

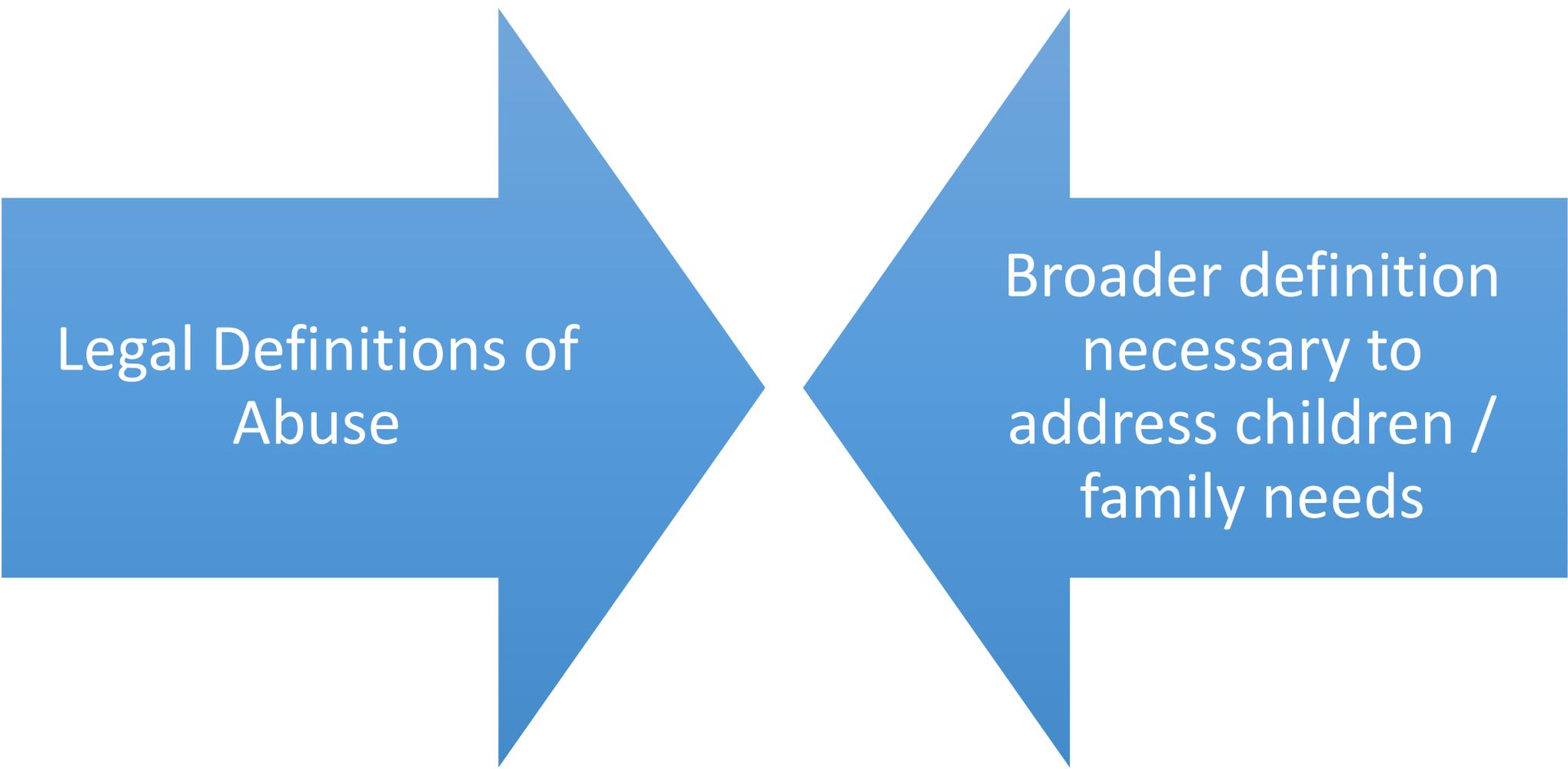
Context is Everything: Assessing and Addressing **Coercive Control** in Child Custody Cases"

Darren Mitchell, JD, Consultant on Domestic Violence and Family Court Issues

Learning Objectives:

- As a result of this segment, participants will be better able to:
 - Recognize potential post-separation parenting and co-parenting implications of coercive controlling abuse
 - Employ a a systematic, behaviorally-specific approach to evaluate parenting and co-parenting by abusive and abused parents and their effects on children
 - Develop parenting plans that account for the parenting and co-parenting implications of coercive controlling abuse

Definitions of domestic violence



Legal Definitions of
Abuse

Broader definition
necessary to
address children /
family needs

Definition from Association of Family and Conciliation Courts Child Custody Evaluation Guidelines

The Guidelines incorporate a broad view of intimate partner violence that includes physically, sexually, economically, psychologically, and coercively controlling aggressive behaviors.

Definition from AFCC Guidelines

- Physically aggressive behaviors involve the intentional use of physical force with the potential for causing injury, harm, disability, or death.
- Sexually aggressive behaviors involve unwanted sexual activity that occurs without consent through the use of force, threats, deception, or exploitation.

Definition from AFCC Guidelines

- Economically aggressive behaviors involve the use of financial means to intentionally diminish or deprive another of economic security, stability, standing, or self-sufficiency.
- Psychologically aggressive behaviors involve intentional harm to emotional safety, security, or wellbeing.
- Coercively controlling behaviors involve harmful conduct that subordinates the will of another through violence, intimidation, intrusiveness, isolation, and/or control.

Understanding the problem of domestic violence

Domestic violence is a **pattern of abusive behaviors** used by one individual **intended to exert power and control** over another individual in the context of an **intimate or family relationship**.

- **pattern:** Domestic violence involves more than one or even several isolated incidents of violence. It involves an interrelated pattern that includes a wide variety of abusive behaviors and usually increases in frequency and intensity over time.
- **abusive behaviors:** Abusive or coercive behaviors may include, but are not limited to, physical assaults, verbal assaults, threats, intimidation, use of weapons, destruction of property, violence toward other significant people or pets, sexual manipulation and control over economic resources.
- **intended to exert power and control:** The pattern of behaviors is not a matter of coincidence or the result of a time-limited crisis. Rather, it is an ongoing pattern in the relationship whereby the abuser acts to control the other person.
- **intimate or family relationship:** A relationship between two adults intended to provide emotional and physical intimacy.

It is very important to recognize that domestic violence is not always physical. Verbal, emotional, and economic abuse can have long-lasting effects, even if a victim is never physically or sexually assaulted.

Jenna and Earl

- Videos

Detecting coercive control

- What are the features of coercive controlling abuse Earl engaged in?

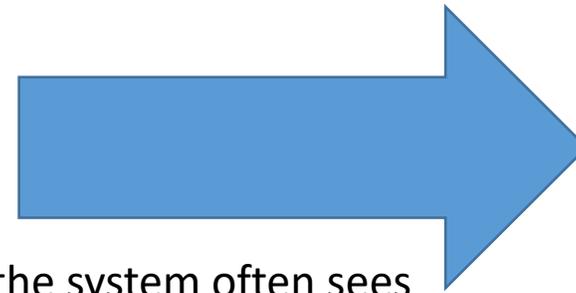
Three Contexts of IPV

- Patterned
- Intimidation
- Dominance
- Entitlement

Coercive
Controlling
Abuse



What the system often sees

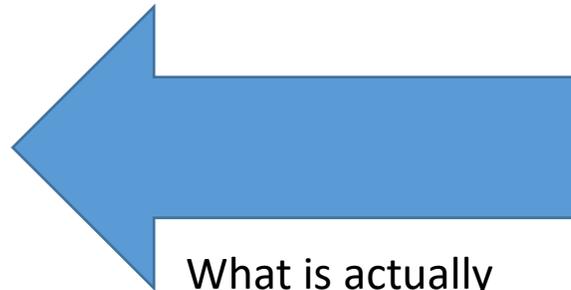


- No power and control tactics at work

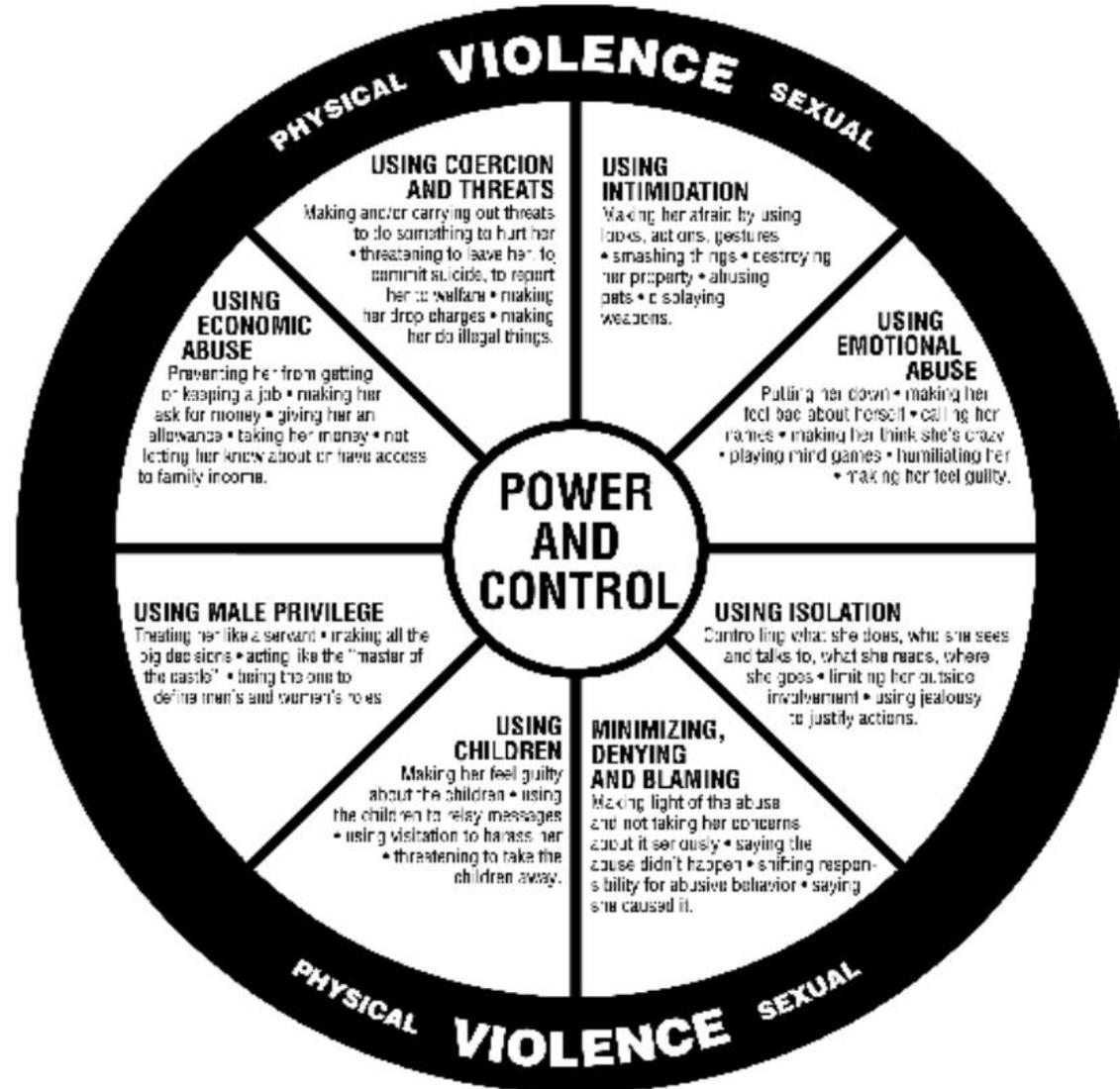
Abuse Unrelated
to Coercive
Control



What is actually
happening



Coercive Control



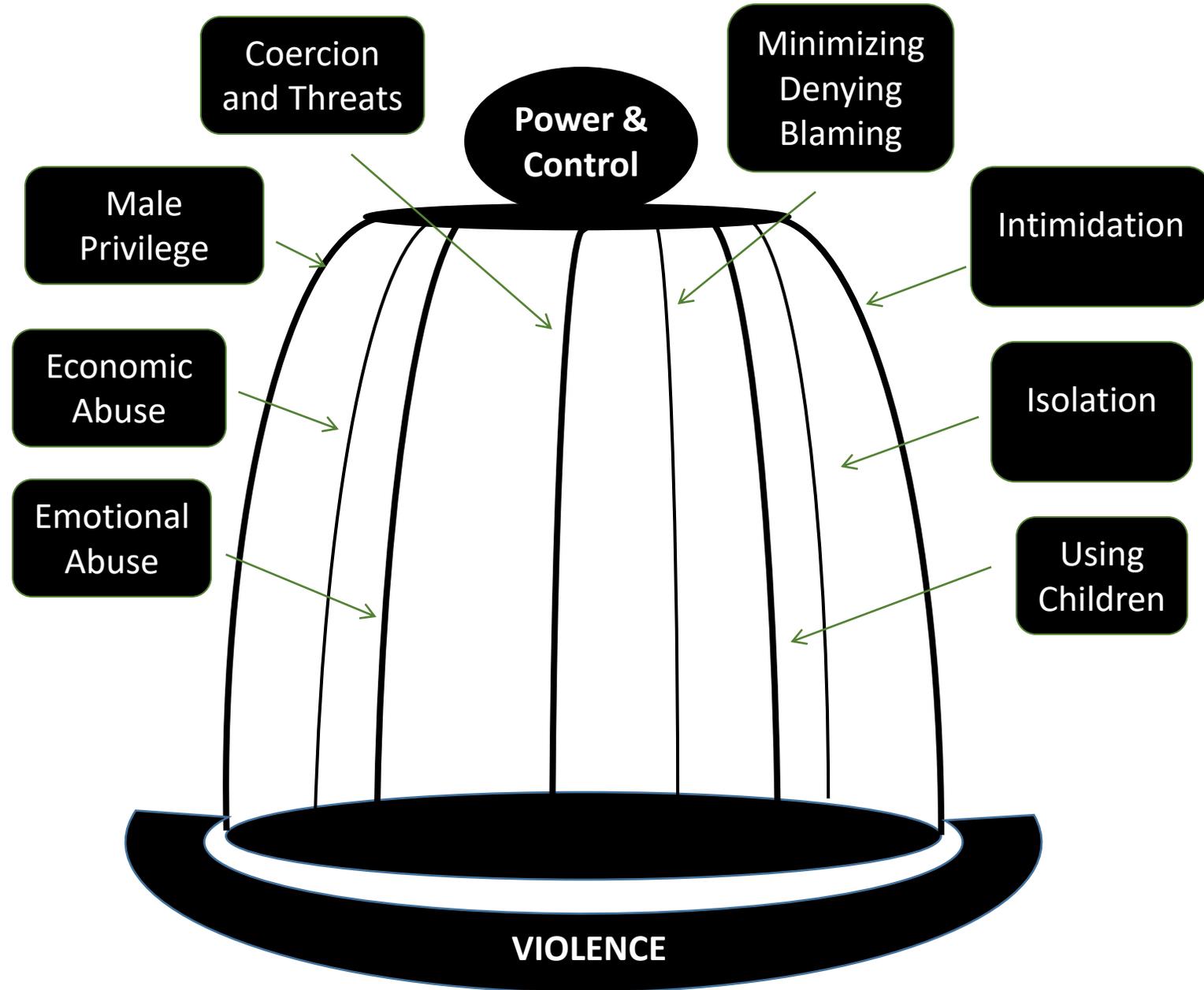
DOMESTIC ABUSE INTERVENTION PROJECT
202 East Superior Street
Duluth, Minnesota 55802
2-8-722-278
www.duluth-model.org

Coercive Control

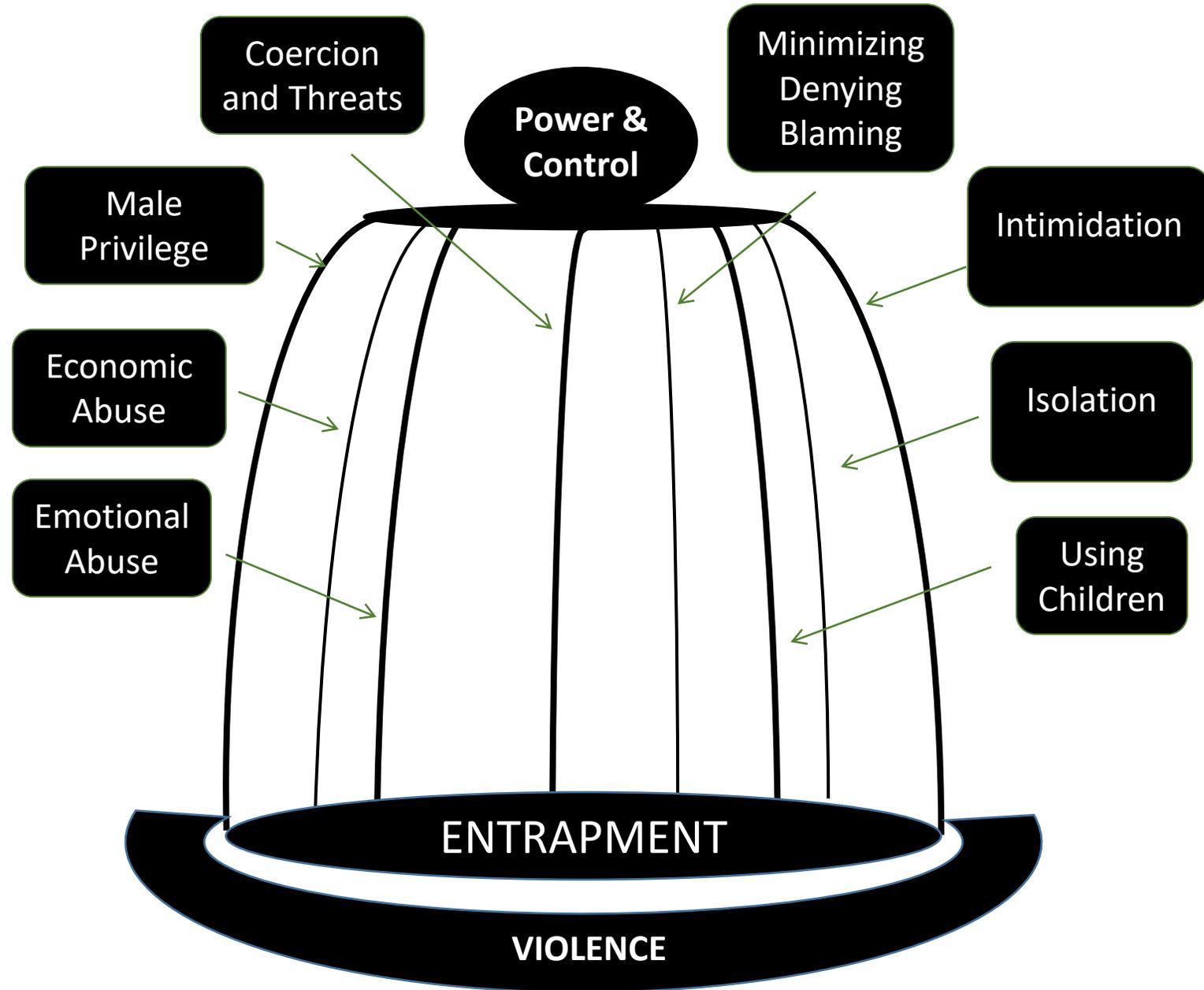


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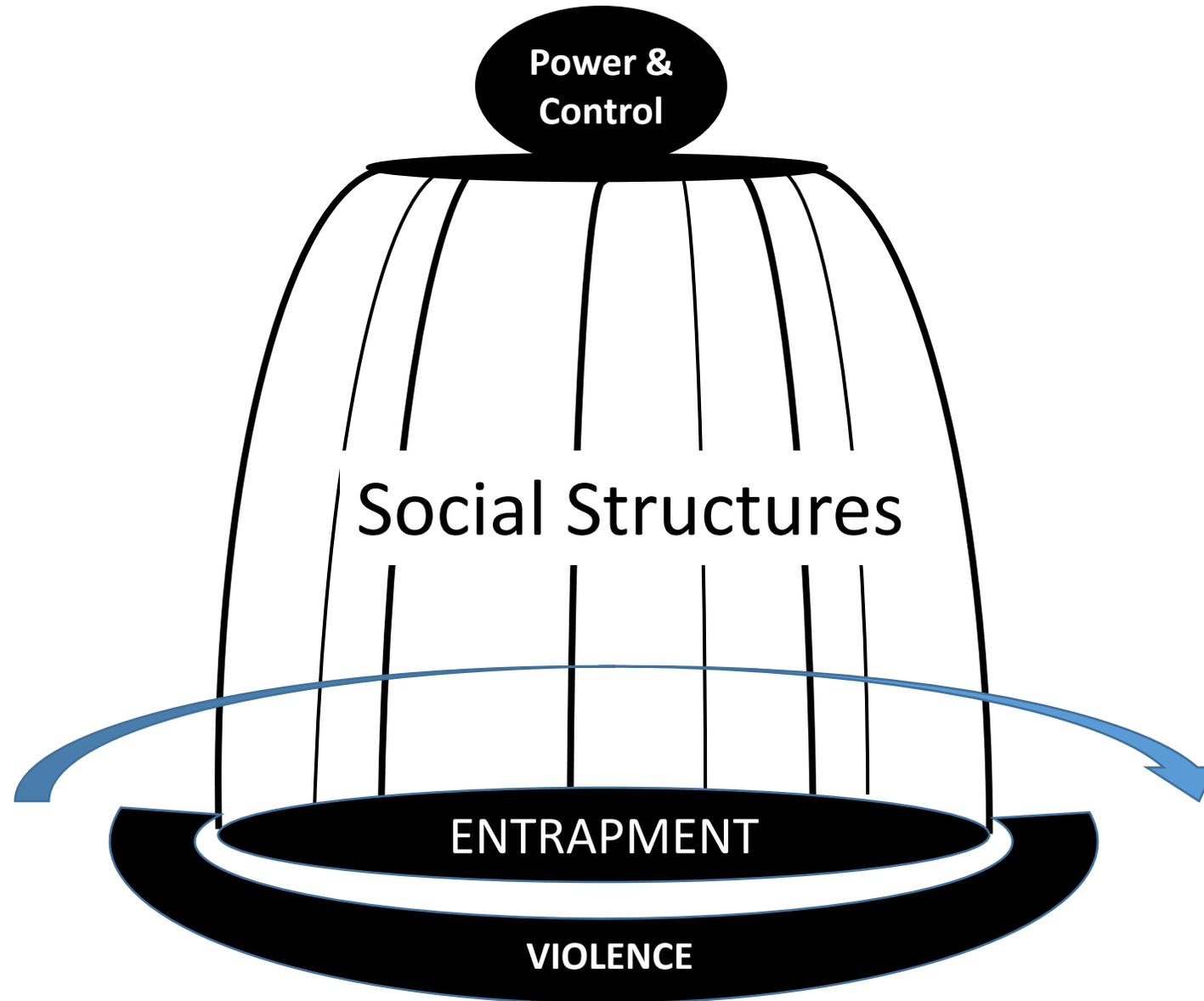
Coercive Control



Coercive Control



Coercive Control



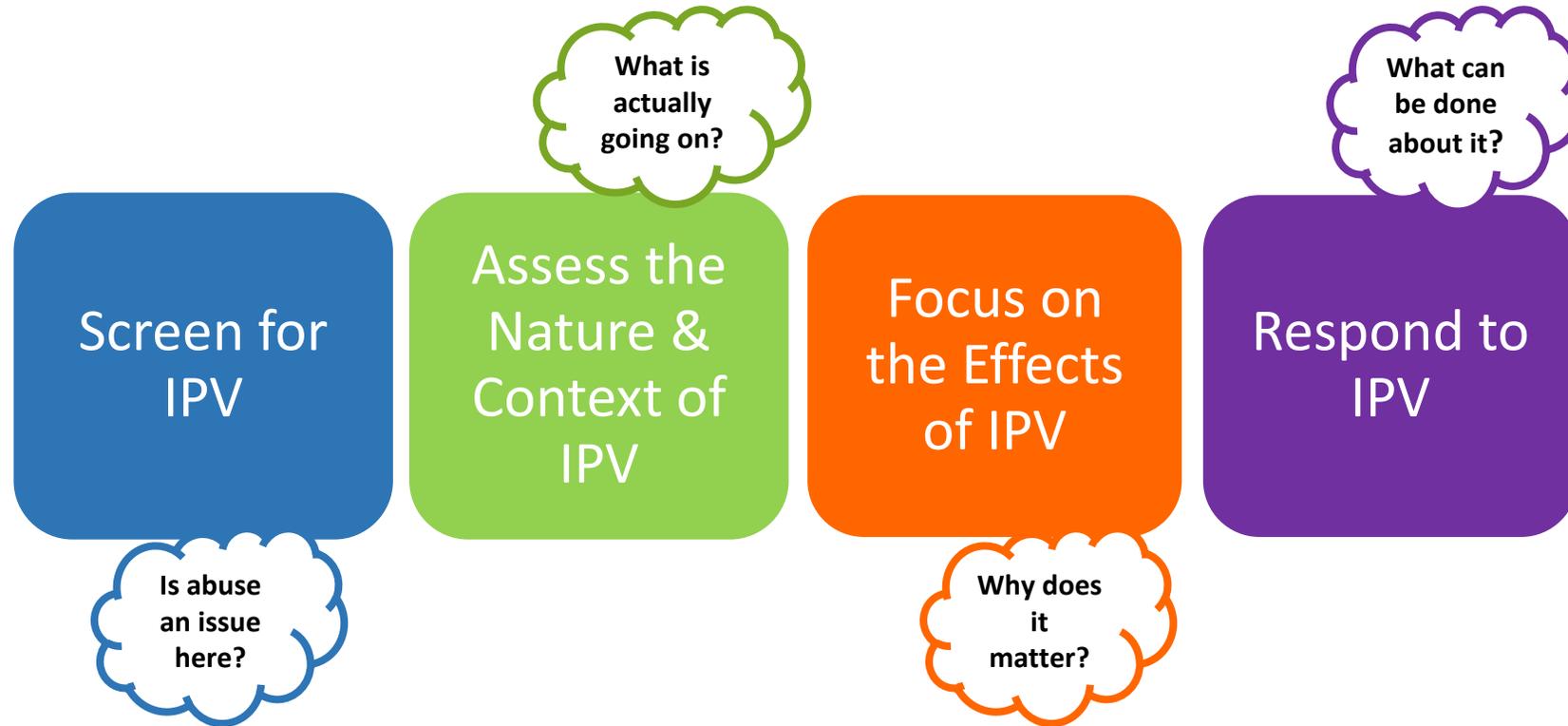
Case scenario

Please review Handout 1, which provides some facts regarding Jenna and Earl, the couple we saw in two of the videos, and their daughter Lizzie.

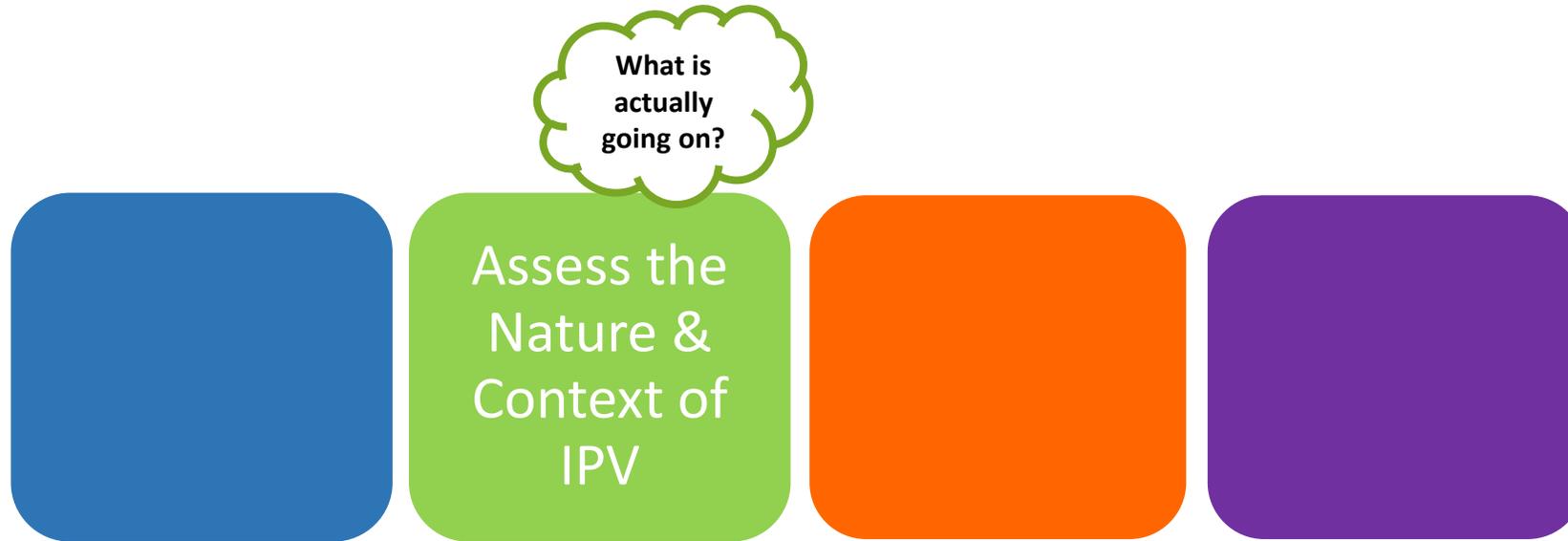
Information about Jenna, Earl, and Lizzie

- Nature and context of the abuse in the family.
- The effects of that abuse on:
 - Lizzie,
 - Jenna, and
 - Parenting by Jenna and Earl
- Only by understanding these features of the abuse can we respond effectively...

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Abuse of Victim



Interference with Victim



Children's Experience of IPV



Parenting



Abuse of Victim



- Physical abuse
- Sexual abuse
- Emotional abuse
- Economic abuse
- Spiritual/moral abuse

Interference with Victim



- Access to resources
- Freedom to manage daily affairs
- Immigration/education/work status
- Ability to meet daily needs
- Control over own parenting
- Social/cultural connectedness
- Freedom from unwanted intrusion

Children's Experience of IPV



- Exposure during pregnancy
- Direct intervention in abuse
- Direct harm from abuse
- Direct observation of abuse
- Indirect observation of abuse
- Retreat from abuse
- Witness to initial effects of abuse
- Experience of aftermath of abuse
- Knowledge of abuse
- Seemingly unaware of abuse

Parenting



BY ABUSER-PARENT:

- Physical protection of the child
- Emotional support of the child
- Economic support of the child
- Protection of the child from abuse
- Accepting responsibility for abuse
- Responsive to child's separate needs
- Support of victim-child relationship
- Respect for victim's parental authority

AS TO VICTIM-PARENT:

- Heightened responsibility
- Loss of control over parenting
- Experience of co-parenting

Abuse of Victim Interference with Victim Children's Experience of IPV Parenting



- Physical abuse
- Sexual abuse
- Emotional abuse
- Economic abuse
- Spiritual/moral abuse

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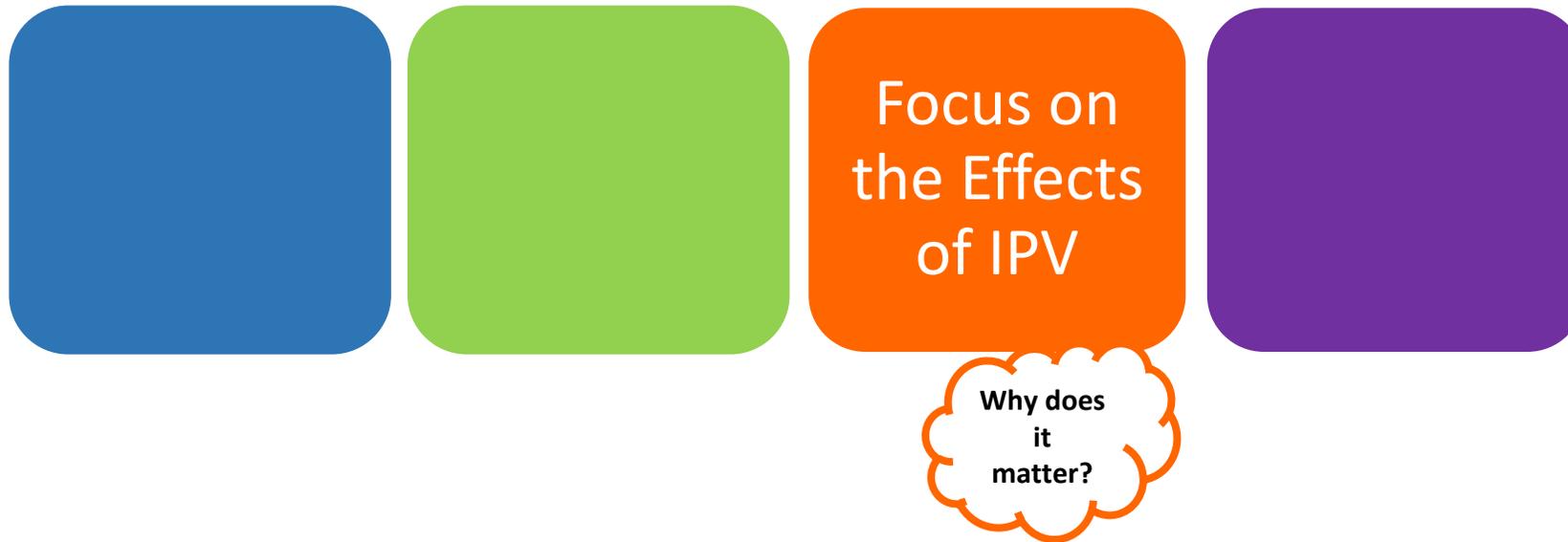
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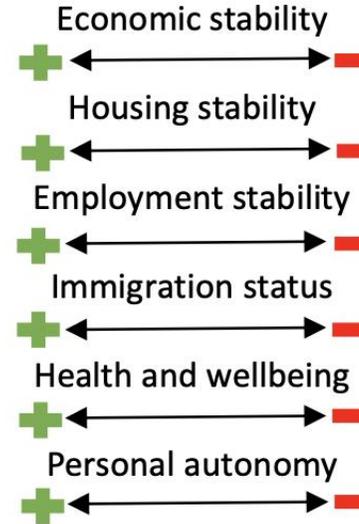


Risk of Harm/Lethality

Victim's Parental Wellbeing

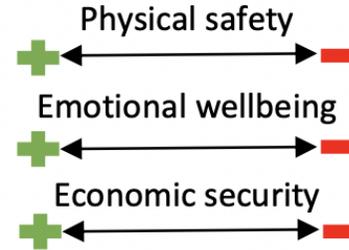


- Escalating violence
- Threats to kill
- Strangulation
- Abuse during pregnancy
- Sexual assault
- Stalking
- Access to firearms
- Child abuse
- Animal abuse
- Controlling behaviors
- Excessive jealousy/obsession
- Abuser's mental status
- Avoidance of consequences



Children's Safety/Wellbeing

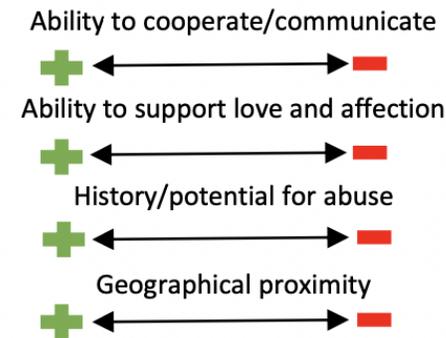
Best Interests



- Developmental issues
- Behavioral issues
- Emotional issues
- Cognitive issues
- Relationship/social issues
- Health issues
- Economic issues

- Parent's wishes
- Wishes and concerns of children
- Parents' mental and physical health
- Parent more likely to facilitate contact
- Continuous/willful denial of contact
- Children's interactions and interrelationships
- Children's adjustment to home, school and community
- History of family violence
- Other [Risk]

As to shared parenting:



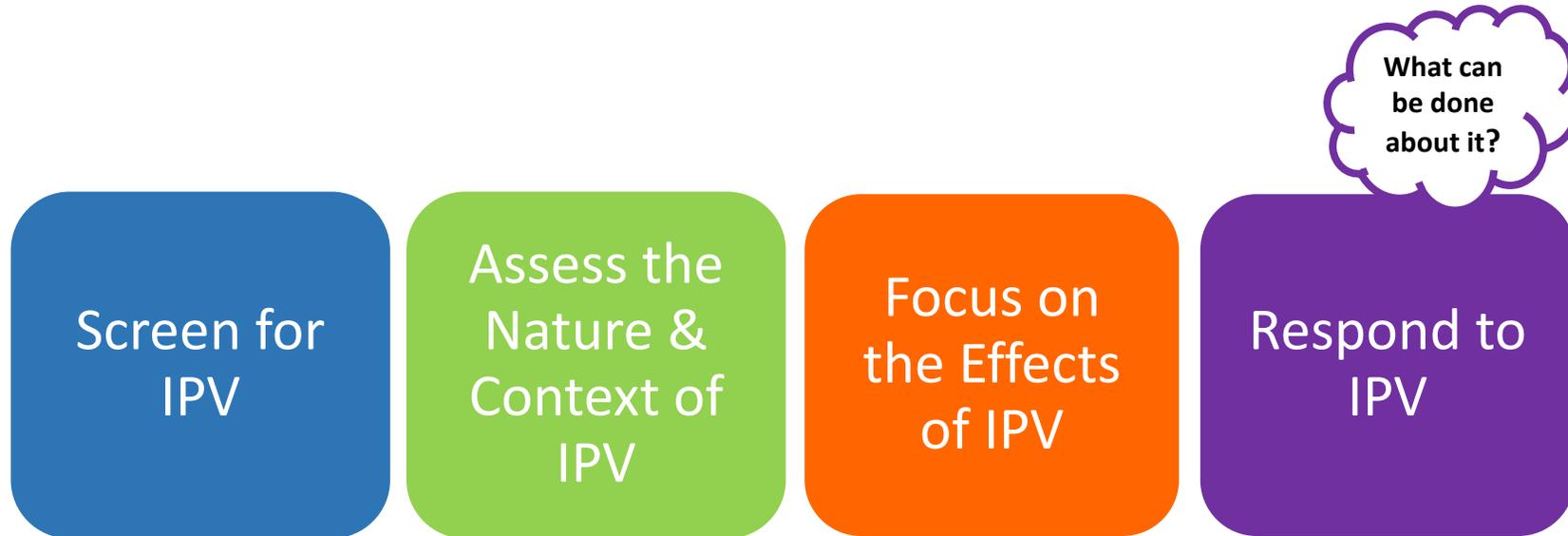
Exercise

Using the **orange** worksheet
what questions would you ask Jenna
about the effects of the abuse and coercive
control?

Best Interest Factors	What do we know?	How does abuse shape what we know?
<p>The age and physical and mental condition of each parent</p>	<p>What, if any, mental and/or physical health concerns exist?</p>	<p>How does abuse impact the health of the parents?</p> <ul style="list-style-type: none"> • Impact on the safety? • Emotional impact? • How do they cope? • Affect on healthcare decision-making? • What supports have been sought out? • What other supports are available?
<p>The propensity of each parent to actively support the child's contact and relationship with the other parent, including whether a parent has unreasonably denied the other parent access to or visitation with the child</p>	<p>How likely is each parent to support the continuing relationship?; whether either unreasonably denied access.</p>	<p>How does abuse impact the active support of the relationship with the other parent?</p> <ul style="list-style-type: none"> • Is lack of support due to safety (physical and emotional) concerns ? • What safety measures could be included in the access plan? • Has a parent made threats to remove the child?

Shared Custody Factor	What do we know?	How does abuse shape what we know?
The propensity of each parent to actively support the child's contact and relationship with the other parent, including whether a parent has unreasonably denied the other parent access to or visitation with the child	Earl is willing to communicate only by text regarding any exchanges and visits, so that he and Jenna are never face-to-face; he says he is willing to do whatever it takes to spend time with Lizzie; Jenna refuses any form of communication and has changed her cell phone number, which has made it very difficult for the two parents to make parenting time arrangements	

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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-visitation 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
- Other:

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:

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

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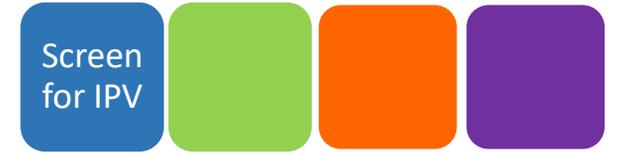


Barriers to Disclosure of IPV



What makes it hard for parties and collateral sources to talk about coercive control?

Talking about DV can....



- Feel awkward or uncomfortable
- Be outside our training or expertise
- Take too much time
- Complicate the case
- Seem to jeopardize neutrality
- Bring up old wounds best forgotten
- Re-traumatize the professional (or a party!)

Disclosure of DV can...



- Jeopardize the safety of battered parents and children
- Prompt unwanted referral to police or child protection
- Invite unwelcomed intrusion into private affairs
- Open up home to governmental scrutiny
- Raise concern about unnecessary delays
- Feel like a betrayal or cause torn allegiances
- Make abused parent worry that s/he won't be believed, understood or trusted to protect children

Deciding Whether to Disclose

Screen
for IPV



Why disclose?

- What do I hope to gain by disclosing?
- Is disclosure likely to get me what I need?

What to disclose?

- What does this person need to know?
- What happens if they don't know it?

How to disclose?

- What is the best way to convey this information?
- Should it come from me or somebody else?

When to disclose?

- Is now the time to disclose?
- What happens if I wait? What happens if I don't?

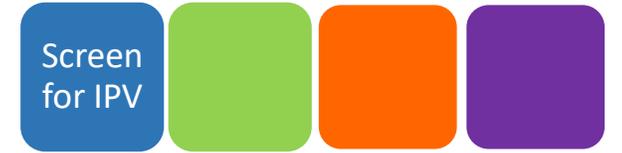
To whom to disclose?

- Does this person need to know and can I trust him/her?
- What will s/he do with the information?

At what cost?

- What will the likely effect(s) of disclosure be?
- Can negative effects be mitigated and, if so, how?

Elements of Screening Protocol



- Systematic and universally applied
- Behaviorally-specific
- Focused on multiple forms of abuse
- Attuned to both past abuse and more recent abuse
- Alert to established risk factors
- Structured in a way that promotes safe and informed disclosures

Exercise



What should you discuss with the parties to prompt a safe and informed disclosure of any abuse, especially coercive control?

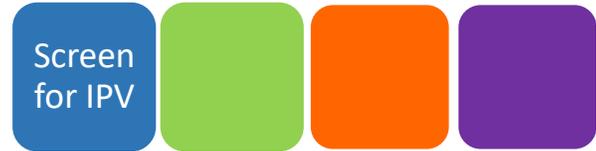
- What topics?
- What explanations?

Safe & Informed Disclosure



- Explain your role & function in the case.
- Explain why you are asking about domestic abuse.
- Explain how you will use the information.
- Explain whether & how information will be shared.
- Explain whether information will be in your report.
- Explain the scope and/or limits of confidentiality.
- Explain your duty to report.

BWJP Screening Guide

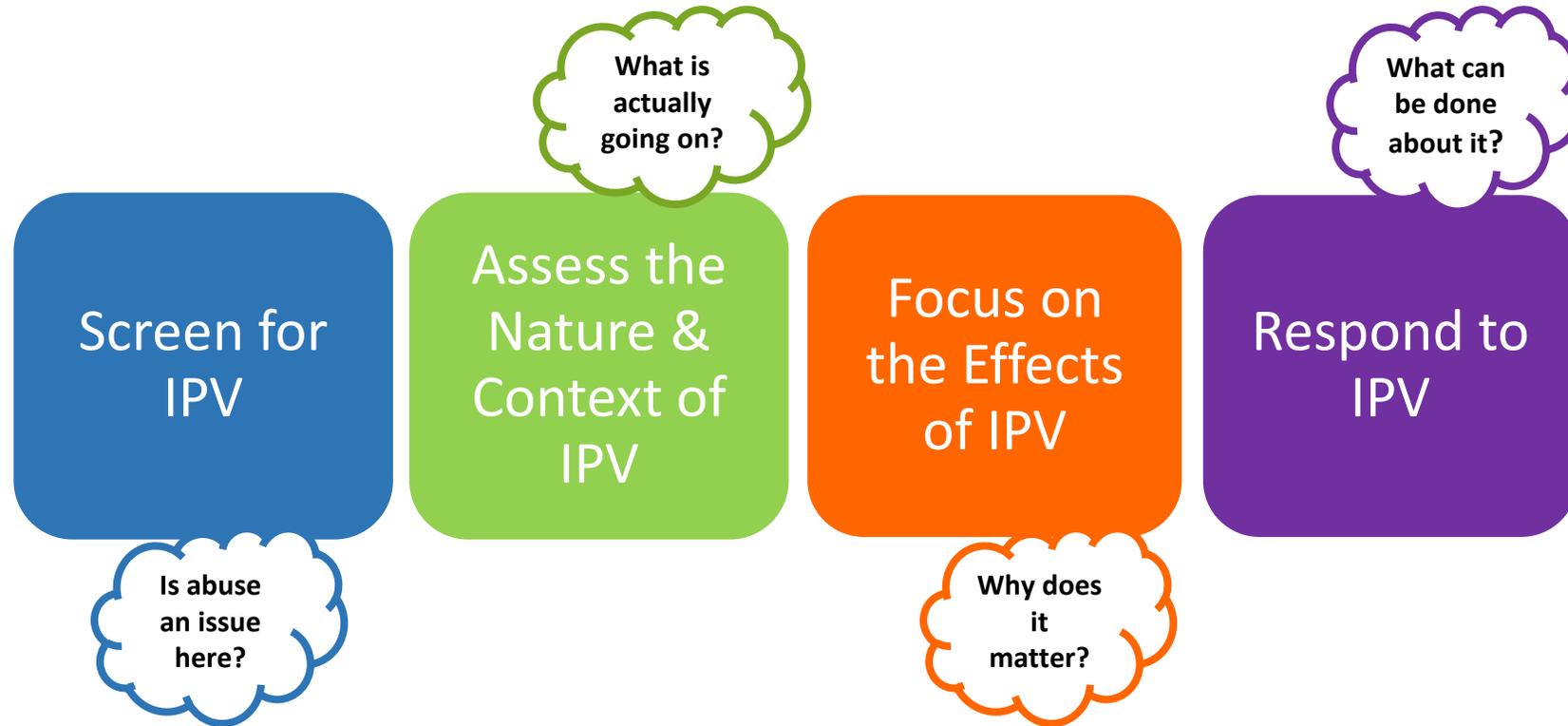


INITIAL DOMESTIC ABUSE SCREENING GUIDE

Basic Screening Questions:	What to Listen For:
How comfortable are you interacting with _____ now? <ul style="list-style-type: none"> Do you have any concerns, fears or anxieties that I should be aware of? What worries you most? 	Personal Interactions <ul style="list-style-type: none"> 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? <ul style="list-style-type: none"> How did you arrive at that arrangement? Are you comfortable with that? What happened when disagreements arose? 	Everyday Decision-Making (food, shelter, finances, children) <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> 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 <ul style="list-style-type: none"> Self-Directed ↔ Controlled
Has there ever been any physical violence between you and _____? If so, can you tell me about that?	Physical Violence <ul style="list-style-type: none"> 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 <ul style="list-style-type: none"> 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 <ul style="list-style-type: none"> Voluntary ↔ Forced Respectful ↔ Degrading

Physical/Sexual Abuse	Emotional Abuse	Control of Daily Life	Economic Abuse
<input type="checkbox"/> Hold, pin, restrain <input type="checkbox"/> Kneel on or sit upon <input type="checkbox"/> Tie up, bind, gag <input type="checkbox"/> Push, shove, shake <input type="checkbox"/> Grab <input type="checkbox"/> Scratch, pull hair, <input type="checkbox"/> Shave <input type="checkbox"/> Twist arm <input type="checkbox"/> Bite <input type="checkbox"/> Spit on <input type="checkbox"/> Urinate upon <input type="checkbox"/> Slap <input type="checkbox"/> Hit or punch <input type="checkbox"/> Kick or stomp <input type="checkbox"/> Strike or throw object <input type="checkbox"/> Choke or strangle <input type="checkbox"/> Burn <input type="checkbox"/> Poke, stab, cut <input type="checkbox"/> Withhold food <input type="checkbox"/> Withhold medicine <input type="checkbox"/> Disable medical equip. <input type="checkbox"/> Forced sex	<input type="checkbox"/> Insult you/put you down <input type="checkbox"/> Ridicule you in public <input type="checkbox"/> Purposely humiliate you <input type="checkbox"/> Play mind games <input type="checkbox"/> Intimidate you <input type="checkbox"/> Yell or scream at you <input type="checkbox"/> Act aggressively to you <input type="checkbox"/> Get jealous/possessive <input type="checkbox"/> Accuse you of infidelity <input type="checkbox"/> Interfere with: <input type="checkbox"/> work/school life <input type="checkbox"/> social life <input type="checkbox"/> sleep <input type="checkbox"/> healthcare/medication <input type="checkbox"/> Threaten to: <input type="checkbox"/> kill you or the children <input type="checkbox"/> kill him/herself <input type="checkbox"/> harm you or the children <input type="checkbox"/> harm person you care for <input type="checkbox"/> harm or kill pets <input type="checkbox"/> Destroy things you care for <input type="checkbox"/> Threaten you w/ weapon <input type="checkbox"/> Put your life in danger <input type="checkbox"/> Disable your car <input type="checkbox"/> Drive recklessly to scare you	<input type="checkbox"/> Follow or stalk you <input type="checkbox"/> Often check up on <input type="checkbox"/> Examine mail/email <input type="checkbox"/> Check phone calls <input type="checkbox"/> Hack into email <input type="checkbox"/> Grill you <input type="checkbox"/> Time activities <input type="checkbox"/> Use others as spies <input type="checkbox"/> Invade privacy <input type="checkbox"/> Misuse social media <input type="checkbox"/> Physically restrain <input type="checkbox"/> Forbid you to leave <input type="checkbox"/> Punish you for disobeying <input type="checkbox"/> Arrive unannounced <input type="checkbox"/> Make unwanted contact <input type="checkbox"/> Leave things to scare you <input type="checkbox"/> Make you do things you don't want to do	<input type="checkbox"/> Deny money <input type="checkbox"/> Refuse to pay bill <input type="checkbox"/> Empty bank <input type="checkbox"/> Hide assets <input type="checkbox"/> Destroy your cred <input type="checkbox"/> Deny credit acces <input type="checkbox"/> Run up debt <input type="checkbox"/> Forge papers <input type="checkbox"/> Refuse to pass titl <input type="checkbox"/> Destroy property <input type="checkbox"/> Steal your proper <input type="checkbox"/> Sell your property <input type="checkbox"/> Shut off utilities <input type="checkbox"/> Fail to pay insura <input type="checkbox"/> Cancel insurance <input type="checkbox"/> Cancel credit card <input type="checkbox"/> Refuse to work <input type="checkbox"/> Refuse to let you <input type="checkbox"/> Try to get you fir <input type="checkbox"/> Hide bills <input type="checkbox"/> Hide financial inf <input type="checkbox"/> Constantly return court

SAFeR



Thank You!