiction and limited to married, heterosexual couples with a history of male-perpetrated, police- or court-reported IPV occurring within the Seattle-King County region. As such, study findings may be limited in their generalizability to non-married couples with children in common, custody cases with a history of female-perpetrated IPV and to marriage dissolutions involving children handled in other jurisdictions in the U.S. Comparison cases were drawn from the parent study which used a sampling design involving an initial propensity score matching of cases in which the IPV victim parent had attorney representation compared to pro se IPV victims rather than being a representative random sample. Although we examined a rich set of confounding variables, there is always the possibility of residual confounding or confounding based on unmeasured covariates in any observational study.

### **Study Complications and Future Analyses**

This study was complicated by a number of factors that have delayed finalization of our ambitious set of planned analyses. Data collection was more complicated and involved than

anticipated given the complexity of the cases involved, and the need to collect substantial additional data on all parent study cases in addition to the parenting evaluation cases added here. We additionally collected data on changes to the parenting plans during the 3 year follow-up period that were unplanned for but were added as an astute and valid request from proposal reviewers. We employed the use of new data sources to examine outmigration and identify arrest data that resulted in necessitating manual lookups of case participants. This was unanticipated for the arrest data given the database schema we were provided listed victim identifiers despite their absence from the data. We nevertheless collected all data as promised to achieve the goals of the study and will continue our analyses as planned.

Several additional sets of analyses will be performed in the near future and will be reported in manuscripts submitted for peer-reviewed publication and provided to the National Institute of Justice once accepted. These include analyses incorporating the post-dissolution occurrences of IPV (using the arrest data mentioned above) and child maltreatment in parenting evaluation cases compared to cases without parenting evaluations. We will also further evaluate adherence to guidelines by parenting evaluators and the potential influence of adherence on study outcomes. We will also explore the possibility of examining the distinct effects of parenting evaluators by their role (Family Court evaluator, GAL, CASA), however, we found that even having collected data from all eligible IPV+ cases with a parenting evaluation over an 11 year period, the number of cases with a GAL or CASA were quite limited (n=42 and n=48, respectively) which might preclude meaningful conclusions for these latter two groups. Sensitivity analyses will be conducted to ensure robustness of results.

## **Conclusions**

More than 150,000 custody decisions each year involve families with a history of IPV.<sup>1-3</sup> Based on our previous research in this area, we identified a need for improvement in the identification and substantiation of IPV in custody cases. This study focused on two possible solutions to meeting that need and each showed potential improvements to the likelihood of greater legal protections being awarded in marriage dissolutions involving children and a history of parental IPV. Importantly, there is substantial room for improvement in the

utilization of parenting evaluations and for the inclusion of corroborating IPV evidence as they are currently infrequently employed in these cases. As we finalize the large number of analyses for this study, we will be able to rigorously inform how parenting evaluations can be improved upon. We will additionally embark on sensitivity analyses using recently developed approaches to propensity score matching that may lead to additional statistical power for the parenting evaluation analyses described in this report. Importantly, we will be able to examine whether the greater legal protections awarded in child custody cases that had parenting evaluations conducted and corroborating IPV evidence documented, translate into lower rates of post-dissolution IPV and child maltreatment.

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