
DOMESTIC VIOLENCE, ABUSE, AND CHILD CUSTODY

Legal Strategies and Policy Issues

**Edited by
Mo Therese Hannah, Ph.D.
and
Barry Goldstein, J.D.**



Civic Research Institute

4478 U.S. Route 27 • P.O. Box 585 • Kingston, NJ 08528

To order: www.civicrosearchinstitute.com/dvac.html

Copyright © 2010

By Civic Research Institute, Inc.
Kingston, New Jersey 08528

The information in this book is not intended to replace the services of professionals trained in law, psychiatry, psychology, or any other discipline discussed in this book. Civic Research Institute, Inc. provides this information without advocating the use of or endorsing the issues, theories, precedent, guidance, resources, or practical materials discussed herein. Any application of the issues, theories, precedent, guidance, resources, or practical materials set forth in this book is at the reader's sole discretion and risk. The authors, editors, and Civic Research Institute, Inc. specifically disclaim any liability, loss or risk, personal or otherwise, which is incurred as a consequence, directly or indirectly, of the use and application of any of the contents of this book.

All rights reserved. This book may not be reproduced in part or in whole by any process without written permission from the publisher.

This book is printed on acid free paper.

Printed in the United States of America

Library of Congress Cataloging in Publication Data
Domestic Violence, Abuse, and Child Custody: Legal Strategies and Policy
Issues/ Mo Therese Hannah, Ph.D., and Barry Goldstein, J.D.

ISBN 1-887554-76-9

Library of Congress Control Number: xxx

We dedicate this book to

Monique Therese Hannah
1987–2007

*“She has taught me more
in the time she's been gone
than I taught her in
the twenty years she was with me.”
–MTH*

Table of Contents

<i>Acknowledgements</i>	xxiii
<i>Foreword</i>	xxv
<i>Introduction and Overview</i>	xxvii
<i>About the Editors and Contributors</i>	xxxvii

PART 1: PARAMETERS OF THE PROBLEM

Chapter 1: Child Custody Practices of the Family Courts in Cases Involving Domestic Violence

Joan Zorza, J.D.

Introduction	1-2
Evolution of the Laws Governing Domestic Violence and Custody	1-2
Best Interests of the Child Standard	1-3
Mental Health Input	1-3
Joint Custody	1-4
Recognition of Domestic Violence in Custody Laws	1-4
Financial Implications of Litigation	1-6
Criminalization of Domestic Violence When Children Are Present	1-7
Gender Bias Backlash	1-7
Two Approaches Governing Custody Determinations	1-8
Bias Against Battered Mothers	1-9
Neither Approach Will Stop the Abuse	1-10
First Approach: Family Systems Dynamic	1-11
Mediation	1-13
Few Mediators Trained in Family Violence	1-13
Disadvantages to Battered Women	1-15
Lawyers' Failure to Zealously Represent Battered Women	1-17
Impeded Healing	1-18
Increased Danger to Victims	1-19
Higher Cost for Battered Women	1-20
Couples Counseling	1-20
Mutual Orders of Protection	1-21
Second Approach: Richard Gardner's Two Theories	1-22
Parental Alienation Syndrome and Its Progeny	1-23
Friendly Parent Concept	1-24
Legislation Incorporating Gardner's Punitive Theories	1-28
Gag Orders	1-28
Vicarious Traumatization	1-29

Conclusion: What Should Be Done	1-30
Represent Victims Responsibly	1-32
Recognize Need for Children's Bond With Mothers	1-32

Chapter 2: Recognizing Domestic Violence: How to Know It When You See It and How to Provide Appropriate Representation

Lois Schwaeber, J.D.

Introduction	2-2
What Is Domestic Violence?	2-2
Historical, Religious, Social, and Cultural Foundations	2-5
History of Women as Chattel	2-5
Evolution of U.S. Law	2-6
Cultural Context	2-7
Religious Roots	2-8
Importance of Language	2-9
Myths, Misconceptions, and Stereotypes That Hamper	
Identification of the Problem	2-10
Intimate Partner Abuse Is Counterintuitive	2-11
Who Is a Batterer? Who Is a Victim?	2-12
Recognizing the Truth About Domestic Violence	2-15
Therapy Is Not the Answer	2-15
Leaving the Relationship Is Not Always Possible	2-15
Mutual Orders of Protection Are Dangerous	2-16
Batterers Harm Children	2-17
Overcoming the Problem of Biased or Unqualified Professionals	2-18
Require Extensive Training for Professionals	2-18
Require Training for Law Guardians or Guardians Ad Litem	2-19
Recognize the Need for High-Quality Custody Evaluations	2-20
Improve Divorce Process Training	2-20
Evaluate Custody Awards in Cases With Domestic Violence	2-21
How to Recognize and Help a Victim of Domestic Violence	2-22
Representing Victims of Domestic Violence	2-22
Client Interview	2-23
Client-Centered Lawyering	2-23
Safety Plan	2-24
Risk Assessment	2-24
Before Court	2-24
After Court	2-25
What to Know When Representing the Batterer	2-25
Addressing Violence in the Workplace	2-27
How Employers Can Help	2-28
If the Employee Is an Abuser	2-28
Conclusion	2-29

Chapter 3: Historical Legal Context in Domestic Violence Custody Cases

Marvin Timothy Gray, J.D., M.A., C.D.S.V.R.P.

Introduction	3-2
Scope and Premises of This Chapter	3-2
Other Introductory Matters.	3-3
Coloring the Development of Western Law and Jurisprudence	
Related to the Family	3-5
Focus on Property	3-5
Focus on People as Property.	3-6
Inherent Human Rights.	3-7
Rape as Property Rights Issue and Tool of Subjugation	3-7
Modern Customary Law, a Frequent Curse to Battered Mothers	3-8
Hope, Societal Intervention, and Activism	3-9
How Earlier Legal Codes Affect Women and Children in Our	
Modern Legal System	3-9
Code of Hammurabi	3-9
How About Women and Children?	3-10
Relevance to Your Legal Case	3-10
Hebrew Mosaic Law	3-11
How About Women and Children?	3-11
Relevance to Your Legal Case	3-12
Athenian/Greek Philosophy, Plato, and the Logic-Reason of Aristotle	3-12
How About Women and Children?	3-12
Relevance to Your Legal Case	3-13
Law and Practices of Rome	3-14
How About Women and Children?	3-15
Relevance to Your Legal Case	3-16
Law and Practices of the Celts	3-18
How About Women and Children?	3-19
Relevance to Your Legal Case	3-19
Law and Practices of the Early Germanic Peoples	3-20
How About Women and Children?	3-20
Relevance to Your Legal Case	3-21
Law and Practices of the Holy Roman (Germanic) Empire—The First Reich	3-22
How About Women and Children?	3-23
Relevance to Your Legal Case	3-23
Law and Practices of the Holy Roman Church/Canon Law.	3-24
How About Women and Children?	3-25
Relevance to Your Legal Case	3-25

English Common Law and Early English and American Colonial Systems of Law and Jurisprudence	3-26
How About Women and Children?	3-26
Relevance to Your Legal Case	3-27
Combination of Law and Equity Courts in the Late 1800s and Early 1900s	3-28
How About Women and Children?	3-29
Relevance to Your Legal Case	3-29
Rise of the Concept of Human Rights	3-30
From Early American Constitutionalism to Today	3-30
How About Women and Children?	3-31
Relevance to Your Legal Case	3-32
Demise of No Fault Divorce	3-33
Modern Vulgar/Local Customary Law and Its Effects/Use on Women and Children	3-34
Pain and Suffering, Human Rights, and the Almighty Property	3-35
Effecting Change	3-37

Chapter 4: Historical Origins of the Fathers’ Rights Movement

Jan Kurth, M.U.P.

Introduction	4-1
Survey of Fathers’ Rights in Western History	4-3
Roman Law	4-3
English Common Law	4-4
Colonial America	4-5
Contemporary Men’s Rights Movement and Its Views on Patriarchal History	4-7
Proponents’ Views	4-8
Wendy Kaminer	4-8
Wendy McElroy	4-9
Richard Doyle	4-10
Glenn Sacks	4-12
Daniel Amneus	4-13
Fathers’ Manifesto	4-14
Antifeminism and the Nineteenth Century	4-15
The Right: The “Natural Order” and “Natural Rights”	4-15
Contemporary Echoes	4-16
Peter Zohrab	4-16
Will Malven	4-16
A “Rights” Rhetorical Framework	4-17
The Left	4-17
Attack on “Bourgeois Idols”	4-18
Later Writings on the “Woman Question”	4-21

Beginning of the Modern Twentieth-Century Fathers' Rights Movement	4-22
Twenty-First Century Agenda	4-24
Fathers' Rights Spin	4-26
"Men Are Battered, Too"	4-28

Chapter 5: Gender Bias in the Courts: Implications for Battered Mothers and Their Children

Molly Dragiewicz, Ph.D.

Introduction	5-2
Domestic Violence Defined	5-2
Gender Bias Defined	5-3
Gender Versus Sex	5-3
Efforts to Address Gender Bias in the Courts	5-5
Background	5-5
Documentation	5-5
Participation of the Courts	5-6
Findings of Gender Bias Task Forces	5-6
Gender Bias Issues Affecting Battered Mothers in the Courts	5-8
Questioning of Women's Credibility	5-8
Disregard of Evidence in Custody Determinations	5-10
Impact on Children	5-10
Minimization of Violence Against Women	5-12
Double Standards for Parenting	5-13
Punishment of Women Who Report Abuse at Divorce	5-14
Unfair Financial Settlements	5-15
Is Gender Bias Gender Neutral?	5-16
Uneven Progress: Effects of the Gender Bias Studies	5-18
Conclusion: Directions for Future Research and Advocacy	5-18

Chapter 6: Domestic Violence, Contested Child Custody, and the Courts: Findings From Five Studies

Sharon K. Araji, M.Ed., Ph.D., and Rebecca L. Bosek, Ph.D., L.M.F.T., L.P.C.

Introduction	6-2
Literature Review	6-4
Importance of Finances/Resources to Custody Decisions	6-5
Court Systems Lacking Knowledge About, or Consideration of, Domestic Violence in Custody/Visitation Decisions	6-6
Manipulative Strategies Used by Domestic Violence Perpetrators	6-8
Gender Bias	6-9
Fathers' Rights Movement	6-10
Parental Alienation Syndrome	6-10

Friendly Parent Concept	6-11
Considerations of Mediation	6-12
Considerations of Child Custody and Psychological Evaluations	6-13
Recent Studies: Data and Methods	6-14
Alaska Study	6-14
Survey	6-14
Samples/Sampling Procedures	6-15
Arizona and Massachusetts Studies	6-15
Pennsylvania Study	6-16
California Study	6-16
Recent Studies: Findings	6-16
Problems With Joint Custody and Visitation	6-16
Lack of Enforcement of Court Orders	6-17
Perceptions About Judges and Courtrooms	6-17
Lack of Confidence in Court-Appointed Professionals	6-22
Legal Representation and Court System	6-23
Parental Alienation Syndrome	6-23
Problems Encountered by Protective Parents After Custody Decisions	6-23
Discussion of Study Findings	6-24
Custody Arrangements Used as Extension of Abuse and Control	6-24
Penalties for Abuser Do Not Exist or Are Minimal	6-25
Judges Make Offensive Comments and Show Disrespect	6-25
Accusations of Domestic Violence and Child Abuse	
Not Taken Seriously	6-26
Attorneys' Expenses and Lack of Knowledge About	
Domestic Violence	6-27
Court System's Reticence to Hear Women's Cases	6-27
Violence Continues or Escalates	6-28
Conclusion	6-31

Chapter 7: Do Judges Adequately Address the Causes and Impact of Violence in Children's Lives in Deciding Contested Child Custody Cases?

Thomas E. Hornsby, J.D.

Introduction	7-2
Some Judges Fail to Recognize Effect of Domestic Violence	
on the Victim in Deciding Contested Custody Cases	7-3
A Classic Case	7-3
History of the Case	7-3
Batterer Control Over Victim	7-8
Why Women Stay	7-8
Becoming Part of the Solution	7-8
Competing Statutory Factors in Applying the Best Interests	
Standard in Contested Child Custody Cases	7-9

Domestic Violence as an Equal Factor in Deciding the Best Interests of the Child	7-9
How Much Emphasis Should Courts Place on Presence of Domestic Violence?	7-12
Consideration of Domestic Violence Factor as a Presumption of Detriment to the Child	7-13
Denying Custody to Persons With History of Domestic Violence	7-14
Evidence of Pattern of Domestic Violence	7-14
Anger Management Programs	7-15
Custody in Cases of Serious Family Violence	7-15
Economic Factors	7-20
Child’s Preference	7-21
Mothers Who Work Long Hours	7-22
Mothers With Mental Disorders	7-23
Ethical Issues in Judicial Decision Making	7-23
General Ethical Standards for Judicial Conduct	7-23
Disciplinary Proceedings for Violation of Judicial Codes of Conduct	7-27
Recommendations for Improving Judicial Decision Making in Contested Custody Cases Involving Domestic Violence	7-30

Chapter 8: Truth Commission: Findings and Recommendations

Mo Therese Hannah, Ph.D.

Introduction	8-1
Battered Mothers Custody Conference	8-2
Mission	8-2
Contributors and Outcomes of Battered Women’s Family Court Experiences	8-3
From the Mouths of Mothers: The Truth Commission	8-4
Truth Commission Findings and Proposed Solutions	8-5

PART 2: SURVIVORS’ STORIES

Chapter 9: Courageous Kids: Abused Children Sharing Their Experiences

Karen Anderson

Introduction	9-2
System Failure Sparks a Movement.	9-2
Protection Denied	9-2
One Case Like Many Others	9-3
California Protective Parents Association Advocates for Children	9-3
Cases From Children’s Lives	9-4
Case #1: The Million Dollar Question	9-4

Case #2: Hiding the Bruises	9-4
Case #3: Violence Begets Violence	9-5
Case #4: Not Saved by the Bell	9-5
Case #5: For His Sisters' Sake	9-6
Vicarious Punishment	9-7
Children of Protective Fathers	9-7
Case #6: Maternal Sexual Abuse Ignored	9-8
Case #7: Supervised Visitation as a Lifestyle	9-8
Case #8: Sex Offender Approved as a Stepfather	9-9
Creating a Children's Forum	9-9
When Telling Is Healing	9-9
Creation of a Support Network for Abused Children	9-10
First Meeting	9-11
Forward Movement	9-11
How Parental Alienation Syndrome Adversely Affects the Lives of Children	9-13
Legalized White Slavery	9-13
Courts Encouragement of Children's Loss of Contact With Mothers	9-14
Children Put in Untenable Situations	9-15
Direct Abuse by Court-Appointed Professionals	9-16
Judges as Secondary Abusers	9-20
Long-Term Repercussions for Children	9-21
Overcoming Trauma	9-23
Epilogue—Case Updates	9-24

Chapter 10: From the Mouths of Mothers

*Wendy Titelman, Annette Zender, Paige Hodson, B.A.,
and Larissa Pollica, R.N., B.S.*

Editors' Introduction	10-1
Sexual Abuse in Custody Courts—Wendy Titelman's Story	10-2
In Her Best Interests—Annette Zender's Story	10-4
Helping Myself and Helping Others—Paige Hodson's Story	10-6
Becoming an Activist—Larissa Pollica's Story	10-7

PART 3: CAUSES OF AND CONTRIBUTORS TO THE PROBLEM

**Chapter 11: Reframing Child Custody Decisions in the Context
of Coercive Control**

Evan Stark, Ph.D., M.S.W.

Introduction and Background	11-1
The Long March	11-3
Separate Planets?	11-4
The Nature of Abuse Seen in the Custodial Context	11-6
From Domestic Violence to Coercive Control	11-7
Hallmarks of Physical Abuse	11-7

Issue of Sex Parity in Abuse	11-9
Coercive Control	11-11
Intimidation Tactics	11-12
Isolation Tactics	11-13
Control Tactics	11-14
Studies on Coercive Control	11-14
Case Example	11-15
Coercive Control Mostly Committed by Men	11-16
Domestic Violence, Coercive Control, and Children	11-16
Witnessing and Exposure to Violence	11-17
Coercive Control and Children’s Welfare	11-19
Battered Mother’s Dilemma	11-19
Men’s Interference in Women’s Parenting During Custodial Disputes	11-21
Response to Abuse by the Family Courts	11-22
Nature of Abuse in Custody Cases	11-25
What Should Be Done?	11-28
Conclusion	11-29

Chapter 12: Parental Alienation Syndrome

Paul Jay Fink, M.D.

Introduction	12-1
Role of Parental Alienation Syndrome in Child Custody Cases	12-2
Origins of Parental Alienation Syndrome	12-2
Gender Bias and Child Abuse	12-4
Legal System	12-4
In Defense of the Children	12-5
The Abused and Traumatized Do Not Tell	12-6
Work of Leadership Council to Counter Misinformation	12-6
Creation of Leadership Council	12-6
Mission	12-7
Bottom Line: Steps to Take	12-8

Chapter 13: Why Do Judges Do That?

Mike Brigner, J.D.

Introduction	13-1
Children Limit Safety Options in Domestic Violence Cases	13-2
How Abusive Men Manipulate the Custody System	13-3
Protecting Abused Children	13-4
Some Custody Judges Think Like Abusers	13-5
Why Do Judges Do That?	13-9
Judges Are Overworked	13-9
Judges Are Uneducated	13-9

Judges Erroneously Believe That Violence Ends Upon Separation . . .	13-10
Judges Wrongly Believe Violent Husbands Can Be Good Fathers . . .	13-11
Judges Fail to Recognize Litigation Abuse	13-12
Judges Think Women Are Lying	13-12
Nonreporting Victims	13-12
Victims Who Reconcile	13-13
Victims Who Withdraw From Litigation	13-13
Myth of False Allegations	13-13
Judges Believe Competence in Domestic Violence Undercuts Judicial Neutrality	13-15
Conclusion	13-16

**Chapter 14: Batterer Manipulation and Retaliation Compounded
by Denial and Complicity in the Family Courts**

Joan Zorza, J.D.

Introduction	14-2
Legal System Has a Pro-Male Bias	14-2
Male Misbehavior Is Largely Discounted by Courts	14-3
Male Abusers Are Different From Other Men	14-4
Battered Women Do Not Differ From Other Women	14-6
Batterers Minimize, Deny, Blame, Lie, or Make Excuses	14-7
Mental Health Professionals Seldom Know Much About Domestic Violence	14-8
Lack of Training in Domestic Violence	14-9
Ignorance About the Research on Intimate Partner Abuse	14-10
Gender-Biased and Inaccurate Assumptions	14-11
Misleading Assessment Tools	14-12
Biased Evaluations	14-12
Batterers Manipulate and Retaliate Against Their Victims	14-13
How It Starts	14-13
Retaliation Studies	14-14
Retaliatory and Manipulatory Tactics	14-15
Batterers Manipulate the Courts	14-18
Fighting for Custody	14-19
Controlling the Victim's Experts and Her Lawyer With Litigation Tactics	14-20
Threatening or Abusing the Victim and Children	14-20
Claiming to Be the Victim	14-21
Contacting Child Protection Agencies	14-21
Discrediting the Victim	14-21
Terrorizing the Victim	14-22
Speaking Positively About Current Partners	14-23

Abusing the Courts	14-23
Threatening Victims, Even Prosecutors and Judges	14-24
Courts Can Curb Batterer Manipulation of the Courts	14-26
Conclusion	14-28

**Chapter 15: The Yuck Factor, the Oprah Factor, and the “Stickiness” Factor:
Why the Mainstream Media Has Failed to Expose the Custody Court Scandal**
Garland Waller, M.S.

Introduction	15-2
Some Stories Are Just Too Dark to Tell	15-2
<i>Small Justice</i> : What I Learned	15-4
What the Media Really Wants: Ratings	15-5
Why Family Court Stories Work at First	15-9
What Kinds of Stories Work for the Media?	15-9
Family Court Stories: Why They Do Not Get Covered	15-10
Family Court Stories Are Not Easy to Understand	15-10
Family Court Issues Do Not Have Clear Pros and Cons	15-10
Family Court Stories Are Not Easy to Write	15-11
Family Court Stories Lack Drama and Excitement	15-12
Crimes Make Better Headlines	15-13
If Someone Dies, the Media Will Cover It	15-14
Family Court Stories Lack Visuals	15-14
Celebrity Custody Battles Are Newsworthy	15-15
Attractive People Attract Coverage	15-16
Legal Department Has to Bless It.	15-18
Fair and Balanced	15-19
Fallout	15-21
Oprah Factor	15-23
Stickiness Factor	15-24
Public Responsibility	15-25
Tipping Point	15-26
Change in Presentation	15-26
Leveraging Entertainment	15-27
National Spokesperson	15-27
Legislation	15-28
Conclusion	15-28

PART 4: SOLUTIONS AND STRATEGIES

**Chapter 16: Leveling the Landscape: Family Court Auxiliaries
and How to Counter Them**

Michael Leshner, M.A., J.D.

Family Court’s Dangerous Realities	16-1
Child Protective Services	16-2

Case Examples	16-2
Legal Approaches	16-3
Law Guardians	16-5
Legal Approach	16-6
Case Examples	16-6
Mental Health Experts	16-8
Expert's Grasp of the Facts	16-9
Expert's Use of Objectively Correct Methods	16-10
Conclusion	16-11

Chapter 17: Organizing in Defense of Protective Mothers: The Custody Rights Movement

Lundy Bancroft

Introduction	17-1
Why the Movement Is Losing Ground	17-2
Abusive and Male-Supremacist Fathers Organized Effectively	17-2
Protective Mothers Have Been Well Organized	17-3
Battered Women's and Child Sexual Abuse Movements Lost Their Activist Force	17-4
Recent Difficulties for Progressive Movements in General	17-5
How to Succeed in Turning the Tide	17-6
Putting Protective Mothers at the Forefront of the Movement	17-7
Unity and Solidarity	17-8
Materials	17-8
Developing a Unified Philosophy, Centralized Leadership, and Nationwide Coordination	17-9
Proposed Framework	17-9
Symptoms and Causes	17-10
Increased Effectiveness	17-10
Organizational Unity	17-11
Reawakening Activism in the Domestic Violence and Sexual Assault Movements	17-12
Linking the Movement to Other Efforts for Progressive Social Change	17-12
Conclusion	17-13

Chapter 18: Recognizing and Overcoming Abusers' Legal Tactics

Barry Goldstein, J.D.

Introduction	18-2
Recognizing Domestic Violence	18-2
Why Courts May Fail to Recognize Abusers' Tactics	18-3
Training	18-4

Recognizing Which Men Are Most Dangerous	18-4
Improving the Justice System’s Response	18-5
Importance of Context	18-6
Factors Characterizing Contested Custody Cases	18-7
Failure to Take Domestic Violence and Child Abuse Seriously	18-9
Use of Myths and Stereotypes	18-9
Failure to Use Up-to-Date Research	18-10
Gender Bias	18-11
Use of Experts With Little or No Training	18-12
Blaming the Victim	18-12
Extreme Penalties Against Protective Mothers	18-13
Judicial Abuse?	18-13
Common Legal Tactics and Strategies Used by Abusive Fathers	18-14
Seeking Custody	18-14
Overcoming Abusers’ Strategies in Custody Cases	18-16
Seeking Joint Custody	18-17
Overcoming Tactics for Obtaining Joint Custody	18-17
Visitation Exchanges	18-19
Overcoming Visitation Exchange Tactics	18-20
“Sex Abuse Card”	18-20
Overcoming the “Sex Abuse Card” Strategy	18-21
Complaints to Child Protective Agencies	18-23
Overcoming the Strategy of Making False Child Abuse Reports	18-25
Parental Alienation Syndrome	18-25
Overcoming the Strategy of Claiming Parental Alienation Against Protective Mothers	18-25
Mutual Orders of Protection	18-26
Overcoming the Strategy of Seeking Mutual Orders of Protection	18-27
Hiding Income and Assets	18-27
Overcoming the Strategy of Hiding Income and Assets	18-28
Other Common Abuser Strategies	18-28
Conclusion	18-29

Chapter 19: DV Case Preparation and Trial Examination: A Heavy Burden

Marjory D. Fields, J.D.

Introduction	19-2
Essential Role of Lawyers	19-2
Gender Stereotypes and Double Standards Persist	19-4
Blame Shifting	19-5
Family Systems Theory Is Inappropriate for Domestic Violence Cases	19-5

Mental Health Evaluations May Be Unreliable	19-6
When Mental Health Evaluations Are Needed	19-7
Domestic Violence Is Criminal Behavior Against Women	19-8
Domestic Violence Offenders Are Recidivists	19-9
Parent Coordinators	19-9
Heavy Burden of Proof	19-10
Safety Planning	19-10
Planning for the Client’s Safety Before She Leaves a Violent Partner	19-10
Safety After the Client Separates From a Violent Partner	19-12
Seeking a Protection Order or Restraining Order	19-13
Gathering Information	19-14
Organizing the Domestic Violence and Abuse History	19-15
Theory of the Case	19-18
Marshaling Exhibits and Witnesses	19-18
Discovery Builds the Case	19-19
Preliminary Strategic Planning for Court	19-19
Opposing Mediation	19-19
Opposing Mental Health Evaluation	19-20
Early Case Assessment Preparation	19-20
Damage Control for Mental Health Evaluations	19-21
Preparing the Client for the Mental Health Evaluation	19-21
Substance Abuse Assessment	19-22
Preparing for Examinations of Expert Witnesses	19-22
Presenting Fact Evidence at Trial	19-23
Fact Witness Preparation	19-24
Examining Party Requesting Protection Order and Custody	19-25
Requesting Provisions in Protection Orders	19-27
Violation of Protection Order Hearing	19-28
Conclusion	19-29

**Chapter 20: Fighting False Allegations of Parental Alienation
Raised as Defenses to Valid Claims of Abuse**

Nancy S. Erickson, J.D., L.L.M., M.A.

Introduction	20-2
Defining Parental Alienation	20-6
Parental Alienation Syndrome or Parental Alienation	20-9
Parental Alienation Syndrome/Parental Alienation Language and Labels	20-10
Friendly Parent Concept	20-12
True Parental Alienation	20-15
How to Fight False Allegations of Parental Alienation	20-17
Consider Criminal Charges for the Abuse	20-17
Create a Paper Trail	20-17

Demand That the Abuser Define What He Means by Alienation	20-19
Debunk and Counter Parental Alienation Syndrome, Parental Alienation, and the Friendly Parent and Similar Concepts	20-20
Parental Alienation Syndrome	20-21
Parental Alienation	20-22
Friendly Parent Concept	20-23
Mother Must Be Perfect Even if Father Is Not.	20-24
Mother Must Never Deny Father Visitation Without Giving a Very Good Reason.	20-24
Keep the Court's Attention on the Domestic Violence or Child Abuse	20-27
Prepare the Best Possible Domestic Violence/Child Abuse Case and Custody Case	20-27
Consider Settlement Carefully	20-29
Deal With the Law Guardian, Guardian ad Litem, or Attorney for the Child	20-31
Deal With the Child Custody Evaluators	20-32
Obtain an Expert Witness for the Protective Parent.	20-37
Relocation: Do Not Ask Unless It Is Necessary and Victory Is Very Likely	20-37
Conclusion	20-38

**Chapter 21: Urgent Need for Quality Control in Child
Custody Psychological Evaluations**

Robin Yeamans, J.D.

Introduction	21-1
How Could a Psychologist Be So Wrong?	21-2
Organization of the Chapter	21-3
Case Presentations	21-4
How Accurate Were the Psychologists?	21-4
Case #1: Dr. UK and RT	21-4
Case #2: Dr. UK and TM	21-8
Can the Psychologists' Backgrounds Affect the Evaluation?	21-9
Case #3: Dr. NK and BD.	21-10
Case #4: Dr. NT and GF	21-12
Flawed Methodology	21-13
Problems With Computer Scoring	21-15
Debunking a Popular Computerized Test Interpretation Program	21-16
Possible Explanations	21-18
Scope of the Problem	21-19
How Can This Situation Be Changed?	21-20

Chapter 22: Factoring in the Effects of Children’s Exposure to Domestic Violence in Determining Appropriate Postseparation Parenting Plans

Claire V. Crooks, Ph.D., C. Psych., Peter G. Jaffe, Ph.D., C. Psych., and Nicholas Bala, J.D.

Introduction	22-2
Children Exposed to Domestic Violence: The Big Picture	22-2
Moving Beyond Pathology: Understanding the Impact of Domestic Violence Within a Developmental Framework	22-6
Infancy and Toddlerhood	22-6
Preschool-Aged Children	22-8
School-Aged Children	22-9
Adolescence	22-11
Summary	22-11
Developmental Framework for Parenting Plans	22-12
Supervised Exchange	22-12
Supervised Visitation	22-13
Termination of Visitation to an Abusive Partner	22-14
Principles for Making Parenting Arrangements and Resolving Conflicting Priorities	22-15
Specific Dilemmas in Identifying Best Interests of Children	22-16
Dilemma #1: Child Expresses Strong Wish to Live With Father Who Has Perpetrated Violence Against Child’s Mother	22-16
Dilemma #2: Different Children From Same Family Have Experienced Different Levels of Exposure and Therefore Have Conflicting Wishes	22-18
Dilemma #3: Father Has Ceased His Violence Toward Children’s Mother but Continues to Minimize Impact of His Behavior on His Children	22-20
Dilemma #4: Father Has Benefited From Treatment, Changed His Behavior, and Taken Responsibility for Past Abuse, but Children’s Mother Does Not Want to Acknowledge These Changes and Allow Visitation	22-22
Systemic Challenges	22-24
Conclusions	22-24

Chapter 23: Court-Appointed Parenting Evaluators and Guardians ad Litem: Practical Realities and an Argument for Abolition

Margaret K. Dore, J.D.

Introduction	23-1
Evaluation Process	23-2
Appointment	23-2
Investigation	23-2

Report	23-3
Trial	23-3
Judicial Reliance on Evaluators/Guardians ad Litem	23-4
Reforms	23-5
Evaluators/Guardians Ad Litem Should Be Eliminated	
From Child Custody Proceedings	23-6
Conclusion	23-7

Chapter 24: American Law Institute Principles: A Tool for Accessing Justice for Battered Mothers and Children

Erika A. Sussman, J.D., LL.M.

Introduction	24-2
Judicial Misunderstanding of the Impact of Battering on Parenting	24-3
Separation Increases the Risk of Violence to Battered Women and Children	24-3
Batterers Are Dangerous Parents	24-4
Custody Law Framework: Gender Bias Translates Into Danger for Battered Women and Children	24-6
Evolution Toward Best Interests of the Child Standard	24-6
Custody Laws Involving Domestic Violence	24-7
“Equality” Rhetoric: Joint Custody, Shared Parenting, and Cooperation	24-8
American Law Institute Principles: Accessing Justice for Battered Mothers and Children	24-9
Approximation of Prior Caretaking Standard	24-10
Importance of Caretaking: Social Science on Attachment Theory	24-12
Incorporation of Attachment Theory Into the Law	24-14
Determinacy: Easily Applied in Court	24-15
Past Caretaking Reduces Gender Bias	24-16
Utility of the Approximation Principle for Attorneys Representing Protective Parents	24-17
Domestic Violence Provisions	24-19
Definition of Domestic Violence	24-20
Limitations on the Allocation of Responsibility Based on Domestic Violence	24-20
Other Sections Addressing Domestic Violence	24-22
Application of the Domestic Violence Provisions	24-23

Chapter 25: Covering the Crisis in the Custody Courts

Anne Grant, M.A., M.Div.

Introduction	25-2
Truth Becomes a Casualty	25-2

Writing as a Tool for Change	25-3
Editor Publishes the Whole Story	25-5
Building a Support System to Confront a Cabal	25-5
Close Textual Analysis	25-6
Writing Public Testimony	25-7
Coming of Age in Family Court	25-8
Writing Opinion Pieces	25-8
Finding Paradigms: The Rhetoric of War	25-9
Batterer’s ABCs	25-10
Wounded Men Yearn for Good Mothers	25-11
Court Gets a Resident Expert	25-12
Writing Complaints Against Court Professionals	25-14
Case Presentation	25-14
Sausage Games	25-14
How the Department of Children, Youth and Families Hearing Officer Flipped the Case	25-15
Writing a Blog: <i>Custody Scam</i>	25-17
Gardner’s Signs of Genuine Sexual Abuse	25-18
Defendant’s Rights Versus Victim’s Rights	25-21
Truth-Telling: Children Versus the Expert	25-22
Clinician “Reunites” Daughter and Father	25-26
Suppressing the Blog	25-28
Writing an Access to Public Records Act Report	25-29
Securing Strategic Litigation Against Public Participation Suit Protection	25-30
Daunting Truths	25-30
Writing Verbatims	25-31
Writing as Punishment, Therapy, and Strategy	25-32
Concluding Questions	25-33
Afterword	A-1
Appendix A: Organizations and Online Resources	App. A-1
Appendix B: Books	App. B-1
Appendix C: List of Abbreviations and Acronyms	App. C-1

Acknowledgements

The editors would like to acknowledge the help and assistance of many dedicated individuals who have contributed to the preparation of this book. The writers of this book brought incredible expertise, hard work, and caring to this work. They are dedicated to making sure children will be protected from abusive parents. Without exception, these experts were cooperative and easy to work with. We look forward to working with them in the future to present trainings and other educational opportunities so the latest research can be available to professionals working in the child custody system.

We have worked with protective mothers as part of the Battered Mothers Custody Conference (BMCC) for the past seven years. They have brought us tears and inspiration as we watched and hopefully sometimes helped their attempts to protect their children. We will know the custody court system is reformed when these women are viewed not as disgruntled litigants but as the heroes they are.

The truth commission, held at the fourth BMCC, launched the beginning of this book project. We would like to thank the sixteen protective mothers who found the courage to testify in public about their experiences. We also deeply appreciate the truth commission members whose expertise and hard work created the *Truth Commission Report* with so many useful recommendations for reforming the system.

The editors wish to thank Deborah J. Launer for her support, encouragement, and cooperation in bringing this project to fruition. This book would not have been possible without her help.

Maxine Idakus has performed her work as line editor of this book with a professionalism and dedication the editors have come to respect and admire. She has made the information in the book clearer and more accessible.

Barbara Hart and Billie Lee Dunford Jackson helped us with suggestions for potential contributors to the book.

Mo Hannah wishes to thank the following additional individuals:

First, I would like to thank the countless battered mothers who had the courage to share with me what happened to them and their children. They are the major reason why this book has come to fruition. My appreciation also goes to a growing network of mothers' custody advocates, many of whom have been laboring for this cause far longer than I have. Among these fellow activists are Liliame Miller, who cofounded the BMCC with me, Robin Yeamans, Esq., Amy Neustein, Ph.D., Garland Waller, Ben Atherton-Zeman, and the Hofheimers' legal team of Virginia Beach, VA. I also want to express my sincere thanks to the students at Siena College who assisted me in editing this volume: Jennifer Bart, Nora Boyle, Heather DeLong, Kelley Harvey, J. J. Hibbs, Courtney Hibbs, Meaghan Johnson, Lauren Morere, Annette Morere, Babette Peach, Meaghan Young, and Mary Richmond.

Finally, I'd like to offer my loving thanks to my three living children—Will, Alexis, and Jesse—who are, and have always been, my primary source of inspiration.

Barry Goldstein wishes to thank the following additional individuals:

I am deeply grateful Mo Hannah invited me to participate in this project. I have had the privilege of working with Mo as my expert witness, presenting at conferences, trying to help protective mothers, and now coediting this book. I deeply admire her courage, dedication, caring, and talent.

I have had the distinct privilege and opportunity to work with and learn from Phyllis B. Frank during the last ten years in my role as an instructor and supervisor in a New York Model Batterer Program led by Phyllis. From Phyllis, I have learned to recognize my sexism and hopefully avoid acting on my male privilege. She taught me about oppression, domestic violence, and clarity of thinking. This is a better book because of what I learned from Phyllis.

Many of the lessons I have shared in this book have come from the clients I have tried to help. Too often, in this broken system, I have failed. Nevertheless, their wisdom, courage, caring, and tears are with me every day.

During the preparation of this book, I have been subjected to an effort to take my legal license in retaliation for my work to help protective mothers and expose a system that is broken. Nancy Erickson, Dr. Mo Hannah, Judge Mary Anne Scattaretico-Naber, Phyllis B. Frank, Dr. Sharon Goldstein, and others had the courage to stand up to those who sought to silence their critics by the misuse of the disciplinary system.

The pain of watching children lose their safe, protective mothers has been accentuated because of the love and support I have received my entire life from my mom, Judith Goldstein. I understand what the courts are taking from these children.

My wife, Dr. Sharon Goldstein is the love of my life. I owe her my life, my happiness, and my opportunity to work to change the world.

Editors' Note

Among these fellow activists are Liliane Miller, who cofounded the BMCC with me, Robin Yeaman, Esq., Amy Neustein, Ph.D., Garland Waller, Ben Atherton-Zeman, and the Hofheimers' legal team of Virginia Beach, VA.

After this volume was written, the New York Appellate Division Second Department, in an unprincipled decision suspended Barry Goldstein's license in retaliation for pointing out the problematic responses of one of its colleagues to his zealous advocacy of a client.

Foreword

by Jay G. Silverman, Ph.D.

Although great strides have been made in raising awareness of violence against women, and despite the significant changes made to institutional practices (e.g., within health care and criminal courts) to promote the safety of abused women and their children, the family courts remain a dark and terrifying gauntlet through which battered mothers must pass in their attempts to protect both themselves and their children from the violence of their ex-husbands.

In creating this historic volume, Mo Hannah and Barry Goldstein have brought together a powerful cast of scholars, activists, and legal professionals to tell the full story of how and why the risks to the safety and well-being of battered mothers and their children from abusive men are too often seen as irrelevant or are grossly mischaracterized by family courts across the United States. The result of this failure is the endangerment of tens of thousands of children every year.

The importance of the problem cannot be overstated: there are approximately 100,000 contested child custody cases each year in the United States, with studies indicating that two-thirds of them likely involve domestic violence. Conservatively estimating that 90 percent of such cases involve violence by fathers towards mothers, these statistics imply that the fate of 90,000 children and adolescents who have been exposed to violence against their mothers is placed in the hands of the family courts every year.

What is central to understanding how critical a role the family courts play in these cases is the very real risk of both physical and sexual abuse of these children from their fathers. In the author's own recent research (unpublished), men who perpetrated violence against their female partners were six times more likely to physically abuse a child and twenty times more likely to sexually abuse a child in comparison with men who did not use violence against their girlfriends and wives. As obvious as this risk ought to be to professionals who are mandated to safeguard children embroiled in these cases, historic notions of fathers' rights over their family members, misguided public policy, inadequate judicial guidelines, the perversion of scientific evidence and, finally, the reluctance of many to even contemplate such horrific risks from men who claim to be fighting for the right to be a father, have led to a crisis in which the courts of virtually every state in the nation have increased the desperation of protective mothers and become complicit in the continuing victimization of thousands of children.

This groundbreaking collection first presents an historical examination of this problem. Following is a presentation of the major causes of family court malpractice. Finally, a comprehensive discussion of avenues for positive change, both inside and outside the family court system, is presented. Collectively, the chapters of this book provide professional and lay readers, including those directly affected by the family courts, with a critical guide to both understanding and taking action regarding what is, perhaps, the greatest single barrier to the safety of battered women and their children.

Introduction

by Barry Goldstein, J.D., and Mo Therese Hannah, Ph.D.

NEED FOR A SAFER RESPONSE TO CUSTODY ISSUES IN DOMESTIC VIOLENCE CASES

As coeditors, we are pleased to present this comprehensive analysis of our nation's busiest civil court system, alternatively referred to as the "divorce courts," "custody courts," or more frequently, the "family courts." This book may very well contain the closest examination done to date of how fairly and justly these courts are as far as handling child custody and visitation disputes involving domestic abuse. Insuring an objective assessment of this matter has thus far been hindered by a list of factors, beginning with the thick layer of confidentiality under which the courts operate and, next on the list, the judicial or quasi-judicial immunity that covers virtually all officers of the court and, therefore, each and every court agent who handles these cases. We believe we have created, in this collection of twenty-five chapters, this rare type of assessment.

We believe you will be as impressed as we are by the breadth and depth of knowledge and experience our contributors brought to the task. A sizable number are or have been agents of the court—judges, attorneys, law clerks, and so forth—who therefore have a high stake in its reputation, since it is the system in which they themselves work and make a living. We view these authors, especially, as standing shoulders above their peers, not only because of the very good work they do, but also because of the honesty and courage they have shown in criticizing the club to which they also belong.

Domestic violence (DV) has been a public issue only since the mid to late 1970s. Much of the information and research we have now did not exist when the custody court system was first asked to respond to DV custody cases. At that time, the general belief was that DV entailed physical abuse and nothing else. The substantial proportion of abuse involving nonphysical means was ignored. Too, children were believed to be unaffected by DV unless it was perpetrated directly against them, and not by their mere observation of it.

Research has since proven these assumptions wrong. But the custody courts have been slow to notice: from all reports, the findings of up-to-date research on the impact of DV rarely make their way into judicial decisions. However, institutions outside of the legal system have had a greater degree of success in making good use of such research. In the past, the standard practice of police when responding to DV calls was to separate the parties and to perhaps ask the abuser to walk around the block to cool off. In studying these practices, we discovered that, in most DV homicides, the police had previously been called to the parties' home, often multiple times. Findings such as these drove home the fact that "standard practice" did not work. As a result, police departments shifted to the pro-arrest policy that has contributed to the reduction we have seen in DV homicides.

The editors' reason and purpose for preparing this book is to apply up-to-date research and information to DV custody cases. The purpose was not to promote a

particular outcome (other than to best protect children), but rather to apply the most up-to-date research and information to understanding the custody court system and supporting any changes this research requires.

As one would expect of a diverse group of experts coming from many different disciplinary and practice fields, our contributors do not agree on every issue or approach. Nevertheless, they show an overwhelming consensus that the custody court system as presently constituted is broken and that the courts' failure to apply current research findings to court practices has placed the lives and well-being of thousands of children and protective mothers in jeopardy.

We have sought to consider how the use of up-to-date research and information can help the custody court system respond better to these disputes. There are professionals who seek to defend the status quo or even complain that fathers are mistreated by the courts. We have not included the perspective of this group of professionals because, simply put, their position generally is based upon myths, stereotypes, and misconceptions about gender, DV, and child abuse rather than the body of credible research on which our authors rely.

At a men's conference in Utah, for example, a professor and proponent of "fathers' rights" (FRs) made a presentation on what he claimed was new research to support his perspective. The "research" was based upon interviews with alleged abusers. Periodically, popular publications report on research claiming that men are abused by women as often as women are abused by men. A closer look at these findings reveals that the authors failed to consider rape, failed to consider how hard someone was hit or the injuries that were caused, and failed to differentiate between assaults and self-defense. In one Queens County, New York, custody case, the court appointed a FRs psychologist to perform an evaluation. This particular psychologist had recently been quoted in a *New York Times* article. At trial, during cross-examination, he could not provide a single research citation to support his views. Instead, he said he had discussed the subject with some of his friends (presumably other psychologists). This is typical of mental health professionals who do not have the knowledge, training, or experience to accurately assess the presence of DV and other forms of abuse. Whether through misinterpreting the research or ignoring it altogether, using gender bias in formulating their opinions, or relying on inappropriate and invalid psychological tests, such professionals mislead the courts into believing that they have a scientific basis for their opinions.

This book was never meant to be just a tome by lawyers for lawyers. We are, after all, well aware that a fairly broad swath of the population has, or ought to have, serious concerns about the malfunctioning of our courts. This includes family court judges and family lawyers, of course, but also members of mental health and related professions who play a role in these cases, along with anyone who potentially could end up in the midst of a custody or visitation dispute with an ex-partner. They include psychiatrists, DV advocates, researchers, educators, journalists, and activists who have witnessed up close the myriad of harms resulting from system malfunctioning. Among these are DV professionals who have devoted entire careers to these issues and DV workers who, for little or no pay, sit day after day beside litigating mothers in family courtrooms, which they call the "final frontier" of domestic abuse.

Any critique that claims to be objective will include the observations of outsiders who—as in the present case—studied the system from the outside looking in. Along this same vein, three chapters are by investigative journalists who, while covering a related topic, stumbled onto the dark terrain of the family courts. Moved by the

outrages they uncovered, and deluged by mothers begging for publicity for their cases, they took up the torch for exposing the legal injustices suffered by battered mothers. In service to this cause, they have developed a growing collection of newspaper articles, blogs, editorials, chapters, documentaries, and conference presentations, collectively shedding considerable light on what is often referred to as the dirtiest little secret in America.

As often occurs when governments refuse to remedy the harms for which citizens seek redress, the injustices meted out by the family courts have triggered waves of grassroots activism. To flesh out our analysis, therefore, we include reports from several activists who have led the campaign for family court reform. Last but not least, we present brief testimonials of several mothers who share what they and their children went through during their harrowing journey through custody litigation.

The news, as they say, is not good. If this were a report of findings from a medical workup, the diagnosis would be serious. Perhaps “Massive Systemic Dysfunction,” a progressive and debilitating disorder in which a societal entity designed to dispense justice becomes, instead, an instrument of oppression, would be the best-fitting label.

Given this diagnosis, what might be the cure? What has been done so far to improve the system’s handling of cases involving DV and child abuse? What, if anything, has worked? Is the system, as it is structured, repairable, or is it irretrievably broken? How do we get rid of the expediency, cronyism, and profit motive that seems to drive many cases? How can we transform a harmful system into a helpful one? What can readers do to facilitate family court reform? These questions call out for answers; these problems demand solutions. That is precisely what this book is meant to provide.

Before we begin, we present a word about pronoun usage in this book. Generally, the chapters in this book refer to abusers as male (he) and victims as female (she). This is consistent with the majority of heterosexual cases, although assaults can be committed by either sex.

PURPOSE OF THIS BOOK

This book is designed to deliver something for everybody, particularly judges, attorneys, and court auxiliaries, but also for legislators, social workers, law students, DV staff, school counselors, litigating mothers, and, especially, citizens who have not yet learned about the serious malfunctioning going on in today’s family court system.

We hope the book will accomplish the following modest goals:

1. *Convince legal actors of the harm caused by all types of abusive behavior, whether physical, verbal, financial, legal, or other forms.*
2. *Establish the paramount importance of children’s safety beyond all other priorities that may emerge in a child custody case.*
3. *Alert attorneys to be sensitive to the many issues facing battered mothers. Attorneys should be aware of the profound trust issues their clients may have toward them, due, in many cases, to the betrayals they have suffered at the hands of their abusers and the court system. Attorneys should use the information in this book to guide their representation of protective mothers and to help them locate additional research, case law, and consultation to improve their case outcomes.*

4. *Provide judges with new insight into the dynamics of violence, so that they refrain from blaming the victim or painting both parties with the same brush.* We hope it will help judges to recognize when experts and other types of witnesses are providing testimony based on myths, stereotypes, and discredited theories. We also hope it will lead them to issue orders emphasizing the safety of protective mothers and the accountability of batterers.
5. *Encourage journalists and others working in the media to do their job by exposing these problems.* For too long, reporting on the crisis in our nation's family courts has been stymied by the focus on "fair and balanced reporting." Of course, there are two sides to every case, just as a story about a murder trial would include the defendant's side. However, some people deny that the Holocaust occurred; some argue that whites are superior to blacks; and others argue that the earth is flat. Yet no one argues for the need to write "balanced" stories on these kinds of topics. Every state, province, and court in the United States and Canada has a policy against DV. The debate should be about the best ways to prevent DV and not whether abusive behavior is justified.
6. *Inform professionals from all fields about the risks facing women and children who approach the family courts for protection.* We believe that professionals of all stripes, along with many other concerned constituencies, have the wherewithal to turn this crisis around.

There is no justification for forcing one more child to cry himself/herself to sleep because of the flawed custody decision of a family court judge. For the sake of just that one child, we are proud to present this cutting-edge work that, we hope, will alter the legal landscape for battered mothers and their children.

ORGANIZATION OF THIS BOOK

Opinions vary regarding what caused the current crisis and what must be done about it, but there is generally agreement on at least one point: the problems we are seeing in our family courts have complex causes that require complex solutions. As a way of drawing the big picture, we broke the problem down into four areas, assigning the chapters to one of four parts:

- Part 1. Parameters of the Problem
- Part 2. Survivors' Stories
- Part 3. Causes of and Contributors to the Problem
- Part 4. Solutions and Strategies

We will now review the chapters in their order of appearance.

Part 1: Parameters of the Problem

Joan Zorza's contribution, *Child Custody Practices of the Family Courts in Cases Involving Domestic Violence*, is appropriately placed as the first chapter of the book. An eminent attorney and prolific writer, Ms. Zorza's work is informed by her decades

of working as a legal advocate for battered women, beginning in the earliest years of the DV movement. In discussing how today's harmful court practices have evolved, she identifies the legal theories (e.g., Parental Alienation Syndrome (PAS) and "friendly parent" statutes) that coalesced to form the toxic landscape facing litigating mothers throughout the past two decades or so.

In Chapter 2, *Recognizing Domestic Violence: How to Know It When You See It and How to Provide Appropriate Representation*, Lois Schwaeber, J.D., outlines the essential information that court agents and their auxiliaries must know in order to accurately discern whether or not DV is affecting a custody case. She strongly cautions against discrediting women's allegations of DV on the basis of equivocal factors. For example, professionals often misinterpret the absence of police reports, 911 calls, or emergency room visits as proof that a woman is making false allegations of DV. But, in fact, research demonstrates that victims often fail to report abuse out of fear for their own and their children's safety. This chapter is critical as courts often make harmful decisions because they fail to recognize the abuser's DV.

Chapter 3, *Historical Legal Context in Domestic Violence Custody Cases*, by Marvin Timothy Gray, J.D., traces the historical lineage of modern legal theories and practices to their roots in ancient Greece, the Roman Empire, the Catholic Church, and other societal codes. Mr. Gray, with his own lengthy experience as a legal advocate for battered women, provides rich discussion of the impact of these historical precedents on how today's courts view and handle women's allegations of DV in their custody petitions.

In Chapter 4, *Historical Origins of the Fathers' Rights Movement*, Jan Kurth, M.U.P., outlines the origins and development of the male supremacist movement. She explains the tactics used, often successfully, by male supremacists to gain custody of their children for the precise purpose of punishing the mother for leaving him or to force her to return. Inadequately trained professionals often fail to recognize these tactics for what they are, assuming, instead, that the father's quest for custody is motivated by love for his children, whom he claims he must rescue from their "crazy" (or "drug-addicted," "promiscuous," "narcissistic," etc.) mother. For example, in the Shockome child custody case of Dutchess County, New York, the abuser actually provided evidence of his own ulterior motive: in a statement he wrote to his wife, he said that he had brought her to this country (she was a Russian citizen at the time) and that, therefore, she had no right to leave him. He further warned that she would "never get away from him." The family court judge nonetheless ignored this evidence and ruled against the mother who, at this writing, has not seen her children for five years.¹

Molly Dragiewicz, Ph.D., in Chapter 5, *Gender Bias in the Courts: Implications for Battered Mothers and Their Children*, eloquently summarizes what has been learned about the extent to which females are treated in a discriminatory manner, in comparison with males, by court agents. As discussed by Dr. Dragiewicz, gender bias studies commissioned by at least forty states, along with many local court districts, have unanimously confirmed the existence of pervasive bias against protective mothers vis-à-vis litigating fathers.

Next, in Chapter 6 (*Domestic Violence, Contested Child Custody, and the Courts: Findings From Five Studies*), Drs. Sharon K. Araji and Rebecca L. Bosek provide a concise review of previous literature on battered women's experiences with the legal

¹ This information is contained in the transcripts of *Shockome v. Shockome* and is on file with the coeditors.

system. The authors combine these earlier findings with their own research in developing a classification of factors that contribute to bad outcomes in battered women's custody cases. Citing from surveys of battered mothers in Massachusetts, Arizona, Pennsylvania, California, their own state of Alaska, and elsewhere, these authors draw a bright outline around the legal landscape facing battered mothers in today's family court system.

In Chapter 7 (*Do Judges Adequately Address the Causes and Impact of Violence in Children's Lives in Deciding Contested Child Custody Cases?*), Judge Thomas E. Hornsby discusses the role of judges in recognizing and responding to DV in child custody cases. He writes,

During the nineteenth year of my twenty-three-year tenure as a circuit court judge in the 15th judicial circuit of the state of Illinois, my negative attitude toward female DV victims who sought orders of protection after I had granted them previous orders dramatically changed.

In the mid to late 1970s, when the modern DV movement began, little had been published about these problems. As research began to accumulate, early assumptions about DV, its causes, and remedies, were eventually proven wrong, if not outright dangerous. Nonetheless, many professionals continue to use discredited theories that blame either the victim or both partners for the abuse perpetrated by one against the other. We are aware of cases in which judges refused to listen to the testimony of DV experts, claiming that after being on the bench for many years, they did not need to learn anything more about DV. Some of these same judges proceeded to place children into the custody of abusive parents—and solely on the basis of myths, misconceptions, and stereotypes about DV. Judge Hornsby's chapter, therefore, is an especially valuable resource for family court judges and other court agents whose understanding (or misunderstanding) of DV may have profound implications for the future lives of battered mothers and their children.

In January 2007, a group of nationally recognized experts assembled in the form of a truth commission at the Fourth Battered Mothers Custody Conference (BMCC IV). As described in Chapter 8 by Mo Therese Hannah (*Truth Commission: Findings and Recommendations*), the truth commission was modeled after those developed in Latin American countries, South Africa, and elsewhere to give voice to citizens who had been victimized by agents of their own governments. During the BMCC IV, sixteen protective mothers from across the country testified publicly in front of the commission about the family courts' failure to protect them and their children. After these hearings, commission members met together to deliberate; they then summarized their findings, conclusions, and recommendations in the form of a written report, which is published verbatim and discussed in Dr. Hannah's chapter. It was the BMCC IV Truth Commission report that sparked the idea and development of this book.

Part 2: Survivors' Stories

In this relatively brief part, we hear from several extraordinary women—mothers whose own custody travails led them to extend a helping hand to other mothers going through similar fights. Among the most notable of these figures is Karen Anderson who, in Chapter 9 (*Courageous Kids: Abused Children Sharing Their Experiences*) describes the unique organization she cofounded (in collaboration with fellow activist

Connie Valentine). The Courageous Kids (CK) Network is a loose collection of older adolescents and adult children who, having been court-ordered to live with their abusive parent, are speaking out about their experiences. The CK Network provides a platform through which young people can express their thoughts and feelings about being raised by the courts. This powerful, life-affirming chapter will touch the most callous reader and create demands for the reform of the current broken system.

In Chapter 10 (*From the Mouths of Mothers*), four formerly battered mothers give a brief synopsis of their navigation of the family court system. Their stories, as shocking as they may be, are similar to those we have heard from mothers across the country. As of this writing, three of these four mothers never regained custody of their children, while two have not laid eyes on their children in years.

Part 3: Causes of and Contributors to the Problem

In this part, professionals from a variety of disciplines, including psychiatry, law, sociology, and the media assemble a sizable segment of the puzzle of court malfunction. The discussion begins with a cutting-edge analysis by Evan Stark, Ph.D. (Chapter 11: *Reframing Child Custody Decisions in the Context of Coercive Control*). Dr. Stark is a sociologist and expert witness whose treatise, *Coercive Control: How Men Entrap Women in Personal Life*,² marked a watershed in understanding the control dynamics driving woman abuse.

Next, the highly regarded Dr. Paul Jay Fink, a past president of the American Psychiatric Association, dissects the notorious phenomenon known as Parental Alienation Syndrome (PAS). As he explains in Chapter 12, *Parental Alienation Syndrome* (and, we would add, offshoots like the absurd “future alienation”) has been the primary justification used to extract thousands of children from the custody and care of their protective mothers. Dr. Fink exposes the fatal flaws of alienation theories, arguing for their banishment from the courtroom.

In Chapter 13, *Why Do Judges Do That?* Judge Mike Brigner clearly articulates what fellow judges tend to miss when evaluating the veracity of abuse allegations in child custody cases. With unusually deep insight into the dilemma faced by battered mothers, he notes,

Women trapped in relationships with abusers come to expect horrendous misbehavior from their partners. What they cannot fathom is the maddening reinforcement commonly provided to abusive men by the justice system and the public at large. . . . That key abuse collaborator is the custody judge. Of all of the actors in a battered woman’s life, none wield more power over her children and financial future. It is beyond infuriating when women discover that their custody judges lack understanding of DV and are colluding with abusers to take away women’s financial resources and, even worse, their children.

Joan Zorza returns in Chapter 14, to write about a mounting problem, in *Batterer Manipulation and Retaliation Compounded by Denial and Complicity in the Family Courts*. Ms. Zorza demonstrates how abusers are manipulating courts to help them

² E. Stark, *Coercive Control: How Men Entrap Women in Personal Life* (2007).

control their ex-partners and punish them for leaving. Although the courts frequently fail to recognize domestic violence or minimize its importance, they frequently retaliate against mothers who continue to complain about their partners' abuse despite the courts' determinations. The author recommends that courts look for patterns of behavior to better understand domestic violence and consult with genuine domestic violence experts rather than the inadequately trained mental health providers the courts often rely on.

In Chapter 15, *The Yuck Factor, the Oprah Factor, and the "Stickiness" Factor: Why the Mainstream Media Has Failed to Expose the Custody Court Scandal*, Garland Waller, M.S., speaks from her expertise as a journalist, documentary producer, and communications professor. As she points out in her chapter, a major roadblock to improving the court system is the media's reluctance to cover this unpleasant issue. Professor Waller notes that with a few exceptions—most notably, the PBS documentary *Breaking the Silence: Children's Stories*,³ *Newsweek's* "Fighting Over the Kids,"⁴ and scattered newspaper stories and magazine articles—the media's limited resources, fear of lawsuits, and perhaps simple laziness have culminated in a virtual brownout, if not blackout, of media coverage of this important public health issue.

Part 4: Solutions and Strategies

If the book ended prior to this final part, readers would likely be left feeling outraged and without any direction for channeling their outrage into action. Thanks to the collective genius of our last group of knowledgeable contributors, we are left, instead, with voluminous possibilities for restoring sanity and justice to the system.

Attorney Michael Leshner (with Dr. Amy Neustein) studied over 1,000 custody cases involving claims of child sexual abuse. Among the pair's disturbing findings are that courts often disbelieve valid abuse claims and further decline to fully investigate some of these cases. Consequently, as Mr. Leshner observes in Chapter 16: *Leveling the Landscape: Family Court Auxiliaries and How to Counter Them*, sexually abused children and their protective mothers are not only refused protection but also are, in many cases, revictimized by court auxiliaries like custody evaluators and law guardians. The implications for our children and our society are obvious and frightening.

A sought-after speaker and prolific author, Lundy Bancroft, B.A., is perhaps best known for his landmark book (with Dr. Jay Silverman), *The Batterer as Parent*. Mr. Bancroft combines the insights of a court insider, gained through years of experience as an expert witness and custody evaluator, with the passion of a revolutionary. His contribution (Chapter 17, *Organizing in Defense of Protective Mothers: The Custody Rights Movement*) argues for what he considers a much-needed paradigm shift in our efforts for reform. Mr. Bancroft maintains that the profligacy of the system will not be

³ *Breaking the Silence: Children's Stories*, a documentary produced by Catherine Tatge and Dominique Lasseur (<http://www.tatgelasseur.com>) was broadcast on most PBS stations in October 2005. It is among the very few to publicize these injustices through the victims' own voices. Before the video had even aired, FRs groups launched a ferocious backlash, bombarding PBS stations with calls and e-mails criticizing the documentary for being antifather and demanding it not be shown. Their efforts were met by an intense countercampaign on the part of women's custody advocates, who encouraged viewers to e-mail PBS to praise the documentary and to thank them for airing it.

⁴ Sarah Childress, "Fighting Over the Kids," *Newsweek*, Sept. 26, 2006.

eradicated by the system itself; that is just another example of asking the fox to watch over the henhouse. Rather, change can and will come only when masses of informed and organized citizens insist on it.

By the time he published his 2002 book, *Scared to Leave, Afraid to Stay*, Barry Goldstein (Chapter 18, *Recognizing and Overcoming Abusers' Legal Tactics*) had already devoted nineteen years to the movement to end DV. He had served on the board and as chairperson for a DV organization, My Sisters' Place; he also had represented hundreds of women who had been partnered with abusers, and he taught classes for men convicted of DV. Because initial reviews of the book were glowing, he was taken aback when one reviewer, attorney Joan Zorza, provided a more equivocal response. Mr. Goldstein came to realize that Joan Zorza was right and that he had much more to learn. He also came to appreciate the great deal he learned from her and many others working along with him in the DV movement. His chapter demonstrates how professionals can learn to recognize common abuser legal tactics and use this knowledge to understand their motivation.

Next, we gain the hard-earned insights of retired judge Marjory D. Fields, whose many years on the bench makes her uniquely qualified to speak to these issues. In Chapter 19, *Lawyer Skills Training for Domestic Violence Representation: Tips From a Retired Judge*, Ms. Fields wisely directs her advice toward family law attorneys, especially those who lack the training and insights needed to competently and vigorously represent battered mothers in complicated cases.

Along a similar vein, Nancy S. Erickson, J.D., brings her uncommonly rich knowledge base to her recommendations to lawyers handling PAS allegations. After toiling for years as an attorney for battered women, she took the courageous step of returning to school midcareer to earn a master's degree in forensic psychology. In her contribution to this book (Chapter 20, *Fighting False Allegations of Parental Alienation Raised as Defenses to Valid Claims of Abuse*), Ms. Erickson brings a rare combination of legal and psychological expertise to advise attorneys on how to counter the use of pseudoscience and flawed practices by mental health professionals who perform evaluations and provide testimony in family court cases.

In writing Chapter 21, *Urgent Need for Quality Control in Child Custody Psychological Evaluations*, Robin Yeaman, J.D., applies the experience gained through her many years spent dissecting child custody reports and cross-examining child custody evaluators who testify in California courts. Ms. Yeaman is an especially unique figure among legal advocates: she has not only served as an attorney on complex custody cases in the northern counties of California, but also demonstrated gifted leadership skills in organizing California mothers to engage in protests and rallies against corrupt court practices in her state.

In Chapter 22, *Factoring in the Effects of Children's Exposure to Domestic Violence in Determining Appropriate Postseparation Parenting Plans*, Claire V. Crooks, Peter G. Jaffe, and Nicholas Bala, widely respected researchers on topics related to family violence, give readers a tour of children's developmental journeys, pointing out their particular needs and risk factors at different stages of development. Against this backdrop, they identify the developmental harms faced by children who are exposed to DV. Accordingly, they urge courts to rely on nothing less than credible and robust research findings in making custody and visitation decisions involving domestic abuse.

Attorney Margaret K. Dore, in Chapter 23, *Court-Appointed Parenting Evaluators and Guardians Ad Litem: Practical Realities and an Argument for Abolition*, cogently outlines her case against permitting custody evaluators, parenting coordinators, and,

especially, guardians ad litem, to usurp the decision-making role of judges in contested child custody cases. Her call to eliminate these extrajudicial actors has considerable support among observers inside and outside the court system.

In her chapter, Erika A. Sussman, J.D., LL.M., offers a refreshing alternative to the best interests of the child (BIC) legal standard that guides child custody determinations in the courts of virtually every state. In *American Law Institute Principles: A Tool for Accessing Justice for Battered Mothers and Children* (Chapter 24), she provides compelling rationales for replacing the BIC standard with those developed by the American Law Institute (ALI). Experts have criticized the BIC standard because it often is subject to vagueness, subjectivity, and gender bias. Issues critical to the welfare of children—such as primary attachment and safety—are given less weight. This puts protective mothers at an unfair disadvantage. Less important factors, like economic superiority, employment stability, and remarriage, are given greater weight. The subjectivity of the BIC standard often combines with the lack of adequate training and gender bias (usually unconscious) to advantage abusive fathers over protective mothers.

Finally, journalist Anne Grant, in *Covering the Crisis in the Custody Courts* (Chapter 25), caps this final part with her eye-opening rendition of cases she covered in her published work on the family courts. Ms. Grant is one of the few journalists who have invested their time, talents, and even reputations toward exposing and correcting what she, and countless others, considers an egregious social injustice.

About the Editors and Contributors

Mo Therese Hannah, Ph.D., is professor of psychology at Siena College in Loudonville, New York. She cofounded and serves as chair of the annual Battered Mothers Custody Conference, now in planning for its seventh year, to be held in January 2010. This conference hosts the nation's leading attorneys, experts, authors, and advocates working in the area of battered mothers' custody problems in presenting their cutting-edge knowledge and experience to litigating mothers, to other experts, and to the general public. A clinical psychologist specializing in relationship dynamics, Dr. Hannah has a practice working with couples and individuals. She was named an academic faculty member of Imago Relationships International, the professional training organization for Imago (couples) Therapy. In 2008, she was honored as one of the "30 Leaders in 30 Years" by the New York State Coalition Against Domestic Violence. She has published five books and produced numerous articles and presentations on issues revolving around interpersonal relationships.

Barry Goldstein, J.D., practiced law in New York for thirty years and frequently represented protective mothers. He served on the board of My Sisters' Place for fourteen years, including four years as chairperson. He has been an instructor and is now supervisor in the VCS Domestic Violence Program for Men, one of the New York Model Batterer Programs. Mr. Goldstein is the author of *Scared to Leave Afraid to Stay: Paths From Family Violence to Safety* (2002). He has been qualified as an expert witness in domestic violence and the courts' response to domestic violence in New York, North Dakota, New Jersey, and California. Mr. Goldstein is the author of several articles, including "Custody-Visitation Scandal Cases," published in *The Voice by the National Coalition Against Domestic Violence* (Fall 2006). He has presented at numerous judicial trainings and workshops for the National Coalition Against Domestic Violence, Battered Mothers Custody Conference, Oklahoma Attorney General's Office, Safespace (Tennessee), Rockland Family Shelter, Catholic Charities (Buffalo, New York), Fairleigh Dickinson University, and The Retreat. Mr. Goldstein served on the truth commission held at the Fourth Battered Mothers' Custody Conference (2007). A member of the Family Court Reform Coalition, he received his B.A. (political science) from George Washington University (1974) and J.D. from New York Law School.

Karen Anderson is the cofounder and director of California Protective Parents Association (CPPA), incorporated in 1998. In 2004, she assisted a core group of teens in forming the Courageous Kids Network, a division of CPPA. In addition to her work with CPPA, Karen worked for eight years as a domestic violence and sexual assault counselor for a violence prevention agency, the Center for Violence Free Relationships, in Placerville, CA. In that capacity, Karen provides local high school students with on-sight counseling services for child sexual abuse, teen dating violence, and witnessing domestic violence in the home, as well as providing sexual assault and

domestic violence counseling services for adults in the agency office. She has been active in initiating, drafting, and lobbying for family court reform and child protection statutes. Karen is currently working in a private capacity as a court advocate and paralegal, providing services to victims of domestic violence and child abuse who are unable to access services from public agencies. She also plans to work in the area of family violence tort law and she is currently in a paralegal program with the intent of eventually working in the area of family violence tort law.

Sharon K. Araji, M.Ed., Ph.D., is a professor of sociology and chair of the Department of Sociology at the University of Colorado, Denver, and recently retired from the same positions at the University of Alaska Anchorage. She has conducted research and published in the areas of domestic violence, child abuse, and women's issues, developed educational documentaries and training materials, and presented at professional meetings and community workshops. She frequently serves as an expert witness in domestic violence cases, including those involving contested custody. Her interest in these areas peaked while completing a National Institute of Mental Health postdoctoral fellowship at the University of New Hampshire, working with Drs. Murray Straus and David Finkelhor. Currently, she is primarily focusing on the issue of domestic violence and its relationship to contested custody and sexual abuse perpetrated by preadolescent children.

Nicholas Bala, J.D., has been a professor at the faculty of law at Queen's University in Kingston, Canada, since 1980, and he has taught in the law schools of Duke, McGill, and York University. His primary area of teaching and research interest is family and children's law, focusing on such issues as child welfare law, child abuse, and child witnesses in the criminal justice system; family violence; the best interests of children; parental rights and responsibilities after divorce; the legal definition of the family; the Canadian Charter of Rights and the family; juvenile justice; and child and spousal support obligations. Much of Professor Bala's research has an interdisciplinary approach, as he recognizes the importance of understanding not only what the law says, but also the actual functioning and impact of the justice system, in particular on those who are most vulnerable.

Lundy Bancroft, has twenty years of experience specializing in interventions for abusive men. He is the author of three books in the field, including *Why Does He Do That*, *When Dad Hurts Mom*, and the national prize winner *The Batterer as Parent*. He has worked with over a thousand abusers directly as an intervention counselor, and has served as clinical supervisor on another thousand cases. He has also served extensively as a custody evaluator, child abuse investigator, and expert witness in domestic violence and child abuse cases. Lundy appears across the United States as a presenter for judges and other court personnel, child protective workers, therapists, law enforcement officials, and other audiences. His current training and writing work focuses on the impact on children of exposure to men who batter women and how professionals can best support children's recovery.

Rebecca L. Bosek, Ph.D., L.M.F.T., L.P.C., is an assistant term professor at the University of Alaska, Anchorage, where she teaches courses on gender issues, human sexuality, lifespan development, and community psychology. She is the former clinical director of the Center for Psychological Development, a specialized clinic that serves people with intellectual disabilities who are crime victims or offenders. She has published on treatment issues for people with intellectual disabilities who are victims and offenders and, also, on sexually aggressive children. In addition to her teaching duties,

she conducts child custody evaluations and has been an expert witness in contested child custody cases where domestic violence has been present.

Mike Brigner, J.D., is one of Ohio's leading experts in the field of domestic violence. He authored two editions of the *Ohio Domestic Violence Benchbook for Judges and Magistrates* and consulted on similar projects for several other states. He is the immediate past chair of the Ohio Supreme Court Domestic Violence Advisory Committee that created standard statewide protection order forms, and he has testified repeatedly before the Ohio General Assembly on domestic violence legislation. In his legal career, he has authored over 100 articles on legal topics, most of them regarding family law and domestic violence. Professor Brigner served a decade as an Ohio domestic relations court judge whose duties included exclusive jurisdiction over divorces and civil protection order cases. He is experienced in training judges, lawyers, police departments, prosecutors, and other professionals across the United States on domestic violence issues.

Claire V. Crooks, Ph.D., C.Psych., is a registered clinical psychologist. She is the associate director of the Centre for Addiction and Mental Health (CAMH) Centre for Prevention Science and an assistant professor at the Centre for Research and Education on Violence Against Women and Children (University of Western Ontario). Dr. Crooks is an external consultant to the Centre for Children and Families in the Justice System of the London Family Court Clinic, where she conducts custody assessments with the London Custody and Access Project. She frequently conducts training on a wide range of topics related to family violence and serves as faculty for the National Council for Juvenile and Family Court Judges in this regard. Dr. Crooks is a cofounder of the Caring Dads program, a parenting intervention for men who have maltreated their children. Dr. Crooks has written numerous articles and chapters on topics, including children's exposure to domestic violence, child custody, adolescent dating violence and risk behavior, intervening with fathers who maltreat their children, and trauma.

Margaret K. Dore, J.D., is an attorney in private practice in Seattle, Washington. Her published decisions include *In re Guardianship of Stamm*, 91 P.3d 126, 133 (Wash. Ct. App. 2004) (reversing due to the improper admission of guardian ad litem testimony), and *Lawrence v. Lawrence*, 20 P.3d 972, 974 (Wash. Ct. App. 2001) (use of the "friendly parent" concept in a child custody case "would be an abuse of discretion"). *Lawrence* was nationally recognized. See, for example, Wendy N. Davis, "Family Values in Flux," 87 *ABA Journal* 26 (October 2001). Ms. Dore is a former law clerk to the Washington State Supreme Court and the Washington State Court of Appeals. She worked for the U.S. Department of Justice. She is the chair of the Elder Law Committee of the ABA Family Law Section. She was nominated for the 2005 Butch Blum/Law & Politics Award of Excellence. She is a graduate of the University of Washington School of Law. She has an M.B.A. in finance and a B.A. in accounting. She passed the C.P.A. examination in 1982. Further information about Ms. Dore and her practice can be viewed at <http://www.margaretdore.com>.

Molly Dragiewicz, Ph.D., is assistant professor on the Faculty of Criminology, Justice, and Policy Studies at the University of Institute of Technology in Ontario, Canada. Dr. Dragiewicz's research interests include violence and gender, domestic violence and child custody, the antifeminist fathers' rights movement, and human trafficking policy. She is a founding member on the advisory board for the Communities Against Violence Network (CAVNET) and is a member of the American Society of

Criminology and the National Women's Studies Association. Dr. Dragiewicz holds a Ph.D. in Cultural Studies from George Mason University and an M.Phil. in Women's Studies from the University of Western Australia.

Nancy S. Erickson, J.D., LL.M., M.A., attended Brooklyn Law School and Yale Law School and earned a master's in forensic psychology from John Jay College of Criminal Justice. She is an author and consultant on family law and matrimonial issues, including custody evaluations, especially those involving abused children and children of abuse victims. She was a senior attorney at Legal Services for New York City, Brooklyn Branch, representing low-income clients—primarily battered women—in divorce and other family cases for eight years. For over ten years, she was a professor of law, teaching at New York Law School, Cornell University, Ohio State, New York University, and Seton Hall Law School. She also has had positions in government and has been in private practice. She has written books and articles on family law and forensic psychology, including domestic violence, child support, custody, marital property, attorneys for children, custody evaluations, and adoption. She has lectured to judges, attorneys, mental health practitioners, and others throughout the country.

Marjory D. Fields, J.D., is a retired New York State Supreme Court justice and a retired family court judge. She is an attorney licensed to practice law in New York State. She is counsel to Beldock Levine Hoffman in New York City and International Family Law Chambers in London. Fields works on public policy issues addressing legal remedies and protection for women victims of family violence, abuse, and sex crimes. She represents litigants in family law and divorce cases. On September 1, 2002, she retired after sixteen years on the bench to resume working to combat violence against women. Fields continues to be a member of the New York State Courts Family Court Advisory and Rules Committee and Family Violence Task Force. In 2002, Fields was awarded an Abe Fellowship by the Japan Foundation Center for Global Partnership and the Social Sciences Research Council. The fellowship supported Fields' work with Japanese women's organizations throughout Japan. Fields' many articles on civil remedies and procedures and criminal justice responses to domestic violence and sexual assault are published in scholarly journals and books in the United States, the United Kingdom, and Japan. Fields chaired the New York State Commission on Domestic Violence from 1976 to 1986. She began her legal work at South Brooklyn Legal Services representing victims of domestic violence in divorce actions for fifteen years, prior to being appointed to the New York State Family Court bench in March 1986. She was a member of the six-lawyer team that brought a law suit, which was settled successfully in 1978, whereby the New York Police Department consented to the first mandatory arrest policy for violations of protection orders and serious domestic violence assaults. During her years at South Brooklyn Legal Services, Fields traveled throughout the United States training legal services lawyers representing domestic violence victims and testifying before state legislatures and the U.S. Congress in support of new laws to protect victims of domestic violence and marital rape.

Paul Jay Fink, M.D., a prominent psychiatrist, psychoanalyst, and public health officer with a strong interest in youth violence and youth murder, is a professor of psychiatry at Temple University School of Medicine. Dr. Fink has extensive managerial, educational, planning, and clinical experience. He is the director of the Blueprint for a Safer Philadelphia, a consultant to the School District of Philadelphia, and is on the boards of Philadelphia Anti-Drug/Anti-Violence Network (PAAN), Institute for the Development of African American Youth (IDAAY), Joseph J. Peters Institute (JJPI), and CeaseFire

PA. Dr. Fink is a past president of the American Psychiatric Association, the American College of Psychiatrists, and the Philadelphia County Medical Society. He has over 210 articles published and has given over 900 lectures throughout the world.

Anne Grant, M.A., M.Div., won two Emmy Awards as a television writer and producer in the 1970s before becoming a United Methodist minister. In the 1980s and 1990s, she was executive director of the Women's Center of Rhode Island, the state's largest shelter for battered women and their children. There she documented practices at Rhode Island's Family Court and the Department of Children, Youth, and Families that endanger victims of domestic violence and sexual abuse. She wrote the column, "Overcoming Abuse," for the *Providence Journal* (1990–1996) and formed the Parenting Project at Mathewson Street United Methodist Church to assist children and protective parents. She produces several blogs, including <http://www.littlehostages.blogspot.com> and <http://www.writing-truthtopower.blogspot.com>. She is now writing screenplays and nonfiction based on her research into custody cases that illustrate the trauma of adversarial litigation.

Marvin Timothy Gray, J.D., M.A., C.D.S.V.R.P., is an attorney in private practice in northern Oklahoma and represents primarily survivors of domestic violence, sexual assault, and stalking in protective order, divorce, custody, and other family law and survivor-related and general law practice matters. He frequently advises domestic violence services agencies and many other agencies concerning domestic violence-related issues. Mr. Gray was the policy director and staff attorney to the Oklahoma Coalition Against Domestic Violence and Sexual Assault (OCADVSA), a coalition consisting of most of the domestic violence and sexual assault services providers in Oklahoma for nearly two years. In this position, Mr. Gray provided legal and policy analysis and technical assistance to OCADVSA, OCADVSA member programs, state agencies, national entities, legislators, and others. Mr. Gray also provided (and continues to provide pro bono) legal counsel, advice, and limited referral services to individual survivors in Oklahoma and elsewhere. Mr. Gray has been a designee to the Oklahoma Child Death Review Board, the Oklahoma Domestic Violence Fatality Review Board, and the Oklahoma Child Abuse Training and Coordination Council of the Oklahoma Department of Health. Mr. Gray provides numerous trainings throughout Oklahoma and nationally on subjects relating to Oklahoma legislation, domestic violence, sexual assault, stalking, dating violence, pro bono legal assistance and programs, custody issues, court watch, and court procedures for the layman as well as teaching college-level classes on subjects related to domestic violence, sexual assault, and related issues. Mr. Gray has worked with adult and child survivors of domestic violence and sexual assault for more than ten years in varying capacities including policy director and staff attorney for OCADVSA (the Oklahoma Coalition Against Domestic Violence and Sexual Assault), director of legal services and general counsel for Domestic Violence Intervention Services and Call Rape in Tulsa, Oklahoma, supervising attorney of the Tulsa Presidents Family Safety Center Civil Legal Assistance Office, and Americorps domestic violence attorney in rural Appalachian southeastern Ohio. Mr. Gray received his juris doctorate from the University of Tulsa College of Law with a certificate in international and comparative law in 1998, a master's degree in liberal arts from St. John's College in Santa Fe, New Mexico, a certificate in Chinese law from the East China University of Politics and Law in Shanghai, People's Republic of China, and is an Oklahoma Certified Domestic and Sexual Violence Response Professional.

Paige Hodson, B.A., is a life-long resident of Anchorage, Alaska, a real estate appraiser and business owner, a single mother of two children, and a domestic violence

survivor. She graduated from Washington State University with a B.A. in Business Administration with a real estate emphasis. Paige is the creator of the educational Web site <http://www.custodyprepformoms.org>, a valuable national resource for domestic violence victims. She is the editor of the *Alaska Moms for Custodial Justice* newsletter and an invited member of the National Network on Family Law Policy and the Family Court Reform Coalition. She cowrote and lobbied to pass state legislation that provides better protections for abused women and children during contested child custody proceedings. Paige has presented at various workshops and conferences on the topics of domestic violence, child custody, child abuse, court reforms, activism, and advocacy in the state of Alaska and around the country. She most recently served as consultant to the University of Alaska Anchorage on a study of battered mothers and the Alaska courts as well as a film documentary on the subject.

Thomas E. Hornsby, J.D., is a professor of professional skills at the Florida Coastal School of Law, in Jacksonville, Florida. He teaches the courses of Family Law, Domestic Violence, and Juvenile Law. He practiced law from 1964 to 1972, and in December of 1972 he was appointed by the Illinois Supreme Court to the office of circuit court judge in the Fifteenth Judicial Circuit. He retired from the bench in December of 1995. He is a regular member of the faculty of the National Council of Juvenile and Family Court Judges (NCJFCJ) and presents nationwide on the subjects of the Interstate Compact on the Placement of Children, Judicial Ethics, Judicial Responsibility in Assuring Fairness in the Courts, Ethical Issues in Dependency Court and has served as a consultant on those subjects and domestic violence. He is a past president of the NCJFCJ, a former member of the Board of Fellows of the National Center of Juvenile Justice and a board member emeritus of the National Court Special Advocates (CASA). He currently serves as a member of the Conduct Committee of the NCJFCJ and is a past president of the board of directors of the Betty Griffin House, a domestic violence shelter in St. Johns County, Florida. In 1994, he was elected as an honorary fellow of the Illinois Bar Foundation, "In recognition of a legal career exemplified by outstanding legal ability, devotion to the public welfare, the advancement of the legal profession and the objectives of the Illinois Bar Foundation."

Peter G. Jaffe, Ph.D., C.Psych., is a professor in the faculty of education at the University of Western Ontario and the academic director of the Centre for Research on Violence Against Women & Children. He is the director emeritus for the Centre for Children and Families in the Justice System in London, Ontario. He currently sits on Ontario's Chief Coroner's Domestic Violence Death Review Committee. He has coauthored nine books, twenty-five chapters, and over seventy-five articles related to children, families, and the justice system, including *Children of Battered Women*, *Working Together to End Domestic Violence* and *Child Custody & Domestic Violence: A Call for Safety & Accountability*. He has presented workshops across the United States and Canada, as well as in Australia, New Zealand, Costa Rica, and Europe to various groups, including judges, lawyers, mental health professionals, and educators. Since 1997, he has been a faculty member for the U.S. National Council of Juvenile and Family Court Judges.

Jan Kurth, M.U.P., is a freelance writer and former columnist for the Jamestown, N.Y. *Post-Journal*. She is also a protective parent and veteran of the family court system. She has a B.A. from Vassar College and a masters in urban planning (M.U.P.) from the State University of New York at Buffalo. Her first novel, *Broken Angels*, was published in 2008.

Michael Leshner, M.A., J.D., writer, journalist, and attorney, has devoted years to fighting for mothers who have lost custody of their children for trying to protect them from alleged sexual abuse. His legal work for mothers and children has appeared in states all over the country, including Arizona, California, Colorado, Idaho, Maryland, Michigan, New Jersey, and New York. He has also handled major federal civil rights cases, including a pending suit seeking equal protection under the law for a child who contends her alleged rapist was not prosecuted because he was her father. Mr. Leshner is coauthor, with Dr. Amy Neustein, of *From Madness to Mutiny: Why Mothers Are Running From the Family Courts—And What Can Be Done About It* (University Press of New England/Northeastern, 2005) and several academic articles for publications such as the *Journal of Child Sexual Abuse*. As a legal writer, Mr. Leshner has contributed to *Moore's Federal Practice*, *Weinstein's Evidence*, and *The Federal Litigation Guide Reporter*. His journalism has appeared in the *Village Voice*, the *Jewish Week*, *Forward*, *Canadian Jewish News*, and *North Jersey Herald & News*; he has also published short fiction and poetry. He has received extensive media coverage for his advocacy for child sex abuse victims within the Orthodox Jewish community, which has recently resulted in the Israeli government ordering the extradition of two alleged abusers to the United States for trial. Mr. Leshner holds postgraduate degrees from the University of Virginia and Brooklyn Law School.

Larissa Pollica, R.N., B.S., is a protective mother who testified before the BMCC IV Truth Commission. She is cofounder of the Tompkins County Family Court Reform Group. She is a critical care emergency nurse.

Lois Schwaeber, J.D., is the Director of Legal Services for the Nassau County Coalition Against Domestic Violence. She is also cochair of the Domestic Violence Committee of the Women's Bar Association of the state of New York and chair of the Domestic Violence Committee of the Women's Bar Association of Nassau County. She is a member of the County Executive's Family Violence Task Force. She has authored several articles on domestic violence and on representing victims of abuse and the impact of domestic violence on custody/visitation. She is an active board member and participant on coalitions, task forces, and advisory committees on domestic violence, custody, and women's issues, and has organized and presented workshops on these issues to both the legal and lay communities. She is also a frequent lecturer on these topics to schools and community groups, and professionals.

Jay G. Silverman, Ph.D., is a developmental psychologist and public health researcher whose work focuses on the etiology, health effects, and prevention of gender-based violence against adolescent and adult women (e.g., intimate partner violence, sexual assault, sex trafficking) in the United States and internationally. Dr. Silverman's research has included examinations of prevalence and health correlates of adolescent dating violence, social contextual influences on the etiology of intimate partner violence (IPV) perpetration among men, health and help-seeking of battered immigrant women in the United States, school-based primary prevention of IPV, health-care-based intervention for IPV and sexual assault in the United States and India, health-related behaviors of adolescent and adult battered women, HIV/STI prevalence and risk associated with IPV, IPV and pregnancy-related health and pregnancy outcomes in the United States and India, overlap of IPV and child abuse, the role of IPV in spousal heterosexual transmission of HIV in India, HIV among South and Southeast Asian sex trafficking victims, and proximal mechanisms related to trafficking of women and girls for

sexual exploitation. He is currently collaborating with a range of UN agencies as well as the U.S. Department of State to move a broad public health agenda on understanding and preventing sex trafficking forward. Dr. Silverman's work has been broadly published in premier scientific journals and includes coauthorship with Lundy Bancroft of the award-winning practitioner guidebook, *The Batterer as Parent* (Sage, 2002). He is currently an associate professor of society, human development and health and Director of Violence Against Women Prevention Research at the Harvard School of Public Health.

Rita Smith, B.A., is the executive director of the National Coalition Against Domestic Violence. Rita began working as a crisis line advocate in a shelter for battered women and their children in Colorado in 1981. Since then, she has held numerous positions in Colorado and Florida at local programs and state coalitions, including program supervisor and director. She has been interviewed by hundreds of newspaper reporters, appeared on many local and national radio and television news shows, including *Good Morning America* and *Oprah Winfrey*, and in print media, such as the *Washington Post* and *USA Today*. She coauthored a legal manual for attorneys working with domestic violence victims in Colorado. She also coauthored an article on child custody and domestic violence that was published in the *Judges' Journal*, in 1997.

Evan Stark, Ph.D, M.S.W., is a forensic social worker who is internationally known for his research on domestic violence and his advocacy on behalf of battered women and their children. A founder of one of the first shelters for abused women in the United States, in the 1980s, Evan Stark conducted path-breaking research with Anne Flitcraft, M.D., which demonstrated the significance of domestic violence for female injury and a range of other medical, behavioral, and psychosocial problems, including child abuse. Dr. Stark has served as an expert in more than 100 criminal and civil cases involving battered women and their children, consulted with numerous federal and state agencies, and won a number prestigious awards for his research, advocacy, and policy work, including the Trend Setter Award from the National Health Council. Dr. Stark was the lead witness for the plaintiff mothers and children in the landmark federal class action suit, *Nicholson v. Williamson* and served on the Nicholson Review Panel (2002-2005) appointed to monitor compliance by the Administration of Children's Services in New York City with the federal injunction. The American Publishers' Association named his recent book, *Coercive Control: The Entrapment of Women in Personal Life* (Oxford University Press) the best book in sociology and social work for 2007. Dr. Stark is a professor at the School of Public Affairs and Administration at Rutgers University-Newark and at the University of Medicine and Dentistry of New Jersey's School of Public Health.

Erika A. Sussman, J.D., LL.M., is the executive director of the Center for Survivor Agency and Justice, a national organization dedicated to enhancing advocacy for survivors of oppression-based intimate partner violence. For four years, she served as an adjunct professor at Cornell Law School where she taught a class on law and violence against women. She was previously a teaching fellow and women's law and public policy fellow at Georgetown University Law Center's Domestic Violence Clinic, where she supervised law students and litigated cases on behalf of domestic violence survivors in the District of Columbia. Prior to that, she was a litigation associate at Swidler Berlin Sherreff Friedman, LLP, where she provided pro bono representation to

domestic violence survivors in conjunction with Women Empowered Against Violence (WEAVE) and cocounseled a race-profiling class action suit against the Maryland State Police Department. She has published several articles and served as faculty for various academic and practitioner workshops related to violence against women. She obtained her B.S. from Cornell University, her J.D. from Cornell Law School, and her LL.M. from Georgetown University Law Center.

Wendy Titelman is the author of *A Mother's Journal, Let My Children Go!*, which was published in 2003. In 2004, she kicked off her advocacy organization, "Kourts for Kids," with a 518-mile walk on the historical Trail of Tears, which she organized to publicize the revictimization of abused children by the family court system. As one of the nation's most prominent activists on this issue, Wendy has made invited presentations at conferences and seminars across the country. Having enjoyed a successful career in marketing and management as well as with the airlines, over the past decade Wendy's greatest challenge and overriding priority in life has been as a mother trying to protect her children from abuse by their father and by the courts. After living most of her life in Atlanta, Georgia, and then moving away from her home in New Orleans due to Hurricane Katrina, Wendy now lives in Cincinnati, Ohio.

Garland Waller, M.S., is an assistant professor in the department of television and film at Boston University's College of Communication. She teaches Producing for TV, Childhood and Television, the Branded American Child, and Hothouse Productions. Before becoming a professor, she produced and wrote over ten documentaries and specials at WBZ-TV in Boston. Her awards include more than five New England Emmys, the Iris Award for Best Entertainment Special, the Grand Prize at the International Film Festival of New York, and the American Women in Radio and Television Merit Award. *Small Justice: Little Justice in America's Family Courts* (distributed by Intermedia, Inc.) was her first independent documentary. It won Best Social Documentary at the New York International Independent Film and Video Festival in 2001 and the Award for Excellence in Media by the Eighth International Conference on Family Violence. It was selected for screenings at the Key West Indies Film Festival, GirlFest, and the Museum of Fine Arts in Boston. She recently produced the educational video, *Debating Richard Gardner*. She has appeared on FOX NEWS, Court TV, WBUR/NPR, WNYC/NPR, and the Comcast Network.

Robin Yeamans, J.D., is one of only three California attorneys who have been certified by the California State Bar Board of Legal Specialization as a specialist in both family and appellate law. Robin became a certified family law specialist in 1980. She graduated from Stanford Law School, where she was on the *Stanford Law Review*. Her undergraduate work was at the University of Southern California, where she majored in philosophy and graduated Phi Beta Kappa. Robin has published large amounts of material to help self-represented litigants, including *Here's How You Get a Divorce in Santa Clara County* and *How to Do a Contested Divorce in California*, by Nolo Press. Her Web site, <http://www.divorcecal.com>, features many videos useful to self-represented litigants nationwide such as *Trial in a Box* and *Dissecting Custody Psychological Evaluations*.

Annette Zender is a protective parent, licensed Illinois foster parent, and adoptive parent. She cofounded the Illinois Coalition for Family Court Reform, and she speaks

regularly at conferences for the prevention of child abuse and protection for battered mothers.

Joan Zorza, J.D., is the founding editor of both *Domestic Violence Report* and *Sexual Assault Report*, and she has been working to end violence against women and children for forty years. A member of the bars of Massachusetts, New York, and the District of Columbia, she has written extensively on child custody, domestic violence, stalking, and sexual assault matters, and she is the author of the three-volume set of books, *Violence Against Women* (2002, 2004, and 2006), and *Guide to Interstate Custody: A Manual for Domestic Violence Advocates* (1992, 1995). She was awarded for her work on custody by the Department of Justice in 1998, by the City of New York Human Resources Administration for her work on behalf of victims of domestic violence in 2000, and by the Sunshine Lady Foundation for her work on violence against women in 2002. Since 1995, she has been a liason or a member of the board of the American Bar Association's Commission on Domestic Violence and represented or supervised lawyers and law students in cases on behalf of more than 2,000 battered women and almost 200 sexually abused children as an attorney at Greater Boston Legal Services and at the National Battered Women's Law Project of the now defunct National Center on Women and Family Law. She no longer represents clients but remains involved with many organizations and, through her writings and presentations, helps to increase the safety of women and children.