



## A SAF<sup>e</sup>R APPROACH TO BETTER OUTCOMES IN INTIMATE PARTNER VIOLENCE-RELATED PARENTING CASES

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### INTRODUCTION

Child custody decision-making in the context of allegations of intimate partner violence (“IPV”) can be controversial, unpredictable, and challenging. Family courts (and those who work within them) struggle to protect the safety and wellbeing of children and their battered parents in IPV-related child custody cases.<sup>1</sup> They are also concerned about protecting the rights and interests of parents who are accused of IPV and/or unjustifiably estranged from their children.<sup>2</sup> This document describes a four-pronged approach to decision-making in IPV-related parenting cases known as “SAF<sup>e</sup>R.”<sup>3</sup> The SAF<sup>e</sup>R approach is designed to produce safer, more workable outcomes for battered parents and children involved in IPV-related parenting disputes.

The next section introduces SAF<sup>e</sup>R and provides an overview of how it works. The sections that follow offer color-coded tools, worksheets, and instructions on how to carry out each of the four parts of the SAF<sup>e</sup>R approach. The last section provides information on how to access technical assistance to implement SAF<sup>e</sup>R more fully in daily practice.

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<sup>1</sup> See Kaur, M., Melara, S., Scott, E. & Vasan, A. (2013). *Family Law Remedies for Domestic Violence Across California: A Survey*. California Partnership to End Domestic Violence; Dragiewicz, M. (2012). *Gender Bias in Courts: Implications for Battered Mothers and their Children*. *Family and Intimate Partner Violence Quarterly*, 5(1):13-35.

<sup>2</sup> See Jocelyn Elsie Crowley, *Adopting ‘Equality Tools’ from the Toolboxes of their Predecessors: The Fathers Right Movement in the United States*, in *FATHERS’ RIGHTS ACTIVISM AND LAW REFORM IN COMPARATIVE PERSPECTIVE* 81 (Richard Collier & Sally Sheldon eds., 2006).

<sup>3</sup> Many of the ideas expressed herein were developed under Award 2009-TA-AX-K025 and 2015-TA-AX-K039 from the Office on Violence Against Women, U.S. Department of Justice and are more fully explored in Gabrielle Davis, (2015). *A Systematic Approach to Domestic Violence-Informed Decision Making in Family Law Cases*, *Family Court Review*, 53(4):565-577. The opinions, findings, conclusions and recommendations expressed herein are those of the author and do not necessarily reflect the views of the U.S. Department of Justice.

## A SAF<sup>e</sup>R APPROACH

SAF<sup>e</sup>R is an approach to decision making in IPV-related parenting disputes. It consists of four parts: (1) **screening** for IPV; (2) **assessing** the full nature and context of IPV; (3) **focusing on the effects** of IPV on parenting, co-parenting and the best interests of the child; and (4) **responding** to IPV in all recommendations, decisions, and interventions.



SAF<sup>e</sup>R seems intuitive, but its implementation requires attention to information that is too often ignored. In many instances, family court professionals take short-cuts. They often skip over the intermediate steps (understanding the nature, context and effects of IPV) and come to quick and seemingly simple conclusions. The intermediate steps, however, are the most crucial elements of the analysis. They help to ensure that outcomes address the needs and experiences of battered parents and children.

SAF<sup>e</sup>R steers practitioners away from making unfounded assumptions about IPV. For instance, SAF<sup>e</sup>R instructs practitioners to find out whether IPV is an issue in the case instead of *assuming* IPV is or isn't a factor. SAF<sup>e</sup>R directs practitioners to investigate the specific features and characteristics of IPV in individual cases instead of *assuming* every IPV case involves overstated or understated claims of serious physical harm or coercive controlling abuse. SAF<sup>e</sup>R prompts practitioners to examine the specific impact of IPV, if any, in every individual case instead of *assuming* the presence of IPV always has the same negative effect on children and parenting. And SAF<sup>e</sup>R guides practitioners to craft responses that account for the specific problems IPV creates in individual cases, instead of *assuming* every IPV case ought to result in the same predetermined outcome. SAF<sup>e</sup>R is fundamentally family-focused and case-specific.

## SCREENING FOR INTIMATE PARTNER VIOLENCE.

Intimate partner violence is rarely pre-identified in family law cases. Except in civil protection order proceedings, cases typically do not come with an IPV designation. The only way to consistently detect whether IPV is a factor in a case is to affirmatively check for it. Consequently, the first element of **SAF<sup>e</sup>R** is to *screen* for IPV. The goal is simply to find out whether there is reason to take a closer look at IPV.

This first element of **SAF<sup>e</sup>R** is somewhat akin to airport security. Before entering the gate area, all passengers must pass through a metal detector or body scanner to uncover whether they might pose a threat to airline safety. Most people pass through security without incident. Sometimes, a passenger trips an alarm. The alarm might go off because that passenger left keys in his pocket, or has a metal pin in his knee – or, much less frequently, because he has a bomb stuffed down his pants.

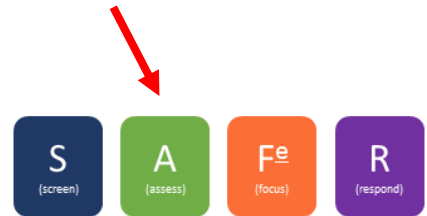
The screening device can't tell the difference. Rather, it signals to the security agent that she needs to take a closer look. It's not the screening device, but this closer look, that tells the security agent what she really needs to know. It's the same with IPV. The screening protocol represented by the first element of **SAF<sup>e</sup>R** merely tells the family court professional that he must do a more thorough IPV assessment.

A sample IPV screening protocol, complete with tools and instructions, appears later in this document, after the discussion of the three remaining elements of **SAF<sup>e</sup>R**.



## ASSESSING THE NATURE AND CONTEXT OF IPV.

The second element of SA<sup>Fe</sup>R represents a more thorough assessment of IPV. It calls on family court professionals to examine the full nature and context of any potential IPV that is detected during the screening process. This assessment is important because IPV is not a fixed or uniform phenomenon. It looks different for different people in different relationships and even at different times within the same relationship. Consequently, it's not enough to know that IPV has occurred or has been alleged. Family court practitioners need to know what is actually going on in people's real lives. They must know, for instance, whether the IPV they have detected is an isolated incident or part of a larger pattern or history of abuse. They need to know whether the IPV is designed to instill fear in the victim – or to maintain control over the victim – or to resist or protect against violence that has been perpetrated against a person. Family court practitioners must know whether the IPV includes markers of lethal danger – and/or whether it is associated with other life stressors, such as major mental health problems or substance abuse. In short, family court professionals must attempt to gain a full and complete understanding of IPV in context – to determine who is doing what to whom and why. Otherwise, they'll end up treating everything and everyone the same, and that can endanger children and battered parents, embolden abusers, and undermine effective interventions.



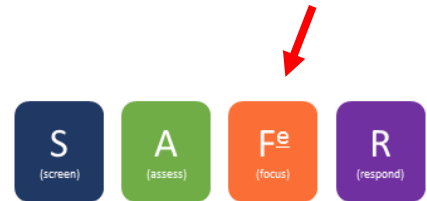
## FOCUSING ON THE EFFECTS OF IPV.

The third element of SAF<sup>e</sup>R is *focusing on the effects* of IPV. Here, practitioners are directed to explore what the experience of IPV means for the parties and the children – both in the broadest and narrowest sense. In the broadest sense,

this means discovering what it is like to live in an atmosphere of IPV, to parent and to be parented in an environment of

IPV. SAF<sup>e</sup>R directs family court professionals to consider how

IPV shapes everyday life and communication, daily responsibilities and authority in the home, and general parenting beliefs, attitudes and practices. SAF<sup>e</sup>R guides family court professionals to discern the relative needs and interests of the children and parents, to determine whose needs are satisfied and whose interests are protected.



In the narrower sense, the third element of SAF<sup>e</sup>R asks family court professionals to determine why IPV matters – how it is relevant to the decision or action at hand and how it is connected to the law or standards that govern the case. For instance, if the court must decide whether to issue a shared parenting plan, it must determine whether and how IPV impacts the parents’ capacity to co-parent. Likewise, the court must determine whether and how IPV influences each of the best interest factors that govern the case under state law. Otherwise, it can’t properly account for IPV in the way the law demands.

## RESPONDING TO IPV.

The fourth element of SAF<sup>e</sup>R is **responding** to IPV. This is especially important because research indicates that even when IPV is detected, cases often proceed to resolution without regard to safety, power differentials, and other implications of abuse.<sup>4</sup> The goal of this last element is to respond directly to – and correct, if possible – the harm caused by abuse, whatever it is, and to minimize the opportunity for ongoing IPV and future unwelcomed intrusion into the lives of battered parents and children. A worksheet on addressing the implications of IPV appears later in this document.



In sum, SAF<sup>e</sup>R offers a structured approach to IPV designed to produce safer, more workable outcomes for battered parents and their children. The key is to effectively **screen** for IPV to determine whether it is an issue in the case; **assess** the full nature and context of any IPV that is detected; **focus** on the real-life **effects** of IPV; and **respond** to IPV in parenting recommendations, decisions and interventions – all in a way that promotes safety and the best interests of the child living with IPV.

Further instruction on each of the four components of the SAF<sup>e</sup>R is provided in the following sections.

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<sup>4</sup> Mary Kernic, Daphne Monary-Ernsdorff, Jennifer Koepsell & Victoria Holt (2005). *Children in the Crossfire: Child Custody Determinations Among Couples with a History of Intimate Partner Abuse*, *Violence Against Women*, 11(8):991-1021; James Bow (2006), *Review of Empirical Research on Child Custody Practice*, *Journal of Child Custody*, 3(1):23-50.

## IMPLEMENTING THE SAF<sup>e</sup>R APPROACH

SAF<sup>e</sup>R is not self-executing. It doesn't happen all on its own. It requires practitioners to actively explore and respond to people's experience of IPV. While SAF<sup>e</sup>R isn't complicated, it takes attention and effort. This section describes a set of tools for any family court practitioner interested in putting SAF<sup>e</sup>R into practice.

The tools come in two varieties: "worksheets" and "practice guides." The worksheets identify *what* IPV-related information must be collected and considered at each stage of the SAF<sup>e</sup>R process. The practice guides demonstrate *how* to collect and synthesize that information.

**The Worksheets.** A series of color-coded worksheets helps pinpoint relevant IPV-related information for each element of SAF<sup>e</sup>R. The **blue** worksheet covers the first element of SAF<sup>e</sup>R – **screening** for IPV; the **green** worksheets correspond to the second element – **assessing** IPV; the **orange** worksheets **focus on the effects** of IPV; and the **purple** worksheets address **responses** to IPV. A SAF<sup>e</sup>R icon appears at the top of each worksheet so practitioners always know which element of SAF<sup>e</sup>R they're focused on. The basic worksheets are all set up the same way, with columns defining relevant topic areas to be considered at each stage. The worksheets look like this:



More detailed worksheets are set up in a similar fashion, but vary slightly depending on their specific function. The worksheets help practitioners do several things. First, they remind

practitioners of the information they must gather to complete each component of SAFER. Each worksheet contains columns with topics of information relevant to the task that is being performed. The **blue** worksheet lists topics of information relevant to *screening* for IPV. The **green** worksheet lists topics of information relevant to *assessing* the nature and context of IPV, and so on. In this way, the worksheets help to ensure that nothing falls through the cracks.

Second, the worksheets help identify missing information and expose important IPV knowledge gaps. Recognizing these gaps can prompt practitioners to seek additional information and explain the limitations of their knowledge base.

Third, the worksheets help practitioners keep track of the information they've collected from various sources about different aspects of IPV. They allow practitioners to document what they've learned and to manage multiple forms and sources of information about IPV.

Finally, the worksheets help practitioners analyze the information they've gathered to ensure that their responses reflect and address the parties' actual experience of IPV. The worksheets paint a complete picture of IPV so practitioners can see who is doing what to whom, why that matters, and what can be done about it.

Knowing *what* information needs to be collected and considered is very different from the more complicated task of knowing *how* to collect and consider that information. The worksheets help with the former, but not the latter. A second set of tools called "practice guides" offers instruction on how to collect and analyze IPV-related information.

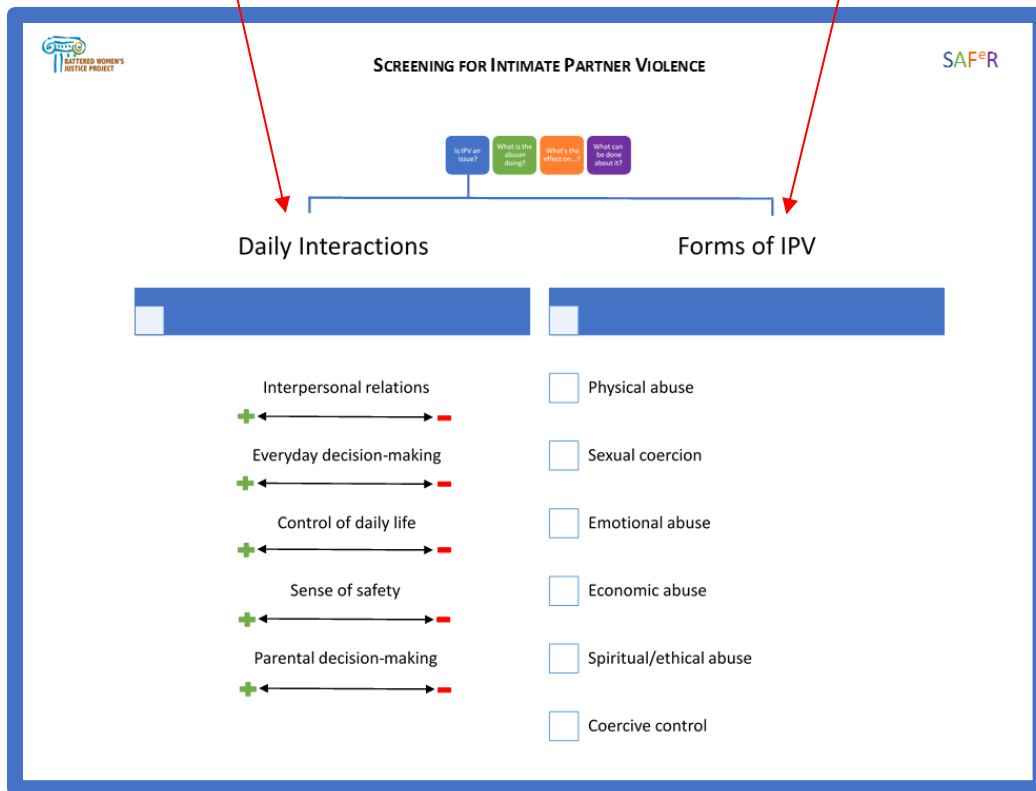
**The Practice Guides.** Like the worksheets, the practice guides are color-coded to correspond to each element of SAFER. Unlike the worksheets, however, the practice guides



look very different from each other. That is because each guide is designed for a different purpose, as more fully described below. The practice guides appear later in this document.

## SCREENING FOR IPV

Screening is a routine process for identifying whether IPV is or may be an issue in a case. It is a systematic way to find out if it's necessary to conduct a more thorough IPV assessment. Practitioners should screen for IPV in every case. They should adopt a screening protocol that considers: (1) the quality of the parties' daily interactions; and (2) multiple forms of potential IPV. These screening areas are depicted at the top of the two columns in the **BLUE** worksheet:



**What to Screen For:** Consideration of the parties' daily interactions is a multi-layered task. As shown above, it gauges the quality of the parties' interpersonal relations, their everyday decision-making practices, their individual sense of autonomy and personal safety, and their parental decision-making history. Consideration of multiple forms of IPV includes the

potential presence of physical, sexual, emotional, economic, spiritual, and coercive controlling abuse.

**How to Screen for IPV.** Screening for IPV can be accomplished in several ways. Since the purpose of screening is simply to determine whether IPV may be an issue in the case, screening may begin with a referral from an IPV advocacy organization or the DV unit of a law enforcement agency. The referral itself can be an indication that IPV is an issue in the case. Screening can also include a document or record review. An allegation of IPV in a pleading, for instance, or the existence of a protection order, or an arrest for domestic violence are all indications that IPV is or may be issue in the case. Any referral or document or record review that reveals any history or indication of IPV constitutes a positive screen for IPV.

Most IPV, however, is never reported.<sup>5</sup> It often goes undocumented. For that reason, practitioners usually must directly ask parties or other informants about IPV. At the outset, practitioners should carefully explain the screening process to the person being screened so that person can decide whether and to what extent it is safe and advisable to discuss their situation. Specifically, practitioners should explain:

- (1) That the professional standards that guide their work require them to explore certain issues in every case, including IPV; and that knowing about any history of IPV will help them carry out their professional duties.
- (2) Their specific role and function in the case, including:
  - a. What they were appointed, hired, or referred to do;
  - b. How they plan to do it;
  - c. What they will and won't share with the court, the opposing party, and others;
  - d. Whether the information will appear on the record or in a pleading or report.

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<sup>5</sup> U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, *Victimizations Not Reported to the Police, 2006-2010* (Washington, DC: BJS, 2012, NCJ 238536), 1, <https://perma.cc/7SDL-AHXX>.

- (3) The scope and limits of confidentiality and their duty to report suspected child abuse and other serious crimes.

If a person discloses IPV, practitioners should:

- (1) Obtain a full description of the nature and context of IPV;
- (2) Examine with the person being screened any risks associated with IPV, including risks of injury, death, or other dangers, especially those arising from their disclosure of IPV; and
- (3) Refer the person being screened to a qualified IPV advocate for safety planning assistance and a more in-depth risk assessment, as appropriate.

For safety reasons, care must be taken in determining where, when and how to screen for IPV. Screening for IPV should not be conducted in the presence or proximity of anyone else unless that person is an advocate or support person and their presence will not create any confidentiality problems or threaten any applicable professional privilege, such as the attorney-client privilege.

A basic IPV screening guide appears below. It is a one-page, two-sided instrument that begins with two columns. The left-hand column includes eight screening questions. The screening questions elicit information about the parties' daily interactions and indications of potential forms of IPV. Practitioners can ask the eight screening questions in the same order and exactly as they appear in the screening guide – or they can use the questions as a guidepost to ensure that their current practice includes some method of gaining this critical information. The important thing is to collect the information requested in each of the eight screening questions.

The right-hand column of the IPV screening guide contains suggestions about the kinds of things to listen for in the parties' answers to the corresponding screening questions. For instance, one screening question asks whether there has been any physical violence between

the parties. The right-hand column suggests that practitioners listen for information about the frequency, severity, and intensity of any physical violence that is disclosed in the parties' answers. That information can help guide the screening conversation and transition to a more thorough IPV assessment in the event one is warranted.

Lastly, the back of the screening guide contains a checklist of concrete forms of potential physical, emotional, economic, and coercive-controlling IPV. These behaviorally-specific examples of IPV are included to increase the likelihood that parties know what is being asked of them and to improve practitioners' ability to understand what is being communicated to them.

As shown below, the screening questions in the left-hand column of the screening guide and the behaviorally-specific checklist on the back of the screening guide match the topics that appear in the **BLUE worksheet** on **screening** for IPV. The information collected during the screening process can be recorded on the **BLUE worksheet** for later use.

One final practice note: Screening for IPV is a continuous process and never a one-time event. Since the decision to disclose domestic abuse is complicated and potentially dangerous, many people do not divulge information about abuse immediately. Practitioners should continue to screen for domestic violence throughout their involvement in the case.

# INTIMATE PARTNER VIOLENCE SCREENING GUIDE

## Basic Screening Questions:

## What to Listen For:

**How comfortable are you interacting with \_\_\_\_\_ now?**

- Do you have any concerns, fears or anxieties that I should be aware of?
- What worries you most?

### Personal Interactions

Comfortable	↔	Uncomfortable
Safe/Secure	↔	Fearful/Anxious
Self-Ruled	↔	Controlled
Connected	↔	Isolated
Respected	↔	Disparaged
Self-Reliant	↔	Dependent
Supported	↔	Undermined

**When you look back over time, how were practical, everyday decisions made in your relationship?**

- How did you arrive at that arrangement?
- Are you comfortable with that?
- What happened when disagreements arose?

### Everyday Decision-Making

(food, shelter, finances, children)

Equal	↔	Dominating
Cooperative	↔	Coercive
Responsible	↔	Irresponsible
Fair	↔	Manipulative

**Is there anything that gets in your way of doing the things you want or need to do in your daily life, like:**

- Managing your daily affairs
- Meeting your basic needs
- Meeting the basic needs of the children
- Fulfilling your everyday responsibilities
- Making your own decisions
- Interacting with other people

### Control of Everyday Life

Self-Directed ↔ Controlled

**Has there ever been any physical violence between you and \_\_\_\_\_? If so, can you tell me about that?**

### Physical Violence

Very rare	↔	Every day
Very minor	↔	Very severe
No harm	↔	Severe injury

**Have you ever felt so ashamed, humiliated, embarrassed or fearful by something you or \_\_\_\_\_ said or did to the other that you didn't want anyone else to know about it? If so, can you tell me about what that was like for you (without revealing specifics)?**

### Emotional Well-being

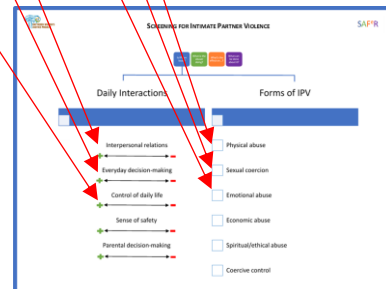
Safe/Secure	↔	Fearful/Anxious
Self-Respect	↔	Humiliation
Autonomous	↔	Controlled

**Have you or \_\_\_\_\_ ever forced the other to do sexual things the other didn't want to do or insisted on having sex when the other didn't want to? If so, can you tell me about that?**

### Sexual Autonomy

Voluntary ↔ Forced

**Note:** Use the **BLUE** worksheet to record the information gathered during the screening process as indicated to the right



Have you or \_\_\_\_\_ ever been concerned that the other was going to physically or psychologically harm the other, the children, or pets? If so, please explain.

**Fear of Physical or Psychological Harm**  
(self, children, pets, others)

Not fearful ←————→ Very fearful

How are parenting time arrangements currently being worked out?

- How did you arrive at that arrangement?
- Are you comfortable with that?
- Any concerns about children or fears for their safety?

**Parental Decision-Making**

Equal ←————→ Dominating  
 Cooperative ←————→ Coercive  
 Responsible ←————→ Irresponsible  
 Child-Focus ←————→ Self-Focus  
 Fair ←————→ Manipulative

**Physical/Sexual Abuse**

**Emotional Abuse**

**Control of Daily Life**

**Economic Abuse**

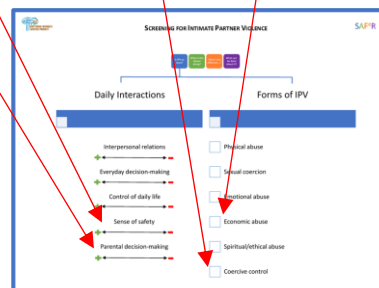
- Hold, pin, restrain
- Kneel on or sit upon
- Tie up, bind, gag
- Push, shove, shake
- Grab
  
- Scratch, pull hair,
- Shave
- Twist arm
  
- Bite
- Spit on
- Urinate upon
  
- Slap
- Hit or punch
- Kick or stomp
- Strike or throw object
  
- Choke or strangle
- Burn
- Poke, stab, cut
  
- Withhold food
- Withhold medicine
- Disable medical equip.
  
- Forced sex

- Insult you/put you down
- Ridicule you in public
- Purposely humiliate you
- Play mind games
  
- Intimidate you
- Yell or scream at you
- Act aggressively to you
- Get jealous/possessive
- Accuse you of infidelity
  
- Interfere with:
  - work/school life
  - social life
  - sleep
  - healthcare/medication
  
- Threaten to:
  - kill you or the children
  - kill him/herself
  - harm you or the children
  - harm person you care for
  - harm or kill pets
  
- Destroy things you care for
- Threaten you w/ weapon
- Put your life in danger
- Disable your car
- Drive recklessly to scare you

- Follow or stalk you
- Often check up on
- Examine mail/email
- Check phone calls
  
- Hack into email
- Grill you
- Time activities
- Use others as spies
- Invade privacy
- Misuse social media
  
- Physically restrain
- Forbid you to leave
- Punish you for disobeying
  
- Arrive unannounced
- Make unwanted contact
- Leave things to scare you
  
- Make you do things you don't want to do

- Deny money
- Refuse to pay bills
- Empty bank
- Hide assets
  
- Destroy your credit
- Deny credit access
- Run up debt
- Forge papers
- Refuse to pass title
  
- Destroy property
- Steal your property
- Sell your property
  
- Shut off utilities
- Fail to pay insurance
- Cancel insurance
- Cancel credit cards
  
- Refuse to work
- Refuse to let you work
- Try to get you fired
  
- Hide bills
- Hide financial info.
  
- Constantly return to co

**Note:** Use the **BLUE** worksheet to record the information gathered during the screening process as indicated to the right



## ASSESSING THE FULL NATURE AND CONTEXT OF IPV

If routine screening points to some indication of IPV, a more thorough IPV assessment is required. This is because a positive IPV screen does not reveal all there is to know to develop an appropriate response. For instance, a positive IPV screen does not confirm whether an allegation of IPV is true or false. It doesn't show whether IPV is extremely serious or relatively mild. A positive screen doesn't expose whether IPV has consequences for children or parenting – or what those consequences might be. It doesn't indicate what solutions would address – and correct, if possible – the negative effects of IPV on parenting, co-parenting, and the best interests of the child.

To assess the full nature and context of IPV, practitioners must investigate the alleged abuser's specific conduct towards the victim-parent and child. The most relevant conduct falls into four broad categories. The first category mirrors and expands upon the information gathered during the initial IPV screen; that is, whether the alleged abuser engaged in any direct abuse of the victim-parent. The second category also delves deeper into what was learned during the initial IPV screen by examining whether the alleged abuser engaged in any coercive controlling behaviors that interfere with the victim's ability to manage daily life. The third category recognizes that IPV often extends beyond the parents.<sup>6</sup> It explores the children's encounters with and experience of IPV. The last category recognizes that parents who abuse their partners tend to parent differently than other parents.<sup>7</sup> For that reason, it probes the

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<sup>6</sup> See, Pagelow, M.D. (1990). *Effects of Domestic Violence on Children and Their Consequences for Custody and Visitation Agreements*, *Mediation Quarterly*, 7(4):347-363.

<sup>7</sup> See, Bancroft, L., Silverman, J. G., Ritchie, D. (2012). *The batterer as parent: Addressing the impact of domestic violence on family dynamics*. Thousand Oaks, CA: Sage Publications.

abuser's parenting and co-parenting practices. These categories are listed at the top of the four columns in the **GREEN** chart below:



**What to Assess – Direct Abuse of the Victim:** The first column of the worksheet lists the multiple forms of IPV that appeared in the earlier section on screening. The difference here is that the practitioner's job is not simply to determine whether any of these various forms of IPV occurred or not – but also to assess the relative frequency, severity, and intensity of any physical, sexual, emotional, economic, or spiritual abuse that is detected. If a particular form of IPV is uncovered, the practitioner can mark the checkbox next to that item. If there is no indication of that form of IPV, the practitioner would leave that checkbox empty. Finally, each



category contains a red icon that can be used to note the intensity of any form of IPV that is detected. If the IPV is relatively mild and infrequent, the practitioner would mark the lowest rung of the scale. If, on the other hand, the IPV is very severe or frequent – or if it results in serious injury or harm – the practitioner would shade in the entire icon up to its highest rung. Moderate IPV would be shown by marking the area in between.

A slightly more detailed guide helps practitioners delve more deeply into these multiple forms of potential abuse. It corresponds to the first column of the **GREEN** assessment worksheet, as shown here:



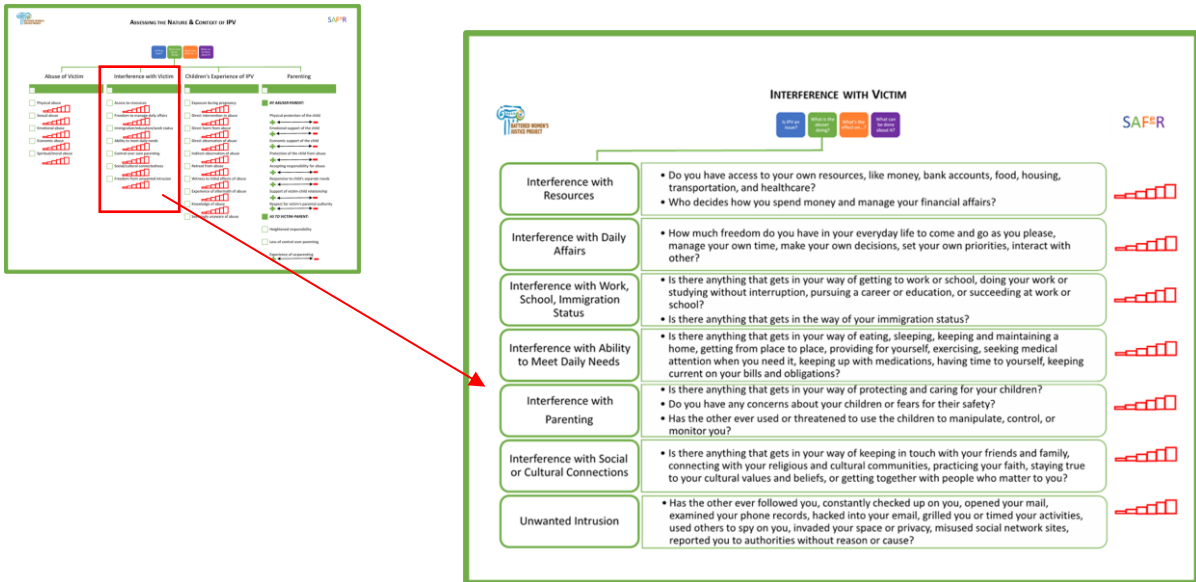
**ABUSE OF VICTIM-PARENT**

Is IPV an issue? What is the abuse doing? What's the effect on it? What can be done about it?

Physical/Sexual Abuse	Emotional Abuse	Economic Abuse	Spiritual/Ethical Abuse
<p><b>Harm to the victim's physical safety and bodily integrity</b></p> <p><b>ASSAULT</b> Pushing, shoving, shaking, grabbing, scratching, pulling, twisting, slapping, hitting, punching, kicking, choking, strangling, burning, stabbing</p> <p><b>FORCE OR RESTRAINT</b> Holding down, pinning, kneeling on, sitting upon, tying up, binding, gagging, forcing sex, trafficking, compelling pornography, exploiting labor</p> <p><b>DEPRIVATION</b> Withholding food, medicine, shelter, sleep, necessities, etc.</p> <p><b>SABOTAGE</b> Disabling vehicles, tampering with utilities, setting traps, interfering with birth control, disabling medical equipment</p>	<p><b>Harm to victim's emotional safety, security, or wellbeing</b></p> <p><b>DEGRADATION</b> Name calling, ridiculing in public, insulting, demeaning, humiliating, dehumanizing</p> <p><b>INTIMIDATION</b> Yelling and screaming, acting aggressively, displaying weapons, driving recklessly, making unfounded accusations, destroying things</p> <p><b>THREATS</b> Threats to kill or harm victim, children, self, or others; threats to destroy reputation, things of value, immigration or work status, relationships, etc.</p> <p><b>DISRUPTION</b> Creating unpredictability, chaos, or confusion; crazy making; obsessive jealousy; interrupting plans, work, or relationships</p>	<p><b>Harm to victim's financial security, stability, standing, or self-sufficiency</b></p> <p><b>REFUSAL TO SUPPORT</b> Denying money, refusing to pay bills, refusing to pass title, failing to pay premiums, withholding access to credit</p> <p><b>HIDE OR DISSIPATE ASSETS</b> Emptying bank accounts, hiding assets, stealing or selling property, cancelling insurance or credit cards, hiding bills or financial information</p> <p><b>DAMAGE CREDIT/STANDING</b> Destroying credit, running up debt, taking out loans, forging papers, hacking into accounts, identity theft</p> <p><b>UNDERMINE OPPORTUNITY</b> Refusing to work or to let victim work, trying to get victim fired, refusing to sign papers, lying to immigration, filing false claims, constantly returning to court</p>	<p><b>Harm to victim's religious values or deeply held beliefs</b></p> <p><b>MISUSE OF RELIGIOUS AUTHORITY</b> Using sacred text to justify abuse, citing scripture to gain compliance, turning religious community against victim, insulating victim within faith community, restricting help-seeking to faith community</p> <p><b>MORAL CORRUPTION</b> Forcing victim into prostitution or pornography; forcing victim to use or sell illegal drugs; forcing victim to steal or pass bad checks; engaging in criminal activity over victim's objection; exposing children to negative influence</p>

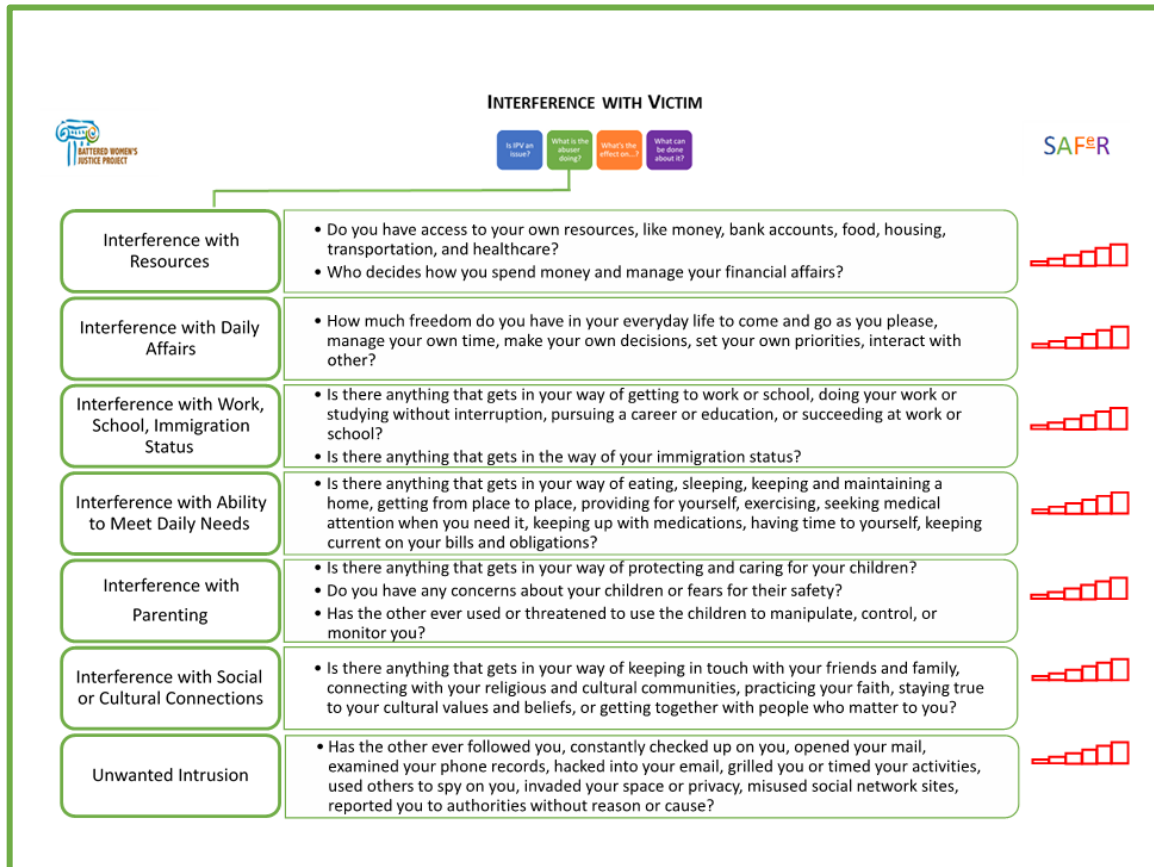
This detailed guide deals specifically with potential physical, sexual, emotional, economic, and spiritual abuse of the victim-parent. It defines each form of abuse, identifies behaviorally-specific examples of each, and includes a way to gauge the severity of any abuse detected.

**What to Assess – Interference with the Victim:** The second column of the **GREEN** assessment worksheet focuses on coercive control and the many ways it can interfere with a victim’s daily life. It explores whether and how the abuser gets in the way of the victim’s access to resources, freedom to manage daily affairs, immigration or work status, ability to meet every day needs, parenting, social and cultural connectedness, and freedom from unwanted intrusion. Again, the question is not simply whether the IPV interferes with the victim’s ability to get along in life, but also the degree to which it does, if at all.



To gain a more complete understanding of the ways in which an abuser might be intruding into the victim’s life, practitioners can refer to a detailed worksheet on Interference with Victim. It corresponds to the second column of the **GREEN** assessment guide, as shown above.

The Interference with Victim worksheet lists each relevant topic area, suggests questions related to those topic areas, and includes a way to gauge the intensity or severity of any interference that is detected.



**How to Assess Direct Abuse of the Victim:** Interviews are often the best (and sometimes the only) way to gather information about IPV. Like any intervention, interviews carry risk and safety concerns. Risk from IPV is never static. It is difficult to predict. It can fluctuate over time. And it often escalates when IPV is disclosed. For these reasons, practitioners should incorporate safety precautions into their IPV interview process. Those precautions include:

- Conducting interviews in-person, face-to-face, and in private.
- Promoting safe and informed disclosure of IPV by explaining:

- The reasons for asking about IPV
- How information about IPV will be used
- What information will and won't be shared with others
- Whether information about IPV will appear in writing or on the record
- The scope and limits of confidentiality
- The duty to report suspected child abuse and other serious crimes
- Referring parties to a qualified IPV advocate for safety planning assistance, as needed.

If during the screening process a person indicates potential physical, sexual, emotional, economic, spiritual, or coercive controlling abuse, the practitioner should attempt to gain as much detail as possible about each form of alleged IPV, including, but not limited to:

### What happened?

- Where
- When
- How

### In front of whom?

- Children
- Other family members
- Friends or Co-workers
- Out in public
- Nobody – just in private

### Any change?

- Over time
- Pre/post pregnancy
- Pre/post separation

### Interventions?

- Medical attention
- Hospital visits
- Calls for help
- Arrests
- Convictions
- Sanctions
- Orders for protection
- Protection order violations
- Other:

### Response to IPV?

- Fight
- Flight
- Freeze

### Level of intensity?

- Frequency
- Severity
- Injury and/or harm

### Intent/motivation of IPV?

- To injure or harm
- To intimidate or coerce
- To make or enforce rules
- To establish authority over
- To protect self/children
- To punish or get back at
- Other:

### Meaning of IPV to victim?

- Abuser's beliefs/values
- Abuser's judgment
- Personal support
- Personal freedom
- Human dignity
- Safety/security
- Other:

### Effects on....?

- Personal interactions
- Relationships
- Communications
- Basic needs and obligations
- Self/children
- Parenting skills/capacity
- Shared decision-making
- Other:

### Risk of harm/lethality?

- Escalating violence
- Threats to kill
- Strangulation
- Abuse during pregnancy
- Sexual assault
- Stalking
- Child abuse
- Animal abuse
- Controlling behaviors
- Excessive jealousy/obsession
- Abuser's mental status
- Avoidance of consequences



These topics are all outlined in the Domestic Abuse Interview Guide discussed above.

**What to Assess – Children’s Experience of IPV:** The third column of the **GREEN** chart on Assessing the Nature & Context of IPV guides the practitioner to explore the children’s experience of IPV. It recognizes that IPV isn’t always confined to the parents, but sometimes draws children in – even if the parents aren’t aware of it. It considers the many ways that can happen for children.

**How to Assess Children’s Experience of IPV:** To gain a complete understanding of children’s experience of IPV, practitioners can use the worksheet below to investigate the many ways children encounter one parent’s abuse of the other, including exposure during pregnancy, direct intervention in IPV, direct harm from IPV, and living with the aftermath of IPV.<sup>8</sup>

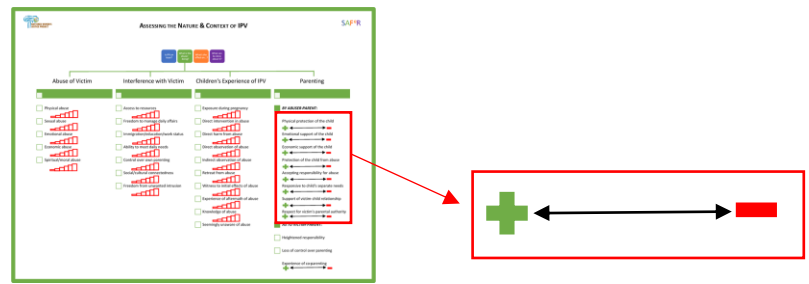
### CHILDREN’S EXPERIENCE OF IPV

IPV during pregnancy	<p>The developing fetus experiences abuse <i>in utero</i>, where, for instance, the abuser:</p> <ul style="list-style-type: none"> <li>•kicks, punches, terrorizes, or sexually assaults a pregnant partner; deprives a pregnant partner of food, s</li> </ul>
Direct intervention in IPV	<p>The child takes affirmative steps to make the abuse end, such as:</p> <ul style="list-style-type: none"> <li>•pleading with the abuser to stop, calling for help, blocking abuser’s access to victim-parent, pulling the a</li> </ul>
Direct harm from IPV	<p>The child suffers verbal, physical, or emotional harm during the course of IPV, as when</p> <ul style="list-style-type: none"> <li>•the child gets caught in the crossfire, is blamed for IPV, is ridiculed for crying, is told they’re next, is puni</li> </ul>
Direct participation in IPV	<p>The child joins in the IPV, due to force, coercion, identification with abuser, or self-preservation:</p> <ul style="list-style-type: none"> <li>•abuser uses child to spy, taunt, or assault victim; abuser rewards child for participating in IPV; child goes along to stay safe</li> </ul>
Observation of IPV	<p>The child sees or hears IPV, either directly or indirectly, where, for instance, the child:</p> <ul style="list-style-type: none"> <li>•watches an assault, observes coercive power, hears threats or pleas for mercy, observes degradation, sees intimidation</li> </ul>
Retreat from IPV	<p>The child takes cover from IPV by:</p> <ul style="list-style-type: none"> <li>•running away from home, hiding under the bed, using alcohol or drugs, locking him/herself in the closet, tuning out the world</li> </ul>
Witness initial effects of IPV	<p>The child observes the immediate effects of IPV, including but not limited to:</p> <ul style="list-style-type: none"> <li>•blood, bruises, and other injuries; ambulances and emergency vehicles; a parent being arrested; damaged property; trauma</li> </ul>
Experience aftermath of IPV	<p>The child faces life-altering change as a result of IPV, including but not limited to:</p> <ul style="list-style-type: none"> <li>•parental anxiety, separation or relocation, broken social ties, breakdown in trust, chaos, uncertainty, disruption to routines</li> </ul>
Knowledge of IPV	<p>The child is told about (or overhears) conversations regarding IPV by:</p> <ul style="list-style-type: none"> <li>•parents, extended family members, police, child protection workers, judges, lawyers, guardians ad litem, teachers, therapists</li> </ul>

<sup>8</sup> See, Holden, G.W. (2003). *Children Exposed to Domestic Violence and Child Abuse: Terminology and Taxonomy*. *Clinical Child and Family Psychology Review*, 6(3):151-160.

Just like the other detailed worksheets, this guide defines children’s common experiences of IPV, gives concrete examples of the ways that can happen, and provides a mechanism to gauge the intensity of those experiences if, in fact, they are occurring.

**What to Assess – Parenting Practices:** In addition to learning about what the abuser is doing to the victim-parent and how the children experience IPV, practitioners must investigate the abuser’s parenting beliefs and practices. Here, practitioners must assess: (1) the quality of the abuser’s physical, emotional, and economic support of the children; (2) the quality of the abuser’s efforts to protect the children from IPV, take responsibility for whatever harm is caused by IPV, and respond to each child’s separate and individual needs; and (3) the quality of the abuser’s willingness and ability to support the victim’s parental authority and relationship with the children. Note that the last column of the basic assessment worksheet contains a slightly different icon that is used to assess the quality of the abuser’s parenting and co-parenting practices.



This scale goes from very positive (on the plus side of the icon) to very negative (on the minus side of the icon). The practitioner can indicate where on a scale from very good to very bad each parenting or co-parenting practice falls. In this way, practitioners can be alert to the ways that IPV might play out in parenting and co-parenting relationships.

**How to Assess Parenting Practices:** To accomplish this task, practitioners must investigate and assess, if indicated, the following potential parenting problems:

**Physical or Sexual Abuse or Neglect of Child.** Decisions and behaviors that directly harm the child's physical safety, security and well-being, including but not limited to:

- Hitting, punching, slapping, pushing child
- Using excessive/coercive discipline
- Refusing to tolerate age-appropriate behavior
- Violating child labor laws (forced labor)
- Denying food, clothing, necessary medical care
- Forcing other parent to participate in child abuse
- Abducting or threatening to abduct child
- Forcing child into criminal activity
- Promoting truancy
- Having inappropriate sexual contact
- Sexually exploiting/grooming child
- Exposing child to pornography
- Using child in pornography
- Forcing child to have sex with others
- Violating child's physical privacy
- Abandoning child
- Exposing child to drugs
- Willfully violating health or housing codes

**Emotional Abuse of Child:** Wide-ranging decisions or behaviors that directly or indirectly harm the child's emotional safety, security, development, and/or well-being, including but not limited to:

- Rejecting child
- Denigrating child's feelings
- Calling child names
- Making child feel stupid or inadequate
- Demanding demonstrations of affection/loyalty
- Isolating child from friends or family
- Embarrassing, humiliating or shaming child
- Promoting gender bias or disrespect of women
- Refusing to meet child's basic emotional needs
- Creating a chaotic or unpredictable home life
- Missing visits or appointments
- Exposing child to violence
- Modeling bad behavior
- Harming or threatening to harm animals or pets
- Breaking promises
- Vacillating between parenting styles
- Violating child's boundaries
- Denying support or affection to child
- Interfering with school or homework
- Micro-managing or monitoring child
- Disrupting child's structure or routines
- Destroying child's toys or personal items
- Mocking child's interests or ambitions
- Fluctuating involvement with child
- Threatening to harm or kill parent or child
- Saying one thing and doing another
- Exposing child to aftermath of violence
- Morally corrupting child
- Inducing fear or terror
- Threatening suicide

**Note:** Use the **GREEN** worksheet to record the information gathered during the assessment process as indicated to the right





**Economic Abuse:** Decisions to or behaviors that unnecessarily harm the child’s economic stability or security, including but not limited to:

- Refusing to provide available financial support
- Interfering with other parent’s work
- Withholding important financial information
- Trading money or support for time with child
- Shutting off utilities
- Disabling vehicles
- Stealing property from child or other parent
- Denying other parent access to resources
- Depleting bank accounts
- Destroying other parent’s credit
- Preventing other parent’s access to credit
- Refusing to pay insurance premiums
- Cancelling insurance
- Selling other parent’s or child’s property

**Using Child as a Tool of IPV:** Decisions to or behaviors that employ the child to manipulate, control, threaten or harm the other parent, including but not limited to:

- Drawing child into abuse
- Using child to monitor other parent
- Pitting child against other parent
- Separating children from their siblings
- Encouraging child to disrespect other parent
- Rewarding child for rejecting other parent
- Threatening to harm child
- Threatening to take child from other parent
- Using child to bargain with other parent
- Dividing child’s loyalties
- Using child to coerce other parent
- Hurting child in order to hurt other parent
- Using custody to harass other parent
- Disrupting established visitation schedule
- Using visitation to access other parent
- Threatening to seek custody
- Degrading other parent to child
- Neglecting child on visits

**Denying Impact of IPV on Child:** Decisions or behaviors that fail to acknowledge and repair the damage resulting from one’s own abuse, including but not limited to:

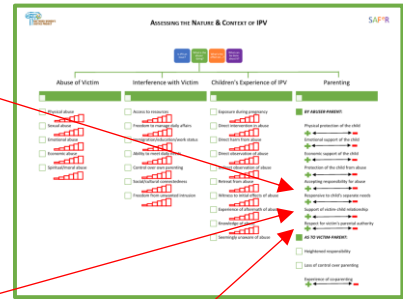
- Failing to acknowledge damage from abuse
- Interfering with other parent’s treatment efforts
- Refusing to seek counseling for abuse
- Interfering with other parent’s care of child
- Interfering with child’s counseling/healthcare
- Justifying abuse
- Being intolerant of criticism for abuse
- Demanding respect in the face of abuse
- Failing to acknowledge child’s needs
- Failing to respond to child’s needs
- Disregarding child’s needs
- Refusing to apologize for abuse
- Forcing unwanted engagement with child
- Blaming others for abuse

**Note:** Use the **GREEN** worksheet to record the information gathered during the assessment process as indicated to the right





**Ignoring Child's Separate Needs:** Beliefs that the child's interests, needs and perceptions are either: (1) indistinguishable from the other parent's interests, needs and perceptions; or (2) attributable to the other parent, including but not limited to:



- Elevating one's own needs above the child's needs
- Believing one's own needs and child's need are identical
- Believing one's child thinks and feels the same way
- Believing that one knows exclusively what is best for the child
- Obsessive attachment to the child
- Seeing no value in the child's contact with the other parent, absent sufficient cause
- Believing that child's mind is being poisoned by the other parent
- Believing that the child is mirroring the other parent
- Believing that the other parent and the child are conspiring

**Undermining the Other's Parenting or Relationship with Child:** Decisions to or behaviors that either: (1) interfere with the other parent's ability to parent or exercise parental authority; or (2) disrupt or harm the child's relationship with the other parent, including but not limited to:

- |   |   |
|---|---|
| <input type="checkbox"/> Refusing to enforce established rules        | <input type="checkbox"/> Refusing to agree to rules or structure    |
| <input type="checkbox"/> Violating established parenting agreements   | <input type="checkbox"/> Making false allegations to authorities    |
| <input type="checkbox"/> Withholding information concerning the child | <input type="checkbox"/> Under- or over-medicating child            |
| <input type="checkbox"/> Disrupting child's schedule or routine       | <input type="checkbox"/> Using new partner as replacement parent    |
| <input type="checkbox"/> Sharing too much information with child      | <input type="checkbox"/> Disparaging other parent in front of child |
| <input type="checkbox"/> Disrespecting other parent's new partner     | <input type="checkbox"/> Criticizing other parent                   |
| <input type="checkbox"/> Ignoring child's allergies or illnesses      | <input type="checkbox"/> Manufacturing tensions                     |

**Relentless Harassment:** Decisions to or behaviors that disrupt the everyday life of, and create persistent instability, insecurity or unpredictability for the child and/or the other parent, *usually under the guise of some seemingly legitimate principle (like safety, equality, fairness, duty, or parental concern)*, including but not limited to:

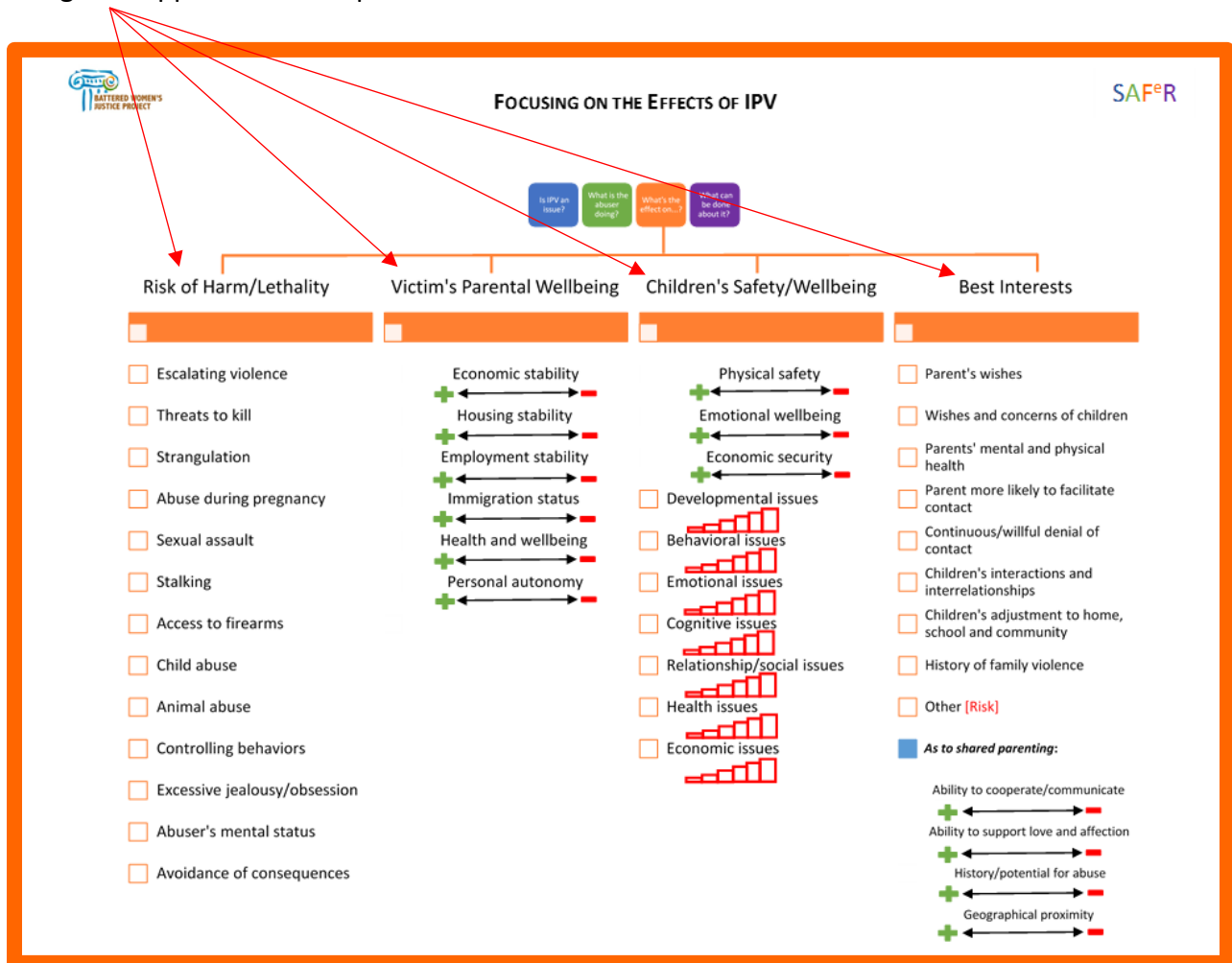
- |   |  |
|---|--|
| <input type="checkbox"/> Constantly disrupting the child's schedule | <input type="checkbox"/> Interfering with the other parent's work      |
| <input type="checkbox"/> Constantly disrupting the child's routines | <input type="checkbox"/> Interfering with school, sleep or social life |
| <input type="checkbox"/> Engaging in harassing litigation           | <input type="checkbox"/> Interfering with health care                  |
| <input type="checkbox"/> Making false reports to authorities        | <input type="checkbox"/> Disparaging other parent in public            |
| <input type="checkbox"/> Fluctuating parental involvement           | <input type="checkbox"/> Constantly changing rules or expectations     |
| <input type="checkbox"/> Monitoring other parent's whereabouts      | <input type="checkbox"/> Stalking other parent or child                |
| <input type="checkbox"/> Making unreasonable demands on time        | <input type="checkbox"/> Cancelling or rescheduling appointments       |
| <input type="checkbox"/> Making oneself look good in harmful ways   | <input type="checkbox"/> Disrupting utilities                          |
| <input type="checkbox"/> Hacking into other parent's computer       | <input type="checkbox"/> Disrupting other parent's transportation      |
| <input type="checkbox"/> Cutting off phone service                  | <input type="checkbox"/> Setting off home alarm system                 |
| <input type="checkbox"/> Constantly raising "technical arguments"   | <input type="checkbox"/> Showing up unannounced                        |
| <input type="checkbox"/> Missing visits and appointments            | <input type="checkbox"/> Sabotaging other parent at every turn         |



## FOCUSING ON THE EFFECTS OF IPV

Once the practitioner determines the full nature and context of IPV – and knows who is doing what to whom and why – SAF<sup>e</sup>R prompts the practitioner to explore the effects of IPV on the family.

In contested child custody cases, IPV can affect four main areas. It can increase risk of future harm or lethality. It can negatively impact the victim’s parental wellbeing. It can have an adverse effect on the child’s safety and wellbeing. And, it can influence the best interests of the child, which is the typical standard for decision-making in parenting disputes. Each of these categories appears at the top of the columns on the **ORANGE** chart below.



**What to Examine:** The items to be considered for each category appear below each column heading. For instance, the first column contains a list of evidence-based factors associated with heightened risk of future harm or lethality. They mirror the risk factors detailed in the assessment section of this guide. The second column identifies a list of topics concerning the victim's parental wellbeing, including such things as the victim-parent's economic, housing, and employment stability; immigration status; general health and wellbeing; and personal autonomy. The next column contains a list of potential problem areas related to the child's safety and wellbeing. This prompts practitioners to be alert to possible developmental, behavioral, emotional, cognitive, relationship, health, and economic concerns commonly associated with IPV. Finally, the last column contains a list of statutory best interest factors. This column can be tailored to the law of any state. The idea is to consider the ways in which IPV shapes the best interests of the child, as defined by state law.

**How to Examine Implications of IPV:** Exploring the implications of abuse is best done in close consultation with the parties. It requires diligent attention to facts "on the ground" and the parties' lived experience of IPV. Care must be taken to avoid making assumptions about the impact of IPV based on stereotypes or personal values, biases, and beliefs. The following detailed worksheets assist in that regard.

**Risk of Harm/Lethality.** Risk factors include escalating violence, threats to kill, strangulation, abuse during pregnancy, sexual assault, stalking, access to firearms, child abuse, animal abuse, controlling behaviors, and excessive jealousy or obsession.

If any risk factors are noted during the interview, they should be documented in the first column of the **ORANGE** worksheet by marking the corresponding checkbox, as shown below:



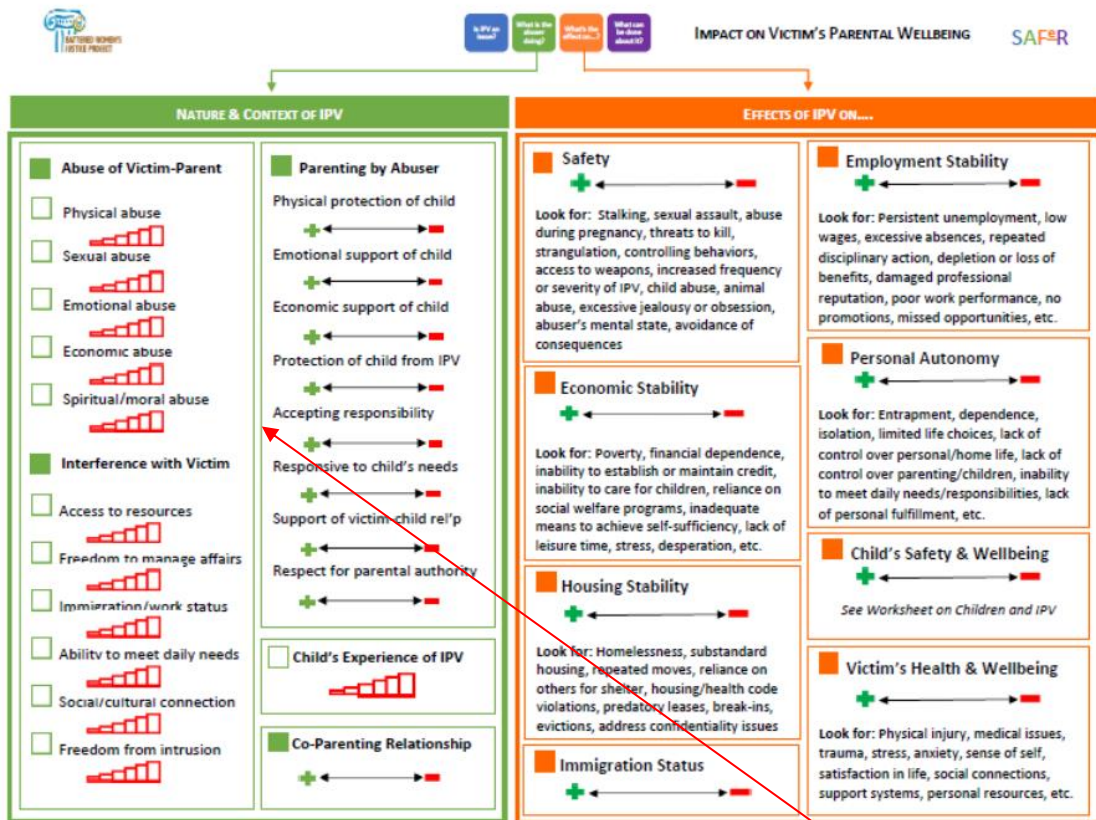
**Victim's Parental Wellbeing.** IPV can impact the victim's parental wellbeing in several ways. Practitioners must be alert to how abuse affects the victim's economic, housing, and employment stability, immigration and education status, general health and wellbeing, and personal autonomy. Each of these topics appears in the second column of the **ORANGE** chart, as shown here:



As noted earlier, domestic abuse impacts different people in different ways. It all depends on what, specifically, the abuser is doing and why that matters to the person the abuser is doing it to. The key is to translate all that is known about the nature and context of IPV –

including any risks that it creates – into an assessment of the victim's parental wellbeing in each of the relevant areas identified in the **ORANGE** chart.

Practitioners can use the detailed worksheet shown here to analyze the impact of IPV on the victim's parental wellbeing.



The idea is to summarize everything that has been documented on the GREEN chart and ask how that affects the victim's ability to care for, protect, and parent the children. As stated earlier, this task is best done in consultation with the parties. Parties are in the best position to articulate the meaning and effect of IPV in their own lives. The practitioner's job is to fully explore these issues with the parties in a safe and informed manner – and resolve any conflicts based on the best available information.





**Cognitive Problems:** Difficulties with thinking, learning, concentrating, or processing information, including but not limited to:

- Poor skill development
- Underachievement at school
- Poor or distorted memory
- Poor verbal abilities
- Distraction or inability to focus
- Poor analytical skills

**Relationship Problems:** Interpersonal interactions that create difficulties for the child, including but not limited to:

- Inappropriate social responses to others
- Ambivalent attachment with caregivers
- Bullying or peer victimization
- Abusive dating relationships
- Diminished ability to trust others
- Lack of empathy
- Manipulation/coercion to get needs met
- Aggression toward others
- Difficulty making or keeping friends
- Diminished self-confidence

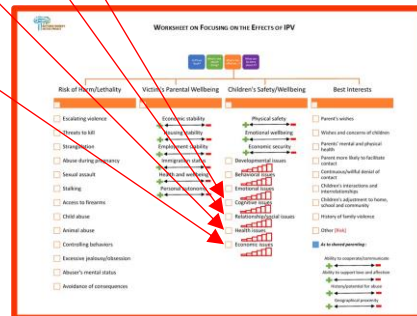
**Health Problems:** Physical manifestations that include, but are not limited to:

- Headaches
- Asthma
- Bed-wetting
- Rashes
- Autoimmune deficiencies
- Stomach aches
- Intestinal problems
- Eating disorders
- Allergies
- Chronic fatigue

**Economic Problems:** Damage or harm to the child's economic stability or security, including but not limited to:

- Poverty
- Exclusion from extracurricular activities
- Exclusion from higher education
- Increased responsibilities at home
- Homelessness
- Social isolation
- Increased responsibility to work
- Care for younger children

**Note:** Use the **ORANGE** worksheet to record the impact of IPV as indicated to the right

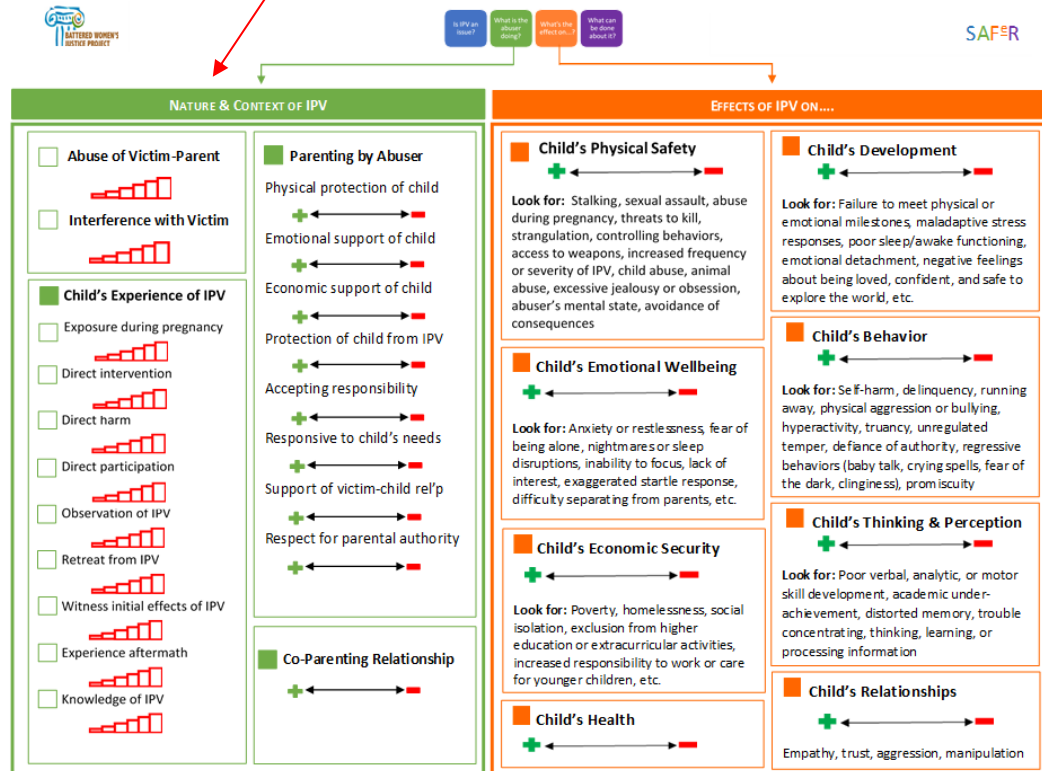




**No Obvious Problems:** Some children, particularly adolescents and older children, may cope with abuse in the home by re-directing their energies towards outside or adult activities and interests, including but not limited to:

- Academic achievement
- Engagement in extracurricular activities
- Artistic or creative endeavors
- Assumption of parental responsibilities, like:
  - Providing care for younger siblings
  - Preparing meals and/or keeping house
  - Making appointments
  - Supervising/monitoring parents' activities
- Involvement in sports
- Participation in social activities
- Volunteer work

Practitioners can use the detailed worksheet shown here to analyze the impact of IPV on the children's safety and wellbeing. Like before, the idea is to summarize everything that has been documented on the **GREEN** chart and ask how that affects the child's overall functioning across the eight domains that appear below.



**Best Interests of the Child.** The final potential effect is the impact of IPV on the best interests of the child. Here, the practitioner must consider how IPV shapes each of the statutory best interest factors that govern the case. A list of common best interest factors appears below, together with a set of questions to help guide the analysis. This sample can be adapted to the law of any state.

### **Best Interests of the Child IPV Analysis**

#### **The wishes of the child's parents regarding the child's care:**

How does IPV impact the wishes of the child's parents?

- Do the parents have any fears or worries because IPV?
- What are the past and current care arrangements?
- How do the parents' wishes account for IPV and child safety?
- Are the parents' wishes realistic given the context of IPV?

#### **The wishes and concerns of the child:**

How does IPV impact the child's wishes and concerns?

- What is the impact of IPV on the child?
- What is the impact of trauma on the child?
- Does the child have any fears or worries because of IPV?
- In what ways, if any, has IPV interfered with the child's daily life?

#### **The child's interaction and interrelationships:**

How does IPV impact the child's interactions and interrelationships with parents, siblings, and others? Look for indications of:

- Physical or sexual abuse of a parent or child
- Emotional abuse of a parent or child
- Interference with parental authority
- Interference with the child's privacy
- Interference with the other parent's privacy

- Use of the child to spy on the other parent
- Use of the child to manipulate the other parent
- Isolation of the child from friends or family
- Isolation of the child from social activities
- Age inappropriate actions and behaviors

**The child's adjustment to home, school, and community:**

How does IPV shape the child's adjustment to home, school, and community?

- What is the effect of IPV on the child's home, school, and social life?
- In what ways, if any, does IPV upset or interfere with the child's daily activities?
- In what ways, if any, does IPV pose a threat to the child's basic needs?
- Does the child have any fears, concerns, or anxieties about IPV?

**The mental and physical health of all persons involved in the situation:**

How does IPV shape the health of the parents, child, siblings, and others?

- What is the impact of IPV on the safety of the parents and child?
- What is the emotional impact of IPV on the parents and child?
- How do parents and children cope with IPV?
- What is the effect of IPV on healthcare decision-making?
- What formal and informal supports have been sought?
- What other supports are available?

**The parent most likely to honor and facilitate court-approved parenting time:**

How does IPV impact parenting time?

- Is the access plan safe for the parents and child?
- Are there any concerns, fears, or worries about access because of IPV?
- What is the current and historical level of parental involvement with the child?
- Has the offending parent threatened to harm or remove the child?
- Have there been any recent or post-separation changes to the access plan?

**Other considerations:**

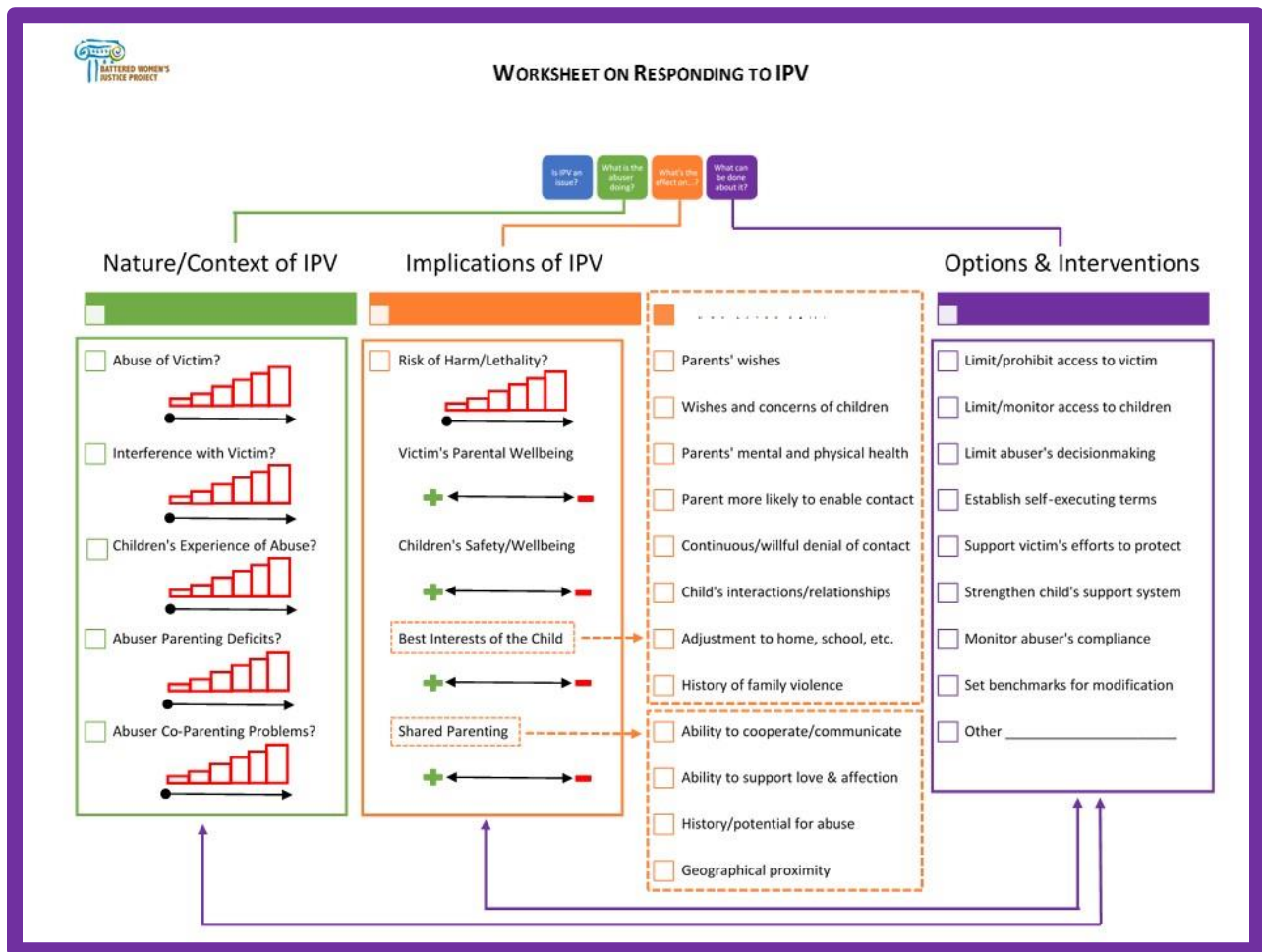
- Personal interactions
- Access to resources
- Children and parenting
- Control of daily life
- Emotional abuse
- Physical abuse
- Sexual abuse
- Other

Practitioners can use the detailed worksheet below to guide their best interest analysis. As with the other detailed worksheets, practitioners should start by summarizing what they know of the nature and context of IPV from the **GREEN** chart and apply that knowledge to the **ORANGE** categories to the right of the page.



## RESPONDING TO IPV

The final element of SAFER is to develop an appropriate response to IPV. That is best accomplished by synthesizing all information related to the nature, context, and effects of IPV, as set forth in the PURPLE worksheet:



The first column of this worksheet prompts practitioners to integrate all the information they've gathered about the nature and context of abuse, including a summary of what they've learned about any direct abuse of the victim, any interference in the victim's daily life, the child's experience of abuse, any parenting deficits on the part of the abuser, and any co-parenting problems related to the abuse.

The second column of this worksheet prompts practitioners to synthesize all the information they've gathered about the implications of abuse, including an assessment of the risk the abuser poses to the victim, the victim's parental wellbeing, the safety and wellbeing of the children, the best interests of the children (as defined by state law), and the prospects for co-parenting.

The last column contains a list of potential parenting plan options and interventions that might be useful to address the specific issues or problems raised by IPV. A more detailed list of alternative responses appears below.

## **ALTERNATIVE PARENTING PLAN OPTIONS AND INTERVENTIONS**

### **LIMIT OR MONITOR ABUSIVE PARENT'S ACCESS TO CHILD OR VICTIM PARENT:**

- Limit methods of communication (no in-person, telephonic or social media contact)
- Prescribe frequency and methods of communication (email only, text only, etc.)
- Restrict length and/or content of communication (1-page, 10-minutes, scope, etc.)
- Limit access to sensitive information (addresses, account numbers, SSNs, records)
- Issue and enforce no contact orders and orders for protection
- Require neutral exchange locations (school, place of business, etc.)
- Require third party exchanges (professional, friend, family member, etc.)
- Restrict visitation to designated location (grandparent's home, public park, church)
- Restrict visitation to a geographical area (25-mile radius, in town, state, or country)
- Condition visitation on having third party present (professional, friend, family)
- Restrict what can happen during visitation (no alcohol or drugs, no weapons, etc.)
- Establish benchmarks for unsupervised access (no abuse, no threats, no violations)
- Condition access on compliance with established terms (sobriety, BIP, car seat, etc.)
- Appoint a post-visitiation safety monitor to ensure visits are safe and go as planned
- Periodically monitor and conduct risk and danger assessments
- Define consequences for non-compliance with access restrictions

### **LIMIT ABUSIVE PARENT'S RULEMAKING OR DECISION-MAKING AUTHORITY:**

- Grant sole legal custody to victim parent, with or without specified exceptions
- Grant parallel legal custody, with or without specified exceptions
- Appoint a parenting consultant to confer with abuser on all major decisions
- Appoint a parenting monitor to oversee and periodically assess abuser's parenting
- Limit abuser's ability to dispose of real or personal property or to dissipate assets
- Appoint a special master to monitor and effectuate property allocations
- Other:

#### **SUPPORT VICTIM PARENT'S EFFORTS TO PROTECT CHILD:**

- Link parental decision-making authority to parental responsibility for child's care
- Designate victim parent as the custodian of records
- Provide victim parent with information about available community-based resources
- Facilitate victim parent's access to available community-based resources
- Establish self-executing parenting plan enforcement mechanisms
- Allow direct and expedited access to parenting plan enforcement mechanisms
- Establish automatic bill-paying processes for abuser's financial obligations
- Delineate reasonable house rules
- Limit grounds upon which abuser may object to the victim's parenting decisions
- Permit the victim to relocate with the child in accordance with the law

#### **STRENGTHEN CHILD'S SYSTEMS OF SUPPORT:**

- Ensure that parenting plan accommodates child's interests, activities and supports
- Provide sufficient parenting time flexibility to adapt to child's age and social needs
- Structure parenting time to maintain access to child's support system
- Connect child and victim parent to available community based resources

#### **MONITOR AND ENFORCE ABUSIVE PARENT'S COMPLIANCE WITH PARENTING PLAN:**

- Conduct review hearings
- Establish schedule for abusive parent to demonstrate compliance with plan
- Set automatic consequences for non-compliance with parenting plan
- Appoint a compliance monitor at abusive parent's cost
- Hold abusive parent accountable for unjustified, unexcused, intentional violations
- Other:

#### **REQUIRE ABUSIVE PARENT TO PARTICIPATE IN REMEDIAL INTERVENTIONS AND/OR SERVICES:**

- Refer abusive parent to batterer intervention for assessment and proper services
- Refer abusive parent to parenting after violence for assessment/proper services
- Other:

Not all options and interventions are appropriate for every case – nor are they available in every jurisdiction – or even feasible in many cases. The point is to choose the options and interventions that make sense, given what is known about the nature, context, and effects of abuse. Again, this column could be tailored to the customs, practices, and services available in any jurisdiction.

## CONCLUSION

SAF<sup>e</sup>R offers a structured approach to IPV-related parenting cases that responds to people's lived experience of intimate partner violence. It is designed to produce safer, more workable outcomes for children and battered parents. It promotes fairness and due process by connecting outcomes to real-life conditions instead of untested biases, assumptions, stereotypes, and beliefs. SAF<sup>e</sup>R calls on the family court system and those who work in it to deliberately identify whether IPV is an issue in a case. If IPV is detected, SAF<sup>e</sup>R takes a deep dive into the nature and context of IPV and the problems it can create for children and parenting. It then supports responses that directly address the specific issues and problems raised by IPV. Battered parents and children deserve no less than that.

For more information on SAF<sup>e</sup>R – or for training and technical assistance to fully implement SAF<sup>e</sup>R in daily practice – contact the Battered Women's Justice Project at [technicalassistance@bwjp.org](mailto:technicalassistance@bwjp.org).