

# Parental Contact in Domestic Violence Cases: Considerations for Decision-Makers

Phase I: Getting to Know the Lay of the Land in Vermont

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*The Vermont Network Against Domestic and Sexual Violence, The Vermont Department for Children and Families, and the Vermont Center for Crime Victim Services thanks the many people who participated in this first phase of the information gathering process and for their ongoing commitment to improving the community and system response to victims of domestic violence and their children. We also would like to thank the Family Violence Department of the National Council of Juvenile and Family Court Judges for helping to support this important endeavor.*

Prepared by Lauren J. Litton for the Vermont Partnership between  
Domestic Violence Programs and Child Protective Services

## Overarching Themes

Focus groups and interviews were conducted with stakeholders across the State of Vermont to learn about the procedures, decision-making, and outcomes in parent-child contact cases when there is an intersection with domestic violence. Several themes emerged from the conversations, such as:

- ❑ There are numerous problems and safety concerns associated with the customary parent-child contact procedure of exchanging children in public or “neutral” places or using third parties like relatives to assist with visits.
- ❑ Across the state, there is a divergence in both practice (i.e., the process of how parent-child contact cases are handled) and the availability of resources.
- ❑ Safety needs to be the guiding factor in crafting parent-child contact agreements and orders.
- ❑ Parent-child contact arrangements should be individualized and developed on a case-by-case basis, including accounting for differences among children within the same family.
- ❑ The lack of time to properly attend to parent-child contact cases that involve domestic violence is a stressful reality of most professionals working with families.
- ❑ There is a need for a common understanding of the different roles of practitioners and processes that families may utilize or come into contact with in order to acquire parent-child contact orders when domestic violence exists.
- ❑ Graduated and transitional responses around parent-child contact are needed.
- ❑ Ordering “no contact” between a battering parent and child is an option that should be considered more frequently, even if for short period of time.
- ❑ Compliance is an issue that needs further attention, particularly as it pertains to modifications of parent-child custody orders and case management services for families.
- ❑ More resources are needed, especially for services for children.
- ❑ A revolving door of new approaches has been tried in order to improve case handling. It is time to focus on how to sustain the successful approaches.
- ❑ The quality of the process (whether it be using a guardian *ad litem*, hiring an attorney, obtaining a forensic evaluation, having the family see a case manager or parent coordinator, etc.) is dependent upon the skill and expertise of the individual professional involved.
- ❑ Uniformity about philosophy and approach in domestic violence cases is needed.

## Parental Contact in Domestic Violence Cases: Considerations for Decision-Makers

### Background:

In 1996, the Vermont Network Against Domestic and Sexual Violence, The Vermont Department for Children and Families, and the Vermont Center for Crime Victim Services (herein after Partnership) began to formally collaborate upon receipt of a Rural Domestic Violence and Child Victimization Grant, awarded from the Department of Justice, Office on Violence Against Women.

Since that time, the Partnership has been working to increase access to safety and services for women and children impacted by domestic violence. There have been numerous successes achieved through this Partnership and the State of Vermont has become a national leader in the conceptualization of differentiated responses for children who have been exposed to domestic violence. Additionally, more than 5000 children and their abused parents have received services and policies and procedures of state-level organizations have been modified in order to enhance coordination and reflect best practices.

In 2005, informed by professionals across the state, the Partnership elected to turn their attention to the issue of parent-child contact in the context of domestic violence.

### Framework:

*What was the process used to examine the issue thus far?*

After deciding to delve into the subject of parent-child contact, the Partnership contacted the National Council of Juvenile and Family Court Judges (National Council). The Family Violence Department of the National Council houses and operates the national Resource Center on Domestic Violence: Child Protection and Custody and provides technical assistance to communities on related issues. The National Council offered to assist the Partnership in their endeavor by underwriting the services of a consultant to assist in the planning and execution of the project.

The legal mandates and goals of parent-child contact in children in need of supervision versus family court cases are extremely different. Although the Partnership focuses on both child abuse and domestic violence, after careful consideration it was decided to initially concentrate on relief from abuse and custody actions. The Partnership hoped that ultimately a product, *Parental Contact in Domestic Violence Cases: Considerations for Decision-Makers*, would be developed. The term “decision-makers” is broadly defined to include those who make recommendations to the court about parent-child contact.

The Partnership wanted to hear from key stakeholders about their thoughts, concerns, and suggestions related to parent-child contact in the context of domestic violence. The question remained how to undertake such an enormous task? It was agreed that a first step would be the acquisition of knowledge about what was happening in Vermont. After careful planning, a majority of the information gathering occurred through facilitated focus groups that were held with the judiciary, domestic violence advocates, mental health professionals, supervised visitation providers, attorneys, gatekeepers (parent coordinators, mediators, and custody evaluators) and consumers

(mothers and fathers). The focus groups took place in September and November of 2005 and were held in Burlington, Montpelier, Barre and Middlebury to ensure geographic diversity.

The Partnership and consultant (who also served as the facilitator) developed goals and questions for each focus group so that each constituency had the opportunity to address common topic areas as well as give a voice to the issues that directly affected their scope of work. Other information gathering efforts included a telephone interview with a batterer intervention provider and the dissemination of a survey to child advocates aimed at bringing children's voices into the process.<sup>1</sup>

This narrative serves as a summary of the major themes that evolved from the initial information collection process. The number of people that participated in the focus groups constitutes a small sample (total 45). Therefore, no conclusions can be drawn about the collected data. Instead, it is the intent to use this information to bring attention to the issue, inform critical thinking about the topic, and design next steps on the road to the development of a product.

### *Why is this issue important?*

Custody and parent-child contact (or visitation) when domestic violence exists is complex and has been widely discussed and analyzed across the country. Debates ensue about whether the best interest of the child should be the touted standard; how to balance the rights and interests of fathers, mothers, and children in custody and visitation proceedings; whether perpetrating violence on an intimate partner is related to the ability to parent; and how to attend to the safety needs of adult victims and children throughout the legal process. Until these questions are resolved, safety and access is a balancing act that remains the responsibility of decision-makers who often report feeling isolated and without enough information to make confident decisions.

What we do know is:

- 1) While children are resilient, they are impacted by the violence that has occurred in the home.<sup>2</sup> Research shows that nearly all children who live in homes where there is intimate partner violence see or hear the abuse.
- 2) Separation can serve as a catalyst for increased violence.<sup>3</sup> It is an extremely dangerous time period when a battered woman is pursuing a protection order, a divorce, or taking other steps to extricate herself from an abusive relationship. After separation, children remain the link between the battering and abused parent. Thus, custody and visitation arrangements are potentially dangerous for both the abused parent and child(ren).
- 3) The legal system is frequently used by batterers as an effective way to exert and maintain control over the victim parent. Litigation is an opportunity to reassert the control batterers feel themselves losing as the relationship ends. Batterers can attempt to intimidate their partners by threatening to take the children away (for example, by making false reports to child protective services, kidnapping, or maintaining ongoing litigation around custody or parent-child contact) and countering such actions can be financially devastating for victim parents.<sup>4</sup>

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<sup>1</sup> Attached to the summary are copies of the focus group goals, focus group framing questions, and the child advocate survey.

<sup>2</sup> Jeffrey Edleson, The Overlap Between Child Maltreatment and Woman Battering. *Violence Against Women*, 5(2), pp. 134-154 (1999).

<sup>3</sup> Lundy Bancroft & Jay G. Silverman, The Batterer as Parent: Addressing the Impact of Domestic Violence on Family Dynamics 1, 99 (2002); Peter Jaffe, et al., *Common Misconception in Addressing Domestic Violence in Child Custody Disputes*, *Juvenile and Family Court Journal* 57, 59 (NCJFCJ Fall 2003); Bureau of Justice Statistics Special Report: Violence Against Women: Estimates from the Redesignated Survey (NCJ-154348) 4 (August 1995).

<sup>4</sup> Batterers are more likely than nonviolent parents to seek custody of their children. Cynthia Grover Hastings, *Letting Down their Guard: What Guardians ad Litem Should Know about Domestic Violence in Child Custody Disputes*, 24 B.C. Third World L.J. 283 (2004); David

- 4) Battering parents may have an indirect impact on their children's relationship with the non-offending parent by undermining that parent.<sup>5</sup>
- 5) Intergenerational violence is a more common occurrence for Vermont families. This fact was conveyed by many focus group participants. Current interventions and coordinated responses are not enough to effectively address the needs of adult and child victims and to end domestic violence.
- 6) For a variety of reasons, the weight and impact of domestic violence is often not taken into consideration by family courts, lawyers, and court-related services.<sup>6</sup>

*What are the legal issues?*

Child custody and visitation laws are inextricably linked. Typically, the same principles are applied in both actions to determine the rights of each parent. During the past several decades, there has been the emergence of legal trends around custody and parent-child contact that when applied to domestic violence cases, can cause further complication to already complex situations. Some of these developments include a presumption of joint custody, the desire for parents to make decisions together about a child's upbringing, identifying which parent will more likely facilitate a relationship between the child and the other parent, and tying child support calculations to the amount of time a parent spends with a child.

In order to counterbalance these trends when domestic violence exists, states have selected to take various statutory approaches. Most frequently, states have either:

- 1) Listed domestic violence as a factor that courts must consider in the litany of best interest factors;
- 2) Created a presumption that domestic violence is not in the best interest of the child<sup>7</sup>; or
- 3) Directed the court to refrain from awarding joint custody when there has been demonstrated abuse.<sup>8</sup>

In Vermont, evidence of abuse is listed as one of nine considerations under the best interest of the child statute. Another one of the nine factors is commonly known as a "friendly parent" provision and reads, "the ability and disposition of each parent to foster a positive relationship and frequent and continuing contact with the other parent."<sup>9</sup> This factor has qualifying language about safety concerns. As with most best interest statutes, there is often no guidance offered on the weight to be given to particular factors, including when one factor may compete with another.

*What are the themes that emerged during this information collection process?*

Although Vermont is a small state, what immediately became apparent was the divergence in practice (i.e., the process of how parent-child contact cases are handled) and the availability of resources from one jurisdiction to another. For example, some courts used parent coordinators,

Adams, *Identifying the Assaultive Husband in Court: You Be the Judge*, Boston Beacon Journal, July/Aug. 1989; Carrie Cuthbert, et al., *Battered Mothers Speak Out: A Human Rights Report on Domestic Violence and Child Custody in the Massachusetts Family Courts* 19, 66 (2002).

<sup>5</sup> Jaffe, et al., *supra* note 2, at 61; Jeffrey Edleson, et al., *Parenting in the Context of Domestic Violence* Judicial Council of California, Administrative Office of the Courts (March 2003); G.W. Holden & K. L. Ritchie, Linking extreme marital discord, child rearing, and child behavior problems: Evidence from battered women, *Child Development* 62, 311-327 (1991).

<sup>6</sup> Jaffe et al., *supra* note 2 at 62.

<sup>7</sup> In general, courts can award custody to an abusive parent under a presumption but must justify why it has done so.

<sup>8</sup> Leslie D. Johnson, *Caught in the Crossfire: Examining Legislative and Judicial Response to the Forgotten Victims of Domestic Violence*, 22 *Law & Psych. Rev.* 271-286 (1998).

<sup>9</sup> See, Vermont Statute § 665 (5). A list of pertinent Vermont statutes was compiled and is attached to this summary.

others visitation masters or guardians *ad litem*, and some courts did not have access to these types of professionals to assist in the legal or decision-making process. This divergence also highlighted the need for a common understanding of the role of each practitioner and the different processes that families may be asked to go through. Participant's descriptions of the same positions varied and sometimes even conflicted with one another. Additionally, even within jurisdictions, similarly suited professionals approached parent-child contact cases differently. Yet, with these variations several themes emerged:

- ✓ **Safety** needs to be the guiding factor in crafting parent-child contact agreements and orders. Parent-child contact arrangements should be **individualized** and developed on a case-by-case basis, including accounting for differences among children within the same family.
- ✓ Lack of **time** to properly attend to parent-child contact cases that involve domestic violence is a stressful reality of most professionals working with families.
- ✓ The customary parent-child contact procedure of exchanging children in public or "neutral" places or using third parties like relatives to assist with visits is not working. A tremendous amount of problems have been reported with these arrangements.
- ✓ There is a need for more **graduated and transitional responses** around parent-child contact. Some decision-makers are trying unique ways of implementing such alternatives, but nothing has been standardized nor is this a regular occurrence.
- ✓ **No contact** between a battering parent and child is an option that should be considered more frequently (even if for short period of time).
- ✓ **Compliance** is an issue that requires attention. Two reoccurring issues that surrounded this theme was the need to reduce the amount of time it takes to modify a current order and the necessity for case management component/services.
- ✓ There is a need for more **resources** across the board, and especially for services for children.
- ✓ A revolving door of new approaches has been tried over time in order to improve case handling. Participants want to identify practices that are both beneficial and sustainable.
- ✓ The quality of the process (whether it be using a guardian *ad litem*, hiring an attorney, obtaining a forensic evaluation, having the family see a case manager or parent coordinator, etc.) is dependent upon the individual involved. More **uniformity** about philosophy and approach in domestic violence cases is needed.

*What are some potential next steps?*

The abovementioned themes reveal that additional information gathering is required before concrete considerations for decision-makers can be developed or suggestions for system procedural change offered. Thus, a second phase of information sharing should occur focusing on the identified needs of enhanced consistency, time, resources, education, and compliance.

It is important that the various processes of handling parent-child contact cases are outlined and shared so that stakeholders have clear and comprehensive conversations, steeped in a firm understanding of what is happening from jurisdiction to jurisdiction. Cross-training, defining roles and responsibilities, and examining types of resources that can be leveraged in order to attain more consistency around parent-child contact cases, while allowing for individual community flexibility could be at the forefront of this next phase. The following are a few interconnected activities that can be undertaken in this next phase:

### Create Cross-Training Opportunities

The first phase of information gathering uncovered that with the variance in practice and continual implementation of new processes, there is not a clear understanding of the roles and responsibilities of each of the practitioners involved in parent-child contact cases. Sometimes there were even inconsistencies in the role and responsibilities relayed about those with the same title.

Cross-training is a method that can be used locally and statewide where professionals themselves share information with each other. This clarification and education allows for people to become more closely linked around an issue, establish clearer expectations about the roles and responsibilities of various professions that can be passed along to families, and clearer expectations about the information that may potentially come to a decision-maker from a given professional. Cross-training is also an avenue that allows for professionals to communicate different philosophical perspectives and approaches that may exist around the intersection of domestic violence and parent-child contact, expose misconceptions, and explore how those perspectives and approaches eventually influence outcomes for families.

### Convene Local and State Forums

The overall goal of this activity is to outline how parent-child contact cases when domestic violence exists are being handled across the state and to develop a list of challenges/concerns and recommended practices that can be shared at a state level forum.

Mapping system response can be a daunting and expensive task, especially when done for an entire state. The information obtained thus far indicates there are tremendous variances in the way one jurisdiction to the next handles parent-child contact cases, dependent a lot upon the available resources. In order to make the mapping more manageable, a sampling of counties can be selected to participate in this process that will highlight geographic, socio-economic, and systemic differences. Each county will need to hold several multi-disciplinary meetings aimed at charting the way in which parent-child contact cases are processed in both RFA's and child custody actions, including professionals involved, when and how they get involved, and their role and responsibility.

Along with the mapping, each county should be asked to identify and prioritize thinking points that will be shared at the state level forum. These points could cover:

- ✓ What processes/resources have been most useful to decision-makers in parent-child contact cases when domestic violence is a presenting issue?
- ✓ What are the top 5 challenges that your jurisdiction has faced in these cases?
- ✓ What are 3 recommended practices or procedures that you would like to see adopted or standardized?
- ✓ What emerging issues need to be paid attention to?

Each local jurisdiction should appoint a multi-disciplinary team to represent them at the state level forum where all of the information will be discussed and collated. Ultimately, from that meeting strategies can be developed to move the project forward.

### Gather Further Consumer Input

It is imperative to hear from families about their experiences and outcomes. They are the true experts about how decision-makers and current structures are impacting families who are trying to

navigate the legal system; especially adult and child victims who are also often left to manage safety concerns and abuse (emotional, physical, and financial) on their own.

In the initial phase, the consumer participation was limited. Additional mothers, fathers, and children should be identified to contribute to the conversation either through anonymous surveys, telephone interviews, or focus groups. Batterer intervention, domestic violence agencies, and supervised visitation centers can be asked to identify clients who are willing to participate. Pulling court files is another way to identify consumers.

The information that needs to be collected is unique. Consumers can share their perception of how the issue of domestic violence did or did not impact the final parent-child contact order; whether parent-child arrangements as ordered or agreed to are working and if not, how they are dealing with that; the way various professionals treated them throughout the legal process; what in their experience worked well; any perceived barriers to accessing the civil legal system; ideas for graduated responses; and suggestions for how to improve the overall decision-making process.

*Dedicate Time to Networking and Support*

Working with families who have experienced domestic violence can be difficult. Helping professionals frequently experience frustration, sadness, anger, and anxiety. Sharing these emotions and experiences can aid in reducing the risk of burnout and resulting victim-blaming actions. Focus group participants indicated that due to time constraints, they did not have the chance to meet with similarly situated professionals in order to discuss their work and most communicated the desire to meet together more often.

Areas of Exploration:

The remainder of this narrative is compiled into tables that correspond to specific topic areas. Each table is divided into two subcategories:

Areas of Agreement = remarks made independently by a majority of the sectors interviewed.

Thinking Points and Items for Further Consideration = comments that differed from ones made in other interviews/focus groups or are food for thought for future planning efforts. It is important to note, that a comment appearing in this category does not mean that all participants in that sector agreed with the comment. In the Thinking Points category comments are color-coded by constituency, as indicated by the legend.

Domestic Violence Advocates	Mothers
Mental Health Professionals	Visitation Providers
Judges	Fathers
Batterer Intervention Providers	Attorneys
Child Advocates	Gate Keepers

All participants in the information gathering process expressed enthusiasm and commitment to examining issues that surround the intersection of domestic violence and parent-child contact. Many of the comments focused on the court system as it is the mechanism for creating formal and enforceable parent-child contact orders. In discussions, the “court system” was an umbrella term that included attorneys, forensic evaluators, therapists, advocates, judges, parent coordinators, case managers, mediators, masters, and other allied services or systems (e.g. visitation providers and the department of children and families).

**HOW IS PARENT-CHILD CONTACT CURRENTLY BEING HANDLED?**

<p><b>Areas of Agreement</b></p>	<ul style="list-style-type: none"> <li>▪ Families are usually asked to try to work parent-child contact arrangements out to their mutual satisfaction or are ordered to use visitation centers, third parties, fast food establishments, driveways, child day care centers, police stations and other public venues for visits and exchanges.</li> <li>▪ There are many reports of family members or third parties creating further conflict in parent-child contact situations.</li> <li>▪ Families are also handling arrangements informally outside of any system. This is especially true when things are not working. It takes months to get back before decision-makers to review and modify arrangements.</li> <li>▪ What decision-makers recommend or order depends upon the resources available in that particular community. For example, many communities do not have a supervised visitation centers or if they do, it is too far to travel to.</li> <li>▪ Very few no contact orders are issued between the offending parent and child. It is only usually done when the child was directly harmed.</li> <li>▪ Court orders being issued are not uniform.</li> </ul>
<p><b>Thinking Points and Items for Further Consideration</b></p>	<ul style="list-style-type: none"> <li>▪ Often there is no routine or schedule happening, even if an order is in place.</li> <li>▪ It would be helpful to prepare third parties who have agreed to supervise a visit or exchange in order to reduce misunderstandings.</li> <li>▪ Exchanges are still happening in public places even when a center exists in the community.</li> <li>▪ No contact will most likely be ordered when a parent is incarcerated, extreme violence was used, there has been no relationship between the parent and child, or there was a default proceeding and no contact was requested.</li> <li>▪ It seems like family members are usually the first option when decision-makers are looking for someone to supervise a visit or exchange, and centers are considered a “last resort.”</li> <li>▪ Maximum contact is a standard order.</li> </ul>

## WHAT IS GUIDING/IMPACTING DECISION-MAKING IN PARENT-CHILD CASES?

<p style="text-align: center;"><b>Areas of Agreement</b></p>	<ul style="list-style-type: none"> <li>▪ Safety should be the guiding factor.</li> <li>▪ Best interest of child is the standard being put forth.</li> <li>▪ Even though this is not happening consistently, every attempt should be made to look at each family on a case-by-case basis, including each individual child, and crafting recommendations or orders in that vein.</li> <li>▪ Substance abuse seems to impact parent-child contact orders and recommendations more than domestic violence.</li> </ul>
<p style="text-align: center;"><b>Thinking Points and Items for Further Consideration</b></p>	<ul style="list-style-type: none"> <li style="background-color: #ffcccc;">▪ Sometimes it seems like battered women are better off being pro se, as they have more of an opportunity to inform the court about the violence.</li> <li>▪ In custody cases there is more time to collect information that can inform parent-child contact orders. But, in Relief from Abuse (RFA) actions there is no such luxury.</li> <li>▪ There is no “standard” parent-child contact order that the court starts with. In determining the type of contact that will be ordered, judges generated the following list of factors they consider:             <ul style="list-style-type: none"> <li>✓ Age of child</li> <li>✓ History of contact between parent/child</li> <li>✓ The pattern of abuse, the type of abuse inflicted, and child’s connection to the violence (was child present, harmed, etc).</li> <li>✓ Parenting abilities of both parties</li> <li>✓ How cognizant parents are about the violence and effect on children</li> <li>✓ Whether one parent is making inappropriate comments about the other</li> <li>✓ Whether there is substance abuse and other issues</li> <li>✓ What services have been used or attempted to be used</li> <li>✓ Doctor reports, school reports, other objective data</li> <li>✓ Other court files (whether to look at prior RFA filings was not agreed upon)</li> <li>✓ Who is more likely to facilitate healthy contact with the other parent</li> <li>✓ How parties are behaving in the courtroom and if that corresponds to things like patience, violence, etc.</li> <li>✓ Child’s desire to visit</li> <li>✓ Resiliency factors</li> <li>✓ Cultural differences impacting the case</li> <li>✓ Who are the partners of the parents</li> </ul> </li> <li>▪ Linking temporary and final orders can be an issue, especially if there are different decision-makers involved.</li> <li>▪ It is important for the court to demonstrate that it will be the decision-maker.</li> <li>▪ Most of the parties are pro se and obtaining facts that meet the evidentiary rules can be very difficult.</li> </ul>

<p style="text-align: center;"><b>WHAT IS GUIDING/IMPACTING DECISION-MAKING IN PARENT-CHILD CASES?</b></p> <p><i>Thinking Points and Items for Further Consideration, continued</i></p>	<ul style="list-style-type: none"> <li>▪ Gate-keepers generated a list of factors they consider in parent-child contact cases that was very similar to the judges' list.</li> </ul>
	<ul style="list-style-type: none"> <li>▪ Therapists are receiving a lot of subpoenas to appear in court on parent-child contact issues. However, we take steps to quash as much as possible as there could be unintended consequences to this testimony in domestic violence cases.</li> </ul>
	<ul style="list-style-type: none"> <li>▪ Judges tend to look at the level of violence when there is documented use of weapons or there are threats of suicide.</li> <li>▪ Attorneys can be creative when crafting parent-child contact orders that will work for an individual family. This has been met with enthusiasm from judges.</li> <li>▪ Would like to see a shift in philosophy from emphasis on maximum contact to safety.</li> <li>▪ System can lead to fragmented or conflicting orders. Sometimes very little coordination between criminal and civil courts.</li> </ul>

<b>HOW IS DOMESTIC VIOLENCE IMPACTING PARENT-CHILD CONTACT CASES?</b>	
<b>Areas of Agreement</b>	<ul style="list-style-type: none"> <li>▪ Domestic violence is considered “high-conflict” and therefore cases are viewed and processed in that fashion.</li> <li>▪ Parental alienation is often raised in cases involving domestic violence.</li> </ul>
<b>Thinking Points and Items for Further Consideration</b>	<ul style="list-style-type: none"> <li>▪ Domestic violence is being viewed by professionals as conflict (which arises whenever there is a contested court case) instead of power and control.</li> <li>▪ Would like to see more understanding of how batterers undermine parenting efforts of the abused parent.</li> <li>▪ There should be a presumption that shared parenting is dangerous in domestic violence cases and that battering is not good role modeling.</li> </ul>
	<ul style="list-style-type: none"> <li>▪ Batterers are using the court system to continue control and manipulation. For example, they ask for endless delays or are refusing to pay parent coordinator fees, all intended to slow down or stop the process. It seems like these efforts are rewarded.</li> <li>▪ Cases are languishing in the court system for years. This takes an emotional toll and can also be financially devastating.</li> <li>▪ In addition to the endless litigation around child custody and parent-child contact, batterers are engaging other systems like DCF as a way to punish mothers. This causes further isolation. There is danger in building new relationships for fear that the new partner will be accused of child sexual abuse or other bad acts.</li> <li>▪ Litigating parent-child contact becomes a full-time job between trying to get someone to hear the issues and collecting documentation.</li> <li>▪ One way that the system can be manipulated is when a battering parent files for an after-hours restraining orders and there is no access to the family's history.</li> </ul>

<p style="text-align: center;"><b>HOW IS DOMESTIC VIOLENCE IMPACTING PARENT-CHILD CONTACT CASES?</b></p> <p style="text-align: center;"><i>Thinking Points and Items for Further Consideration, continued</i></p>	<ul style="list-style-type: none"> <li>There needs to be enhanced understanding of why battered women recant or ask that Relief from Abuse Order (RFA) be dropped. Right now it is impacting their credibility.</li> <li>Also, there seems to be a trend of not allowing victims to mention the violence in relation to parent-child contact unless there has been a criminal conviction or it was at least reported to authorities.</li> </ul>
	<ul style="list-style-type: none"> <li>It is important that any allegations of domestic violence are brought up at the beginning of a case. There is still mistrust by the system that domestic violence is being used as a leg up in a custody battle.</li> <li>If visitation can occur safely, most battered mothers want their children to have a relationship with their father.</li> <li>The impact of violence against women is a topic that needs more training. Specifically, on how battered women present in court and the intersection of substance abuse and mental health issues for victims of domestic violence and why there is this correlation. For example, it is not understood that when a victim recounts the acts of violence in a nonchalant manner it is because living in fear is normal to her, not because she does not have fear.</li> </ul>
	<ul style="list-style-type: none"> <li>All domestic violence cases should be treated as at-risk cases.</li> <li>More in-depth analysis of who is the victim is needed.</li> <li>Batterer intervention is rarely ordered in custody or parent-child contact cases unless there has been a criminal conviction.</li> </ul>
	<ul style="list-style-type: none"> <li>Some case managers, parent coordinators, and mediators are flagging cases for judges when domestic violence is an issue. This is very helpful.</li> </ul>
	<ul style="list-style-type: none"> <li>Parents should be informed by attorneys and the court system how the issuance of an RFA can later impact custody and parent-contact rulings before an RFA is entered.</li> </ul>
	<ul style="list-style-type: none"> <li>Parent-child contact is an arena where power and control is playing out. For example, a father will fail to show up for his visit (supervised or unsupervised) and without notice requiring mom to get the children ready. However, he will then demand a visit when he wants one, again impacting mother and children emotionally.</li> <li>There have been situations where a mother has been ordered to supervise the visit, which has placed her at great risk and in a position to deny visits when there are concerns for safety. This arrangement sets her up as she is blamed for the abusive father not getting his parenting time.</li> </ul>
	<ul style="list-style-type: none"> <li>Batterers usually have more resources to hire an attorney and therefore seem less emotionally impacted with the legal process.</li> <li>A lot of men are referred to parenting programs that do not specifically address the impact of domestic violence on children. Batterers are being rewarded for just completing these programs.</li> </ul>

**WHERE ARE CHILDREN IN THIS PROCESS?**

<b>Areas of Agreement</b>	<ul style="list-style-type: none"> <li>▪ Children’s voices need to be brought into the process more. Right now it is almost non-existent at this point in time.</li> <li>▪ There is not consensus about how exposure to or witnessing of domestic violence relates to parent-child contact.</li> <li>▪ When children are afraid in parent-child contact cases, they express fear for their own safety as well as the safety of the victim parent.</li> </ul>
<b>Thinking Points and Items for Further Consideration</b>	<ul style="list-style-type: none"> <li>▪ Kids seem to be left to their own devices to navigate the relationship with their abusive parent.</li> </ul>
	<ul style="list-style-type: none"> <li>▪ We often hear from children that they would like to maintain a relationship with their father if it can be done in a way that is safe for both them and their mother.</li> <li>▪ What children indicate they want in terms of parent-child contact is usually dependent upon their age. When children get older they seem to become angry about the violence and there is no outlet for their anger or ways to safely confront their father.</li> <li>▪ Children express to us mother-blaming when it comes to the reason why the family split. This occurs more frequently with boys than girls; they also begin to repeat the behaviors they saw their father use.</li> </ul>
	<ul style="list-style-type: none"> <li>▪ Safety planning should be done with children.</li> </ul>
	<ul style="list-style-type: none"> <li>▪ Mothers are often left to pick up the pieces when children return back from visits where they may have experienced emotional or physical abuse.</li> </ul>
	<ul style="list-style-type: none"> <li>▪ Children would like the court to take into consideration their fear. Children indicate that they want to see their battering parent but are often terrified to go alone.</li> <li>▪ Children can feel very conflicted because they miss their abusive parent but have anger toward them.</li> <li>▪ As children become older, it can become more complicated. Younger children are usually encouraged by their mothers to have contact and build relationships with their fathers. Older children have their own concerns and there is no real forum for them to express them, except through mother, which can result in her looking like she is trying to stop a relationship.</li> </ul>

**CONSIDERATIONS PERTAINING TO THE PROVISION OF  
SUPERVISED VISITATION AND EXCHANGE SERVICES**

<b>Areas of Agreement</b>	<ul style="list-style-type: none"> <li>▪ Visitation centers are still a scarce resource in Vermont. More are needed that have a focus on domestic violence. There was an acknowledgment that not all centers are created equally.</li> <li>▪ It would be valuable for centers to be able to provide wrap-around services, e.g. parenting classes, financial assistance</li> <li>▪ Participants identified these challenges to the provision and use of supervised visitation and exchange centers:             <ul style="list-style-type: none"> <li>✓ Lack of transportation for parents</li> <li>✓ Waiting lists</li> <li>✓ Geographical constraints – large distances to travel</li> <li>✓ Cost of services</li> <li>✓ Lack of resources for centers. The amount of resources a center has impacts hours of operation, type of services offered, and the program’s sustainability. This can then create barriers to use. For example, hours for visits do not accommodate working parents or the community does not trust centers as they seem to be fly-by-night operations.</li> </ul> </li> </ul>
<b>Thinking Points and Items for Further Consideration</b>	<ul style="list-style-type: none"> <li>▪ While professionals view the centers as a critical resource for communities, both mothers and father report that they do not like using them.</li> </ul>
	<ul style="list-style-type: none"> <li>▪ If violations have occurring at the center (e.g. breaking of rules) or a family has been terminated (e.g. because it is too dangerous to provide services or for continual violations), the center staff does not typically inform anyone, outside of the parties, of the termination.</li> <li>▪ Courts need to be aware that if batterers are not able to comply with center rules or are not accepted into a program, then they should not be given unsupervised visitation.</li> <li>▪ Families that have been ordered to use the center for a longer term (six months or more) tend stop using the center’s services on their own accord rather than to have the decision revisited by the court.</li> </ul>
	<ul style="list-style-type: none"> <li>▪ It is extremely helpful when center representatives are available at RFA hearings to assist in the coordination of services.</li> <li>▪ Sometimes it is too difficult for families to actually receive supervised visitation or exchange services. For example, the center’s rules are too rigid for families to follow or the center’s own screening process delays or prevents access to the services.</li> <li>▪ There were mixed responses as to whether reports should be submitted to the court by visitation centers.</li> </ul>

<p><b>CONSIDERATIONS PERTAINING TO THE PROVISION OF SUPERVISED VISITATION AND EXCHANGE SERVICES</b></p> <p><i>Thinking Points and Items for Further Consideration, continued</i></p>	<ul style="list-style-type: none"> <li>▪ Children who want to see their father regularly indicate that they would like visits to be as “normal” as possible, even at a center. That means having a variety of activities that are age appropriate and being able to do things offsite.</li> </ul>
	<ul style="list-style-type: none"> <li>▪ It seems like there are very few orders for supervised visitation (at a center) that emerge from families who have only seen case managers.</li> <li>▪ Would like to see centers be able to provide strong role modeling.</li> </ul>
	<ul style="list-style-type: none"> <li>▪ It <b>must be understood</b> that good behavior at a visitation center does not mean that the person will not be violent with his children or to his former partner.</li> <li>▪ When courts are ordering supervised visits, it seems to be for an average of two months. If there are no violations within that period, then unsupervised visitation is ordered immediately.</li> <li>▪ Visitation monitors need to be trained in child development and domestic violence. It is important to be able to identify subtle manipulation of rules and children.</li> <li>▪ In many jurisdictions, courts are receiving recommendations from centers.</li> </ul>
	<ul style="list-style-type: none"> <li>▪ Visitation centers are useful because they document what is happening and can prevent false accusations from reaching the court.</li> </ul>

**CURRENT CHALLENGES & OTHER CONSIDERATIONS**

<p align="center"><b>Areas of Agreement</b></p>	<ul style="list-style-type: none"> <li>▪ The way that child support is calculated promotes ongoing litigation and creates a climate where parents are seeking custody and more parenting time in order to reduce the amount of their support</li> <li>▪ More attorneys need to be available and involved in the legal process, especially legal representation for children and victims of domestic violence.</li> <li>▪ It is important that a process be developed that focuses on compliance. While this was an area of agreement, how to accomplish the task was not.</li> <li>▪ Time is a critical and lacking resource. Many professionals stated that it prevents their ability to handle domestic violence cases the way in which they want to and it also affects how quickly litigants are able to return to the court for modifications (due to docket constraints).</li> </ul>
<p align="center"><b>Thinking Points and Items for Further Consideration</b></p>	<ul style="list-style-type: none"> <li>▪ There is an over-representation of working class to low income men and men of color in the criminal justice system and batterer intervention programs.</li> <li>▪ There has been an increase in RFA filings based on child abuse versus intimate partner abuse, the original intent of the relief statute. This increased focus on child abuse could have an unintended consequence for domestic violence cases.</li> <li>▪ It is a difficult when the parties come to court and state that they agree, but you have a gut feeling that the agreement is not in the party's or child's best interest. Sometimes you are in a bind and do not want to put the victim at further risk by questioning it.</li> <li>▪ Some of the relief requested in temporary orders, such as spousal or child support, is not appearing on final orders nor are victims of domestic violence being affirmatively asked about it. The obligation has been placed on battered women to push the issue.</li> <li>▪ The process for modifying parent-child contact is extremely difficult when attorneys are not involved.</li> <li>▪ Families and decision-makers have looked to visitation centers as the enforcers of parent-child contact orders. That is not our job nor do we want it to be.</li> <li>▪ Currently, it takes so long just to get a temporary order that things fall apart very quickly. It is even a longer process to bring a parent-contact issue before a decision-maker for a second time.</li> </ul>

**SUGGESTIONS FOR IMPROVING PARENT-CHILD CONTACT CASES**

<p align="center"><b>Areas of Agreement</b></p>	<ul style="list-style-type: none"> <li>▪ Parent-child contact orders should include a range of services, such as batterer intervention, child therapy, parenting without violence classes, supervised visitation or exchange, etc. so that orders are holistic and accountability is built in.</li> <li>▪ Develop a case management system that assists with parent-child contact issues.</li> <li>▪ Build graduated responses and reviews into parent-child contact orders.</li> <li>▪ Develop parent education classes that account for effects of domestic violence on children.</li> </ul>
<p align="center"><b>Thinking Points and Items for Further Consideration</b></p>	<ul style="list-style-type: none"> <li>▪ More time should be built into the court process in order to evaluate the needs of the battered mothers and their children.</li> <li>▪ When third parties are used, let battered mothers select who they will be instead of trying to have the parties come to an agreement. The victim parent's decision may be based on safety and resources (e.g. they don't have a car or gas to make it happen).</li> </ul> <hr/> <ul style="list-style-type: none"> <li>▪ When working off a graduated response, would like there to be immediate and concrete consequences for the offending parent. This responsibility should not be placed on the abused parent.</li> <li>▪ The court should seek creative ways to receive evidence that would encourage fearful parents and children to testify, such as hearing testimony in camera, through closed-circuit television, or via sealed files.</li> <li>▪ Remove mandatory mediation requirements from court orders so that people can come back into court more quickly when parent-child contact is not working.</li> <li>▪ Develop a list of statutory considerations that are unique to parent-child contact and reflect attention to the dynamics of domestic violence.</li> </ul>

**SUGGESTIONS FOR  
IMPROVING PARENT-CHILD  
CONTACT CASES**

*Thinking Points and Items  
for Further Consideration,  
continued*

- Develop a graduated parent-child model that includes standards about which cases are appropriate for what level. This provides a greater sense of control for parents as well as establishes norms and expectations.
  - Batterer intervention providers (BIPs) can provide training about fathers who batter and how they use the system and children to manipulate and control their former partners.
  - While BIPs can not provide recommendations, they can assist decision-makers sort through the information they have and understand what it means.
  - Resume the operation of the fathering without violence program with the understanding that before father are sent to it they must first complete the full batterer intervention program.
  - BIPs are open to referrals from the family court system.
- 
- Need after hour protocols (for petition of emergency RFAs) that would assist judges' decision-making about contact.
  - Create a standardized curriculum for litigant education classes. There is a real opportunity there.
- 
- Develop a case coordinator position that would provide maintenance after orders have been created would be particularly helpful.
  - Explore creating a mechanism for parent coordinators to trigger emergency hearings when they are needed and in other instances, provide the parent coordinator with the decision-making/arbitration power to make small modifications to parent-child contact orders, such as changing the days of visitation.
  - Would like advanced domestic violence training developed that accounts for current research and presents differing and controversial viewpoints.
- 
- Child advocates can help elucidate how battering impacts children by sharing examples of what is happening with children we are working with.
- 
- Important for judges to share information when more than one judge hears the same case. This will ensure that there is a consistent message and rulings in a particular case.
- 
- Some attention should be paid to who is actually watching the children when a parent has visitation or custody.

# APPENDICES

## FOCUS GROUP GOALS

Supervised Visitation and Exchange Providers: The goal of this focus group is to hear from individuals providing supervised visits and exchanges about issues impacting current service delivery. Some of the questions will focus on specialized needs for victims and children experiencing domestic violence, information sharing among visitation providers, the court, advocates, and other professionals, and the role of visitation providers in parent-child contact cases.

Gate-Keepers: The goal of this focus group is to hear from parent coordinators, mediators, and custody evaluators who are intricately involved in cases where parent-child contact is in dispute. Some of the questions will focus on the role of gate-keepers in parent-child contact cases, the impact of domestic violence on decision-making, and information gathering and sharing.

Judiciary: The goal of this focus group is to hear from the judiciary about the court's needs in order to identify next steps and ensure the court's voice is reflected throughout the project. Some of the questions will focus on the sharing of information between the court and service providers, decision-making in cases involving domestic violence, and the emerging and existing needs of the judiciary around the issue of parent-child contact.

Attorneys: The goal of this focus group is to hear from attorneys and other legal representatives about the opportunities and challenges around parent-child contact in cases involving domestic violence. Some of the questions will focus on current practice, issues impacting judicial and other key player decision-making, and resource building.

Domestic Violence Advocates: The goal of this focus group is to hear from domestic violence advocates, who represent the concerns of battered women, about the current practice as to parent-child contact in cases involving domestic violence. Some of the questions will focus on relationship among advocates and other professionals involved in parent-child issues, information sharing, and emerging and existing needs of victims.

Mental Health Professionals: The goal of this focus group is to hear from therapists, counselors, and psychologists who are intricately involved in cases where parent-child contact is in dispute. Some of the questions will focus on the role of mental health professionals in parent-child contact cases, the impact of domestic violence on decision-making, and information sharing.

Consumers: The goal of this focus group is to hear from community members about your needs, concerns, and recommendations regarding parent-child contact (i.e. child visitation) in cases where there is domestic violence. The focus group will be a time to have an informal discussion about your experience with service providers and the court system (if applicable), and ways you have handled visitation issues to date. You are truly the experts on this subject and your voice is important.

## FOCUS GROUP FRAMING QUESTIONS

Consumers: Participants should be identified by domestic violence agencies and batterer intervention providers. Participants must have children that have been the subject of custody/parent-child contact dispute.

- ✓ Have you been involved with the court on issues surrounding your children?
  - If so, what type of case brought this issue to the court's attention?
  - Do you think the issue of domestic violence impacted the court's decision? If so, how?
  - Were there other issues in addition to the domestic violence that you would have liked the court to consider/examine?
- ✓ How is parent-child contact being handled right now?
  - Do you have a formal agreement in place? Is it being followed? If not, why not?
- ✓ Did you have legal representation in your court case?
  - What other professionals do you believe impacted the decision in your case?
- ✓ What services in the community are you or have you used to assist with parent-child contact?
  - What works well about the services?
  - What needs improvement?
  - What services are needed in the community to assist with parent-child contact when domestic violence exists within a family?

For mothers

- ✓ Did you want the other parent to have contact with your child(ren)? Was the contact provided what you requested?
- ✓ Are there things that would make you and your children feel safer?

For fathers

- ✓ Were you provided the contact that you requested?
- ✓ What does parent-child contact mean to you? What is involved and what are the goals?

Attorneys: Mix of private bar and legal aid/legal services attorneys.

- ✓ How many of your cases involve allegations of domestic violence?
  - How does that impact the way you handle the cases and present them to court?
  - Do you have other professionals that you rely on to assist in domestic violence cases?
  - What training have you had in domestic violence? Has it helped or are there are things that you would like to know that would assist you in better handling the cases?
- ✓ What is the state of the field when it comes to parent-child contact?
  - Is there a difference if the case is a Relief from Abuse, a divorce, or legal proceeding?
  - What are "typical" court orders?
  - What is the process to modify court orders that are not working?
- ✓ Do you ever refer directly to supervised visitation centers or similar service providers?
  - Why or why not?
  - What factors do you consider before doing so?
  - What services are needed in the community to assist with parent-child contact when domestic violence exists within a family?

- What other services are needed in the community to assist with parent-child contact when domestic violence exists within a family?
- ✓ How are gatekeepers impacting the decision-making in these cases?
  - What is working well and what needs improvement?
  - What information is being shared with you?
- ✓ What tools or information would be helpful to you in parent-child contact cases involving domestic violence?

Judiciary/Courts: Judges should be from the family court and either hearing Relief from Abuse cases or domestic relation proceedings that would call for parent-child contact orders.

- ✓ What factors are contributing to your decision-making around parent-child contact?
  - Where are you receiving information from?
  - Does the allegation of domestic violence affect your decision-making?
  - Does the type of case before you impact the decision-making?
- ✓ What are you currently ordering around parent child contact?
  - Do you ever order no contact? If so, what do those cases look like?
  - What is the duration of your orders?
  - Are there formal mechanisms in place to follow-up on cases?
  - How do you know it is working?
  - How do people make modifications?
  - What alternatives to visitation centers are you using?
  - What are your expectations of visitation centers? i.e. what is the goal when sending families?
  - What challenges do you face around this issue?
  - Are there any untapped resources or opportunities that you would like explored?
- ✓ What type of information are you receiving from gate-keepers and supervised visitation providers?
  - What is the level of reliance on this information? Is this information helpful and related to the domestic violence?
  - What information are you providing to them?
  - What qualities make a good mediator, parent coordinator, or evaluator in domestic violence cases?
  - When would you refer families to the above professionals?
  - How are you relying on this information to make your decisions?
- ✓ What are some of the court's needs around this issue?
  - What tools or information would be helpful to you in visitation cases?

Advocates: Can be a mix of domestic violence professionals. It would be great to have several advocates that work specifically as legal advocates and at least one individual that works on policy issues that may hear more about trends across the state.

- ✓ What percentage of cases do you work with that have parent-child contact orders?
  - Is there a “typical” parent contact order? If so, what does it look like?
  - Who usually is the visiting parent?
  - Are victims’ being heard on the issue?
  - Are there differences in victim autonomy or child safety depending upon what type of case is before the court?
- ✓ What role are you currently playing in parent-child contact cases?

- Would you like that role to change, and if so, how?
- What opportunities and challenges are there for domestic violence advocacy in the legal process?
- What relationship do you have with attorneys in the community?
- ✓ What factors seem to impact the decision making of gatekeepers, mental health professionals, or the judiciary?
  - Do you see differences among these constituencies?
  - Have you noticed any issues regularly appearing in these cases?
  - What is your perception of their understanding of domestic violence and allied issues?
  - What training have you had on the court system?
- ✓ Do you work with visitation centers or other similar service providers?
  - If yes, how? If no, why not?
  - What information or assistance do you offer visitation and exchange service providers?
  - Have you ever been to a supervised visitation center? If so, what were your impressions?
  - What is your expectation of safety from visitation centers or third parties?
  - What other services are needed in the community to assist in parent-child contact cases?
- ✓ What tools or information would be helpful to you in parent-child contact cases?

Gate Keepers & Mental Health Professionals: I see the same questions for these groups. Even though we have divided the groups up, in many ways they serve similar roles, although with the gate-keepers, I see using references to “decision-making” versus “recommendations.”

- ✓ How do you become involved in parent-child contact cases?
  - What percentage of the cases includes domestic violence, sexual assault, or stalking?
  - When these issues are alleged, do you approach the cases differently?
  - If yes, how so? If not, how do you address potential power imbalances?
- ✓ What is your role in determining parent-child contact orders?
  - How long are you spending with the parties?
  - How are you collecting information and from what sources?
  - How do you make a determination whether there is domestic violence?
  - What factors do you consider?
  - Is there a typical parent-child contact order? If so, what is it? If not, how is individual attention paid to each case? If yes, how do you determine when to deviate from the norm?
- ✓ What other roles are you playing in parent-child contact cases?
  - Would you like that role to change, and if so, how?
  - What relationship do you have with attorneys? With the judiciary? With domestic violence advocate or visitation providers?
- ✓ Do you work with visitation centers or other similar service providers?
  - If yes, how? If no, why not?
  - What information or assistance do you offer visitation and exchange service providers?
  - Have you ever been to a supervised visitation center? If so, what were your impressions?

- What is your expectation of safety from visitation centers or third parties?
- What other services are needed in the community to assist in parent-child contact cases?
- ✓ What training have you had on domestic violence?
- ✓ What tools or information would be helpful to you in parent-child contact cases involving domestic violence?

Supervised Visitation Providers: I am not sure how centers are operated across the state. We may want a variety – both not-for-profit and for-profit – to hear the gamut of cases. Also, having private providers (like therapists) would mix up the group. The baseline should be that the provider serves victims of domestic violence and their children.

- ✓ What type of services are you currently providing?
  - Are you serving families that are experiencing domestic violence, stalking, or sexual assault? How are you determining whether these issues exist?
  - If so, are there differences in the ways you are serving those families? If so, please explain. If not, please explain.
  - What training is provided to interns, volunteers, and staff on these issues?
  - What services would you like to provide that you aren't and what are you providing that you think may compromise victim safety?
- ✓ How do families usually wind up at your door, i.e. are they court referred? Self-referred?
  - What information are you receiving from the court?
  - What information are you sending back?
  - Are you getting many subpoenas? Are you testifying in cases?
- ✓ What is your role in parent-child contact cases?
  - Who are your primary clients?
  - How do you define safety? Neutrality?
  - How are gatekeepers and other decision-makers relying on your services or recommendations in domestic violence cases?
  - Do you have a relationship with domestic violence advocates? If so, how was that established? If not, why not?
- ✓ What type of information are you documenting?
  - What other sources are you seeking information from?
  - What factors impact whether you serve a family or not?
- ✓ What is the average length of time a family uses your services?
  - How are modifications being made?
  - Are families terminating their usage of your services formally or informally?
- ✓ What tools or information would be helpful to you in parent-child contact cases that involve domestic violence?

**PARENTAL CONTACT IN DOMESTIC VIOLENCE CASES  
CHILD ADVOCATE SURVEY**

The Vermont Network Against Domestic and Sexual Violence, The Vermont Department for Children and Families, and the Vermont Center for Crime Victim Services entered into a formal partnership in 1996, with the award of a Rural Domestic Violence and Child Victimization Grant. Since that time the partnership has been working to increase access to safety and services for women and children impacted by domestic violence.

This year, informed by professionals across the state of Vermont, the partnership elected to address parent-child contact in the context of domestic violence. The primary focus will be on parent-child contact arising out of the Relief from Abuse, divorce, and other family court proceedings. Ultimately, a product will be developed, *Parental Contact in Domestic Violence Cases: Considerations for Decision-Makers*.

You have been asked to participate in this project due to your experience in working with children who have come from homes where there has been intimate partner violence and where parent-child contact is an issue. **The goal of the survey is to bring the voices of children into the project.** The project will be conducting focus groups with mothers and fathers in order to hear their perspectives. Many of the questions ask you to respond based on what you have heard from children directly. If there would be different responses based on the ages of children, please elucidate what those differences would be. There may be questions where the children's perspectives may counter what you believe to be in their best interest. However, we want to hear what the children have said and thus have provided other questions on the survey that specifically ask for your viewpoint as a professional. Additionally, we understand in your role you may work with children for a variety reasons. Please keep responses focused on children who have been affected by domestic violence. Feel free to use extra paper if you need more room for your responses.

The survey should be returned to Lauren Litton **by November 20, 2005** either via email or fax at [llitton@ispconsults.com](mailto:llitton@ispconsults.com) or (419) 663-1716. Any questions can also be directed to Lauren through her email address. Thank you in advance for taking the time to complete the survey and participate in this important inquiry.

1. Your Position/Title: \_\_\_\_\_

2. Type of Agency You Work For:

- Courts
  - Child Advocacy
  - Domestic Violence
  - Mental Health
  - Social Services
  - School
  - Private Practice
- Other \_\_\_\_\_

3. What percentage of the children you work with come from homes where domestic violence was present? \_\_\_\_\_ %
4. What types of parent-child contact arrangements are currently occurring for children? Along with your response, **please indicate what children are saying** about what is and is not working well with each type of arrangement (i.e. what types of fears are children expressing about the arrangements or what do they like about it)?

Type of Arrangements:

*(mark an "X" next to each type of arrangement that you are hearing about)*

Likes/Dislikes:

- No Contact
  
- Supervised Visitation
  - At a visitation center
  - By other professional
  - By a third party
  
- Exchanges
  - At a visitation center
  - By a third party
  - At a public place
  
- Standard Order/Shared Parenting
  
- Other \_\_\_\_\_

5. For the most part, are children indicating that they want to see the parent that has been determined to be the abusive parent? Yes \_\_\_\_\_ No \_\_\_\_\_
- 5(a). If yes, under what circumstances or arrangements do children say they would like this contact to occur (this goes to location, frequency, etc.)?
- 5(b). If no, what reasons are provided children providing for why they don't want to see their parent?
- 5(c). What type of opportunities, if any, do children want to discuss the violence that occurred in the home (with either parent)?
6. What are children saying about their concerns, if any, for the parent victim?

7. What are children saying about what they wish the court would take into consideration when creating parent-child contact orders?

8. Are children indicating that they would like to be more involved in determining the outcome of custody and contact decisions? Yes \_\_\_\_\_ No \_\_\_\_\_

8(a). If yes, in what ways would they like to be included?

8(b). If no, what reasons are they providing for not wanting to participate?

***Please respond to the following questions from your professional perspective:***

9. What is working well now for children in parent-child contact cases involving domestic violence?

10. What are some of the top challenges, if any, in parent-child contact cases involving domestic violence?

11. In what ways can child advocates be more involved or assist decision-makers in parent-child contact cases involving domestic violence?

12. Please use this space to provide additional input not covered above:

**Thank you again for assisting in improving Vermont's effort to respond to the needs of victims of domestic violence and their children.**

## VERMONT STATUTES

**This is a list of statutes that affect parent-child contact when domestic violence is occurring. Only the pertinent sections of the statutes are highlighted below and the list is not intended to be exhausted by to highlight a few areas of interest.**

### § 665. Rights and responsibilities order; best interests of the child

(a) In an action under this chapter the court shall make an order concerning parental rights and responsibilities of any minor child of the parties. The court may order parental rights and responsibilities to be divided or shared between the parents on such terms and conditions as serve the best interests of the child. When the parents cannot agree to divide or share parental rights and responsibilities, the court shall award parental rights and responsibilities primarily or solely to one parent.

(b) In making an order under this section, the court shall be guided by the best interests of the child, and shall consider at least the following factors:

.....

(5) the ability and disposition of each parent to foster a positive relationship and frequent and continuing contact with the other parent, including physical contact, except where contact will result in harm to the child or to a parent;

.....

(8) the ability and disposition of the parents to communicate, cooperate with each other and make joint decisions concerning the children where parental rights and responsibilities are to be shared or divided; and

(9) evidence of abuse, as defined in section 1101 of this title, and the impact of the abuse on the child and on the relationship between the child and the abusing parent.

### § 1101. Definitions

The following words as used in this chapter shall have the following meanings:

(1) "Abuse" means the occurrence of one or more of the following acts between family or household members:

(A) attempting to cause or causing physical harm;

(B) placing another in fear of imminent serious physical harm;

(C) abuse to children as defined in subchapter 2 of chapter 49 of Title 33.

### § 1103. Requests for relief

(c) If the court finds that the defendant has abused the plaintiff and that there is a danger of further abuse, the court shall make such orders as it deems necessary to protect the plaintiff, the children or both, which may include the following:

(1) an order that the defendant refrain from abusing the plaintiff, his or her children or both and from interfering with their personal liberty, including restrictions on the defendant's ability to contact the plaintiff or the children in person, by phone or by mail and restrictions prohibiting the defendant from coming within a fixed distance of the plaintiff, the children, the plaintiff's residence, or other designated locations where the plaintiff or children are likely to spend time; (emphasis added)

....

(3) a temporary award of parental rights and responsibilities in accordance with the criteria in section 665 of this title;

(4) an order for parent-child contact under such conditions as are necessary to protect the child or the plaintiff, or both, from abuse. An order for parent-child contact may if necessary include conditions under which the plaintiff may deny parent-child contact pending further order of the court;

#### **1115. Limitation or denial of visitation**

In any proceeding under this title, the fact that a parent has been convicted of any of the following offenses against the parent's child shall be a ground for limiting or denying visitation:

- (1) sexual assault as defined in 13 V.S.A. § 3252;
- (2) aggravated sexual assault as defined in 13 V.S.A. § 3253;
- (3) lewd and lascivious conduct as defined in 13 V.S.A. § 2601;
- (4) sexual activity by a caregiver as defined in 33 V.S.A. § 6913(d);
- (5) kidnapping as defined in 13 V.S.A. § 2405(a)(1)(D);
- (6) lewd and lascivious conduct with a child as defined in 13 V.S.A. § 2602;
- (7) prohibited acts in violation of 13 V.S.A. § 2635;
- (8) sexual exploitation of children as defined in 13 V.S.A. chapter 64; or
- (9) an attempt to commit any offense listed in this section.