

Justice for Families

TECHNICAL ASSISTANCE NEWSLETTER

WELCOME

BY ROBYN MAZUR

Justice for Families grantee teams are working every day to respond to our new reality with COVID-19. From virtual hearings and visitation to re-opening with social distancing, we know everyone is doing all they can to support the communities they serve. This issue includes helpful resources for planning around COVID-19, and we also encourage you to reach out to us directly at any time for support.

In this issue, we are also covering children and intimate partner violence, a topic that is as relevant as ever with increased stressors and families in lockdown at home. You will read about the effects of IPV on children, the SAFeR method of custody decision-making, and the Fathering After Violence program.

If you have further questions about training and TA, or if you'd like to share feedback or a story about your own community, please reach out to us at dvinfos@courtinnovation.org.

Robyn Mazur

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THE IMPACT OF INTIMATE PARTNER VIOLENCE ON CHILDREN

BY SHASHIKA PEELIGAMA, LMSW

For many of us, the home environment is thought of as a sanctuary in which one seeks refuge, safety and comfort, away from the outside world. But for children living in homes where domestic violence is present, this notion of a sanctuary is largely put into question and threatened. As Lang (2008) quotes, "IPV usually takes place in what should be the child's safe haven, occurs between adults responsible for protecting the child, thus diminishing trust and security, and is often chronic".

Children's Exposure

According to the CDC's National Intimate Partner and Sexual Violence Survey (NISVS), intimate partner violence is very common; about 1 in 4 women and nearly 1 in 10 men have experienced intimate partner violence during their lifetime, including contact sexual violence, physical violence, and/or stalking by an intimate partner ([CDC National Intimate Partner and Sexual Violence Survey](#)). This invariably has wider effects on the family, most notably children who are exposed to this violence within their family or between their parents.

Approximately 1 in 15 children in the United States witness IPV on a yearly basis, and more than 275 million children worldwide are exposed on a yearly basis (Howell et al, 2016).

Now due to the current COVID-19 pandemic, communities worldwide are experiencing widespread distress, closures, and sheltering in place at home. Children are facing a possible increase in exposure to domestic violence, as domestic violence rates are increasing in response to these stressors and risk factors, and families are in lockdown together at home (["An increasing risk of family violence during the Covid-19 pandemic: Strengthening community collaborations to save lives."](#) Andrew Campbell, 2020).

Childhood exposure to domestic violence can vary, but most notably consists of: children witnessing it occur right in front of them; hearing it but not witnessing it; seeing its effects after an incident, for example bruises or markings and demeanor of the victim parent; or being informed of it afterwards.

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SAFER: A TAILORED, SYSTEMATIC APPROACH TO CUSTODY DECISION-MAKING IN CASES INVOLVING DOMESTIC VIOLENCE

BY DARREN MITCHELL, JD | CONSULTANT, CENTER FOR COURT INNOVATION

When domestic violence (“DV”) allegations are made in a child custody case, family court professionals often face a daunting task: achieving a full understanding of the abuse and its effects despite contradictory claims and complex family dynamics. Without this deep understanding, it is very difficult to make decisions or take actions that truly protect the safety and well-being of abused parents and children. What is required is a case-specific inquiry and careful assessment of the abuse, without making assumptions about the nature of the abuse and its effects or relying on a one-size-fits-all solution. The failure to approach cases in this way results in actions and decisions that may do far more harm than good, such as:

- Issuing a shared-parenting order based upon the absence of physical abuse of a child, despite the documented adverse effects on that child of other forms of exposure to the abuse.
- Prohibiting any contact between the abusive parent and a child based upon a finding of DV, despite the fact that the abused parent seeks such contact and believes it would be safe with appropriate protections.
- Failing to recognize that an abuser’s behavior during a supervised visitation session furthers coercive controlling abuse because, although the behavior appears benign, it in fact carries a particular meaning for the abused parent based on the history of the abuse.

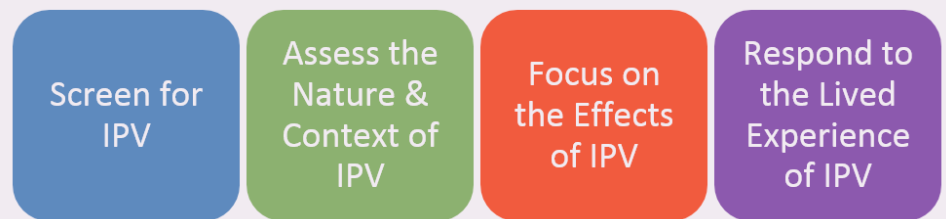
How can busy family court professionals conduct the case-specific inquiry necessary to reach fair and protective outcomes,

given the complexity of the cases and limited resources? This article describes a systematic, step-by-step approach: SAFeR, developed by the **Battered Women’s Justice Project’s** (“BWJP”). SAFeR is designed to help professionals avoid making assumptions about the DV in a particular family and to instead ascertain the specific abusive behavior and its actual effects on each family member, and then to provide a direct response to what is uncovered, consistent with the professional’s role in the family court process.

context of any potential abuse. The professional must look beyond the allegations to assess what is happening regarding the abuse in the family: **who** is doing what to **whom**, with **what intent**, and with **what meaning** to the abused family member.

This inquiry includes asking questions and assessing evidence to determine whether there is a pattern of abusive behavior, whether any of the acts are intended to resist the abuse being perpetrated by the other parent, and whether the behavior constitutes

The Four Elements of the SAFeR Approach



Element 1: Screening for DV.

Not all cases involving DV arrive at a professional’s office or courtroom packaged as such. The first element of SAFeR directs family court professionals to make inquiries to determine if DV actually is or may be an issue in the case. Screening indicates only that DV might be an issue, prompting further scrutiny to determine exactly what is happening.

Element 2: Assessing the Nature and Context of DV.

If screening indicates that domestic violence may be an issue, the second SAFeR element involves an investigation into the nature and

coercive controlling abuse intended to dominate and instill fear in the other parent. Only after conducting this assessment will the professional truly understand the specific nature and context of the abuse in each case and avoid treating all abuse the same way.

Element 3: Focusing on the Effects of DV.

SAFeR’s third element is a critical part of the decision-making process that too often is skipped by professionals, who may fall back upon preconceptions about DV and its typical effects to quickly make a decision about how to respond.

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FATHERING AFTER VIOLENCE: COMING OF AGE

BY JUAN CARLOS AREÁN, PROGRAM DIRECTOR, FUTURES WITHOUT VIOLENCE

If the Fathering After Violence (FAV) Initiative were a person, it would turn into an adult this fall. Back in 2002, [Futures Without Violence](#) (then called Family Violence Prevention Fund) launched the FAV Initiative with the stated goal of enhancing “the safety and wellbeing of women and children by motivating men to renounce their violence and become better fathers (and father figures) and more supportive parenting partners.”^[i]

Guided by the voices of mothers who experienced domestic violence (DV), FAV began as a pilot in three Boston Abusive Partner Intervention Programs (APIPs). It proposed guidelines and principles on how to work with fathers who use violence against their intimate partners, as well as three exercises that could be incorporated in any APIP program. At that time, there was only one curriculum to specifically engage men abusive fathers (the then-brand-new [Caring Dads](#)). Even though most programs dealt with fatherhood issues in groups on a regular basis, there was also a dearth of research on the overlap of fatherhood and domestic violence.

Fast forward to 2020 and there are at least three additional specialized curricula for fathers who have used domestic violence, [Strong Fathers](#), [Fathers for Change](#), and [Addressing](#)

[Fatherhood with Men Who Batter](#).

There is also an emerging body of research that confirms what many practitioners have known: fatherhood can be used to motivate some abusive men to change.^[ii]

Since its introduction, the [Fathering After Violence materials](#) have been used by hundreds of programs in the US and abroad and the approach of engaging men as fathers has been expanded to include new audiences, including supervised visitation programs, courts, child protection agencies, and responsible fatherhood programs. Futures has also created new [manuals](#), [posters](#), and even a documentary film on the topic, [Something My Father Would Do](#).

One element of Fathering After Violence that proved controversial eighteen years ago was a proposed [reparative framework](#) to guide fathers who changed their abusive behavior in a healing process with their children. Even the word *healing* was foreign to the APIP vocabulary. Since then, an increasing number of activists and practitioners around the country have moved closer to embracing [relational accountability](#), an approach that humanizes people who use violence without excusing their abusive behaviors.

This paradigm shift has been led primarily by people of color and influenced by the fields of restorative and transformative justice and community accountability.

Just in the last few months, a number of APIP practitioners have shared with me how the reparative framework has been helpful for their group participants. This feedback is very timely as Futures Without Violence is updating the original FAV materials this year as part of the [Abusive Partner Intervention and Engagement Technical Assistance Project](#), led by CCI and funded by the Office on Violence Against Women. What a perfect way to launch Fathering After Violence into adulthood!

Footnotes

[i] Areán, J. C., & Davis, L. (2006). Working with fathers in batterer intervention programs. *Parenting by men who batter: New directions for assessment and intervention*. New York, NY: Oxford University Press.

[ii] Karberg, E. et al. (2020). *Preventing and Addressing Intimate Violence when Engaging Dads (PAIVED): Challenges, Successes, and Promising Practices from Responsible Fatherhood Programs*. OPRE Report # 2020-22. Washington, DC: Office of Planning, Research, and Evaluation, Administration for Children and Families.

SPOTLIGHT: ROCKLAND COUNTY

In May and June 2020, the Center held a three-part webinar training series for the Rockland, NY JFF site, as well as other professionals in New York State. The Center had originally planned to deliver an in-person training for Rockland, but due to COVID-19, pivoted to a virtual approach. Center staff adapted and redesigned the content for a virtual training spread across three weeks in three 60-minute to 90-minute installments, with each week focusing on different topics. The training was delivered in collaboration with Inspire Action for Social Change

and the Erie County Domestic Violence Mentor Court. The training topics were: Enhancing Responses to Intimate Partner Violence During COVID-19, Intimate Partner Violence Impact on Children: Custody and Parenting Considerations During COVID-19, and Risk Assessment in Domestic Violence Cases.

Even under COVID-19 lockdown, the Center's Gender and Family Justice team continues to provide training and technical assistance to JFF sites remotely. We are able to tailor the

topics and format to your team's needs – whether that's one webinar session or multiple; targeted training for a specific professional type; phone calls to discuss your project; resources to read, watch, or listen to; or anything that would suit your team and community's needs. For more information on the range of technical assistance available to your team, check out the previous issue of our bulletin covering that very topic

Click here to view the Spring 2020 Bulletin.

Impact on Children, Continued.

In most cases, children directly witnessing instances of domestic violence is most common (Hamby et al, 2011), but it is important to note that any level of exposure places the child at risk and can prompt several reactionary responses. These include self-blame, where the child blames themselves for being the cause of what's happening in the home; fear, where the child fears for their safety and the safety of their non-abusing parent, or fears that they may do something to make things worse; helplessness, where a child is left feeling uncertain about what to do and powerless to stop what's going on; and feelings of anger and sadness.

Effects on Children

Beyond the common reactionary responses, exposure to domestic violence can also have several emotional and behavioral effects on children, which vary according to age. For younger children aged 0-5 years, there is a common misconception that their impact is minimized, due to their young age and the belief that they will not remember what has happened, particularly for children aged 0-3 years. However, younger children are most vulnerable due to their sole reliance on their parents and caregivers for their primary needs, as well as early childhood years being the most critical and formative in terms of emotional and cognitive development. As research indicates, exposure to domestic violence can have several effects on children in the early childhood years, including insecure attachments with their parents (Pingley, 2017); reduced ability to self-soothe and develop self-regulation skills (Howell et al, 2016); effects in the development of their brains and impairments of cognitive and sensory growth (UNICEF, 2006); and experiencing symptoms associated with Post Traumatic Stress Disorder- PTSD (Howell et al, 2016).

For elementary school children aged 6-12 years, the effects of exposure to domestic violence can include low self-esteem, withdrawal from common childhood activities and interactions, disturbed sleep and bed

wetting, physical symptoms such as constipation and nausea, and aggression or hyper-activeness (Domestic Violence Prevention Center, 2020). For adolescents aged 13-18 years, common effects include anxiety, depression, poor self-image, bullying and victimization, and potential for engaging in risky relationships including increased risk for teen dating violence (Howell et al, 2016 & Domestic Violence Prevention Center, 2020).

In terms of long-term effects, there is the possibility of violence becoming a learned behavior; children may grow up believing that using violence as a means of obtaining what one wants or needs is acceptable, and that the presence of violence in adult relationships is acceptable. This can later result in acts of delinquency, as well as the perpetuating of intergenerational domestic violence. As a report by UNICEF on the impact of domestic violence on children worldwide states, "Research indicates that children who witness violence in the home are more likely to be affected by violence as adults- either as victims or perpetrators" (UNICEF, 2006).

Protective Factors

It is important to note that not all children exposed to domestic violence will experience these effects, and the extent to which a child is affected will depend on a variety of factors. These include the length of time that a child is exposed, the presence of other stressors (for example substance abuse or mental illness), and the child's secure attachments with a non-abusing parent or other supportive adults. Moreover, the effects of domestic violence often improve when the child and their non-abusing parent are safe, violence is no longer occurring, and the child is receiving specialist therapeutic support (Domestic Violence Prevention Center, 2020).

Irrespective of whether a child is able to be removed from a situation in which domestic violence is present, several protective measures can be put in place to reduce the effects of their exposure. These include:

- Maintaining regular routines for the child at home and at school.
- Engaging the child in positive social, cultural, and/or recreational activities.
- Involving the child in safety planning. For example, teaching them to call the police if they see or hear something (some parents use code words), or deciding on a safe place to go (for example the neighbor's house or a nearby friend or relative).
- Maintaining strong relationships between the child and other safe and supportive adults within their social networks and community.
- Linking the child with positive adult role models (for example adult male role models, particularly if the child is exposed to violence perpetrated by men).
- Engaging the child in educational programs focused on healthy relationships, emotional management, and conflict resolution.

Shashika Peeligama is the Child Witness Materials Project Coordinator at the Center for Court Innovation. Learn more about this project [here](#).

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WEBINAR RECORDINGS

Over the last few months, the Center has hosted a large number of virtual trainings and programs. Follow the links in the recap below to view PowerPoint presentations and webinar recordings.

Know Your Audience: Choosing the Best Learning Activities for Your Training (60 min). Explore a wide range of strategies to keep adult learners engaged on any training topic. Access the [PowerPoint presentation here](#) and to [view the recording here](#).

Increasing Access to Safety for Rural Victims: Remote Filing in New York State (60 min). Learn more about implementing remote filing for domestic violence cases in rural regions. Access the [PowerPoint presentation here](#) and to [view the recording here](#).

Is This On? Nuts and Bolts of Remote Hearings and Domestic Violence Considerations (60 min). Transitioning to virtual court services can be challenging to navigate - consider these best practices for domestic violence cases. Access the [PowerPoint presentation here](#) and [view the recording here](#) using access password: gt\$972@O.

Remote Orders of Protection in Criminal and Civil Cases Involving Intimate Partner Violence and Animal Abuse (60 min). Examine the intersection of family violence and violence against animals and pets. Access the [PowerPoint presentation here](#) and to [view the recording here](#).

Strengthening Offender Accountability and Intervention in Rural and Tribal Communities (60 min). There is no one-size-fits-all approach towards successful abusive partner interventions and different communities require different strategies. Learn about what works for tribal and rural regions across the country. Access the [PowerPoint presentation here](#) and to [view the recording here](#).

Comprehensive Assessment in Abusive Partner Intervention Work (90 min). Discover methods to measure the efficacy and success of local intervention initiatives targeting abusive partners. Access the [PowerPoint presentation here](#) and to [view the recording here](#) using access password: 8T+%v022

Keeping Your Courthouse Safe: Domestic Violence & Court Security (60 min). While courts often have general security protocols, domestic violence cases require additional considerations. Access the [PowerPoint presentation here](#) and to [view the recording here](#).

— ADDITIONAL RESOURCES

Discussion on the DV Court Forum

Court and community-based stakeholders have used the Domestic Violence Court Forum to communicate with one another and share strategies for years, and lately there has been much conversation around responses to the COVID-19 pandemic. If you aren't already a member of the DV Court Forum listserv, you can join by following this link: <https://forms.gle/febLF1Wg3HjWGFyh7>

COVID-19 Google Document

The Center has been documenting resources and keeping track of how different communities are handling the COVID-19 pandemic with a Google document. This living document is updated regularly by different jurisdictions as well as Center staff as the situation continues to develop. You can add an update on what your community is doing, check out what other communities are doing, and even share documents and resources in a Google folder. Here is the link: tiny.cc/mr5mnz

APIP Clearinghouse

For decades, the idea that "nothing works" dominated the conversation around rehabilitating domestic violence offenders and little credence was given to the idea of changing behavior through education and judicial oversight. Today, while the link between courts and offender intervention programs is well-established, debate continues about what actually works. However, a growing body of evidence suggests that programs can improve outcomes by incorporating comprehensive assessments that gauge level of risk, trauma, hope and other needs; cognitive-behavioral learning strategies; and accountability mechanisms that reflect and value culture and community and incorporate self-reflection.

As part of the **Abusive Partner Accountability and Engagement Training and Technical Assistance Project**, the Center for Court Innovation, in collaboration with [Futures Without Violence](#) and a team of national experts, has created a **clearinghouse** of research and resources about these strategies, as well as general information and support around abusive partner intervention and engagement. We hope you find this tool useful in your work!

[Click here to visit the Clearinghouse.](#)

SAFeR Approach, Continued.

This element calls upon professionals to slow down and examine how the abuse actually affects each member of the family, including the effects on (among other things):

- The abused parent's health and well-being, as well as economic, housing, employment, and immigration status;
- The child's physical safety, emotional well-being, and economic security, including developmental, behavioral, cognitive, and relationship issues; and
- The ability of the parents to share parenting responsibilities.

Element 3 also requires professionals to think about how the abuse affects application of the standards governing the professional's decision or actions. Thus, a judicial officer deciding on a parenting arrangement would want to understand the effects of the abuse on family members in light of each statutory best interest factor. A supervised visitation center professional may wish to examine the effects of the abuse on the center's supervision process, including the child's reaction when the abused parent leaves the child and the abuser's ability to be child-centered and focused on the child's needs when they are together. SAFeR directs every family court professional to conduct such a careful examination of the actual, not assumed, effects of the abuse on the child, the abused parent, and on both parents' parenting in light of the decision to be made or actions to be taken.

Element 4: Responding to the Lived Experience of DV

The fourth and final element calls upon the family court professional to tailor a response to the abuse and its effects uncovered during the SAFeR

process. Professionals should strive to respond directly to each harmful effect of the abuse. For instance, an attorney representing a parent who has been subjected to financial abuse and has limited access to resources may advocate for the inclusion of adequate child support and spousal maintenance to keep the child and abused parent in the home. A supervised visitation professional may respond to the financial abuse by ensuring that the abuser does not bring presents to the child during visits and by referring the abused parent to relevant sources of assistance in the community. Because the SAFeR process yields rich information regarding the specific harm caused by the abuse, it enables each professional implementing SAFeR to craft a role-specific response corresponding to that harm.

Incorporating SAFeR into your work

The SAFeR approach, despite its step-by-step, intuitive nature, can be challenging to implement for busy family court professionals. Some suggestions for incorporating the approach into your work include:

- Use BWJP's comprehensive set of SAFeR tools for practitioners ([available here](#)).
- If BWJP's tools are too detailed for integration in your professional activities, consider adapting them or developing your own checklists of issues to consider and questions to ask, categorized by the step in the SAFeR process.
- Work with existing coordinated community response or similar collaborative teams to incorporate the SAFeR approach into your community's handling of child custody cases; when all family court stakeholders share a perspective and approach, all decisions can be based on greater

- information about the actual abuse and its effects in the families involve.

For more information and resources on the SAFeR approach, please visit the Battered Women's Justice Center website at www.bwjpc.org.

THE CENTER FOR COURT INNOVATION

A non-profit organization, the Center for Court Innovation helps the justice system aid victims, reduce crime, and improve public trust in justice. With support from the Office on Violence Against Women, the Center provides a variety of services free of charge, including on-site support, site visits to communities, peer-to-peer contacts, and planning materials. The Center also develops publications and online resources on issues surrounding domestic violence.

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For more information or assistance, contact the Gender and Family Justice technical assistance team at dvinfos@courtinnovation.org.

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