



Association of Family and Conciliation Courts

Guidelines for Examining Intimate Partner Violence:

**A Supplement to the AFCC Model
Standards of Practice for Child
Custody Evaluation**

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**Approved by the AFCC Board of Directors
April 9, 2016**

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Introduction

The Model Standards of Practice for Child Custody Evaluation (Model Standards)¹ were adopted by the Association of Family and Conciliation Courts (AFCC) in 2006. These Guidelines for Examining Intimate Partner Violence (Guidelines) supplement the Model Standards with respect to the evaluation of child custody and access cases where intimate partner violence may be an issue.²

Allegations of intimate partner violence are common among custody-litigating families, and custody evaluators face special challenges when conducting evaluations in this context. Model Standard 5.11 states that evaluations involving allegations of domestic violence require specialized knowledge and training as well as the use of a “generally recognized systematic approach to assessment of such issues as domestic violence...”³ These Guidelines help custody evaluators identify intimate partner violence and examine the possible effects on children, parenting, and co-parenting.

An evaluator using a systematic approach formulates multiple hypotheses that are informed by research and arise from the facts of the case. The evaluator independently investigates and analyzes each hypothesis. These Guidelines only address hypotheses related to intimate partner violence. They do not alter or diminish the need to form, investigate, and analyze other hypotheses. At the end of the custody evaluation process, the evaluator combines and synthesizes information on all of the hypotheses to form an integrated picture of the family.

¹ Task force for Model Standards of Practice for Child Custody Evaluation, *Model Standards of Practice for Child Custody Evaluation*, 45 FAM. CT. REV. 70 (2007). See also David A. Martindale, *Reporter’s Foreword to the Association of Family and Conciliation Court’s Model Standards of Practice for Child Custody Evaluation*, 45 FAM. CT. REV. 61 (2007). The child custody evaluation process is defined in Model Standard P.1. as: “the compilation of information and the formulation of opinions pertaining to the custody or parenting of a child and the dissemination of that information and those opinions to the court, to the litigants, and to the litigants’ attorneys.”

² The drafting task force is sponsored by the Association of Family and Conciliation Courts (AFCC) in collaboration with the National Council of Juvenile and Family Court Judges (NCJFCJ) and in consultation with the Battered Women’s Justice Project (BWJP). Task force members are: Nancy Ver Steegh, Reporter, Mitchell Hamline School of Law; Hon. Dale Koch, (Ret.), Co-chair; Hon. Gail Perlman (Ret.) Co-chair; William G. Austin, Private Practice; Firoza Chic Dabby-Chinoy, Asian Pacific Institute on Gender-Based Violence; Gabrielle Davis, Battered Women’s Justice Project; Robin M. Deutsch, Center of Excellence for Children, Families and the Law, William James College; Leslie M. Drozd, Private Practice; Kathryn Kuehnle (deceased), Private Practice; Loretta Frederick, Battered Women’s Justice Project; Amy Holtzworth-Munroe, Indiana University; and Arnold T. Shienvold, Riegler Shienvold & Associates. Participating staff members are: Eryn Branch, National Council of Juvenile and Family Court Judges; Peter Salem, Association of Family and Conciliation Courts; and Maureen Sheeran, National Council of Juvenile and Family Court Judges.

³ Model Standard 5.11. (“Special issues such as allegations of domestic violence, substance abuse, alienating behaviors, sexual abuse; relocation requests; and, sexual orientation issues require specialized knowledge and training. Evaluators shall only conduct assessments in areas in which they are competent.”)

The Guidelines describe and recommend systematic practices for evaluation but they do not endorse specific tools, protocols, or models. An evaluator may exercise judgment about whether existing tools, protocols, and models are consistent with the approach taken in the Guidelines. The Guidelines do not constitute a training curriculum on intimate partner violence. Consequently, an evaluator is advised to seek additional intimate partner violence-specific training or supervision. The Guidelines reflect aspirational goals for child custody evaluators rather than mandatory thresholds.

Guiding Principles

The Guidelines encourage an evaluator to effectuate the following principles:

Prioritize the safety and wellbeing of children and parents. The overarching goal of the evaluation process is to achieve the best possible outcomes for families. An evaluator plays a key role in preserving, protecting, and promoting safe, healthy, and functional relationships and living arrangements during and following separation.

Ensure an informed, fair, and accountable process. An evaluator plays a key role in informing the parties about the nature and purpose of the evaluation process, including how information will be used and to whom it will be disclosed. The evaluator establishes a fair and accountable process culminating in a written report that describes the information collected on intimate partner violence, explains how the information was analyzed and synthesized, and directly links the information to recommendations.

Focus on the individual family. Another goal of evaluation is to respond to the particular needs and circumstances of individual families, without any preconceived ideas about whether or not intimate partner violence exists and if so, who has done what to whom, or what the implications of intimate partner violence might be for children, parenting, and co-parenting. An evaluator plays a key role in screening for, and where appropriate, investigating, analyzing, and synthesizing information related to intimate partner violence on a case-by-case basis.

Overview

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

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

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

These behaviors may occur alone or in combination. They vary from family to family in terms of:

- Frequency
- Recency
- Severity
- Directionality
- Pattern
- Intention
- Circumstance, and
- Consequence

These variables combine to explain the context within which intimate partner violence occurs.

The context within which intimate partner violence occurs differs from case to case. For example, in some relationships disagreements escalate into physical violence as the result of poor impulse control or poor conflict management skills. In other instances, violence is associated with substance abuse and/or mental illness. Sometimes, violence can be a reaction to the stress of separation or divorce without any history of violence or propensity for future violence. In some cases, violence is used to prevent or protect against real or perceived threats or risk of harm. In other relationships one partner exercises power to intimidate, isolate, denigrate, control and subordinate the other partner, frequently resulting in significant fear, trauma, disempowerment, and/or entrapment. Other permutations are also possible.

The impact of intimate partner violence on children and parenting also differs from case to case. Children have unique experiences of and reactions to intimate partner violence, and it affects them in different ways. Parents similarly have unique experiences and reactions to intimate partner violence that have differing effects on the way they parent and their capacity to co-parent.

Consequently, the presence or absence of a particular form or context of aggression does not, in and of itself, dictate a particular parenting outcome. A deeper individualized analysis is required to determine the impact of the aggression and its

context on children, parenting, and co-parenting. These Guidelines describe the contours of that analysis.

Prioritize the Safety and Wellbeing of Children and Parents

1. Safety First. A child custody evaluator should make the safety of the child, the parties, and other involved individuals the highest priority in the evaluation process.

Families, the court, and the community rely on the knowledge and judgment of an evaluator regarding the safety of those involved in an evaluation. Some persons who have committed intimate partner violence pose a continuing risk that may be heightened by the scrutiny and stress inherent in the information collection and evaluation process.

Prior to undertaking an evaluation, and in keeping with the Model Standards, a custody evaluator should be familiar with applicable professional ethical requirements, codes of conduct, state laws and regulations, and local procedures governing responses to and reporting of suspected danger. An evaluator maintains awareness of relevant community resources for family members experiencing or exposed to intimate partner violence.

An evaluator strives to become familiar with known indicators of risk, danger, and potential lethality. The presence of the following risk factors does not conclusively establish that harm will occur in the future; nor does their absence guarantee that future harm from domestic abuse will not occur:

- (a) High levels of violence, injury, and increases in violence, such as: increases in frequency and/or severity, attempted strangulation, forced sex, and/or assault during pregnancy;
- (b) Threats, willingness, and means for lethal violence, such as: threat to kill, threatened or attempted suicide, threat to harm children, threat of or harm to pets, belief in capacity to kill, fear and perception of danger by a parent who is the target of abuse, access to firearms, and/or use or threat to use a lethal weapon;
- (c) Excessive control, jealousy, or obsession, such as: control of daily activities, isolation, stalking and/or obsessive monitoring or tracking, and/or violent or constant jealousy;
- (d) Unwillingness to accept responsibility and/or willingness to evade the law, such as: avoidance of arrest for domestic violence or violation of a protection order;
- (e) Psychological and substance problems, such as: alcohol misuse, illegal drug use, and/or major mental illness; and/or
- (f) Other factors predicting risk and lethality, such as: recent separation, unemployment, and/or the presence of children in the home who are not biologically related to a partner who uses intimate partner violence.

At the beginning of the evaluation process, an evaluator endeavors to manage and attempt to enhance safety by informing the parties and collateral witnesses orally and in writing about the evaluator's likely response, pursuant to the evaluator's professional ethical requirements, to safety concerns that may arise during the course of the evaluation.

During the evaluation, an evaluator monitors and remains attuned to suspected safety issues that may be present or arise. This obligation is necessarily family-specific, and a range of responses could be necessary and appropriate. For example, in some cases an evaluator will be legally mandated to report concerns. In other situations, an evaluator might, without affirming or disaffirming allegations, take more or less assertive steps to enhance safety.

Whenever safety could be an issue, an evaluator should be mindful of professional and legal obligations, seek supervision and consultation when he or she deems it appropriate, and consider the extent to which various responses and alterations in processes and procedures may increase or decrease danger. An evaluator aspires to prioritize safety while also maintaining neutrality.

The collection of information could be compromised if the parties and/or collateral witnesses are fearful, intimidated, or concerned about retaliation, child protection, or criminal repercussions. In such cases, an evaluator aspires to specifically address and account for missing and incomplete information in the final report. An evaluator avoids making a recommendation when the information collected is not sufficient to support it.

When the evaluation has been written, a custody evaluator strives to anticipate and plan for heightened risk resulting from communication of the information collected and the evaluator's analysis, synthesis, and recommendations. Consequently, an evaluator works with the court and other involved professionals to plan the method of communication to the parties to minimize the potential for violence, retribution, child abduction, suicide, and/or other harm. For example, an evaluator may need to contact the court for guidance, provide advance notice of communication, assure that a safety plan is in place, and/or explain the limitations of the evaluation process, findings, and recommendations.

2. Universal and Ongoing Screening. A child custody evaluator follows an intimate partner violence screening protocol in every case, including those where no allegations or judicial findings of intimate partner violence have been made.

An evaluator may not assume that intimate partner violence is present or absent in a case. The purpose of screening is to identify information, behaviors, or disclosures indicating that intimate partner violence is or may be an issue.⁴ Screening is an ongoing process rather than a one-time event.

If intimate partner violence is alleged or detected, the evaluator's role is to investigate any indications of intimate partner violence pursuant to Guidelines 7, 8, 9, and 10. An evaluator remains alert to indications of intimate partner violence during the remainder of the evaluation and, if signs of intimate partner violence emerge, proceeds with Guidelines 7, 8, 9, and 10.

⁴ Sometimes an evaluator is aware that intimate partner violence is an issue before implementing a screening protocol. For example, lawyers and other family law professionals also have an obligation to screen for intimate partner violence and allegations of intimate partner violence may appear in pleadings and other documents. In some cases, an evaluator may be specifically appointed to make parenting recommendations in light of intimate partner violence.

An evaluator strives to remain alert for potential intimate partner violence carried out by a parent or a new partner of a parent, or through an extended family member, child, sibling, or other third party. An evaluator may screen both parents and any other individuals (such as step-parents, partners, grandparents, extended family members, et al.) who have significant contact with the child.

An effective screening protocol is structured to promote safe and informed disclosures. An evaluator inquires about specific behaviors, multiple forms of abuse across time, and the existence of risk factors.

- An evaluator structures screening to promote **safe and informed disclosure** of intimate partner violence. An evaluator conducts individual and private face-to-face interviews when feasible. An evaluator endeavors to provide persons being screened with the information detailed in Guideline 6 (below) so they can make informed and voluntary decisions about whether to disclose intimate partner violence and to what extent.
- An evaluator aspires to make **behaviorally specific inquiries** about concrete acts (like hitting, pushing, or strangling) and patterns of behaviors (like interfering with social connections, appropriating or denying access to resources, and undermining personal autonomy) as opposed to making inquiries about abstract concepts (like domestic violence, abuse or conflict).
- An evaluator seeks information on **multiple forms of intimate partner violence** including physical, sexual, economic, psychological, and coercive controlling behaviors of adults and children as well as threats and actions based on immigration status.
- An evaluator strives to remain attuned to **ongoing and past intimate partner violence**. Without understanding the dynamics and context of past intimate partner violence, an evaluator is less likely to comprehend the nature and level of present and future risk for family members. Past violence is a significant risk factor for future violence. Furthermore, the form, frequency, and severity of intimate partner violence may change over time.

Ensure an Informed, Fair, and Accountable Process

3. Knowledge and Skills. A child custody evaluator needs in-depth knowledge of the nature, dynamics, and impact of intimate partner violence.

Because intimate partner violence frequently occurs in custody-litigating families and because it may be unidentified and difficult to detect, a custody evaluator will inevitably be involved in cases where intimate partner violence is or becomes an issue. Consequently, every child custody evaluator should endeavor to:

- (a) Understand the jurisdiction's intimate partner violence-related law;
- (b) Interview adults and children regarding intimate partner violence using interview strategies that are consistent with published research addressing adult and children interviewing techniques and children's responses to various forms of questions;

- (c) Identify any intimate partner violence that is occurring and understand its nature and context;
- (d) Identify risk and lethality factors and undertake an assessment of present and future risk in cases in which intimate partner violence is detected;
- (e) Understand the overlap of intimate partner violence with child maltreatment, including physical abuse, sexual abuse, emotional abuse, and neglect;
- (f) Analyze the impact, if any, on the best interests of children, of any intimate partner violence that is detected;
- (g) Determine the impact, if any, on the parenting of each parent, of any intimate partner violence that is detected;
- (h) Link the dynamics and impact of any intimate partner violence that is detected to custody and access arrangements; and
- (i) Use understanding of cultural differences to improve intimate partner violence-related interventions and recommendations.

If an evaluator determines that his or her knowledge is deficient in any of the foregoing areas, the evaluator should seek relevant training, supervision, and/or professional consultation.

4. Systematic Approach. A child custody evaluator adopts and aspires to consistently follow a systematic approach to evaluation whenever intimate partner violence could be involved.

Employing a systematic approach to evaluation of intimate partner violence enhances quality and accountability, and ultimately renders an evaluator's report more useful to the parties and the court. Adopting such an approach can prevent the imposition of an evaluator's personal assumptions, biases, and beliefs, and make more apparent any misapplication of dominant cultural norms and values related to intimate partner violence.

An evaluator attempts to distinguish the purpose and function of screening (Guideline 2) from that of assessment (Guidelines 7, 8, 9, 10, 11, and 12). If screening or other information indicates that intimate partner violence could be an issue, the evaluator endeavors to perform an assessment that separates the tasks of information collection, analysis, and synthesis. An evaluator strives to make recommendations that explicitly link and account for the effect of intimate partner violence, if any, on children, parenting, and co-parenting.

An evaluator using a systematic approach performs a direct, independent analysis of intimate partner violence that is separate and distinct from the assessment and/or influence of other allegations raised in the evaluation, including claims about mental health, substance abuse, alienation, and/or parental gatekeeping. An evaluator focuses on the context of the intimate partner violence and the ramifications for safety, parenting, co-parenting, and child wellbeing (as opposed to exclusive examination of specific incidents of physical violence).

5. Mitigation of Bias. A child custody evaluator strives to recognize his or her gender, cultural, and other biases related to intimate partner violence, and take active steps to alleviate the influence of bias on the evaluation process.

An evaluator endeavors to be alert to and avoid:

- (a) Imposition of personal assumptions, biases, and beliefs about intimate partner violence and parenting and co-parenting;
- (b) Misapplication of dominant cultural norms and values related to intimate partner violence which include biases based on race, class, socioeconomic status, sexual orientation, religion, ethnicity, English proficiency, and/or immigration status of the parties;
- (c) Application of gender-based stereotypes and role expectations that can normalize abuse and discrimination;
- (d) Consideration of hypotheses that are not informed by existing research data on intimate partner violence; and
- (e) Use and/or misapplication of ‘cultural explanations’ offered by parties to justify (i) maternal and/or paternal inequality and devaluation, (ii) attitudes to divorce that stigmatize parents, and/or (iii) roles and practices that elevate or diminish the authority and social connections of either parent.

An evaluator’s efforts to limit the impact of bias may include, but are not limited to: self-assessment, continued collection of information, updating central hypotheses, and seeking professional consultation.

6. Explanations and Disclosures. A child custody evaluator enhances safety by informing parents and collateral witnesses that the information they share about intimate partner violence may be disclosed to the court and the parties by the evaluator.

An evaluator endeavors to explain the following in an effort to promote informed decision making by parents and witnesses about whether and what to disclose to an evaluator:

- (a) The evaluator’s role and function;
- (b) The purpose and importance of inquiring about intimate partner violence;
- (c) How disclosed information about intimate partner violence will be used;
- (d) With whom, at what time, and in what form disclosed information about intimate partner violence will be shared;
- (e) The scope and limits of confidentiality as determined by relevant law and the evaluator’s respective professional standards and guidelines, including any mandatory reporting requirements related to child maltreatment, vulnerable adult maltreatment, or the threat of harm to self or others;
- (f) The scope and limits of confidentiality if sign or spoken language interpreters are used for parties who are deaf or hard of hearing, or have limited English proficiency; and
- (g) Who will receive copies of the written evaluation.

Focus on the Individual Family:
Information Collection, Investigation, Analysis, and Synthesis

7. Information Collection: Challenges. A child custody evaluator employs a rigorous multi-method and multi-source protocol that anticipates challenges associated with investigating the effects of intimate partner violence on children, parenting, and co-parenting.

An evaluator may expect to invest substantial time and energy conducting a vigilant and thorough investigation of the impact of intimate partner violence on children and parenting. Evaluators may encounter challenges associated with information collection about intimate partner violence.

A person who uses intimate partner violence may deny or minimize it. A parent or partner who commits intimate partner violence may seek to avoid criminal and child custody-related repercussions. Such a person may feel entitled to employ intimate partner violence and/or may not view behavior as abusive.

A person subjected to intimate partner violence may minimize or fail to disclose intimate partner violence even when long-standing and severe. Reasons for this vary, but may include:

- (a) Fear that a partner who has used intimate partner violence will retaliate for disclosures;
- (b) Fear that a partner who has used intimate partner violence will carry out threats to harm children;
- (c) Concern about loss of custody to the other parent or the child welfare system;
- (d) Reticence to discuss sexual coercion and assault;
- (e) Fear of not being believed;
- (f) Not viewing oneself as the subject of intimate partner violence or not believing that it rises to a level of concern;
- (g) Fear that use of violence and other protective actions in response to a pattern of coercive-controlling behaviors will be viewed out of context;
- (h) Isolation from financial, social, and other resources (including barriers created by culture, geography, and language);
- (i) Fear of system involvement due to immigration status or previous experience with the justice system;
- (j) Fear that, particularly in a same-sex relationship, an evaluator will not differentiate a partner subjected to intimate partner violence from a partner who commits it;
- (k) Previous experience disclosing intimate partner violence or other trauma which was met with blame, disbelief, or punishment;
- (l) Concern about being faulted or stigmatized by friends, family, employers, or community;
- (m) Cultural norms regarding shame and public disclosure, preservation of family honor, and marriage norms that do not recognize marital rape;
- (n) Advice from attorneys, friends, and advocates that disclosing intimate partner violence in the context of custody proceedings will be perceived as manipulative;

- (o) Not appreciating the relevance of intimate partner violence to a custody evaluation; and/or
- (p) Fear that disclosure will escalate conflict, extend the litigation, and increase cost.

Delayed disclosure of intimate partner violence does not indicate lack of credibility. As discussed above, parties have many reasons to delay disclosure.

A traumatized party may react or respond unexpectedly to evaluator inquiry. A party traumatized by abuse may experience short- and long-term effects of abuse that include memory loss, processing difficulties, and atypical presentation of affect.

Intimate partner violence may not be documented in photos, medical records, police reports, protective orders, or through eyewitnesses. Intimate partner violence is often hidden from view and those subjected to it may believe that preserving evidence, seeking medical attention, calling the police, or seeking a protective order may increase risk. An evaluator should, nevertheless, seek information from sources such as, but not limited to: collateral observers; police reports; criminal records; driving records; records regarding possession of weapons; child protective services reports; medical and dental reports; mental health reports, including psychological testing; previous investigative reports; and school records.

Coercive controlling behaviors may exist in the absence of past or recent physical violence. Coercive controlling behaviors may involve a variety of tactics such as threats, intimidation, economic abuse, manipulation of children, sexual coercion, etc., used for the purpose of subjugating the person targeted. A person using coercive controlling behaviors may not need to resort to physical violence to achieve this.

A child may deny or minimize or react in ways not anticipated by an evaluator. Thorough investigation, as discussed in Guideline 9, is needed to understand children's reactions.

A parent subjected to intimate partner violence may engage in protective parenting that is only understood in the context of the intimate partner violence. Investigation and analysis of parenting is explored in Guidelines 10 and 11.

Standard psychological testing is not useful for the purpose of identifying whether intimate partner violence has occurred and/or whether a given parent has committed or been subjected to intimate partner violence.⁵

8. Information Collection: Intimate Partner Violence. To obtain a full understanding of the events and circumstances, an evaluator strives to investigate and collect information concerning: (a) the nature of aggression; (b) the frequency, severity, and context of intimate partner violence; (c) whether one or both parties are responsible for the aggression; and (d) various risk factors for lethality, future violence, stalking, and abduction.

⁵ Psychological testing cannot be used to determine the presence or absence of intimate partner violence.

The “nature of aggression” refers to physical, sexual, economical, and/or psychological aggression; coercive control; and/or abuse related to vulnerable immigration status.

The “frequency, severity, and context of intimate partner violence” concerns who is doing what to whom, for what purpose, and to what effect, including the function (e.g., control) and the consequences (e.g., injury, fear of partner) of the violence.

The “person or persons primarily responsible for the aggression” refers to the source of the threat, danger, or harm. The “person or persons primarily responsible for the aggression” may or may not be the first partner to use violence in an incident or in the relationship, but is the person or persons who use aggression offensively or instrumentally, as opposed to defensively or reactively. Distinguishing instrumental from defensive aggression requires careful consideration of the full context of the violence, rather than examining specific acts in isolation.

“Various risk factors for lethality, future violence, stalking, and abduction” include but are not limited to those identified in Guideline 1 and listed below for the purpose of investigation:

- (a) High levels of violence, injury, and increases in violence, such as: increases in frequency and/or severity, attempted strangulation, forced sex, and/or assault during pregnancy;
- (b) Threats, willingness, and means for lethal violence, such as: threat to kill, threatened or attempted suicide, threat to harm children, threat of or harm to pets, belief in capacity to kill, fear and perception of danger by a parent who is the target of abuse, access to firearms, and/or use or threat to use lethal weapon;
- (c) Excessive control, jealousy, or obsession, such as: control of daily activities, isolation, stalking and/or obsessive monitoring or tracking, and/or violent or constant jealousy;
- (d) Unwillingness to accept responsibility and/or willingness to evade the law, such as: avoidance of arrest for domestic violence or violation of a protection order;
- (e) Psychological and substance problems, such as: alcohol misuse, illegal drug use, and/or major mental illness; and/or
- (f) Other factors predicting risk and lethality, such as: recent separation, unemployment, and/or the presence of children in the home who are not biologically related to a partner who uses intimate partner violence.

9. Information Collection: The Child. A child custody evaluator collects information concerning: (a) the child’s experience(s) of past and current intimate partner violence, if any; and (b) if the child has had such experience(s), the possible impact of intimate partner violence on the child’s health, safety, and wellbeing.

Child’s Exposure. An evaluator endeavors to collect information concerning a child’s past and continuing exposure to intimate partner violence by a parent or caregiver, including the extent of each child’s:

- (a) Exposure to intimate partner violence during pregnancy (developing fetus experiences intimate partner violence in utero);
- (b) Direct observation of intimate partner violence (eyewitness to violence, domination, denigration);
- (c) Indirect observation of intimate partner violence (ear-witness to abuse);
- (d) Direct intervention to stop intimate partner violence (calling for help, protecting a targeted parent);
- (e) Direct harm from intimate partner violence (physical, sexual, economic, emotional, and/or coercive control);
- (f) Direct participation in intimate partner violence (child joins in abuse and blaming of a targeted parent);
- (g) Exposure to abuse of a sibling;
- (h) Acting to protect a vulnerable sibling;
- (i) Witnessing effects of intimate partner violence (injuries, police and ambulance response, arrest, damaged property);
- (j) Experience of aftermath of intimate partner violence (life changes including relocation, separation, economic instability);
- (k) Forced separation from a targeted parent by an abusive parent and/or extended family;
- (l) Retreat from intimate partner violence (running away, hiding, pretending nothing is wrong);
- (m) Attempts to pacify the abusing parent by rejecting the other parent;
- (n) Knowledge of intimate partner violence obtained from other people; and/or
- (o) Awareness or seeming lack of awareness of intimate partner violence.

Child's Reactions. An evaluator investigates and collects information concerning the child's reactions, if any, to intimate partner violence, which could include a wide variety of feelings and behavioral problems, and the longer-term impact on a child's psychological, behavioral, social, and academic functioning.

Possible reactions and problems resulting from exposure to violence may include developmental, behavioral, emotional, cognitive, and/or health-related reactions as well as issues in relationships, academic problems, and/or economic problems.

Children who have been exposed to intimate partner violence may identify with and show affection toward the abusive parent. Some children may show no obvious reactions while still struggling with exposure to intimate partner violence. Some resilient children may be minimally or not affected by their exposure.

Because children experience and react to intimate partner violence differently and because childhood symptoms may result from multiple stressors, an evaluator aspires to avoid drawing premature conclusions and focuses on collecting information about behaviors and events that pertain to each individual child.

10. Information Collection: Parenting and Co-Parenting. A child custody evaluator collects information related to the potential impact of intimate partner violence on each parent's capacity to parent and/or co-parent.

An evaluator strives to ascertain whether and how intimate partner violence influences each parent's capacity to parent and/or co-parent.

Both Parents. An evaluator aspires to collect information related to each parent's capacity, including that parent's past, present, and future willingness and ability to:

- (a) Sustain an emotionally close relationship with the child, share positive experiences with the child, and enjoy age appropriate activities together;
- (b) Remain attuned to the child and the child's separate and individual needs, apart from the parent's own needs;
- (c) Nurture the child physically, emotionally, culturally, and spiritually;
- (d) Protect and support the child's physical safety and emotional wellbeing, and meet the child's economic needs;
- (e) Assist the child in regulating behavior, thoughts, and feelings;
- (f) Provide age appropriate positive discipline and behavior management (e.g., monitoring of the child's activities and whereabouts, setting appropriate limits, using non-harsh, non-corporal punishment);
- (g) Respect, encourage, and facilitate the child's individuality, resilience, independence, and social development; and
- (h) Model appropriate behavior and communication.

A parent who has used intimate partner violence. An evaluator endeavors to collect information concerning the extent to which a parent who has committed intimate partner violence has and/or is likely to engage in the following problematic parenting behaviors:

- (a) Physical, sexual, emotional, and/or economic abuse;
- (b) Neglect;
- (c) Using a child as a tool of abuse;
- (d) Denying responsibility for the impact of abuse;
- (e) Ignoring a child's separate needs;
- (f) Undermining the other parent's ability to parent and the other parent's relationship with a child; and
- (g) Ongoing harassment of the other parent or child, including the use of court processes as a tool for harassment.

An evaluator seeks information about the extent to which a parent who has used intimate partner violence acknowledges the abuse, understands its consequences, remedies resulting harm, and demonstrates willingness and capacity to change.

A parent against whom intimate partner violence has been used. An evaluator collects information regarding the extent to which the parenting capacity of a parent who has been subject to intimate partner violence has been and/or is currently impacted or constrained as a result of the abuse, including whether that parent:

- (a) Bears heightened responsibility for protection of the child (monitoring and appeasing the other parent, shielding the child, intervening when the child is abused, regulating the child's behavior to avoid abuse, leaving with the child);

- (b) Bears heightened responsibility for care of the child (supplements inadequate care by the other parent, surreptitiously meets the child's needs); and
- (c) Experiences loss of control over his/her own parenting (navigating around the other parent's control, managing safety, being subject to scrutiny by the court, its designees, and agencies such as child protection, law enforcement, public housing, and social service providers, among others).

Co-parenting. An evaluator collects information about factors associated with safe and healthy co-parenting including the extent to which the parents have in the past and/or currently exhibit capacity for:

- (a) Safe involvement between parents, free from violence, threats of violence, and coercive control;
- (b) Healthy parent-child relationships, in which parents recognize and support the child's needs; the child feels safe, secure, and supported by both parents; and the child is able to give and receive love freely from both parents and their extended families;
- (c) Direct, constructive communication between the parents that is focused on the child;
- (d) Clear boundaries between the parents' role as parent and their role as partner; and
- (e) Learning healthier methods of co-parenting.

An evaluator aspires to also collect the above information concerning any individual who may play a caregiving role in a parenting plan.

Because intimate partner violence may impact parenting and co-parenting in different ways and under different circumstances, an evaluator aspires to avoid drawing premature conclusions and focuses on collecting information about behaviors and events related to parenting and co-parenting in each individual case.

11. Analysis of Information. A child custody evaluator strives to organize, summarize, and analyze the information collected and assess its sufficiency for determining the implications of intimate partner violence for children and parenting.

During the process of analysis, the evaluator compiles and scrutinizes the intimate partner violence-related information that has been collected and begins to generate inferences. The evaluator uses a systematic process that includes the following steps:

1. List the information collected;
2. Summarize the information;
3. Identify and seek any information described in Guidelines 8, 9, and 10 that is missing or incomplete;
4. Describe and evaluate the accuracy, completeness, and relevance of the information collected;
5. Formulate and assess the plausibility of alternative hypotheses that are central to the case;
6. Review any assumptions made;

7. Review how information regarding intimate partner violence was gathered and weighed; and
8. Consult as needed with peers and/or experts on intimate partner violence and/or cultural issues.

An evaluator who implements a systematic and transparent process reduces the likelihood of bias and error and enhances the ability of the parties and the court to assess the sufficiency and reliability of the information collected and the reasonableness of an evaluator's analysis.

12. Synthesis of Information. A child custody evaluator endeavors to explicitly link intimate partner violence-related information with parenting recommendations concerning decision making and child access.

After analyzing the information collected, an evaluator determines its meaning, significance, and implications for children and parents. Given that issues, interactions, and dynamics in every family are unique, complex, and may occur in combination, it is important that evaluators consider the potential interactions of intimate partner violence, family dynamics, and other issues in the case.

Synthesis Process. During the synthesis process, an evaluator aspires to:

- (a) Combine and organize information related to intimate partner violence into themes corresponding to the questions to be addressed and the hypotheses formulated and analyzed;
- (b) Draw inferences about the meaning of intimate partner violence for the questions explored during the evaluation;
- (c) Connect the implications of intimate partner violence with recommendations regarding a parenting plan and any interventions; and
- (d) Include specific recommendations regarding monitoring and enforceability when compliance may be an issue.

Goals for Recommendations. An evaluator strives to make access and decision making recommendations that are consistent with the following goals:

- Prioritize the physical and emotional safety, and the economic security of children and parents subjected to intimate partner violence;
- Minimize opportunities for and risk of ongoing, intrusive post-separation abuse tactics;
- Support the autonomy of parents subjected to intimate partner violence; and
- Acknowledge and address the cause and consequential harm of intimate partner violence.

Linking Intimate Partner Violence with Parenting Recommendations. The evaluator strives to determine what, if any, parenting arrangements would address the specific problems identified, consistent with goals discussed above. Because this determination is necessarily family-specific, the particular terms of parenting recommendations cannot be prescribed in

advance. The following are *examples* of recommendations that might promote these goals.

To prioritize the physical and emotional safety and economic security of children and parents subjected to intimate partner violence, an evaluator could recommend that a court:

- Limit decision making authority;
- Allocate areas of decision making authority;
- Establish a structure for communication;
- Limit physical access;
- Require neutral exchanges;
- Establish supervised parenting time;
- Require supervised exchanges;
- Suspend access;
- Structure payment for child-related expenses; and/or
- Strengthen a child's support system.

To minimize opportunities for and risk of ongoing, intrusive post-separation abuse tactics, an evaluator could recommend that a court:

- Structure the frequency, content, duration, and type of communication;
- Structure parent-child contact to minimize contact between parents;
- Establish neutral exchanges;
- Limit or carefully structure information sharing;
- Appoint a parenting coach with well-defined goals; and/or
- Appoint a neutral third party intervener with well-defined goals.

To support the autonomy of parents subjected to intimate partner violence, an evaluator could recommend that a court:

- Allocate areas of decision making authority;
- Minimize contact between parents;
- Discourage right of first refusal for intermittent child care;
- Structure information sharing;
- Structure communication;
- Define geographical locations for exercise of parenting time; and/or
- Limit access to sensitive information.

To acknowledge and address the cause and consequential harm of intimate partner violence, an evaluator could recommend that a court:

- Define initial goals for specific professional interventions and measures of compliance;
- Specify conditions for potential changes in the parenting plan;
- Minimize contact between parents;
- Allocate decision making authority;
- Structure the frequency, content, duration, and type of communication;
- Establish expectations for behavior (e.g. non-violence, alcohol and drug use, availability of weapons, etc.);
- Monitor compliance with court directives and recommended interventions;

- Require participation in intimate partner violence–specific education and/or a batterer intervention program; and/or
- Build skills with respect to communication, decision making, problem solving, and self-regulation.

Conditions for Co-parenting. When considering the extent to which parents might share decision making and/or physical child custody, an evaluator endeavors to examine the implications, if any, of intimate partner violence including its effects on the following conditions for successful co-parenting.

- (a) *Safe Involvement Between Parents* is free from violence, threats of violence, and/or coercive control; stable and predictable; and focused on and responsive to the needs of the child.
- (b) *Healthy Parent-Child Relationships* are free from violence, threats of violence, and/or coercive control; age and developmentally appropriate; focused on and supportive of the child; based on mastery of basic parenting skills and parental decision making; and consistent with established rules and expectations.
- (c) *Cooperation Between Parents* requires mutual responsibility and shared authority; absence of violence, threats of violence, exploitation, and/or coercion; willingness to consider alternate viewpoints; capacity to recognize and respond to others' needs (emotional maturity); and ability to compromise and reach agreement on important issues. If other family caregivers are involved in parenting plans, these considerations would apply to them as well.
- (d) *Effective Communication Between Parents* is open and direct, civil and bi-directional, constructive (not harmful or damaging, and more than the mere sharing of information), and focused on the children.
- (e) *Clear Boundaries Between Partner and Parental Roles* means that parents are able to separate their role as parents from their role as partners; limits between partner and parental roles are clear and unambiguous.