

Custody Evaluators' Beliefs About Domestic Violence Allegations During Divorce: Feminist and Family Violence Perspectives

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Abstract

Approximately, 20% of divorcing couples in the United States require judicial intervention to reach a custody agreement. In such cases, courts often call on child custody evaluators to conduct comprehensive evaluations and recommend custody agreements and services that meet children's best interests. Estimates suggest that allegations of domestic violence (DV) are raised and substantiated in about 75% of these cases. Custody evaluators are thus in a position to ensure that divorcing parents with DV receive effective services and enter into safe custody agreements. They are also in a position to minimize or deny the seriousness of DV and its relevance to custody decisions. The present study uses grounded theory methods to

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examine how custody evaluators' theoretical perspectives on DV and beliefs about custody disputes in the context of DV are related to their evaluation process and recommendations.

Keywords

children exposed to domestic violence, domestic violence, intervention/treatment, legal intervention, perceptions of domestic violence

Background and Significance

Despite numerous models of practice for custody evaluations (e.g., Association of Family and Conciliation Courts [AFCC], 2006), no universal standards for conducting custody evaluations exist. Moreover, qualifications for conducting evaluations are ambiguous and training requirements are inconsistent both across states and within most states. To date, California is the only state that requires DV-specific training for custody evaluators (Lemon, 2000). Given the lack of standardized procedures and qualifications, most custody evaluators make recommendations to family courts without any mandatory DV training (Lemon, 2000). Thus, it is important to understand custody evaluators' beliefs about DV and how those beliefs might influence their recommendations. Particularly relevant is the extent to which custody evaluators align themselves with different theoretical perspectives on DV and commonly held beliefs about DV allegations in the context of custody disputes.

Feminist and Family Violence Perspectives

Feminism and family violence represent two main theoretical perspectives on DV. For decades, feminist and family violence researchers have been at odds over the foci and conceptualization of DV (Johnson, 2008). Feminist DV researchers have focused primarily on violence against women (Johnson, 2008) and pointed to patriarchy, expressed through general male dominance in society and contemporary constructions of masculinity and femininity, as the underlying factor that perpetuates DV (Jasinski, 2001). Feminist DV researchers typically analyze data from agency-based samples, such as women who seek help from shelters (Johnson, 2008). They report that DV is gender asymmetric, with men primarily being perpetrators and women primarily being victims (Johnson, 2008). In contrast, family violence researchers view violence as an outcome of family conflict that is instigated by stress; thus, some violence within families is considered normative (Jasinski, 2001).

Family violence researchers typically utilize samples from large-scale surveys of the general population (Johnson, 2008). In contrast to feminist DV researchers, family violence researchers report that DV is gender symmetric, with perpetration and victimization reports nearly identical for men and women (Jasinski, 2001).

Recent research indicates that these two perspectives actually tap into distinct populations and measure different types of violence, consequently leading to different outcomes in gender symmetry, rates of victimization, and dynamics of DV (Johnson, 2008). To reconcile the disparate findings from these two perspectives, Johnson calls for differentiating between two types of violence in research and practice: *intimate terrorism* and *situational couple violence*. Intimate terrorism is what has been historically considered wife battering. The distinguishing feature of intimate terrorism is the context of coercive control within which violence occurs (Johnson, 2008). Dutton and Goodman (2005) describe coercive control as getting one's partner to do something she does not want to do by using or threatening to use negative consequences for noncompliance. In addition to physical violence, intimate terrorists use non-violent tactics, such as psychological abuse, economic abuse, isolation, intimidation, and using children as weapons to assert control over their partners (Pence & Paymar, 1993). Intimate terrorism is most consistent with the type of violence described by feminist researchers who often sample from agency-based services for DV survivors.

In contrast, situational couple violence occurs in the context of specific arguments or stressors in which one or both partners act out violently (Johnson & Ferraro, 2000). In situational couple violence, the context is conflict rather than coercive control (Johnson & Leone, 2005). The motives behind situational couple violence vary and include common sources of couple conflict, communication patterns that escalate to violence, and individual background and personality factors (Johnson, 2008). Situational couple violence is most consistent with the type of violence reported by family violence researchers who sample from the general population. Given the dynamics of situational couple violence, family violence researchers advocate for interventions that teach parents how to coparent effectively by managing their conflict and anger and learning to cooperate in the best interests of their children (Jaffe, Lemon, & Poisson, 2003b).

The prevalence of intimate terrorism and situational couple violence among parents in custody disputes is not known. However, situational couple violence appears to be more prevalent than intimate terrorism in the general population (Johnson, 2008; Leone, Johnson, & Cohan, 2007) and therefore may be more prevalent among couples who divorce. However, intimate terrorism

may be more common among parents who require additional court-related services to reach a custody agreement, given the abuser's motive to control his partner (Hardesty & Ganong, 2006). Regardless of which is more prevalent, custody evaluators are likely to encounter both types of DV among their cases, and each type calls for a different approach (Hardesty & Chung, 2006). For example, given the severity of violence, multiple tactics of control, and low likelihood that abusers will change their behaviors (Johnson, 2008), intimate terrorism requires safety-based interventions that hold abusers accountable for their violence and protect survivors and their children (Jaffe et al., 2003b). Feminist DV researchers are also cautious about assuming that all divorced parents can and should learn to cooperate as coparents after divorce (Hardesty, Khaw, Chung, & Martin, 2008). Indeed, parents with a history of situational couple violence may respond well to traditional services directed at helping parents manage conflict and learn to communicate. Problems arise when a one-size-fits-all approach is applied to custody disputes.

Given the lack of universal guidelines and training for custody evaluators, it is unknown whether custody evaluators make distinctions in types of violence or how such distinctions might influence their recommendations. Differentiating between types of violence may be necessary for custody evaluators to effectively assess a family's needs and offer informed recommendations. Furthermore, it is unknown the extent to which custody evaluators espouse commonly held beliefs about DV that may minimize or deny its relevance to custody decisions.

Commonly Held Beliefs About Domestic violence (DV)

Spousal abuse is not relevant to child custody. Custody evaluators minimize the relevance of DV allegations in custody decisions when they believe that DV against one's partner has no bearing on one's ability to be a good parent (Jaffe et al., 2003a). The National Council of Juvenile and Family Court Judges (NCJFCJ, 1994) recommends treating DV perpetration and parenting as intertwined when making custody recommendations. Twenty-four states have adopted NCJFCJ's model statute's presumption that abusers should not have sole or joint custody; however, the friendly parent statute overrides this presumption (Zorza, 2007). In 32 states, this statute gives preference to the parent who is more likely to encourage an ongoing relationship between the child and the other parent. An abused mother who is justifiably resistant to facilitating contact between the child and abuser may be considered unfriendly. Thus, courts minimize DV's relevance to custody decisions by giving preference to the abuser who appears to be the friendlier parent (Zorza). This is

particularly problematic in situations of intimate terrorism, as these abusers use tactics of control to dominate and interfere with mothers' parenting (Bancroft & Silverman, 2002).

The long-lasting effect of DV is also minimized when custody evaluators assume that violence ends at separation and thus should have no bearing on custody decisions (Bancroft & Silverman, 2002). Research indicates that risks continue for some women after they leave, particularly among abusers who are highly controlling (i.e., intimate terrorists; Campbell et al., 2003). For example, visitation and exchanges have provided opportunities for repeat violence and threats (Hardesty & Ganong, 2006; Hardesty et al., 2008).

False allegations of DV are common. The belief that false allegations of DV are common in custody disputes also minimizes the relevance of DV in custody decisions. Mothers may be accused of alleging DV to gain an unfair advantage in custody disputes or to alienate fathers from their children. According to Gardner (1985), *parental alienation* refers to one parent brainwashing a child to vilify the other parent for the purpose of gaining custody. Parental alienation has been discredited by professional associations such as the American Medical Association and the American Psychological Association (Hoult, 2006), and NCJFCJ (2006) stated that any testimony on parental alienation in the context of DV should not be admissible in court. Nevertheless, custody evaluators consistently list parental alienation as a main factor in their recommendations (Ackerman & Ackerman, 1997; Bow & Boxer, 2003). Credibility of allegations is also questioned when survivors are unable to provide documentation of DV. However, abused women often do not report DV to police or health care professionals prior to separation (Jaffe & Crooks, 2007) and thus have difficulty providing evidence required by courts to substantiate their allegations (Jaffe et al., 2003a).

Battered women are unstable and passive victims. Finally, DV allegations may be doubted when mothers' demeanor suggests instability or contradicts stereotypical depictions of battered women. Jaffe et al. (2003b) assert that DV survivors may present as unstable, highly anxious, angry, or with a flat affect and appear indifferent during divorce proceedings. In custody disputes, they may show even greater signs of instability and distress due to fear of losing custody to the abuser, especially if the abuser has repeatedly threatened or attempted to gain sole or joint custody (Erickson, 2005). Furthermore, a DV survivor who appears angry, bitter, or unwilling to share custody contradicts stereotypical depictions of battered women as passive victims. This perceived inconsistency may cause custody evaluators to question her credibility and ability to support an ongoing relationship between the father and child after divorce (Jaffe et al., 2003a; Zorza, 2007).

To extend the literature on custody evaluations in the context of DV, the present study used grounded theory methods (Charmaz, 2006) to examine the following research questions in a sample of custody evaluators: (a) What are custody evaluators' perspectives on the dynamics of DV? (b) Do custody evaluators make distinctions between situational couple violence and intimate terrorism? (c) How are custody evaluators' perspectives on the dynamics of DV related to their beliefs about the seriousness of DV and the credibility of allegations? (d) How do custody evaluators' perspectives relate to their recommendations, such as the weight given to safety?

Method

Sample

Participants were a subsample of a larger survey study of custody evaluators ($N = 592$) across the United States. The criterion for inclusion in the original study was that participants had completed at least one custody evaluation in the past 10 years. Custody evaluators who participated in the original study and were from the same Midwestern state were eligible to participate in the present study. Potential participants were selected from one state to minimize differences based on state DV and custody statutes. Potential participants were sent an email inviting them to participate in a one-time semistructured phone interview in which they would be asked to elaborate on the topics covered in the original survey. Those who did not respond by email were then contacted by phone. Contact was attempted with 55 evaluators who met the criteria to participate and 23 participated. Of the 32 who did not participate, 24 never responded, 6 declined, and 2 agreed but never scheduled an interview for unknown reasons. Of the 6 who declined, 5 were too busy and 1 no longer conducted custody evaluations and thus did not want to participate.

Custody evaluators in the present study (14 men, 9 women) were 41 to 71 years old ($M = 44.5$). All self-identified as White and had advanced college degrees. Participants' primary professions were psychologist ($n = 14$), social worker ($n = 4$), attorney ($n = 2$), counselor ($n = 2$), and medical doctor ($n = 1$). The majority ($n = 18$) were in private practice, whereas 3 were employed by universities, 1 by the court system, and 1 did not specify a primary employer. They conducted custody evaluations from 4 to 33 years ($M = 14.5$ years) and completed 5 to 25 ($M = 11.8$) court-ordered evaluations per year, with the exception of one evaluator who did not provide this information. Participants estimated that between 17% and 80% ($M = 44%$) of their evaluations each year involved DV allegations. As with most states, custody evaluators in this state were not required to complete DV training; however, 21 reported some

DV education or training. Table 1 provides demographics and other characteristics for each participant. Those who were eligible to participate but did not were slightly older ($M = 56.6$) and included 2 African Americans and 1 Latina. They did not differ on other demographics or characteristics.

Procedure

Interviews were guided by a semistructured interview protocol that included questions about custody evaluators' perspectives on and beliefs about the dynamics of DV, the ability to coparent when there is DV, risks of DV after divorce, effects of DV exposure on children, the ability of abusers to be good fathers, and the extent and nature of false allegations of DV in custody disputes. Interviews were conducted by phone, audio recorded, and transcribed verbatim. Names were replaced with pseudonyms, which are used in the reporting of the results.

Data Analysis

Data collection and analysis were concurrent. Interviews were analyzed qualitatively using grounded theory methods (Charmaz, 2006). First, transcripts were coded using open coding and the constant comparative method (Strauss & Corbin, 1998). Specifically, the first two authors coded all transcripts individually by labeling constructs related to perspectives on DV, beliefs about DV allegations during custody disputes, safety and cooperating relationships, and recommendations to courts. Each interview was open coded and discussed by the authors before conducting subsequent interviews. Codes included sensitizing concepts (e.g., coercive control, parental alienation) from the literature and emergent codes (e.g., real DV, mutual conflict) from the data. Using the constant comparative method, we moved back and forth between transcripts and the codebook, constantly comparing new data to coded transcripts and modifying our codes based on new data. For example, the code *real DV* was not added to the codebook until midway through analysis when a participant used the phrase. However, the idea of real DV had been discussed by other participants. Thus, we returned to previously coded transcripts to code specifically for this concept.

Second, axial coding was conducted to identify theoretical links, or emerging relationships, between codes (Strauss & Corbin, 1998). At this stage, we began to move from labeling the data with discrete codes to identifying theoretical links between codes. We began by combining codes into conceptual categories. For example, violence codes such as male power and coercive control were combined to form the conceptual category, intimate terrorism.

Table 1. Participant Demographics and Characteristics

	Sex	Age	Education	Profession	Primary Employer	No. of Years as Evaluator	No. of Evaluations/Year	Type of DV Training
Family violence perspective								
Mary	F	57	JD	Attorney	Private practice	8	10	Several 1-2-hr workshops
Tony	M	57	JD	Attorney	Private practice	22	5	Several 1-2-hr workshops
Jennifer	F	50	PhD	Counselor	Private practice	12	10	Several 1-2-hr workshops
Susan	F	55	PhD	Psychologist	Private practice	18	20	None
Michael	M	69	PhD	Psychologist	Private practice	23	10	Several 1-2-hr workshops
Jeanne	F	66	PhD	Psychologist	Private practice	20	25	Other (not specified)
David	M	53	PhD	Psychologist	Private practice	15	5	None
Robert	M	45	PhD	Psychologist	Private practice	8	20	Several 1-2-hr workshops
Laura	F	63	PhD	Psychologist	Private practice	15	10	Several 1-2-hr workshops
Chris	M	60	PhD	Psychologist	Other	10	5	Several 1-2-hr workshops
Alan	M	61	PhD	Psychologist	Private practice	10	25	DCFS in-service
Matt	M	54	PhD	Psychologist	University	16	5	Several 1-2-hr workshops

(continued)

Table 1. (continued)

	Sex	Age	Education	Profession	Primary Employer	No. of Years as Evaluator	No. of Evaluations/Year	Type of DV Training
Elizabeth	F	47	MSW	Social Worker	University	6	30	Several 1-2-hr workshops
George	M	59	PhD	Medical doctor	Private practice	20	5	Brief 1-2-hr workshop
Feminist perspective								
John	M	60	MS	Counselor	Private practice	4	5	40-hr DV shelter training
Joseph	M	61	PhD	Psychologist	Private practice	29	25	20-hr DV shelter training
Lorraine	F	58	PhD	Psychologist	Private practice	25	5	Semester course or equivalent
William	M	41	PhD	Psychologist	Private practice	12	5	Multiple seminars/lectures
James	M	41	PhD	Psychologist	Private practice	7	10	Other (not specified)
Daniel	M	53	PhD	Psychologist	Private practice	7	10	Several 1-2-hr workshops
Debbie	F	71	PhD	Social worker	Private practice	33	unknown	Content in mediation training
Stephen	M	62	PhD	Social worker	University	20	5	Teaches DV classes/seminars
Cindy	F	41	MSW	Social worker	Court system	11	25	Continuing educational courses

Note: DV = domestic violence; DCFS = Department of Children and Family Services.

In contrast, violence codes such as mutual conflict and it takes two to tango were combined to form the conceptual category, situational couple violence. Also as part of axial coding we explored links between categories. For example, we observed that the code intimate terrorism was linked to talk about prioritizing safety and situational couple violence was linked to talk about false allegations. As we observed the stark differences in talk across interviews, we moved toward labeling the distinct discourses, which we identified as reflecting either a family violence or feminist theoretical orientation.

Finally, in selective coding, we identified type of theoretical orientation as the centrally relevant variable that explained relationships between other variables. Specifically, whether participants espoused a family violence versus a feminist perspective was related to differences in their beliefs about DV allegations during custody disputes and appropriate recommendations for custody and coparenting.

Trustworthiness, or the degree to which the findings are supported by evidence and can be trusted as accurate reflections of participants' beliefs and experiences (Lincoln & Guba, 1985), was achieved in several ways. First, to reduce bias, the first two authors independently coded transcripts and compared codes until consensus was reached. Each participant's narrative consistently reflected either a family violence or feminist perspective; thus, reaching consensus across coders was not difficult. Second, the third author, who was not involved in developing the codebook, confirmed our codes and interpretation of the data. Finally, we thoroughly documented our process of data collection and analysis through the use of tables and memos and by providing participants' quotes as evidence of our findings.

Results

Custody evaluators' perspectives on the dynamics of DV were consistent with either a feminist or family violence theoretical perspective, and the results are organized around these two perspectives. Although the majority of custody evaluators made distinctions between types of violence, the nature of those distinctions differed depending on whether they espoused a feminist or family violence perspective. Importantly, the extent of DV training and education was the only demographic or background characteristic that distinguished the two groups; for example, they did not differ based on sex, age, or professional discipline. Furthermore, custody evaluators' theoretical perspectives aligned with their beliefs about the relevance of DV to custody decisions and the credibility of DV allegations during custody disputes and

ultimately their recommendations. Participants were not asked specifically if they identified with a feminist or family violence perspective. Their theoretical perspective was identified by comparing their talk to the language used by feminist and family violence researchers. For ease of presentation, we discuss custody evaluators as feminist custody evaluators or family violence custody evaluators, while acknowledging that the evaluators may not label themselves as such.

Feminist Custody Evaluators

Feminist custody evaluators ($n = 9$) reported extensive DV training and education, ranging from 40-hr DV shelter training to teaching seminars and safety-protocol focus groups at the local and state level, with the exception of one evaluator who “self-taught” and attended DV seminars. Five of the nine were men; their mean age was 54. Feminist evaluators perceived power and control by male partners as central to the dynamics of DV in the majority of their cases. At the same time, they acknowledged different types of DV akin to Johnson’s (2008) types (i.e., intimate terrorism and situational couple violence). For example, Lorraine deciphered whether violence was a “fight that turn[ed] physical versus a battering relationship” rooted in coercive control. James explained, “The more common [type] for me is the controlling, and I think that those are the ones that are less likely to settle in a custody [dispute] and more likely to proceed to an evaluation.” One exception was Daniel, who did not differentiate between types but believed that all DV was rooted in power and control.

When conducting evaluations, feminist evaluators looked for evidence of a pattern of violence and nonviolent behaviors over time that would suggest coercive control. James recalled one example: “[There were] different dynamics of control that he had exhibited in their relationship whether it [was] through isolation, financial control, emotional abuse, [or] psychological abuse . . . that ha[d] been done for the purpose of trying to assert control.” In addition to distinguishing between types of DV, feminist evaluators believed that spousal abuse was highly relevant to child custody and that false allegations were rare. They also emphasized survivors’ safety in their recommendations, particularly with intimate terrorism.

Spousal abuse is highly relevant to child custody. All 9 feminist evaluators expressed concerns about a spousal abuser’s ability to be a good parent, the negative effects on children of DV exposure, and the potential for direct child abuse. Thus, they rejected the notion that spousal abuse could be considered separately from the parent–child relationship. As William explained,

Because abuse is a product of the attitudes and beliefs of somebody who is abusive, I do think that ultimately those [beliefs] are going to have some negative consequences for the children and that the children will be exposed to those [beliefs], so I don't think the two [abuser and father] could be separated [when considering child custody].

William also expressed concern over abusers using children as weapons of control:

I've seen situations where the child goes to [the abuser], and the child is often then used as weapon against the victim. So [the abuser] can't get at [the victim] physically or verbally or directly anymore, [but] they can get at them through the kid.

As for the quality of parenting, feminist evaluators believed abusers could not be a "good" father, only an adequate or "good enough" father. According to Cindy,

I think [the abuser] can be a somewhat adequate father. He could relate to the child in some ways that are adequate. He could be providing for the child physically. But I think the fact that the child [was] exposed to [DV] always has negative repercussions.

In cases of situational couple violence, however, feminist evaluators believed that the abuser could still be a good parent once the parents were divorced and possibly received services relevant to managing violent behavior. As Joseph explained,

Certain types of violence, [such as] male controlling violence, is a risk 20 years later [after separation], but other types of violence really do kind of dissipate and go away if there's enough disengagement between the parties and they get on with their own lives, and the risks do go down dramatically.

False allegations are rare. In general, feminist evaluators believed there was a kernel of truth in all DV allegations and that false allegations in the context of custody disputes were rare. Four feminist evaluators estimated a 10% or lower occurrence of false allegations by women in their cases. Another three acknowledged the potential for exaggerated, but not false, DV allegations.

However, two feminist evaluators estimated that 50% of men falsely claim to be victims of DV, a plan often concocted with their attorneys, whereas women rarely made false allegations. Overall, the nine feminist evaluators expressed more concern that DV was downplayed or underreported by the victim than falsely alleged or exaggerated. For example, James said, “Victims tend to minimize and deny violence. There’s this broad perception that any woman is going to claim DV in order to improve her standing in a custody dispute and that is not what I have found.”

When false allegations were made by women, feminist evaluators blamed the adversarial process, attorneys who encouraged clients to make false allegations, or the mother’s clinical pathology. From their perspectives, potential red flags for a false allegation included a lack of documentation of the abuse, inconsistencies in the victim’s story over time, or inconsistencies with witness accounts. However, feminist evaluators emphasized that such situations were extremely rare in their experience. Nonetheless, a lack of evidence in particular necessitated a thorough investigation but did not indicate an allegation was false because, as John explained, “There are many instances in which the victim has not ever called the police for fear of her life.”

Custody recommendations should differ based on type of violence. All nine feminist evaluators reported making different recommendations to the court based on the type of DV experienced in each case. James explained,

When there is an imbalance of power, which exists with coercive controlling violence, I think that the domestic violence needs to be remedied in order to increase the chances that parents will be able to cooperate and communicate effectively with each other. [With] situational couple violence . . . obviously those are different dynamics that don’t necessarily require domestic violence intervention to remedy the problem.

Although they considered ongoing father–child contact to be important for children, they prioritized victim safety in cases of intimate terrorism. For example, they emphasized supervised visitations, supervised exchanges, and neutral pick-up/drop-off locations (e.g., police station, restaurant parking lot) as well as a combination of treatment programs for the abuser. Joint custody agreements or overnight visits with the abuser were discouraged. William explained,

I think we can accomplish safety for the victim and children and [maintain a] relationship between the child and the abusive parent by setting

up the parameters for them to have a safe and a healthy interaction, such as professionally supervised visitation that may also be contingent upon the offender being enrolled in, and actively involved in, treatment.

In cases of situational couple violence, feminist evaluators' recommendations centered on reducing stress and conflict rather than a strict focus on safety. Recommendations included anger management, counseling, and parent education classes for divorcing parents. However, until it was conclusive that intimate terrorism was absent, feminist custody evaluators discussed the importance of erring on the side of safety.

In sum, feminist evaluators stressed the importance of distinguishing between DV that was rooted in coercive control (i.e., intimate terrorism) and conflict-based violence (i.e., situational couple violence) and making appropriate recommendations for each type. They reported seeing mostly intimate terrorism in their practice, and in such cases, they sought ways to maintain contact between fathers and children but only when safe. They believed that most DV allegations were true and deserved cautious attention to safety.

Family Violence Custody Evaluators

In contrast to feminist evaluators, family violence evaluators ($n = 14$) reported little DV-focused training (i.e., 1-3 seminars to no formal training in the past 5 years). Eight of the 14 were men; their mean age was 57. Their predominant discourse was distinctly different from feminist evaluators in that they perceived most DV as conflict and stress induced, normative, and mutual. Indeed, they reported seeing almost exclusively situational couple violence in practice. David explained a common scenario in his evaluations:

The wife will say, "He shoved me into the wall," and the husband will say something like, "I was just trying to leave the house and she was standing in my way, so I kind of moved her aside with my hand."

A common view was that DV takes two to tango. Regardless of who was the primary aggressor, the other partner played a role in the violence. Similarly, family violence evaluators described control as a natural part of any couple dynamic rather than a coercive tactic. Jeanne described how both partners, acting in dominant and dependent roles, exert control in relationships: "One person is overtly controlling and the other person is [a] passive dependent

kind of controlling, where they really and truly manipulate [from a dependent position], and you know, that's the dance the couple does."

Nine family violence evaluators also identified what they called "real DV," which from their descriptions resembled intimate terrorism, but they reported not seeing this type in their practice. Real DV was mentioned only as a case for comparison to the more minor violence they encountered. Real DV was described as severe physical violence with elements of coercive control that warranted safety-focused custody agreements. Real DV included "very severe bruising," "broken bones," and "a very dependent, distraught, and passive victim" as well as the likely presence of substantiated documentation of the violence and corroborating witnesses. Real DV perpetrators were "violent, evil, and horrible people," and, as Chris stated, these individuals "maybe should have their [parental] rights terminated."

Nonetheless, some family violence evaluators described both intimate terrorism and situational couple violence in their cases but labeled both as conflict based. For example, one custody evaluator told about a highly controlling husband who ran over his wife with his car in front of the children; the wife survived. The custody evaluators' talk focused on the coparenting conflict between the parents with no acknowledgment of the power dynamics and dangerousness of the abuser. Another evaluator described an example of forced intercourse as "conflicts over sex." Thus, although similar to feminist evaluators in acknowledging different types of DV, family violence evaluators seemed to compartmentalize intimate terrorism, or real DV, as a type of violence that exists outside of their practice. They reported not seeing real DV because such victims would likely report the violence before separation, and the courts or child protective services would have intervened to punish the abuser (e.g., jail, no contact order). Thus, custody would not be disputed and an evaluation would not be necessary. Chris explained, "If [the violence is] that bad, child protective authorities or legal authorities or someone else is going to have already dealt with it." In addition to considering intimate terrorism (or real DV) to be rare and unlikely among their cases, family violence evaluators also held common beliefs that minimize the relevance of DV in custody decisions, especially intimate terrorism.

Spousal abuse is not relevant to child custody. Four family violence evaluators made distinctions between who could be a good father and who could not according to whether DV was witnessed by the children, the severity of the father's anger, mental health issues, and whether real DV had occurred. However, family violence evaluators largely viewed a father's relationship with his partner as separate from his relationship with his children. Laura explained,

A husband who is abusive toward his wife may have a very different relationship with his children and can actually be a good father . . . They may be able to maintain a decent relationship with their children just because the nature of that relationship is very different than the kind of relationship that they have with the spouse.

Although they all acknowledged various ways in which children are negatively affected by DV, only one evaluator expressed concern over an abuser being a bad or negative role model.

Furthermore, family violence evaluators perceived a partner's ability to coparent after divorce as separate from any abusive behavior during marriage. Abusive partners were thought to be in toxic relationships; the interactions between spouses were the problem, not the individuals themselves. Any DV would end with the termination of the relationship and, thus, marital DV was not relevant to their potential to coparent after divorce. Potential interventions included counseling for each party (usually separate), substance abuse intervention, anger management, parenting classes, and a cooling-down period after divorce so that each parent could learn to stop their violent behaviors. These interventions were not considered obligatory, however, because time and space would resolve the problems contributing to violence.

At the same time, five family violence evaluators expressed concerns with an abused mother's ability to coparent because of her victimization and the anger she may feel toward the father. These evaluators implied that the abuser was able to coparent independently from DV but that the victim was not. Tony explained, "I have seen younger children affected by just the emotional volatility of the victimized parent. You get the sense that the child wants to protect the parent or is almost a caregiver at times, to protect the parent." Similarly, Mary said, "You can have a situation where the victim isn't really able to parent effectively because of all of her issues, and so the more effective parent is actually the abuser." In addition, all family violence evaluators expressed concerns about mothers making false or exaggerated DV allegations, which raised further questions about her abilities as a parent and potential for effective coparenting.

False allegations are common and purposeful. Whereas feminist evaluators estimated that false allegations occurred in about 10% of their cases, family violence evaluators estimated that 40% to 80% of their cases involved false allegations. Two evaluators thought allegations were "grossly exaggerated," not entirely false. All reported that mothers made the majority of DV allegations, and false allegations were intended to gain leverage in the custody dispute or alienate the children from their father. According to Chris, "The

person who's doing the alienation takes some small difficulties on the part of the other parent, blows them way out of shape, and uses it basically to try to destroy the relationship between that parent and the kid."

Red flags for a false allegation included suspected parental alienation by the mother, the mother's demeanor (e.g., angry), and lack of documentation of the abuse. Perceptions about the mother's demeanor coincided with family violence evaluators' beliefs about real DV: Real victims were timid with bruises and broken bones. If the alleged victim's presentation contradicted that of the perceived real victim, evaluators questioned her credibility. David said,

[Victims] tend to be of a somewhat passive group of people and in this last case [I had] this lady was describing her husband as a person who was chronically abusive and yet she was on the attack the whole time. She was one of the most assertively angry people I've probably encountered in a very long time, and it just didn't add up. If she was so beaten down as she said she was then, why [was] she endlessly ranting about this guy?

Because her demeanor contradicted his expectations, he questioned the credibility of her expressed fear:

She wasn't at all frightened when she was telling me [about the abuse], but then she came to [our meeting and] she said "I'm going to park the car facing out so that if I'm in a dangerous situation I can get away quickly." She made big public displays of supposedly being fearful of him, and it was all drama.

The majority of family violence evaluators emphasized that real DV victims should have documentation (e.g., police reports, pictures, hospital records, witnesses) or physical signs of DV (e.g., bruises); however, there were some disagreements when it came to the importance of documentation. For two evaluators, having an order of protection was the only way to ensure that an allegation was true, but for two other evaluators an order of protection was considered too easy to obtain and did not lend credibility to the allegation.

Thus, family violence evaluators believed that false allegations of DV were common and purposeful. They also believed that spousal abuse was not relevant to custody decisions, except they expressed concerns that an abused mother's parenting might be compromised. In the context of these beliefs, family violence evaluators emphasized coparenting relationships (in contrast to safety) in their recommendations.

Custody recommendations should prioritize coparenting and father–child relationships. Family violence evaluators reported making custody recommendations that emphasized coparenting relationships that facilitated children’s contact with nonresidential parents. Jennifer’s perspective was echoed by others: “I’ve been doing this long enough [to know] that children in the past really suffered from not having enough contact with the other parent—the parent they don’t live with.” Their recommendations focused on modifying negative behaviors of both parties (e.g., conflict management classes or counseling for both parents). Safety measures were usually not included in their recommendations to the courts. In fact, several evaluators viewed safety measures as more problematic than beneficial to the coparenting relationship and children’s adjustment. Jennifer explained,

Supervised exchanges usually raise the level of hostility, not that they [parents] act out during the exchanges, but the fact that [supervision is] something that they feel is necessary is kind of insulting and difficult for the [alleged abuser].

When supervised visits or exchanges were recommended, they were used to protect the child from parental conflict or chaotic transitions rather than to protect parents or children from violence. Robert surmised that supervised exchanges ensured both parties would be “on their best behavior. No one has to worry about getting into a scuffle with anyone, and nobody has to be worried about accusations that they started a scuffle.” Robert’s example illustrates again the perception that DV is mutual and conflict based.

Maintaining children’s relationships with fathers became particularly important when evaluators suspected false allegations or parental alienation by mothers. If family violence evaluators suspected that a mother was trying to alienate the child from the father, they reported leaning toward recommending custody to the father. As Michael said,

I would tend to lean toward custody with the so called “bad parent” because I know [the allegations are] not true, that the [father] is not like that . . . [it] is more like parental alienation syndrome stuff. . . . That relationship [between the father and child] is going to be over if the kid’s living with the [mother].

In sum, family violence evaluators viewed DV allegations in their cases as rooted in situational stress and normative couple conflict. They believed that DV

was a product of toxic relationships and would end after divorce. They expressed concerns over mothers as inadequate parents due to DV and concerns over mothers alienating children from fathers. Concerns about the alleged victim's demeanor and lack of documentation of DV also were dominant in their discourse. Based on these concerns, they made recommendations prioritizing coparenting or the father-child relationship if the mother was believed to be alienating the child from him. They made little to no mention of safety concerns when DV was alleged. When safety was mentioned, the onus was on the alleged victim. For example, Jennifer said her only safety measure was to "coach ex-spouses not to give the perpetrator opportunities to be violent" after divorce.

Discussion

This study examined custody evaluators' beliefs about DV based on their orientation to a feminist or family violence perspective. Results indicated that custody evaluators' alignment with a particular theoretical perspective had implications for how they differentiated between types of DV in their evaluation process and recommendations. Our findings are consistent with previous research highlighting the importance of differentiating between types of violence (Johnson, 2008). Although both feminist and family violence evaluators recognized the existence of two types of violence, only the feminist evaluators reported encountering both types in their custody evaluation practice and tailoring their recommendations accordingly.

Feminist evaluators made distinctions between controlling violence (i.e., intimate terrorism) and conflict-based violence (i.e., situational couple violence) and the appropriate recommendations for each type. Their approach was consistent with feminist research (Hardesty et al., 2008; Johnson, 2008) and Model Codes on DV (e.g., AFCC, NCJFCJ). They assessed the context of the violence that occurred in the relationship, which is consistent with Johnson's (2008) recommendations for assessing DV allegations. Feminist evaluators reported seeing more intimate terrorism in their practice than situational couple violence, and in such cases, they sought ways to maintain contact between fathers and children but only if safe. Although they encountered situational couple violence, they chose to err on the side of safety by treating each case as intimate terrorism until confident that the abuse was situation specific. This approach is also recommended by Johnson. Erring on the side of safety meant recommending supervised visitation and exchanges, neutral and public drop-off/pick-up locations, batterer intervention programs, and denial of visitation when safety could not be ensured.

In contrast, family violence evaluators viewed DV allegations as rooted in situational stress and normative couple conflict but acknowledged the presence of intimate terrorism (or real DV) outside the context of custody disputes. Their discourse often equated DV with high conflict. Accordingly, their recommendations included anger management, parenting classes, and counseling, which are consistent with Johnson's recommendations for cases with situational couple violence. Family violence evaluators discussed the presence of control in cases with DV; however, their use of the term *control* was more consistent with Olson's (2002) observations of situational couple violence than with intimate terrorism. According to Olson, in the context of situational couple violence, control refers to the constant and shared fluctuation of power struggles between spouses. These power struggles are not coercive in nature but reflect typical couple dynamics, which set them apart from intimate terrorism and feminist evaluators' conceptualizations of coercive control (Johnson, 2008; Olson, 2002).

This study extends existing knowledge by demonstrating two theoretical patterns of discourse among custody evaluators that align with beliefs and recommendations that either prioritize safety or potentially minimize the seriousness and relevance of DV in custody recommendations. First, the results indicate that both groups of custody evaluators do acknowledge two different types of DV that are consistent for the most part with Johnson's (2008) typology, but the two groups' perception of prevalence and recommendations of the types differed based on their general theoretical perspective. Feminist evaluators reported both intimate terrorism and situational couple violence in their cases (although intimate terrorism was reportedly more common) and made recommendations that matched each type. Family violence evaluators reported seeing only situational couple violence. They acknowledged intimate terrorism as a classic or stereotypical type of DV that would be handled by criminal courts. Second, family violence evaluators' predominant discourse on false allegations and parental alienation was in stark contrast to feminist evaluators, who considered false allegations rare and did not discuss parental alienation at all.

There are several possible explanations for the differences in custody evaluators' perspectives. First, the two groups reported different training and education experiences. Although the content and quality of the DV training is unknown, there was a noticeable difference in the amount of training reported by the two groups. Feminist evaluators reported extensive and continuous training in DV. Family violence evaluators reported brief informal training that was not continuous. Some reported no DV training in the past 5 years. No other demographic or background characteristics, such as sex,

age, or geographical location, distinguished the two groups. It is possible that feminist evaluators' perspectives on DV simply reflect their training. For example, some received training through their local DV shelters, which is understandably geared more toward intimate terrorism because that is the population of DV survivors they tend to serve (Johnson, 2008). Similarly, some feminist evaluators taught seminars based on safety protocols for custody evaluations; thus, they would be inclined to err on the side of safety in their recommendations. Also, given feminist evaluators' more in-depth DV training, it is possible that they are better equipped to recognize different types of DV and make recommendations that match the dynamics of each type. Similarly, their training may have provided them with appropriate tools for assessing various factors, such as the victim's demeanor and allegations without documentation.

Family violence evaluators, however, may rely more on general training related to couple dynamics of divorcing parents, which may include more content on situational couple violence than on intimate terrorism. Also, the contrast between feminist and family violence evaluators' discourse on false allegations and parental alienation is possibly due to family violence evaluators' conceptualization of DV in custody disputes as situational couple violence only. Given that these evaluators believed that real DV (or intimate terrorism) was not present in their cases, it is possible that DV allegations that did not map onto their depiction of real DV were incorrectly perceived as false. Indeed, family violence evaluators may have minimized DV's relevance to custody decisions when a victim lacked documentation or when her demeanor or lack of visible injuries conflicted with stereotypical images of battered women.

Training differences may also help to explain why each group reported seeing predominantly one type of DV versus the other in their practice: Feminist evaluators saw intimate terrorism and situational couple violence; family violence evaluators saw situational couple violence. There are no prevalence data indicating how many divorcing parents report intimate terrorism versus situational couple violence. However, it seems unlikely that one group of evaluators would see mostly intimate terrorism whereas another would see mostly situational couple violence. The two groups did not differ in their professional backgrounds in any way that would explain why they might see different types, and all of them practiced in the same state. In terms of prevalence in the general population, the Chicago Women's Health Risk Study found that 36.2% of DV survivors experienced intimate terrorism and 63.7% experienced situational couple violence (Leone et al., 2007). However, there is some reason to believe that survivors of intimate terrorism are more likely to divorce (Kurz, 1996), experience custody disputes with controlling husbands (Hardesty et al., 2008),

and require custody evaluation to reach an agreement (Jaffe et al., 2003b). Still, it is likely that custody evaluators encounter both types in their practice and perhaps their tendency to see one type more than the other reflects their training. In other words, they see the type they are taught to see, which has implications for their recommendations.

Making distinctions in types of DV may be necessary to match services with the unique needs of divorcing parents. Research suggests that in cases of situational couple violence parents may respond well to traditional services for divorcing parents. These services, such as parenting classes, anger management, or mediation, teach parents how to better communicate with each other and put aside their issues in the best interests of their children. In contrast, it may not be safe or realistic to expect divorcing parents with intimate terrorism to learn to cooperate. Instead, they may require more safety-focused custody agreements coupled with batterer intervention programs and supervised visitation and exchanges (Jaffe et al., 2003b).

If custody evaluators apply a one-size-fits-all approach to DV, divorcing parents may be denied appropriate services. For example, if feminist evaluators err on the side of safety and treat all DV as intimate terrorism, they potentially overlook instances of situational couple violence that may respond to traditional programs (Hardesty et al., 2008). However, previous research has emphasized erring on the side of safety until it is determined that the violence is not intimate terrorism (Johnson, 2008). Possibly more problematic is if family violence evaluators treat all DV as situational couple violence and thus minimize the seriousness of intimate terrorism. In doing so, they risk compromising the safety of survivors and children in their custody recommendations (e.g., through unsupervised exchanges and visitations; Hardesty & Ganong, 2006; Hardesty et al., 2008). In sum, distinctions between different types of violence should not only lead to different interventions for divorcing parents but also to different custody and visitation recommendations.

Limitations

The results of this study should be considered in the context of several limitations. First, custody evaluators were not asked specifically if they identified with a feminist or family violence perspective. The distinct discourses emerged during the course of data analysis and were then linked with the feminist and family violence perspectives based on existing literature. Thus, it is not known whether participants personally identify as feminist or family violence evaluator or if they identify with other perspectives. Second, the study lacked specific data on the content or quality of DV training and did not

include any data on other forms of training. Thus, any conclusions based on training are tentative. A third limitation is the inclusion of custody evaluators from only one state. Training requirements and DV statutes vary by state (e.g., presumptions of sole or joint custody being disallowed for abusers). This study did not capture the custody evaluators' knowledge and understanding of the laws pertaining to DV, divorce, and/or custody in this particular state. Also, the study did not explore variations in custody evaluators' perspectives as they relate to state laws. Fourth, the majority of participants were in private practice; thus, we do not know the extent to which custody evaluators' beliefs, recommendations, and clientele vary based on their type of employer. Finally, the data were based on self-reports of custody evaluators' beliefs and their likely recommendations in DV cases. The extent to which the data reflect custody evaluators' actual practices is unknown.

Future Directions

Despite these limitations, these results of the present study have several implications for policy, practice, and future research. Currently, California is the only state that mandates DV-specific training for custody evaluators (Lemon, 2000). From a policy and practice standpoint, findings from this study highlight the importance of mandated DV training and continued education for all custody evaluators. Mandated training that emphasizes the different types of DV and prepares evaluators to conduct assessments accordingly is essential. Currently, DV-specific training is available to custody evaluators; however, there is no standardization or consistency of training content. Therefore, information regarding DV may not be research based or may align with particular theoretical perspectives but not take into account different DV types (Lemon, 2000). Mandated training must be standardized so that all evaluators are informed of the complexities in custody disputes with DV allegations based on different contexts of violence.

Although Johnson and others recommend differentiated responses to different types of intimate partner violence, there is scant research (Johnson, 2008; Kelly & Johnson, 2008). Longitudinal research using prospective comparative designs are needed to understand the long-term outcomes for parents and children after divorce when there is a history of intimate terrorism versus situational couple violence. Such research would inform DV training and better equip custody evaluators with tools to identify types of DV and make appropriate recommendations. Also, replication of the present study with custody evaluators from other states could highlight important differences based on training requirements and DV statutes. Such studies should also include a

comprehensive assessment of the content and quality of DV training programs as well as more general training received by custody evaluators. These comparisons could be used to develop an instrument that would assess custody evaluators' understanding of DV prior to and after completing training. Also, court professionals could administer the instrument to custody evaluators to assure that they have adequate training and knowledge related to DV.

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Bios

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