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# **DOMESTIC VIOLENCE, ABUSE, AND CHILD CUSTODY**

**Legal Strategies and Policy Issues**

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**VOLUME II**

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

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*We dedicate this book to Joan Zorza, an intellectual and ethical giant whose scholarship, mentoring, and leadership in the domestic violence and protective mothers' movements inspired us to follow in her footsteps.*

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# Acknowledgements

The experience of getting a volume like this into print can be compared to getting pregnant and delivering a baby. It is a long, arduous journey guaranteed to bring about plenty of stress and considerable pain—yet the results are more than worth it. Such is the case with this second volume of *Domestic Violence, Abuse, and Child Custody: Legal Strategies and Policy Issues*. Like its predecessor of the same name, the contents of this book were born out of the deeply rooted knowledge and hard-won experience of its authors on legal battlefields. It is neither a joyful nor easy read; it is designed not merely to inform, but also to inflame the consciences of all parties concerned with the crisis in our family and divorce courts. It is designed to comfort the afflicted while afflicting the comfortable, all in service of our communal quest to obtain justice and protection for victims of abuse. At the same time, our book offers hope because it contains research and solutions that could end a long national nightmare of which much of the public is unaware.

Thus, we think it is fitting that the first to receive our acknowledgements are the countless protective mothers who have fought, and continue to fight, the courageous and bitter battle to keep their children safe and with them. Their battles are our own, and making children safe in our custody courts is the primary purpose of this book. Protective mothers are, in a sense, the real authors of this volume.

During its long path toward production, the contents of this book have been scrutinized by many expert and caring eyes. Everyone who has touched it has added to its clarity, its readability, and its potency. These are the people who warrant our acknowledgements and deep gratitude. First and foremost, as coeditors, both of us, Mo Hannah and Barry Goldstein, throw the main weight of our thanks behind two remarkable women—Deborah Launer, the executive vice president of Civic Research Institute, our publisher, and Maxine Idakus, our copy editor—who served as midwives for this volume. Without their unrelenting patience and impeccable professionalism, this book would never have made it into print.

We owe a huge debt of gratitude to all of the authors whose work appears between these two covers. Divorce and child custody is a huge industry, but the money goes to professionals who help the abusers, who, in turn, control most of the resources. The contributors to this book accept reduced incomes, enormous stress, unfair attacks, and often threats and retaliation in their efforts to protect children. They have displayed enormous talent, imagination, and courage in providing the reader with this valuable information. When society learns to appreciate moral courage, the way physical courage is rewarded, the contributors will receive the recognition they deserve.

I (Mo Hannah) also owe a debt of gratitude to the contributions of my students at Siena College who, through learning about battered women and custody in one of my courses, became inspired by these topics and then joined with me in one or more of my projects revolving around these issues. One of those projects is this book. Besides the, by now, hundreds of undergraduates who, over the years, have helped me publicize and run the Battered Mothers Custody Conference, an especially talented subgroup helped me improve the contents of the chapters in this book. I would like to publicly thank them here. These students are Monika Ostrowidzki, Matt Crowley, Erin Dorman, Meghan O'Connor, Sarah Riggins, Jennifer Hotaling, Danielle DeLisio, Sam South, Matt Alberti, Danielle Hyatt, Keri Lynn Timlin, and Alexis Hannah. I am proud of the fact that, through their involvement in this work,

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# Foreword

by Phyllis Chesler, Ph.D.

I warmly welcome this book. It is an amazing and important work about custody battles in America and features the words of very brave, utterly uncompromising, and dedicated scholars and activists. Both Dr. Mo Hannah and attorney Barry Goldstein have been pioneer advocates for mothers under siege, especially battered mothers, and even more so for those whose children are being sexually abused by their (custodial) fathers or alienated from the mothers who try to protect them.

Hannah and Goldstein—and all the author–lawyers, author–judges, and author–psychologists—offer devastating and accurate critiques of the system from within which confirm in every way the moving stories of “protective” mothers, children, and their advocates.

The subject is “dark,” in the sense that these tragedies are compounded by how the legal system enables them and fails to rescue the most vulnerable children and women from the clutches of evil.

Although I welcome this book, its appearance also causes me some anguish. This is an issue that I first began researching in the mid to late 1970s, and that research led to the first edition of my book *Mothers on Trial. The Battle for Children and Custody* (1986) and to a series of press conferences, interviews, and unprecedented Speak-Outs on the subject. Surely, by now, one might have expected some progress, some amelioration of the enormous suffering that mothers and children (and sometimes fathers) experience in America.

But now, the information is in. In 2011, I updated *Mothers on Trial* for the twenty-first century with eight new chapters. While some things had improved (for gay parents, perhaps for wealthy couples where money actually existed to be apportioned), many things had actually gotten worse.

This precious book confirms this worsening spiral and describes the gut-wrenching trench warfare that very good mothers must endure in order to *fight* to save their children. It is a fight that is very hard to win.

The situation is a scandal. But this book is also written by heroes, by those who risk everything for the sake of truth-telling and who pursue true justice. The stories here are extraordinary: Read Jennifer Collins, a former child “underground,” whose mother, Holly Ann Collins, was granted political asylum in the Netherlands based on America’s refusal to protect Holly and her children from domestic violence. Know that Dr. Mo Hannah, who founded the Battered Mothers Custody Conference, is also a hero in that she turned her own long-lasting custody battle into a life work on behalf of women caught up in the clutches of expensive and/or incompetent lawyering; vindictive ex-husbands; and misogynistic guardians ad litem, mental health professionals, and judges—a system that is Dickensian in terms of pace.

This book should be required reading for family law professors, practicing lawyers and judges, legislators, and all mental health professionals. Actually, this should be required reading for women before they become pregnant or choose to marry. I know this sounds dire, but the situation is dire, and I would prefer that women go into these experiences with their eyes wide open.



# Introduction

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

Fundamental to the perspective of this second volume of *Domestic Violence, Abuse, and Child Custody: Legal Strategies and Policy Issues* is a relatively new development—the fact that there is now substantial scientific research to support our contention that the courts need to radically change their approach to handling child custody cases involving domestic violence (DV). One of the major contributions of the first volume of *Domestic Violence, Abuse, and Child Custody* was to put the most important research about these cases together in one place to make it easily accessible for court professionals. Since the publication of Volume I in 2010, two research studies of major significance have come out. Their findings ought to prompt judges and court administrators to take a fresh look at the outdated practices they continue to rely on, in opposition to the weighty body of research we now have.

In 1998, the first of the Adverse Childhood Experiences (ACE) studies conducted by Dr. Vincent Felitti was released.<sup>1</sup> Recently, several additional medical studies have confirmed and expanded the findings of ACE.<sup>2</sup> The research clearly demonstrates that exposing children to DV, child abuse, and other trauma-inducing experiences results in a substantial increase of future illnesses and injuries throughout childhood and into adulthood, along with reducing life expectancy. The researchers are working to raise awareness among health professionals of the long-term harms associated with trauma during childhood. In many cases, traumatized children grow up to become adults with medical conditions that are difficult to diagnose; consequently, some are treated like hypochondriacs by their physicians. Based on what they discovered, however, the ACE researchers recommend that medical doctors ask their patients about any history of childhood trauma, since events from twenty, forty, or sixty years earlier may be the cause of a person's present medical and/or mental health symptoms.

We quickly realized that this medical research has enormous implications for contested custody cases. Risks that are likely to substantially reduce the quality and quantity of children's lives go to the heart of the *best interests of the child* standard. Indeed, we could say that ACE trumps other common factors like *alienation, friendly parent*, economic well-being, nicer home, child preference (particularly when there is manipulation), and other factors that do not impact the health and safety of children.

Although the focus of the ACE research has been on treating adult patients, it creates important opportunities for intervening with children exposed to trauma. DV perpetrators use tactics designed to coerce and control their victims. These tactics are meant to scare and intimidate the victim in order to make her comply with his wishes out of fear. Living with fear, in turn, especially during childhood but also later throughout adulthood, has a wide range of negative health impacts. Many common illnesses are caused or exacerbated by stress: inflammation, eating disorders, sleep problems, mental illness, substance abuse, behavioral problems, and many other lifelong

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<sup>1</sup> V.J. Felitti et al., "The Relationship of Adult Health Status to Childhood Abuse and Household Dysfunction, 14 *Am. J. Preventive Med.* 245 (1998).

<sup>2</sup> Centers for Disease Control and Prevention, *Injury Prevention & Control: Prevention Division of Violence* (May 13, 2014), <http://www.cdc.gov/violenceprevention/acestudy/>.

difficulties may originate in the fear and anxiety created by experiencing DV, abuse, and other traumatic experiences during childhood.

The increase in illnesses and shortened life span caused by exposure to abuse need not be inevitable, as long as children who have been traumatized are protected from further abuse and are given help to ameliorate the trauma, whether in the form of counseling, stress reduction, or remedies for eating or sleeping problems. When courts insist on children's continued contact with their abusers and allow the fathers to interfere with the children's receiving proper medical and mental health treatment, the courts effectively remove the children's last best hope for a normal life. Unfortunately, traumatic experiences are cumulative, which means that additional exposure to abuse on top of earlier exposure only magnifies and compounds the traumatic impacts.

The results of the ACE studies make it critical for custody courts to recognize and respond effectively to DV and child abuse. The Saunders' study released by the U.S. Department of Justice (DOJ) in April of 2012 confirms what was found in both the first volume of *Domestic Violence, Abuse, and Child Custody* and in the current volume: courts regularly deny or minimize true allegations of abuse.<sup>3</sup>

Standard training in DV that is provided to evaluators, lawyers, and judges does not confer the knowledge and expertise needed to respond to DV cases effectively. This is the worst of all possible situations, since the trainings given to these professionals create a false sense of competence in those receiving it.

Dr. Saunders finds that evaluators and other professionals need more than generic training in DV; they need specific training on screening for DV along with targeted education about risk assessment, the impact of DV on children, and postseparation violence. When courts discredit abuse allegations for nonprobative reasons and fail to look for the pattern of abuse, they demonstrate an inability to recognize DV.

Common assumptions that the danger ends when the parties separate are based on the failure to understand postseparation violence. Evaluators and other court professionals rarely recognize that strangulation, forced sex, harming animals, hitting a woman while pregnant, and other dangerous actions are red flags indicating an increased risk of lethality. The ACE findings address the impact of DV on children, but again, this vital information is rarely relied upon by court professionals making decisions that impact the health and safety of children.

The Saunders' study finds that professionals without the needed expertise are likely to (1) focus on the myth that women frequently make false allegations of abuse, (2) rely on unscientific alienation theories, and (3) assume that mothers' attempts to protect their children from abusive fathers are harmful to the children. Not surprisingly, these faulty assumptions lead to results that harm children. The frequency with which courts focus on precisely these mistaken assumptions demonstrates the flaws in standard practices applied to DV custody cases.

Extreme outcomes, where courts give custody to abusers but limit safe protective mothers from unsupervised contact with their children, have been the focus of the protective mothers' movement since at least the start of the Battered Mothers Custody

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<sup>3</sup> Daniel G. Saunders, Kathleen C. Faller & Richard M. Tolman, *Child Custody Evaluators' Beliefs About Domestic Abuse Allegations: Their Relationship to Evaluator Demographics, Background, Domestic Violence Knowledge and Custody-Visitation Recommendations* (Oct. 31, 2011), <https://www.ncjrs.gov/pdffiles1/nij/grants/238891.pdf> [hereinafter Saunders' study]. (The findings in the Saunders' study should not be taken as findings from the National Institute of Justice, which is part of the U.S. Justice Department. Nevertheless, their selection of Dr. Saunders and his colleagues for the grant and review of their work supports its credibility.)

Conference (BMCC) in 2004. Barry Goldstein wrote an article referring to these outcomes as *custody-visitation scandal cases*.<sup>4</sup> In Volume I of *Domestic Violence, Abuse, and Child Custody*, Joan Zorza wrote a chapter about retaliation in which she admonished the courts to avoid creating these disastrous outcomes.<sup>5</sup> But court officials have responded defensively to criticism over how they handle these cases.

The Saunders' study settles any dispute over what he refers to as harmful outcome cases. He determined that the harm of separating children from their primary attachment figure, a harm that includes increased risk of depression, low-self-esteem and suicide when the children are older, is greater than any possible benefit the court believes it is creating. In most of these cases, these harmful outcomes were possible only because the courts use highly flawed practices. In fact, what is best for the children is actually the polar opposite of the way the courts usually rule in these cases. Garbage in, garbage out.

One of the chapters in this volume is based on the ACE studies, and it is mentioned in other chapters as well. Likewise, the Saunders' research study is referred to in several places throughout the book. We believe that courts ought to find the ACE and Saunders' studies persuasive and credible, especially since they come out of the Centers for Disease Control (CDC) and the U.S. DOJ.

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.

## NEW RESEARCH IN THIS VOLUME

Much of the material in Volume II takes on new perspectives or methodologies for understanding or remedying DV. Topics include, for example, the causes and prevention of DV homicide, murders of children involved in contested custody cases, and the widespread misunderstanding and mishandling of cases involving child sexual abuse. Just as children raised amidst DV face serious lifelong health risks, as was demonstrated by the ACE studies, children who are taken out of the custody of their protective parent face additional risks later on in life (e.g., adulthood mental illness, suicide, sexual victimization, cancer, etc.). All of these realities, in combination, ought to create a sense of urgency to create radical changes in the family court system and in its practices. Doing so would not only prevent the revictimization of victims, but would also provide a potential savings of \$500 billion annually. This could create an enormous incentive for the legislatures and the courts to adopt what we now know to be the best practices for handling child custody litigation involving allegations of domestic abuse.

For example, author Jan Kurth, whose work appears in both volumes, surveyed news articles published during a recent two-year period. From that information, she discovered that during that period over two hundred children were murdered by fathers who were engaged in custody battles with the mothers.

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<sup>4</sup> Barry Goldstein, "Custody-Visitation Scandal Cases," 2006 *NCADV Voice: J. Battered Women's Movement* 7 (Fall).

<sup>5</sup> Joan Zorza, "Child Custody Practices of the Family Courts in Cases Involving Domestic Violence," in 1 *Domestic Violence, Abuse, and Child Custody: Legal Strategies and Policy Issues* ch. 1 (Mo Theresé Hannah & Barry Goldstein eds., 2010).

Dr. R. Dianne Bartlow, who contributes two chapters to this volume, worked with her students to interview judges and court administrators in the communities where these tragedies occurred. Dr. Bartlow realized that judicial ethics might preclude the court personnel from providing confidential information about specific cases; however, she had only one important question in mind: what had the courts done in response to these murders to reform court practices in order to improve the safety of children? Dr. Bartlow had no way to compel the judges to participate in the interviews. Accordingly, the best judges, those who care deeply about DV and have received the most training, were the ones who agreed to be interviewed. This provided us with a sample of judges who were relatively knowledgeable about DV and were genuinely interested in fulfilling the needs of battered mothers and their children.

We were surprised to learn from these judges that, in response to our question about reforms, none had been put into place—primarily due to the judges' assumptions that the tragedies that occurred in their communities were an exception and not the rule; it was a single occurrence, a fluke, rather than a pattern. This demonstrates one of the fundamental thinking errors that pervade the family court system: the tendency to observe individual incidents (e.g., he threatens to kidnap the children from her; he refuses to give her any of his paycheck; he hides her car keys and destroys her property) as separate, divorced from their overall context and meaning (e.g., his intention to overpower, dominate, and control her through gestures that communicate threat and intimidation). Courts therefore misinterpret the overall purpose of the abuser's behavior and his true malevolent intentions toward his partner, resulting in the courts' failure to provide necessary legal protections to the victim and her children.

R. Dianne Bartlow and Barry Goldstein use this research to develop a group of best practices that we believe would drastically reduce the risk to children while helping courts respond more accurately and effectively to DV custody cases.

When Norfolk County (MA) District Attorney Bill Delahunt reviewed the personal records of inmates at a nearby high-security prison, he noticed that virtually every inmate had a childhood history of DV or sexual abuse. He suddenly realized that by preventing DV, all kinds of crime would be reduced. Barry Goldstein tells the story of how Delahunt and other leaders adopted a group of best practices that became known as the Quincy Model. This resulted in a drastic reduction in DV crime; in a county that had previously averaged five or six DV homicides a year, several years went by without a single murder.

He compared the response in Quincy to the ineffective practices used in Dutchess County, NY (specifically Poughkeepsie), which led to five DV homicides and nine deaths in less than a year. The Dutchess County Legislature asked its citizen's committee working on DV issues to investigate the county's response to DV. The committee found that many women had stopped using the court system for protection because the judges tended to favor the abusers, particularly in child custody cases. The women reported that it was safer to try to deal with their abusers themselves rather than to risk facing the ire of both the judge and the batterer. The courts in Poughkeepsie had been strongly influenced by fathers' rights groups and repeatedly created the harmful outcome cases documented by Dr. Saunders' study.

We believe that the best practices in an updated Quincy Model would reduce DV crime by 80 percent. The medical research based on the ACE studies demonstrates that the United States spends \$750 billion per year on health care costs related to DV. When we add the costs of crime to the costs incurred by the inability of victims, children, and offenders to reach their economic potential, the annual cost of tolerating

men's abuse of women is over \$1 trillion! We do not claim to be able to immediately recover this full amount, but our estimate is that best practices would quickly save \$500 billion per year. This would create a huge incentive for legislators and administrators to adopt these strategies to prevent DV crime.

Camille Cooper's chapter discusses important research that explains how the custody courts' flawed response to child sexual abuse allegations is part of a larger societal failure. Society's response to child rape and molestation seems to depend on the nature of the child's relationship with the abuser. When the alleged offender is a stranger, the investigation is led by law enforcement; law enforcement seeks to gather evidence in order to prosecute the crime and will aggressively question the perpetrator and quickly seek a lie detector test.

As Ms. Cooper's chapter contends, contrary to popular stereotypes, most child molesters are persons known to the children, and, in many cases, the molesters are the biological fathers, step-fathers, or uncles. When the perpetrator is a close relative, the investigation is often led by a social worker on behalf of the child protective agency. The parents are first notified of the complaint, which often gives the rapist time to destroy evidence and silence the child. The main purpose of the investigation is to reunite the abuser and the child, so there is little or no effort to gather evidence. When these cases become part of a custody dispute, this lack of evidence is interpreted as proof that the mother is making deliberately false allegations. These flawed practices result in approximately 85 percent of child sexual abuse reports ending in child custody being awarded to the alleged abuser.

All of this demonstrates the present insular nature of the custody courts. They tend to use the same professionals, both as experts and as trainers, over and over again. The result is that court personnel do not learn about the latest research that could make their jobs easier and improve their ability to protect children. The Saunders' study finds that social workers make better recommendations in DV cases than do psychologists. This surprising finding was likely due to the fact that social workers tend to use a more holistic approach. Psychologists focus more on findings from tests that were not intended for custody litigants; they provide little or no information about DV; and they frequently seize upon minor personality features to pathologize safe, protective mothers who have always provided good care for their children. Dr. Saunders also finds that in comparison with court professionals, DV advocates have the highest levels of knowledge and training needed for effectively handling custody cases involving abuse allegations.

Ironically, the same courts that treat the biased professionals who earn a living from the divorce court cottage industry as though they were genuine and neutral experts often refuse to listen to testimony from DV advocates who are, in fact, genuine and neutral experts. Somehow, judges fail to recognize that it is the DV advocates who are working to uphold the laws against DV, while it is members of the cottage industry who benefit from undermining these same laws. We have seen many courts respond to the DV advocates as though they were biased because of their constant opposition to DV.

We have, unfortunately, a chicken-or-the-egg problem: judges are famous for refusing to acknowledge their own errors in handling a case (which is why we have an appeals process). It is that same blindness that keeps judges from seeing the larger pattern of familial and intergenerational damage caused by their rulings. This is despite the growing number of reports of children who have been murdered by abusive fathers involved in contested custody cases.

Quite simply, judges do not see the harm they are doing because they are not looking for it. The same goes for evaluators, guardians ad litem (GALs), and other

personnel who make decisions about mothers' and children's lives based on their own mistaken ideas, myths, and misconceptions.

The phenomenon of battered women losing custody to their batterers is, indeed, a complex problem calling for a complex set of solutions. The silver lining, perhaps, is that the glaring failures of the court system, as highlighted throughout this book and elsewhere, provide the impetus for critically needed reforms. Improving on the qualifications and credibility of expert witnesses would lead to more accurate information reaching the ears of the court. This, in turn, would lead to, hopefully, vastly improved practices and outcomes with battered mothers' cases. The ACE studies alone, with their findings that children's exposure to DV and other kinds of trauma significantly reduces their quality and quantity of life, demand that courts take a fresh look at the theories and practices they have been using that have gone long past their expiration date. As the Saunders' study confirms, those theories and practices have proven to be dead wrong.

## SOME REASONS FOR HOPE

Soon after the publication of Volume I of *Domestic Violence, Abuse, and Child Custody*, the Canadian Institute of Health asked Barry Goldstein to help review grant proposals concerning gender, violence, and health. The reviewers were either researchers or professionals who use the research in their work. It led to a discussion in which current research was cited repeatedly, and everyone had a firm understanding of DV. This provided a clear contrast with custody courts in which evaluators and other professionals are largely unfamiliar with current research and so tend to make decisions based on their personal beliefs and biases. Ironically, the reviewers were paid \$200 per day for their high level of knowledge and expertise while court evaluators are routinely paid thousands of dollars a day for far inferior assistance.

On March 22, 2011, the Office on Violence Against Women (OVW) brought together twelve of the leading national experts on DV and custody, including many of the authors of chapters in Volumes I and II of *Domestic Violence, Abuse, and Child Custody*, to participate in a round-table discussion. This and other events led to findings by OVW that currently used custody court practices often work poorly for children. As we finish writing this volume, OVW has announced it is giving grants to four court systems for pilot projects to create the reforms discussed during the round table.

The BMCC was held for the first time in January 2004, having been organized during the previous year by Dr. Mo Therese Hannah and Liliane H. Miller. That first year, it brought together around one hundred protective mothers and allies and perhaps another two or three dozen professionals, many of them already high powered and successful, who came to speak for free and to consult with mothers about their cases. However, the first conference attracted only a single constituent from the DV community—the much-beloved Joan Zorza. Today, however, knowledge of the broken custody court system is far more widespread among DV leaders and advocates, who have become some of our closest allies in working to end court-related abuse.

In fact, among the positive results of activism by advocates for battered women's custody rights is the now nearly ubiquitous recognition of how often fit, loving mothers are losing custody of their children to abusive ex-partners. Finally, within the last decade or so, organizations like the National Coalition Against Domestic Violence and the U.S. DOJ have publicly recognized these problems and taken at least a few steps

to combat them. Academicians have provided substantial research that confirms the mothers' complaints. In recent years, government offices like OVW, the CDC, and the National Institute of Justice have helped protective moms by providing grants to encourage adaptation of needed reforms and releasing research confirming that the standard practices used in custody courts are working poorly for children. We have started to obtain some meaningful media coverage, such as the series aired by the FOX television station in Los Angeles and an editorial published in the *Washington Post* that supported the BMCC on the occasion of its tenth annual conference.<sup>6</sup>

## ORGANIZATION AND USE OF THIS VOLUME

Similar to the first volume of *Domestic Violence, Abuse, and Child Custody*, this book is divided into parts that discuss the problems and possible solutions. Inevitably there is overlap, and most of the chapters could fit in both parts. This is a new book with new research, topics, and chapters. Accordingly, readers with access to both books can combine all this information to obtain a complete picture of custody courts' response to DV. The books can be read from start to finish, or readers can focus on the specific issues they are dealing with. Many of the chapters help provide the context of what professionals and protective mothers are dealing with.

As was true of the first volume, the contents of this book are based on solid research findings. Especially if you look online, you will find plenty of male supremacists claiming that their findings are based on "research," yet if you look a little deeper, the only basis you will find are sexist biases and commercial agendas ("Men, win your child custody case!")

Just as our publisher expects us to base the material published here on reliable research findings, publications created under the auspice of the U.S. DOJ are subject to an extensive review process, as was the Saunders' study. We were happy to discover that in the write-up of his study, Dan Saunders makes frequent reference to the work published in Volume I of *Domestic Violence, Abuse, and Child Custody*. Similarly, in Volume II, you will find that the authors cite the Saunders' study, as it is the current gold standard as far as the research on the impacts of DV on children.

We hope that professionals, educators, litigants, and the general public will gain from the new research and other up-to-date information contained in this second volume. We especially hope that court professionals will read this book and feel compelled to revise how they analyze cases impacted by allegations of child abuse or DV.

One of the most important points we hope to communicate throughout this book is that abuse, no matter how blatant it is in the eyes of the victim, is often missed or downplayed by the people who are most responsible for analyzing and deciding the case. One of the most frequent complaints we have heard from mothers about the system is the inability or refusal of law guardians and evaluators to give credence to women's fears of the impact that the abuser's behavior will have on their children. These court professionals ought to know better, given the state of our knowledge, as reflected, among other things, by the publication of this volume.

Thus, one of the major intentions of this book is to communicate what we know about the true nature of DV, especially how it looks while it is being perpetrated through a custody battle. In these kinds of cases, DV not only does not cease once

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<sup>6</sup> Fox News, Los Angeles, *Damon's Story: Lost in the System*, available at <http://www.myfoxla.com/story/19502814/damons-story-a-first-look>; "Battered Mothers Get Support," *Wash. Post*, May 12, 2012.

the partners are separated, but rather spreads its wings from the bedroom to the courtroom.

We now know that harmful custody decisions do not hurt children merely in the short term. It is utterly clear to us, and ought to be to all concerned, that the family courts are ethically bound to abandon the old standard practices that have, as of now, been proven beyond a doubt to be harmful if not deadly to children.

On behalf of everyone who contributed to this book, we thank each and every person reading this for taking the time to digest this vital information. We look forward to hearing, hopefully in the near future, that court systems have begun to adopt this information and use it to develop and establish much-improved practices for dealing with DV custody cases.

## **OUTLINE OF THE CHAPTERS**

From a survey of the work of a large (and growing) number of academics, scholars, and other professionals who have dedicated part if not all of their careers to understanding and ameliorating the harmful, often ludicrous rulings in child custody/abuse cases, we think it can safely be said that all of them agree on at least one thing: this is a complex problem demanding complex solutions. Thus, we have divided the book into two parts containing chapters focusing on either the problem or the solution side of the equation.

### **Part 1: The Problems as Seen by Society, Advocates, and the Courts**

The eight chapters contained in the first part provide a widescreen, panoramic view of the heavily tilted legal playing field on which battered women litigate their custody/child protective cases. The picture is not pretty, and the reasons, you will learn, are many and complex: the sparse oversight of judges and the weak or non-existent accountability of legal professionals in general; the collusion among legal players that allows the proverbial circling of the wagons whenever allegations of unethical conduct are raised, like the thin blue line that perpetuates police misconduct; the global bias against women that has been found to be embedded in legal systems across the country. Last, but not least, of the contributions is the flourishing cottage profession composed of a tightly knit group of legal actors whose living depends on the existence of bitterly contested divorce and child custody cases. This latter group, after all, has everything to gain and nothing to lose by exacerbating custody battles in order to make them as lengthy, complicated, and therefore as financially beneficial (to them) as possible.

This volume starts out by pulling no punches, presenting the shockingly common realities behind the large number of children killed every year by an abusive parent. Chapter 1, “No Idea Why That Man Killed That Baby: Media Coverage of Fathers Killing Children in Situations Involving Child Custody and Visitation,” was authored by returning contributor Jan Kurth. Readers of Volume I may recall Jan’s contribution there, in which she provided a colorful, highly readable yet scholarly treatment of the history of the male supremacist movement. Here, she shifts gears toward another facet of the problem women face in the family courts, one that is equally obstructive to the progress of other contemporary social justice movements: the obsequious and complicit



mainstream media. Her tongue-in-check title mirrors the standard fare served up by the mainstream media when it covers, for example, another instance of a father murdering his ex-wife and children: “He was the nicest guy in the world.” “He’d be the last person to ever do such a thing.” “We have *no idea why* he would kill his baby!

Chapter 2 is by attorney and law professor Joan Meier. Besides producing a plethora of scholarly articles revolving around DV custody cases, Joan is a gifted legal practitioner and innovator who helped form the Domestic Violence Legal Empowerment Project (DV-LEAP). DV-LEAP has an admirable track record at helping mothers who have lost custody of their children to batterers win them back at the appellate level. In “Differentiating Domestic Violence Types: Profound Paradigm Shift or Old Wine in New Bottles?” Joan brilliantly picks apart one of the psychological theories du jour percolating around the custody courts. She focuses, especially, on the work of Michael Johnson, whose conceptualization of abusive dynamics includes a subtype known as situational couple violence (SCV), which he claims represents the majority of DV occurring among divorcing couples. As Joan notes here, although Johnson’s work sheds light on what she sees as true variability among abusers, it is how his and other theories about abusive dynamics that depart from feminist perspectives end up being interpreted in ways harmful to victims. In too many custody cases, the notion of SCV has had the impact of neutralizing the genuine allegations of domestic abuse brought by women to the family courts. This is because the *situational* part of SCV is interpreted to mean *temporary*, from which follows the legal reasoning that whatever violence occurred ought to have no bearing on which parent is seen as the better custodian. And thus, a concept originally intended to shed light is twisted into yet another piece of ammunition to be used in a man’s battle against his victim.

Chapter 3 was penned by two sharp minds that, in combination, reflect the strong personality of a media figure with the fine mind of a legal scholar plus the eloquent and fiery speech of an activist. In “Roots of Injustice in Family Court and New Ideas for Reform,” in their straight-shooting, no-holds-barred approach, attorney Wendy Murphy and journalist Anne Stevenson, trace the ugly pattern of sexism and power-and-control dynamics that revictimize survivors embroiled in custody litigation. Wendy’s insight into the structural defects of the system—for example, the entrenched reliance on pseudoscience, the ubiquitous perverse incentives and conflicts of interests, and many other flaws—comes from a career dedicated to writing about, speaking about, and agitating on behalf of victims. She is an incisive critic of the very system in which she herself labors. Although not a custody lawyer herself, Wendy Murphy has become one of our most visible, credible, and colorful allies. So, too, has Anne Stevenson, whose many years studying these cases close up provide her with a unique insight that she powerfully transmits in her collaboration with Wendy.

Chapter 4 is the first of a series of contributions to *Domestic Violence, Abuse, and Child Custody* written by coeditor Barry Goldstein. Like everything else he writes, this piece reflects Barry’s keen mind and passionate dedication to obtaining justice for battered women and their children—all rooted in several decades’ worth of work in the trenches of the court system. Over the past decade, he has added several new roles to his career repertoire—including an expert witness on abusive dynamics, an author of three books and coeditor of two, and a much sought-after speaker and consultant. Here, in “Extreme Custody Decisions That Put Mothers and Their Children at Risk,” Barry provides a succinct summary of the converging factors that can derail and defeat even the most worthy and rigorously documented petitions for custody and protection. He describes, for example, the strong propensity of courts to view the behavior of

an abusive partner who glares angrily at his partner from across the courtroom, outside of the context that gives it meaning to the battered woman—for example, she recognizes *that look* from episodes of abuse. Barry sums up his analysis of the court system’s dismal track record at protecting women and children this way: “The courts adopted flawed practices at a time when no research was available and have continued these discredited practices despite the current scientific research that rejects them.”

Up until this point, this book’s examination of the family court system has been through the eyes of the historian, sociologist, and legal advocate. Chapter 5 is in stark contrast, as it is situated through the eyes of those in the know, because they’ve personally *been there*. As you read “From the Mouths of Protective Mothers and Courageous Kids,” imagine the daunting set of challenges facing the four authors: Jennifer Collins and Damon Moelter, two Courageous Kids<sup>1</sup> who relate how they each broke free from a childhood of abusive court orders, and two protective mothers, Dr. Amy Castillo (with assistance from Rev. Zeke Wharton) and Kate Schillings, who faced the worst possible outcome of these tragic case patterns: their children were murdered by their abusive fathers. Imagine how much courage—such true grit—it took them to not only get through the valley of the shadow of death, but to have come out whole and alive enough to speak out publicly about their experiences. Their stories are not for the faint of heart; read them and weep.

With Chapter 6, we step back into the realm of legal reasoning (or the lack thereof!). Here we bring together two writers, Mike Brigner and Barry Goldstein, whose professional frameworks fit together like two bookends. The two men are, in fact, an excellent balance for each other, like two ends of a see-saw: Barry practiced law for thirty years while Mike was a Domestic Relations Court judge in Montgomery County, OH. In their joint chapter, “Improving Judges’ Responses to Domestic Violence Custody Cases,” they bring their complementary legal perspectives together to identify the errors in thinking that judges typically make in their assessment of child custody cases involving DV. What Barry and Mike bring to the fore in this chapter comes from the proverbial horse’s mouth. Besides holding a magnifying glass to harmful legal practices, they provide a menu of recommendations that, if adopted, would ensure judges make decisions that protect rather than further harm victims.

The ACE research establishes that at least 22 percent of children in the United States are sexually abused by the time they reach the age of eighteen. In Chapter 7, Camille Cooper explains that sexual assaults by strangers are taken seriously, with every effort made to prosecute the criminal; when the alleged offender is someone the child knows, particularly a close relative, the crime tends to be minimized and disbelieved. The investigation is often led by a social worker instead of law enforcement, and the main purpose is to restore the parent-child relationship rather than protecting the child. The lack of a professional investigation results in a lack of evidence that often leads custody courts to treat the mothers’ attempts to protect the children as though they were deliberate attempts to undermine the perpetrators’ relationships with the children. The ACE research demonstrates that the harm of sexual abuse goes far beyond any immediate physical injuries; it leads to a lifetime of catastrophic health problems. Practices that disbelieve true reports discourage children from making reports in the future and prevent

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<sup>1</sup> The CKs is a grassroots organization that invites young adults who have aged out of the custody court system to speak publicly about what happened to them after they were forced to live with their abusive parents while being denied normal relationships with their mothers.

them from obtaining the treatment that could ameliorate the damage. President Obama has recently led campaigns to prevent sexual assaults in the military and on college campuses. Camille Cooper has provided a valuable service to our country by raising a question society has long tried to deny and avoid. How can we continue to tolerate practices that result in a quarter of our children suffering sexual assaults?

In Volume I, sociologists Sharon K. Araji and Rebecca L. Bosek combined interviews with protective mothers and current scientific research to confirm that battered mothers' reports were accurate and that custody courts frequently fail to treat battered mothers fairly. In Chapter 8, psychologists, Julie R. Ancis and Laurel B. Watson used a similar technique to demonstrate widespread problems with the role GALs play in DV custody cases. Skeptics might argue that reports by protective mothers are unreliable, but we now know respected scientific research supports the mothers' concerns. GALs usually receive some DV training, but clearly it is insufficient. They often do not know what to look for and then blame mothers for false reports or alienation. In many cases the professional relationships between GALs and the judges, lawyers, and evaluators they work with create the appearance of bias and undue influence. The chapter raises serious questions about the benefit of using GALs in DV cases.

## **Part 2. Finding Solutions: Programs and Policies to Address a Complex Problem**

Much of the research throughout this book is painful to read because the common flawed practices inflict enormous suffering on battered women and children. Accordingly, it is critically important that we again present solutions that can prevent this suffering. This part provides some genuinely good news. DV is not inevitable. We have the ability to dramatically reduce DV crime, based on proven practices. Similarly, there is now substantial research that can be used to reform the custody courts and make them safer for children.

In Chapter 9, Joan Zorza, one of the most authoritative experts about research involving DV and custody, provides a thorough analysis of restorative justice. The idea is to bring together victims, offenders, and community members in an alternative resolution format so that the offender can apologize, victim can forgive, and some measure of restitution can be provided in order to offer closure to everyone involved. This may be helpful in other kinds of situations, but Ms. Zorza demonstrates it is especially inappropriate in DV cases. Defense attorneys like this approach because it helps their clients avoid meaningful punishment. For survivors, it is often unsafe to discuss the harm abusers caused and to request needed consequences. Apologies are often made by an abuser to regain control over his victim after his mistreatment causes her to want to end the relationship. The apologies are part of their tactics and do not demonstrate a change in their beliefs or behaviors. Nevertheless, survivors are expected to forgive and forget, which is neither safe nor realistic. Only meaningful accountability has been shown to change abusers' behaviors, and restorative justice provides still another method for batterers to avoid serious consequences for their actions. Joan Zorza demonstrates that in the context of DV, restorative justice is an ineffective solution.

For Chapter 10, Barry Goldstein sought to compare the successful practices in Quincy, MA, which resulted in a dramatic reduction in DV crime, with the failed practices in Poughkeepsie, NY, which led to nine deaths in less than a year. In Quincy,

District Attorney Bill Delahunt believed that if he could prevent DV, it would reduce all crimes, and this is exactly what happened. The effective practices included strict enforcement of criminal laws, protective orders, and probation rules, together with practices that made it easier for victims to leave their abusers and a coordinated community response. In Poughkeepsie, a county legislative committee found that many battered women had stopped seeking assistance from the courts because the judges frequently helped their abusers, thus making their situations more dangerous. This and other flawed practices contributed to five DV homicides in less than a year. Clearly, the impact of DV is not a minor matter, as professionals who are unqualified to address DV too often assume.

In Chapter 11, Molly Dragiewicz, who wrote an important chapter about gender bias for the first volume, returns with Carol Barkwell to tell the story of Luke's Place. The authors place the tragic events that cost Luke his life in the context of research about the dangers women and children face when mothers try to leave their abusers. This is the most dangerous time for women, but custody court professionals often do not understand the risk and instead place the highest priority on keeping even dangerous abusers in children's lives. Luke's mother, Kate Schillings, tells the story in Chapter 5 of how she was pressured by her attorney and the court to accept unsupervised visitation for a father who used the access to kill three-year-old Luke. Out of this tragedy came hope and help. Luke's Place is an organization in Ontario, Canada, that works to protect battered mothers and their children going through the custody system. It is the only stand-alone house dedicated to helping protective mothers with custody issues in Canada or the United States. Luke's Place provides research, training, and information about DV custody cases. Lawyers provide advice for mothers who must represent themselves. The library provides current research that court professionals are often unaware of. Luke's Place also works to promote the reforms needed to make children safe in custody courts.

In Chapter 12, R. Dianne Bartlow follows up on the work of Jan Kurth concerning child murders by abusive fathers involved in contested custody during a two-year period. Dianne and her students interviewed judges and court administrators to find out what the courts were doing to reform the practices that failed to save these children. *Stare decisis* is a legal principle designed to avoid relitigating issues over and over. This is valuable in preserving court resources, but context is critical in DV cases. Dianne and her students asked court officials in the communities where the tragedies occurred what reforms they had created to make children safer in custody cases. The judges interviewed were the best and had the most training in DV, which is why they agreed to participate in the research. The study provides an unusual glimpse at judges' thinking in responding to DV cases. Many of the judges interviewed demonstrated substantial knowledge about DV, far greater than many of their colleagues. Nevertheless, the answer was that no reforms were created because they assumed the tragedy in their community was an exception.

The murders of children involved in contested custody have continued unabated, so we could not accept the failure of the custody court system to develop reforms without offering reforms of our own. In Chapter 13, R. Dianne Bartlow and Barry Goldstein use their knowledge of DV custody cases and current scientific research to offer solutions to make children healthier and safer. The same mistakes and flawed practices that led to the murders detailed in Chapter 12 more often result in life-altering, but less dramatic harm when courts deny or minimize the risk presented by abusers. Many of the judges interviewed said that they will err on the side of safety because

the consequences of disbelieving true reports can be catastrophic. Unfortunately, too many judges are more concerned with the rights of fathers than the health and safety of children. This is compounded by inadequately trained professionals who believe the myth that women frequently make false allegations. The solutions presented are based on a multidisciplinary approach, good scientific research, and a priority that the health and safety of children must be the most important consideration.

We end this volume with an Afterword by coeditor Mo Therese Hannah. In “Trials and Tribulations of Protective Mothers’ Advocates,” Dr. Hannah relates her first-hand, nightmarish experiences going through the labyrinth of the custody courts. Those personal experiences, like those of so many other advocates, are what sparked her early motivation to agitate for radical change in the court system. She goes on to provide a synopsis of the history of the protective mothers’ movement as seen through the eyes of four prominent figures, people whose work has formed the backbone of this movement. These four are Dr. Amy Neustein, Dr. Phyllis Chesler, Barry Goldstein, and Connie Valentine. Their renditions of their own tumultuous experiences with the court system and, especially, of the immense sacrifices their contributions pose to their personal and professional lives, ought to leave you angered. Hopefully, what they have to say will also inspire you to do your own part to work, as they have, *on the side of the angels*.

# About the Editors and Contributors

**Mo Therese Hannah, Ph.D.**, is professor of psychology at Siena College in Loudonville, NY. She cofounded and serves as chair of the Battered Mothers Custody Conference, an annual event bringing to together domestic violence professionals, legal experts, advocates, and others with protective mothers from all over the country. The conference faculty consists of the nation's leading voices on the problems faced by battered women seeking custody of their children in the family court system. A clinical psychologist specializing in relationship dynamics, couples therapy, and psychospiritual approaches, she practices near Albany, NY. She is on the academic faculty of Imago Relationships International, the professional organization of Imago (couples) Relationship therapists. She has coedited seven books, including the first volume of *Domestic Violence, Abuse, and Child Custody*, and has published many articles on topics related to healthy and unhealthy relationship dynamics.

**Barry Goldstein, J.D.**, is a nationally recognized domestic violence author, speaker, and advocate. He is coauthor, with Elizabeth Liu, of *Representing the Domestic Violence Survivor*. He is coeditor, with Dr. Mo Therese Hannah, of the first volume of *Domestic Violence, Abuse, and Child Custody*. Barry wrote *Scared to Leave Afraid to Stay*, and his most recent book *The Quincy Solution: Stop Domestic Violence and Save \$500 Billion* is based on one of his chapters in this volume. He has been involved in the battered women's movement since 1983. Mr. Goldstein practiced law for thirty years until his license was suspended in retaliation for exposing an abusive judge. He has been an instructor and later also supervisor in a NY Model Batterers Program since 1999. Barry Goldstein is cochair of the Child Custody Task Force of the National Organization for Men Against Sexism (NOMAS). He has been qualified as an expert witness in six states. Barry Goldstein received the Believer Award from the Battered Mothers Custody Conference and the Brother Peace Award from NOMAS. He received a B.A. from George Washington University and a J.D. from New York Law School. He is married to Dr. Sharon Goldstein.

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**Julie R. Ancis, Ph.D.**, is the associate vice president for institute diversity at Georgia Institute of Technology. Prior to joining the Office of Institute Diversity, Dr. Ancis was a professor in counseling psychology at Georgia State University. Dr. Ancis is an American Psychological Association Fellow and past chair of the Society of Counseling Psychology's Section for the Advancement of Women. She has published and presented extensively in the area of racial and gender attitudes, multicultural competence, university climate, and women's legal experiences. Her publications include *The Complete Women's Psychotherapy Treatment Planner* (2007), coedited with Art Jongsma, and published by Wiley Press, and *Culturally Responsive Interventions: Innovative Approaches to Working with Diverse Populations* (2004), published by Brunner-Routledge. Other professional service includes serving as chair of the American Counseling Association's Counselors for Social Justice Committee on DSM V Proposals, chair of the Diversity Section and

a member of the working group of the American Psychological Association Task Force for the Development of Guidelines for Psychological Practice With Girls and Women, and a member of Association for Women in Psychology Committee on Bias in Psychiatric Diagnosis.

**Carol Barkwell, M.S.W.**, is the executive director and a founding member of Luke's Place, an innovative organization that supports abused women and their children through the family law process. Carol has participated on a number of panels, stakeholder consultations, and focus groups and has presented at local, provincial, and international conferences on the issues faced by abused women and their children within the family law system. In her community, Carol was a founding member of the Custody and Access Community Coalition and currently sits on the Violence Prevention Coordinating Council (Durham), the Family Court Resources Committee, Domestic Violence Court Advisory Committee, the Family Law Service Centre Advisory Committee, and the Child Abuse Review Team. Ms. Barkwell has been an advocate working with abused women and their children for over twenty-seven years, at Luke's Place; the Denise House Women's Shelter; and with Rose of Durham Young Parents Support Services, where she also specialized in early intervention/infant attachment and impact of trauma programming. She is dedicated to service innovation, collaboration, reducing the gaps in service, and developing an effective systemic response to violence against women. Carol has a diploma in Social Service Work from Centennial College (1986) and an Emerging Leaders Program certificate from University of Toronto, Rotman School of Management (2010).

**R. Dianne Bartlow, Ph.D.**, is a professor and current chair in the Department of Gender and Women's Studies at California State University, Northridge. Her research focuses on representations of African American women in popular music, culture, and film, and violence against women. Her published work includes "No Throw-away Woman": Maria W. Stewart as a Forerunner of Black Feminist Thought," in *Black Women's Intellectual Traditions: Speaking Their Minds*, edited by Kristin Waters and Carol B. Conaway and published by the University of Vermont Press Imprint of University Press of New England (2007). Bartlow is also author of "African American Women and the Prison Industrial Complex: A Textual Reading of Neema Barnette's Civil Brand" in the *International Journal of Africana Studies*, Vol. 13, No. 2 (Fall/Winter 2007). She guest coedited with Janell Hobson, "Representin': Women, Hip Hop, and Popular Music," in a special issue for *Meridians: Feminism, Race, Transnationalism* (2008). Bartlow also wrote "Punishing Abused Women: A Retrospective on a Ms. Magazine Blog," in *Illuminating How Identities, Stereotypes and Inequalities Matter Through Gender Studies*, edited by D. Nicole Farris, Mary Ann Davis, and D'Lane R. Compton and published by Springer (2014). Bartlow has also worked extensively in television production and is a multiple Emmy Award winning director/writer/producer. She is currently developing the documentary *Justice Denied*.

**Mike Brigner, J.D.**, is a Sinclair Community College faculty member since 2001. He chaired the Paralegal Program before being named as the project director for Sinclair City Connects in 2013. Prior to joining Sinclair, Professor Brigner served nearly two decades as a lawyer and judge. During his legal career, he authored over

a hundred articles on the law, and taught legal topics to attorneys and judges at the Ohio Judicial College and across the nation. Professor Brigner is known as 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 was the first chair of the Ohio Supreme Court Domestic Violence Advisory Committee that created standard statewide protection order forms, and he has testified before the Ohio General Assembly on domestic violence legislation.

**Amy Castillo, M.D.**, graduated from the Medical College of Virginia in 1991 and went on to a pediatrics residency at the Medical University of South Carolina in Charleston. Today she is a pediatrician who also advocates on behalf of those whose lives have been touched by domestic violence.

**Jennifer Collins, B.A.**, is the executive director of the Courageous Kids Network. She received her bachelor's degree, from Leiden University in the Netherlands, in pedagogical science, specializing in children and families studies. In 1994, Jennifer's mother heroically rescued her and her brother from her abuser father, and fled on an incredible journey in search of safety. They made it to the Netherlands where, after living in refugee camps for three years, they were the first Americans to receive asylum. She is determined to be a voice for silenced children everywhere by creating a database of children who were failed by the system so they can gather together in support, have their voices heard, and work toward ending the suffering of the children who are still not protected.

**Camille Cooper** has worked as director of legislative affairs for PROTECT since 2006. Under her tenure, PROTECT has successfully coauthored and lobbied for the PROTECT Our Children Act of 2008, which authorized the U.S. Department of Justice's Internet Crimes Against Children Task Forces and created hundreds of millions in spending for law enforcement to investigate child sex abusers and child pornographers; the Child Protection Act of 2010; and dozens of state laws resulting in the direct rescue of thousands of abused children. The opinions expressed in this chapter are those of the author and not of the National Association to PROTECT Children.

**Molly Dragiewicz, Ph.D.**, is associate professor in the School of Justice, Faculty of Law at Queensland University of Technology in Brisbane, Australia. Her research is focused on violence, gender, and family law. She is currently developing a study of violence against staff in the domestic violence field with colleagues from Australia and the United States. Dr. Dragiewicz is author of *Equality With a Vengeance: Men's Rights Groups, Battered Women, and Antifeminist Backlash*, and coeditor of the *Routledge Handbook of Critical Criminology* with Walter DeKeseredy. She received the Critical Criminologist of the Year Award from the American Society of Criminology Division on Critical Criminology in 2012 and the New Scholar Award from the American Society of Criminology Division on Women and Crime in 2009.

**Jan Kurth, M.U.P.**, is a consultant providing grant writing assistance to the nonprofit sector. She is also a protective parent and veteran of the family court system who provided testimony to the Matrimonial Commission convened by the New York State



court system to study the problems affecting NYS family and divorce courts. She has a B.A. from Vassar College and a Masters in Urban Planning (M.U.P.) from SUNY at Buffalo.

**Joan Meier, J.D.**, is a professor of clinical law at George Washington University Law School and the founder and executive director of the Domestic Violence Legal Empowerment and Appeals Project (DV LEAP). DV LEAP provides a stronger voice for justice by fighting to overturn unjust trial court outcomes; advancing legal protections for victims and their children through expert appellate advocacy, training lawyers, psychologists, and judges on best practices; and spearheading domestic violence litigation in the Supreme Court. DV LEAP and Ms. Meier have received several awards, including the American Bar Association's first ever "Sharon Corbitt Award for exceptional service and leadership in improving the legal response to domestic violence, dating violence, sexual assault and/or stalking;" the "Outstanding Leadership" Award from Justice for Children in 2007; the Washington Area Women's Foundation's Leadership Award in 2009, and the Mary Byron Foundation's Celebrating Solutions Award in 2006. DV LEAP has twice been certified as one of the "best small non-profits" in the Washington Area by the Catalogue for Philanthropy. Joan was featured as a commentator in *Breaking the Silence: Children's Voices*, the PBS documentary that aired in October 2005. She graduated magna cum laude from Harvard University in 1980, cum laude from the University of Chicago Law School in 1983, and clerked on the Seventh Circuit Court of Appeals.

**Damon Moelter** is a victim, survivor, and fighter of family court bias. After being sexually abused by his father, it took him ten years before finally freeing himself. He has spoken out at conferences, with countless reporters, with legislators, and in this book.

**Wendy Murphy, J.D.**, is adjunct professor of sexual violence law at New England Law|Boston where she also codirects the Women's and Children's Advocacy Project of the Center for Law and Social Responsibility. A former visiting scholar at Harvard Law School, Wendy prosecuted child abuse and sex crimes cases for many years. In 1992, she founded the first organization in the nation to provide pro bono legal services to crime victims. Wendy is an impact litigator whose work in state and federal court has changed the law to better protect the constitutional rights of women and children. Wendy writes and lectures widely on the rights of women, children, and criminal justice policy. She is a contributing editor for *Women's eNews* and writes a bimonthly column for the *Patriot Ledger*. Wendy has published numerous scholarly articles including first-in-the-nation law review articles on the need for third-party private attorneys for crime victims in criminal cases, the relationship between sexual assault and Title IX, rape victims' constitutional right to privacy in therapeutic counseling files, and testimonial accommodations for disabled crime victims in criminal cases. Dubbed the "Goddaughter of Title IX" by renowned "Godmother of Title IX," Dr. Bernice Sandler, Wendy's work in the area of campus sexual assault, beginning in the late 1990s and, including a 2002 first of its kind complaint with the Office for Civil Rights at the Department of Education against Harvard, led to widespread awareness and reforms. A popular and bold speaker on the lecture circuit, Wendy is a well-known television legal analyst, who Emmy Award-winning journalist Emily Rooney calls the "best talker" on television with a "finger on the pulse of victims' and women's rights."

Wendy has worked for NBC, CBS, CNN, and Fox News. She regularly provides legal analysis for network and cable news programs. Her first book, *And Justice for Some*, was published by Penguin/Sentinel in 2007.

**Kate Schillings.** Some months after the death of her son Luke in 1997, Kate was invited to participate in the Custody and Access Issues Affecting Woman Abuse Survivors and Their Children: A Community Response coalition, whose work revealed the reality of what women abuse survivors and their children were dealing with as they escaped abusive relationships and entered into the custody and access arena. The subsequent Steps for Change two-day conference generated the working group that advanced the recommendations that would lead to the creation of Luke's Place Support & Resource Centre for Women & Children. As its inaugural board president, Kate was gratified to work with so many others who were devoted to providing the kind of services and support that woman abuse survivors had identified as major gaps. She and the working board of directors created Luke's Place from grass roots, building it literally piece by piece with support from the local community. Luke's Place opened its doors in September 2003.

**Anne Stevenson, B.A.,** is a New England-based political analyst and freelance journalist for the national media who covers stories that facilitate constructive and productive communication between government and everyday people to improve the way the courts and child protection system do business. Stevenson is a graduate of Tufts University, who attended Suffolk University School of Law, with over a decade of experience working with leaders and taxpayers in political offices and the courts finding ways to make keeping families safe routine and profitable.

**Laurel B. Watson, Ph.D.,** graduated from Georgia State University with a degree in counseling psychology. Currently, she is an assistant professor of counseling psychology at the University of Missouri-Kansas City. Her research interests include gender issues; interpersonal trauma; body image and disordered eating; and lesbian, gay, bisexual, transgender, questioning [or queer] (LGBTQ) and diversity-related concerns. Her current work focuses on the sexual objectification of women's bodies and the psychological sequelae.

**Rev. Zeke Wharton, M.S.,** holds a master's in education from Johns Hopkins University and a master's in divinity from Trinity Theological Seminary. He conducted the memorial service for Amy Castillo's children and is the administrator of the school that Amy's two oldest children attended. He also served as the president of a Maryland nonprofit organization that works to educate, train, and support faith communities to respond to and prevent domestic abuse.

**Joan Zorza, J.D.,** was the founding editor of both *Domestic Violence Report* and *Sexual Assault Report*, and she has worked for more than forty years to end violence against women and children. Before retiring she was a member of the bars of Massachusetts, New York, and the District of Columbia, and 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, by the Sunshine Lady Foundation for her work on violence against women in 2002, and with a Lifetime Achievement Award from the National Coalition Against Domestic Violence, the Battered Mothers Custody Conference, and the National Organization of Men Against Sexism in 2013. She has been a liaison or a member of the board of the American Bar Association's Commission on Domestic Violence, and in 2015 was a recipient of its 20/20 Vision Awards honoring her extraordinary advocacy on behalf of survivors of domestic violence and sexual assault, having represented or supervised lawyers and law students in cases on behalf of more than two thousand battered women and almost two hundred 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.