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**Document Title:** State Laws Related to Family Judges' and Custody Evaluators' Recommendations in Cases of Intimate Partner Violence: Final Summary Overview

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**Document Number:** 250667

**Date Received:** March 2017

**Award Number:** 2014-IJ-CX-0018

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**State Laws Related to Family Judges' and Custody Evaluators'  
Recommendations in Cases of Intimate Partner Violence:  
Final Summary Overview**

National Institute of Justice Award 2014-IJ-CX-0018

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December 30, 2016

This project was supported by Award No. 2014-IJ-CX-0018 awarded by the National Institute of Justice, Office of Justice Programs, U.S. Department of Justice to the Regents of the University of Michigan. The opinions, findings, and conclusions or recommendations expressed in this publication are those of the author and do not necessarily reflect those of the Department of Justice.

## **Abstract**

The purpose of this study is to better understand the relation between family law statutes and professionals' recommendations for child custody and visitation in intimate partner violence (IPV) cases. Samples consisted of 512 child custody evaluators and 200 judges from 46 states. Survey participants responded to a case vignette of serious intimate partner violence (IPV). In addition, evaluators indicated their history of actual recommendations in IPV cases. Eight child custody laws were related to the custody-visitiation outcomes. Based on past research with judges, "friendly parent" laws were included, a standard for custody determination by which parents need to facilitate a good relationship between their children and the other parent. Only a small percentage of the many statistical relationships assessed were significant. When there were laws that exempted IPV cases from friendly parent standards, judges tended to favor victim-supportive outcomes, such as awarding sole custody to victims. These findings generally held when controlling for beliefs about IPV and custody, IPV knowledge acquisition, and background characteristics. In an analysis combining both samples, an overall outcome favoring the abuser was significantly higher in "friendly parent" states, even with the presence of laws presuming the abuser should not have custody. Implications are provided for policies, practice and future research.

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## **State Laws Related to Family Judges' and Custody Evaluators' Recommendations in Cases of Intimate Partner Violence**

### **A. Purpose**

The purpose of this study was to conduct further analysis of a recent, NIJ sponsored national survey of professionals to help better understand the relation between family law statutes and professionals' recommendations for custody and visitation in intimate partner violence (IPV) cases. The samples consist of 512 child custody evaluators and 200 judges from 46 states. Evaluators and judges responded to a case vignette of serious intimate partner violence (IPV). They indicated recommendations they would make for custody and visitation. Evaluators also reported on their history of actual recommendations in IPV cases. The original study investigated beliefs about custody, value-laden beliefs, IPV knowledge acquired, the number of survivors they had known, and their work setting, education, and other demographics in relation to custody-visitiation recommendations (See Saunders et al., 2011, at: <https://www.ncjrs.gov/pdffiles1/nij/grants/238891.pdf> ). In the current study, state level child custody laws were related to the custody-visitiation outcomes of the professionals.

### **B. Review of Literature**

The family law arena is increasingly identified as needing reform to protect IPV survivors and their children (e.g., Goodmark, 2011). Research has documented the ongoing and sometimes escalating dangers faced by victims and their children after they leave violent relationships (e.g., Bachman & Saltzman, 1995; Hardesty & Chung, 2006; Tjaden & Thoennes, 2000a). Many abusers also use the legal system to maintain contact with and harass their ex-partners (Bancroft & Silverman, 2002). Care in decision-making is crucial because outcomes in IPV cases can be extremely harmful. Sole or joint custody of children may be granted to an abusive parent, endangering children through violence directly or through violence exposure

(Neustein & Leshner, 2005; Radford & Hester, 2006; Saunders, 2007). Moreover, lack of custody to an offender does not ensure safety since parent-child visitation arrangements may not be safe for children or parents (Jaffe & Crooks, 2007). Among concerns raised by past research, several studies show little or no difference in custody and visitation outcomes for cases with and without IPV (Kernic et al., 2005; Logan, Walker, Jordan & Horvath, 2002; O'Sullivan, 2000; O'Sullivan, King, Levin-Russell & Horowitz, 2006).

Some forms of bias may explain professionals' custody and visitation recommendations. For example, gender bias is frequently shown to exist in custody disputes (Dragiewicz, 2010; Rosen & Etlin, 1996). Female family court judges in one study showed more knowledge of IPV and greater support for victim protections (Morrill et al., 2005). Other traits and background factors may also be related to beliefs and behaviors. For example, a professional with a history of being abused may be more supportive of victims (Yoshihama & Mills, 2003) and personally knowing a survivor can be related to an increased likelihood of detecting IPV (Saunders & Kindy, 1993). The latter but not the former was found of custody evaluators in our recent study (Saunders, Tolman & Faller, 2013). Almost no attention has been paid by researchers to the impact of laws on professionals' behavior. The "friendly parent" legal factor for determining the child's best interests is likely to place battered parents in a no-win situation (Zorza, 2007). The majority of states have statutes with "friendly parent" standards for custody determinations by which parents are expected to facilitate a good relationship between the children and the other parent. The "friendly parent" standard works against battered women because any concerns they voice about father-child contact or safety for themselves are usually interpreted as a lack of cooperation (Zorza, 1996). Even in jurisdictions with a presumption that custody should be awarded to the non-abusive parent, a "friendly parent" provision tends to override this

presumption (Morrill, et al., 2005). Fortunately, some states provide exemptions to the friendly parent standard for IPV victims.

Other than the study on “friendly parent” provisions by Morrill and her colleagues, which included only six states, research has not focused on the influence of state laws. However, these laws may have considerable impact on practice in a way that protects survivors and their children. Every state now lists domestic violence as a factor to be considered in custody decisions and in eight states it is given special weight (see table of laws by state in appendix). States have increasingly adopted a provision that there is “rebuttable presumption that it is detrimental to the child and not in the best interest of the child to be placed in sole custody, joint legal custody, or joint physical custody with the perpetrator of family violence” (NCJFCJ Model Policy, 1994, p. 33). Statutes also address other issues related to custody and visitation, for example: Standards for supervised visitation and exchange programs; exempting battered women from mandated mediation (Dunford-Jackson, 2004; Girdner, 1996); if a parent alleges that a child is exposed to domestic violence, such allegations cannot be used against the parent bringing the allegation (NCJFCJ, 2004); and a presumption that custody or visitation should not be granted to anyone who is found guilty of unjustifiable homicide of the other parent.

This study builds on our past research on professionals regarding their behavioral intentions and actual recommendations regarding child custody in IPV cases. Based on our bivariate analysis using independent t-tests, evaluators in states with the presumption of joint custody were more likely to have recommended sole or joint custody to a perpetrator in their caseloads and to the abusive father in a vignette of serious IPV. Outcomes did not differ for other laws, for example whether or not evaluators lived in states with mandated domestic violence training for evaluators or that presumed that abusers should not have custody. The current study was conducted because a more sophisticated multivariate analysis, specifically linear mixed-

models, is needed to provide a valid assessment of the relationship between state laws and professionals' recommendations. The two-tiered mixed model analysis used in this study takes into account the dependency among observations within each state. Findings from such analyses can differ substantially from those that do not account for such dependency, such as our bivariate analysis.

Based on the above review of the literature, we derived several research hypotheses. We hypothesized that professionals (judges and evaluators analyzed separately) will be more likely to recommend custody to victims in states with: a presumption abusers should not have custody, mandated training for judges and evaluators, and extra weight for considering IPV as a factor in custody determinations. We hypothesized that professionals will be more likely to recommend sole or joint custody to perpetrators in states with a presumption of joint custody and expectations that parents must facilitate a good relationship between their children and the other parent ("friendly parent" provision with no IPV exemption). We also explore the impact of other laws less directly related to custody, specifically laws that place safety conditions on mediation sessions and that prevent someone who has killed their partner from gaining child custody. We explore the possible cumulative impact of multiple custody statutes in the same state. Finally, we specifically test to see if Morrill et al.'s finding will be replicated, namely if the existence of a "friendly parent" provision will cancel out the effects of provisions that presume abusers should not have custody.

## **C. Project Design and Methods**

### **Sample**

We focus in this analysis on the 512 child custody evaluators and 200 family court judges from the larger study that also included attorneys and domestic abuse advocates (a complete description of the methods can be found in the final report to NIJ by Saunders, et al., 2011), The

judges' and evaluators' demographics and experience level with custody cases are presented in tables in an appendix. Evaluators were categorized by the type of advanced degrees they had. Approximately half (52%) were psychologists, 24% were social workers, 7% counselors, 6% marriage and family therapists, 3% lawyers, 2% psychiatrists, and 6% "other or multiple" (e.g., criminal justice, human development, divinity, education, public administration). Our sample included 54% who worked in private settings, 29% in court settings, and 14% in both. A small percentage (3%) worked in other settings, such as hospitals and university training clinics.

### **Recruitment Procedures**

We generated invitation lists for evaluators and judges from several sources, for example the Association of Family and Conciliation Courts (AFCC). We sent 4,017 e-mail invitations in 35 separate emails and two reminder emails. We sent 1,665 invitation letters to people with no email addresses on our list (see our NIJ Technical Report, Saunders et al., 2011, for details: <https://www.ncjrs.gov/pdffiles1/nij/grants/238891.pdf> ).

**Measures** (all measures are contained in an appendix and their validity and reliability are described in the NIJ Technical Report: <https://www.ncjrs.gov/pdffiles1/nij/grants/238891.pdf> with relevant sections of that report in the appendix). State laws were used as the independent variables, recorded in binary form. These are described next, followed by descriptions of the dependent variables and control variables that could be used to explain any significant findings.

### **Independent Variable**

State Statutes. With charts from the American Bar Association and the National Council of Juvenile and Family Court Judges (NCJFCJ), our own legal research and that from staff at NCJFCJ, we compiled information on which states had particular statutes relevant for custody and visitation determinations. Among those with enough variation for analysis were the following: 1) Cooperative/friendly parent provision with exemptions for IPV; 2) Presumption of

joint custody in general; 3) Mandated IPV training for evaluators; 4) Mandated IPV training for judges; 5) IPV given extra weight in determining the best interest of the child; 6) Presumption that an abuser should not have custody; 7) A parent who kills the other parent does not get custody; 8) Protective conditions for mediation sessions.

### **Dependent Variables**

Practice history. We asked evaluators, but not judges, to estimate the percentage of times they recommended, or would have if in that position, various custody arrangements in cases in which “one parent was clearly a perpetrator”. Possible responses to seven different options were “never,” “seldom,” “occasionally,” “half of the time,” “most of the time,” “almost always,” “always” and “Can’t estimate”. We created a single, weighted scale of recommendations based on a principal component factor analysis (varimax rotation), e.g., 7 was assigned to sole legal and physical custody given to the perpetrator and -7 to sole legal and physical custody given to the victim.

Responses to an IPV Case Vignette. We used a vignette with both judges and evaluators that included three incidents of severe violence by the father and claims by the mother that he “controls her every move” (see measure in the appendix). We posed a set of questions that asked the likelihood, from 0% to 100% they would make five types of custody recommendations. We formed these five recommendations into a weighted scale based in part on a factor analysis and the assumption that custody awarded to the father was the most negative outcome for the mother.

**Control Variables.** The following variables were used to try to explain any significant results that were found. They were chosen because they were significant predictors of judges’ and evaluators’ custody-visitation recommendations in the “parent” study.

Beliefs about family violence, custody and visitation. Five subscales, using a 7-point Likert scale from “strongly disagree” to “strongly agree”, were formed based on the results of

principal component factor analysis. The subscales were: the belief that parental alienation is common by each parent, the importance of domestic violence in custody cases, victims' reluctance to co-parent, and the extent of false domestic violence allegations.

Believes in Response to Vignette. Respondents were asked about the likelihood that each parent in a vignette of severe domestic abuse and controlling behavior described above, were minimizing or exaggerating the abuse and likely to harm the child psychologically.

Modern Sexism Scale (MSS). This scale assesses subtle sexist attitudes from "strongly agree" to "strongly disagree" (Swim, Aikin, Hall & Hunter, 1995).

Practice characteristics. We asked about the approximate number of custody evaluations conducted or custody case involvement over their entire careers and the past year, the setting in which they practiced, gender, age, educational level and type of advanced degree.

Knowledge acquired on IPV. We asked respondents how many times they used several sources to acquire knowledge about IPV.

Areas of knowledge acquired. We asked respondents whether or not they had acquired knowledge about the: (a) prevalence of IPV, (b) causes of IPV, (c) types of perpetrators, (d) post-separation violence, (e) screening for IPV, (f) assessing dangerousness in IPV cases, and (g) children's exposure to IPV.

Knowledge of victims. Respondents indicated "yes" or "no" if they had personally known a victim among their friends, co-workers and relatives.

### **Data Analysis.**

Because state laws were clustered within states and the outcome was individual professionals' responses, we used a two-tier, linear mixed-model analysis. We also investigated the combined impact of particular laws. A priority was given to independent variables most likely to have an impact on custody recommendations, namely those laws with a presumption

against abusers being given custody and laws presuming joint custody was best. Laws that exempted victims from “friendly parent” standards and that gave extra weight to domestic abuse in best interest considerations were also given priority. Other laws, for example those banning parents who killed a partner from gaining custody or conditions for mediation in IPV cases, had lower priority. For one analysis, we created a cumulative scale of seven laws. We added a single count for each of five laws expected to protect victims and subtracted counts for two laws expected to harm them. The protective laws were those that: presume abusers are not awarded custody, IPV is the primary best interest factor, judges and evaluators must be trained in IPV, protections for mediation, and a parent who kills the other parent does not get custody. We then subtracted single counts for statutes with a presumption of joint custody and “friendly parent” provision (unless they had an IPV exemption). We also created a categorical variable to replicate Morrill et al.’s analysis. One category consisted of states with the presumption of no custody to an abuser, combined with a friendly parent provision; the other category consisted of states with the presumption of no custody to an abuser combined with *no* friendly parent provision. Because some states were excluded (those without the presumption abusers should not have custody), we combined the judges and evaluators in the analysis in order to preserve statistical power.

#### **D. Findings**

The above eight laws were assessed in relation to six outcomes, separately for judges and evaluators, using linear mixed model analysis. For judges, only four relationships were significant: 1) an exemption to the friendly parent provision was related to a higher likelihood of custody recommended to the abused mother in the vignette (72% average likelihood vs. 49%,  $t = -1.71$ ;  $p = .05$ ); 2) an exemption to the friendly parent provision was related to a lower likelihood of joint custody in the vignette (9% average likelihood vs. 21%;  $t = 1.8$ ;  $p = .03$ ); 3) the friendly parent provision was related to joint custody in the vignette (22% average likelihood vs. 8%; -

2.9;  $p = .02$ ); and 4) the friendly parent provision was related to the composite vignette measure favoring joint or sole custody to abuser (29.5% average likelihood vs. -17.2%;  $t = -2.0$ ;  $p = .03$ ). However, it should be noted that these outcomes are not independent. The two friendly parent provisions are correlated ( $r = -.71$ ) and the composite, weighted measure contains the separate outcomes, along with other outcomes. For custody evaluators, there were no significant relationships between the laws and the custody outcomes.

The above findings on friendly parent provisions were assessed to see if they were maintained after controlling for some individual level characteristics of the judges. Control variables were analyzed separately in three areas: beliefs about custody in IPV cases (four subscales), knowledge acquired about IPV (number of areas covered and total frequency of methods), and demographics/background (gender, age, and number of victims personally known). When the four types of beliefs were entered (false allegations by mothers are common, IPV is unimportant in custody evaluations, mothers often alienate the children, and failure to co-parent harms the children), the original associations between the friendly parent provisions and the outcomes stayed the same. As in the “parent study” (Saunders et al., 2011), the beliefs that false allegations are common and that children are hurt when a mother does not co-parent were associated with outcomes that were more supportive of outcomes for abusers. When controls were included for IPV knowledge acquisition, the original findings on friendly parent provisions were supported in three of the four analyses; however, states that exempted cases of IPV in friendly parent provisions were no longer significant in their association with the weighted vignette measure favoring the victim-mother. For all four analyses, the number of different areas of IPV knowledge acquisition (prevalence and causes of IPV, types of perpetrators, post-separation violence, screening, assessing dangerousness, children’s exposure) were related to victim supportive outcomes. When the control variables of gender, age, and number of victims

known were entered into the analysis, all the original findings were maintained. None of the demographic/background control variables were significantly related to outcomes, but suppression effects among the control variables may have produced these null findings.

In assessing the cumulative effect of seven laws, only one relationship was significant: judges in states with the most victim supportive laws reported a higher average likelihood of awarding custody to the victim-mother in the vignette (states with three laws supporting victims = 61% average likelihood vs. states with less than three such laws = 37% - 52% ) ( $t = -1.8$ ;  $p = .04$ ). The cumulative measure of laws was not associated with vignette or actual recommendations among the evaluators.

The comparison of states with laws presuming abusers should not have custody, combined either with or without the friendly parent law, produced some significant results. The mean likelihood of recommending joint or sole custody to the abuser in the vignette was higher if the friendly parent provision occurred than if it did not (Mean = 28.4% likelihood vs. 16.3%;  $t = 1.8$ ;  $p = .05$ ). The likelihood of recommending sole custody to the mother-victim in the vignette was significantly lower if the friendly parent provision was combined with the presumption the abuser should not have custody (Mean = 35.8% average likelihood vs. 58.1%;  $t = 3.0$ ;  $p = .004$ ). In confirmation of these findings, there were also significant findings when the two outcomes above (custody to the mother-victim and joint or sole custody to the abuser) were combined in a weighted scale along with the three other outcomes described in the Methods. The overall outcome favoring the abuser was significantly higher in “friendly parent” states even with the presence of laws presuming the abuser should not have custody (Mean = 39.6 vs. -4.8;  $t = 2.6$ ;  $p = .01$ ). When controlling for individual characteristics of the judges and evaluators, almost all of the above findings remained the same. When controlling for beliefs about IPV and custody, the association with the single vignette item on joint custody was no longer significant. Three beliefs

were significantly related to joint custody: that false allegations are common, IPV is not important in custody determinations, and victims' failure to co-parent is harmful. When controlling for IPV knowledge acquisition, the association with the same single vignette item on joint custody became marginally significant ( $p = .06$ ). As in the analysis of judges' responses in states with and without friendly parent provisions, the number of areas of IPV knowledge acquisition was related positively to sole custody recommended for the victim-mother and related negatively to joint/sole custody to the abuser.

State laws were also assessed for their impact on the level of supervised visitation and a preference for mediation. States with mandated IPV training for judges were significantly more likely to have evaluators with a history of recommending professional supervision of visits with the non-custodial parent (Mean = -89.8 vs. -122.4 on weighted scale;  $t = 3.6$ ;  $p = .001$ ). Other laws were not related to supervised visitation outcomes. Laws that restricted mediation were not related to viewing mediation as a preferred solution in the vignette.

### **E. Implications for Policy and Practice**

Among the many analyses conducted, only a few were significant. Therefore, even when results are significant they generally need to be seen as marginal due to the large number of analyses, which can increase the odds of Type I errors. Judges, but not evaluators, seemed to be influenced by the friendly parent statutes in expected directions. For example, when there were laws that exempted IPV cases from friendly parent standards, judges tended to favor victim supportive outcomes. These findings held even when controlling for beliefs about IPV and custody, IPV knowledge acquisition, and background characteristics, with only one exception: Controlling for IPV knowledge acquisition changed one finding to non-significance. In general, IPV knowledge acquisition and beliefs supporting victims were associated with victim-supportive outcomes, as reported also in the "parent" study (Saunders et al., 2011).

In the combined sample of judges and evaluators, the Morrill et al.'s findings were replicated: "Friendly parent" statutes seemed to carry more weight in determining custody outcomes for victims than the presumption that abusers should not have custody. These findings were maintained for seven out of the nine analyses with control variables. Controlling for beliefs about IPV/custody and IPV knowledge acquisition made a difference in two analyses.

All but eight states have friendly parent provisions and only eight have exemptions for IPV. A policy implication of the above findings is that states need to consider repealing their "friendly parent" provisions or adding an exemption for IPV. The findings also support the need to expand IPV training for judges and evaluators. In general, the state laws did not predict the type of recommendation for supervised visits, which is not surprising because the laws did not cover supervision; however, states with mandated IPV training for judges had evaluators who were more likely to recommend professional supervision of visits.

We can only speculate on reasons for the many nonsignificant findings in this study. These cover methodological and substantive reasons that require reconsideration or modification of the hypotheses. Methodologically, both of the outcome measures are based on self-reports and thus are approximations of actual outcomes. For the reported history of recommendations, we do not know if some of the recommendations were made before a law was enacted. The vignette measure has the advantage of measuring only current behavioral propensities and thus is more likely to show the effects of current laws. Another explanation for non-significance is that, although many of the laws were enacted 10-15 years before the study, more recent enactment could mean their influence has not yet been felt. As in most policy matters, full implementation often requires training of professionals, specific practice standards, and sometimes the monitoring of professionals' behavior. The implementation of mandatory arrest laws in the U.S. is a good example of uneven implementation or unintended consequences, such as an increase in

unjustified mutual arrests.

There are several implications that can be made from this study for future research. For example, studies could include the extent to which professionals are aware of laws and their attitudes about the laws. In the field of child maltreatment, a large proportion of professionals do not follow laws on mandatory reporting for various reasons, including the belief that the child protection system will do more harm than good. Studies could also assess whether there is a delayed impact of laws, assuming that laws enacted in the past year or so may not yet have an impact on professional behavior. More analysis could also be conducted on combinations of various statutes that were not analyzed here. The weaknesses in this study mentioned above also point to recommendations for future research, specifically the use of actual case recommendations and decisions by custody evaluators and judges. Improved research may show more links between state statutes and custody, visitation and mediation recommendations, thus leading to policy reform that will reduce harm to IPV survivors and their children.

## APPENDICES

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### **Acknowledgements**

I am very grateful to Deborah Bybee, Ph.D., for her help with the statistical analysis for this study and Amanda Kay, J.D., for providing information on and interpretation of the state laws used in the analysis. Several research assistants were very helpful in compiling information on state laws: Nikole Hampton, Ashley Rousson, Kiera Durgan, and Carly Fritsch. The survey responses of custody evaluators and judges were gathered as part of an earlier study: Saunders, D., Faller, K., & Tolman, R. (2011). Child Custody Evaluators’ Beliefs About Domestic Abuse Allegations: Their Relationship to Evaluator Demographics, Background, Domestic Violence Knowledge and Custody-Visitation Recommendations, [Final Technical Report Submitted to the National Institute of Justice, U.S. Department of Justice](#), Award Number: 2007-WG-BX-0013.

**Table 1: Demographics and Experiences of Professional Groups**

Variable	Primary Role	
	Evaluators ( <i>n</i> = 465)	Judges ( <i>n</i> = 200)
<b>Gender</b>		
Female	59.9%	43.4%
Male	40.1% <sub>a</sub>	56.6% <sub>b</sub>
<b>Age</b>		
18-29	0.9%	0.0%
30-39	6.5%	2.0%
40-49	17.8%	13.1%
50-59	39.9%	49.0%
60+	35.0% <sub>a</sub>	35.9% <sub>b</sub>
<b>Education</b>		
High school	0.0%	0.0%
Some college	0.7%	0.0%
Four years of college	4.4%	0.0%
Advanced degree	94.9% <sub>a</sub>	100.0% <sub>b</sub>
<b>Advanced Degree</b>		
Masters	42.0%	0.0%
Ph.D.	40.3%	0.0%
Psy.D.	5.8%	0.5%
M.D.	1.2%	0.0%
J.D.	0.2%	97%
Other	10.5% <sub>a</sub>	2.5 <sub>b</sub>
<b>Note. Different subscripts indicate significant differences between groups.</b>		

**Table 2**  
**Experience with Custody Cases by Primary Role**

Variable	Primary Role	
	Evaluators (n = 465)	Judges (n = 200)
<b>Total custody cases involved/ evaluated <sup>a</sup></b>		
<b>0</b>	0.0%	0.0%
<b>1-25</b>	14.6%	1.0%
<b>26-50</b>	13.3%	1.5%
<b>51-100</b>	14.6%	4.0%
<b>101-500</b>	37.1%	24.5%
<b>501-1000</b>	14.2%	26.5%
<b>Over 1000</b>	6.1% <sub>a</sub>	42.5% <sub>b</sub>
<b>Number of custody cases involved/evaluated per year</b>		
<b>0</b>	9.1%	3.0%
<b>1-5</b>	30.4%	5.0%
<b>6-20</b>	34.3%	13.0%
<b>21-50</b>	16.7%	22.0%
<b>51-100</b>	6.3%	21.5%
<b>Over 100</b>	3.0% <sub>a</sub>	35.5% <sub>b</sub>

**Note.** Different subscripts indicate significant differences between groups. <sup>a</sup> Item wording for evaluators: Approximately how many custody evaluations have you completed altogether in your career? Item wording for judges: Approximately how many custody and visitation cases, if any, have you been involved with in your career (in all your roles and positions combined)?

## MEASURES [Excerpted from Saunders et al., 2011, Technical Report]

### Measures of Independent Variables

**Beliefs about family violence, custody, and visitation.** The 20 items in this section focused primarily on four types of beliefs: (a) that alleged domestic violence survivors and offenders make false allegations of abuse, (b) that survivors and offenders alienate children from the other parent, (c) that exposure of children to domestic violence is not relevant to custody decisions, and (d) that the reluctance or resistance of battered women to co-parenting will hurt the children (see Appendices A and B for copies). Some of the items were used in the pilot survey and some were used in the National Evaluation of Safe Havens Demonstration Initiative (Saunders, Sullivan, Tolman, & Grabarek, 2006). In the latter study, a subscale on the belief in false allegations had an internal reliability coefficient of .79. One of the items on alienation and exaggerated reporting was modified from an unpublished survey by Jennifer Hardesty; the original item was, “In the many divorce cases where women allege domestic violence, the claim is exaggerated to alienate fathers from their children.” One item on batterers’ contact with children was modified from a survey by Morrill and colleagues (2005); the original item was, “If there is no evidence that a batterer has directly abused his/her child, restricting his/her contact with the child is not justified.”

Five subscales were formed based on the results of principal component factor analysis (varimax rotation, with eigenvalues greater than 1). The subscales created were:

- DV Survivors Make False DV Allegations. This three-item scale had an alpha internal reliability coefficient of .80. A factor score was used in order to standardize the items since they used different scales;
- DV Survivors Alienate Child. This four-item scale had an alpha internal reliability coefficient of .75 (although beliefs about alienation and false allegations loaded on the same factor in the evaluator and total samples, they were kept as separate scales on logical grounds because they are conceptually distinct);
- DV Offenders Make False DV and Child Abuse Allegations. This two-item scale had an alpha internal reliability coefficient of .79;
- DV Survivors’ Resistance to Co-Parenting Hurts Child. This two-item scale had an alpha internal reliability coefficient of .70;
- DV Not Relevant in Custody-Visitation Decisions. This two-item scale had an alpha internal reliability coefficient of .70.

Reliabilities from .70 to .80 are considered good to excellent. Of note is that one item did not load as one might expect with the items on reluctant-resistant survivors: “Victims of domestic violence are often reluctant to share parenting roles with ex-partners because they fear further abuse.” The addition of the motive of fear may have made a difference. It is also interesting that the two items on the mother and father deserving to lose custody for disrupting the child’s relationship with the other parent did not correlate with the other items on parental alienation (“When a mother claiming to be a victim of domestic violence tries to disrupt a child’s relationship with the father, that is a good reason to award sole custody to the father” and another item with the father claiming to be a victim). The extreme outcome suggested in the item may have caused the low correlation. As expected, a single item on whether men and women are equally violent did not correlate with other items, and this item will be used in separate analyses. The items on the estimated percentages of false allegations of child physical abuse by the mother and of false allegations of child sexual abuse by both parents were highly correlated with each other and with the false DV allegation items. However, we did not combine these items into a single scale because we wanted to maintain important conceptual distinctions.

**Modern Sexism Scale (MSS).** The Modern Sexism Scale (MSS) assesses less overt forms of sexist attitudes than traditional scales and has been shown to be conceptually distinct from other measures of sexism (Swim, Aikin, Hall, & Hunter, 1995). It is an eight-item unidimensional scale designed to measure a subtle form of sexism that takes the form of believing that gender inequality is no longer a social problem. Cronbach alpha coefficients are reported in other studies to be between .74 and .82 (Garos et al., 2004). Based on our pilot data analysis, we pared the scale to five items, and the reliability coefficient was .78 in the regular study.

**Background and practice measures.** A series of questions, similar to those used in other research on custody evaluations (Bow & Boxer, 2003; LaFortune, 1997), asked about the approximate number of custody evaluations completed (evaluators’ version) or cases involved with (other professionals’ version) in their entire careers and in the past year. Evaluators were asked in what setting they practiced, whether private practice, court, public mental health clinic, psychiatric hospital, or other setting. All professionals were asked in what state they practiced the most, their gender, age, educational level, and type of advanced degree, if any.

**Knowledge acquired on domestic violence.** All respondents were asked the approximate number of times they used various sources to acquire knowledge about domestic violence, including workshops, lectures, consultation, articles, books, and other sources. In other research this measure was found to have two interpretable factors based on the intensity of the activity (e.g., Saunders & Anderson, 2000). Such was not the case in this study, because factor analysis showed only a single factor. For most analyses, each form of knowledge

acquired was treated as a separate variable.

The frequency options for four knowledge acquisition activities (books, radio programs, films and videos, workshops) differed from the other four (articles, lectures, professional consultations, websites read) based on the results of the pilot test (0, 1-5, 6-10, 11-20, Over 20 and 0, 1-10, 11-25, 26-50, 50-100, Over 100, respectively).

**Areas of knowledge acquired.** Respondents were asked to check whether or not they had acquired knowledge in seven areas: (a) prevalence of domestic violence, (b) causes of domestic violence, (c) types of perpetrators, (d) post-separation violence, (e) screening for domestic violence, (f) assessing dangerousness in domestic violence cases, and (g) children's exposure to domestic violence. These seven areas were measured dichotomously and each one was used separately in analyses in order to uncover the specific effects of each area.

**Knowledge of victims.** As in past research (Saunders & Kindy, 1993), we used a simple checklist for respondents to indicate that they had personally known a victim/survivor of domestic violence. They could check "father," "mother," "sibling," "other relative," "friend," "coworker," "acquaintance," or "neighbor." There was also an option to check "myself." The four items on family members and "myself" formed a factor, and the remaining four items formed another factor. Summing all of the family items formed a scale, and summing all of the friends-coworkers-acquaintance-neighbor items formed another scale. Most analyses, however, used each of the victim types separately, and the item "myself" was always used separately.

### **Measures of Dependent (Outcome) Variables**

Outcome was measured in two ways: with reports of practitioners' histories of making recommendations for custody and visitation and with their responses to a case vignette.

**Practice history.** Respondents were asked to estimate the percentage of their child custody cases that involved allegations of domestic violence and the percentage of these cases they estimated involved false allegations by each parent. They were also asked to estimate the percentage of cases with violence by each parent or both. These items were modified from custody evaluator survey instruments used by Bow and Boxer (2003) and LaFortune (1997). Evaluators were then asked how often they supported the allegations of domestic violence and, when they found support, to what extent did domestic violence "typically impact your evaluation or recommendations"? These items were the same as those in a survey by Bow and Boxer (2003).

The main outcome measures in this section were items regarding custody arrangements and visitation, similar to items used by Bow and Boxer (2003). Respondents were asked to

“estimate the percentage of times that you recommend, or would have if in that position, the following custody arrangements” in cases in which “one parent was clearly a perpetrator”. Seven options followed, composed of various combinations of legal and physical custody to each parent. Possible responses were “never,” “seldom,” “occasionally,” “half of the time,” “most of the time,” “almost always,” and “always.” The options were: (1) SOLE LEGAL & PHYSICAL custody with VICTIM of domestic violence; (2) SOLE LEGAL & PHYSICAL custody with PERPETRATOR of domestic violence; (3) JOINT LEGAL custody & PRIMARY PHYSICAL custody with VICTIM; (4) JOINT LEGAL custody & PRIMARY PHYSICAL custody with PERPETRATOR; (5) SOLE LEGAL custody with VICTIM & JOINT PHYSICAL custody; (6) SOLE LEGAL custody with PERPETRATOR & JOINT PHYSICAL custody; and (7) JOINT LEGAL & PHYSICAL custody.

Some evaluators commented that it was difficult to make these estimates and therefore “can’t estimate” was given as an option and treated as a missing value. To reduce the number of variables for analysis and to increase variance, a single, weighted scale of custody recommendations was created. Weights were assigned to the options, with 7 assigned to sole legal and physical custody given to the perpetrator and -7 to sole legal and physical custody given to the victim.

Evaluators were then asked to estimate the percentage of times they recommended different forms of visitation: with no supervision, supervision by a friend or relative, and supervision by a professional or paraprofessional. Weights were assigned to the visitation options to create a scale of “least safe supervision”: 3 was given if “no supervision of visits” was chosen, -2 was given to visits supervised by friends and relatives, and -3 was given to visits supervised by professionals or paraprofessionals.

**Vignette responses: Beliefs about parental behavior, future harm, best interest of the child, and causes and consequences of domestic violence.** As in our studies of child protection workers and welfare workers (Saunders & Anderson, 2000; Saunders, Holter, Pahl, & Tolman, 2006), we used a case vignette to which survey respondents reported the likelihood that each parent would harm the child and that the best interests of the child would be served by various custody and visitation arrangements. The likelihood ratings were on a scale from 0% to 100%. We modified a vignette that was published by Dalton, Carbon, and Olsen (2003) intended to stimulate thinking among judges. It includes three incidents of severe violence, apparent controlling forms of violence, and contrasting claims by the parents. We added to the case description some psychological test results for each parent, school reports on their seven-year-old son, and the employment status of each parent. The final vignette read as follows:

A couple has been married for eight years and separated for six months. Upon separation, the mother moved with their seven year old son to a nearby city and for a

few weeks denied the father any contact with him, even phone calls. The father filed a motion for emergency temporary custody. In the interview with the evaluator, the father maintains that he wants a normal father-son relationship and believes that his wife is interfering with his right to be with his son. He says that he is better suited to care for his son and will ensure liberal and frequent contact with the mother.

The wife responds in her interview that she left the marital home when the husband was out of town for the weekend for fear that he would otherwise prevent her from leaving. She states that he has been controlling her every move throughout the relationship. She states that during her pregnancy he once punched her; that on another occasion he “body-slammed” her against his truck; and on a third occasion strangled her. He maintains that on these occasions he was drinking and out of control, the incidents were isolated, and not part of any larger pattern. He also claims his wife has exaggerated her reports of the incidents and that she never received any injuries.

The wife tells you that she never called the police or went to the hospital after any of the assaults. She says her husband never physically harmed their son, but due to his controlling and abusive behavior she is fearful of him having physical custody of their son. She wants to maintain physical custody. Reports from the son’s new school indicate that he is doing well.

The husband makes a good salary as an engineer. The wife has never worked more than part-time. His psychological tests do not show evidence of any major mental illness. Her tests show definite indications of anxiety, depression and paranoia.

In our pilot study and discussion with consultants, we learned that some evaluators can present their findings but are not allowed to make recommendations to the court. In addition, evaluators are extremely reluctant to make any recommendations based on the small amount of information in the vignette. Therefore, unlike other vignette studies that ask about a likely course of action professionals might take, we first asked evaluators, but not other professionals, an open-ended question—“What initial hypotheses would you want to explore in this case?”—and asked for up to three responses. For the evaluators and other professionals we asked another open-ended question—“What information included or not included in this vignette would potentially be the most important for a child custody evaluator to use in conducting an evaluation in this case?”—and also asked for up to three responses.

The two open-ended questions above were followed by 15 questions with the likelihood, from 0% to 100%, that: either parent would cause psychological harm to the child in the future, the mother was exaggerating, the father was minimizing, mediation would be beneficial, and various custody and visitation arrangements would be in the best interest of the child. The custody arrangements included five combinations of legal and physical custody. There were three options for visitation: no supervision, supervision by a friend or relative, and supervision by a professional or paraprofessional.

The five items on custody arrangements were formed into a weighted scale. To create a scale of “father custody,” sole legal and physical custody to the father was presumed to be the most negative recommendation for the mother and assigned a weight of 5; sole legal and physical custody to the mother was presumed to be the most positive recommendation for the mother and assigned a weight of -5. Intermediate weights were: 2 for joint legal custody with primary physical custody to the mother, 3 for joint legal and physical custody, and 4 for joint legal custody with primary physical custody to the father. The weighting was based on the results of correlational analysis. The weights were multiplied by the likelihood score for each item. There is good evidence of cross-validation for the vignette and actual recommendations for custody from the high correlations across these two methods: The correlations for the same items ranged from .22 to .52 and averaged .36. The two weighted scales had a correlation of .52.

The same weights used for the practice history responses were used with vignette responses: 3 was given to no supervision of visits, -2 to visits supervised by friends and relatives, and -3 to visits supervised by professionals or paraprofessionals. Correlational analysis guided the assignment of weights. The correlations across the same items between the vignette and actual practice averaged .40, and the two weighted scales correlated .50 with each other, again providing support for the validity of the measures.

We used a single item to measure the propensity to use mediation. In response to the vignette, all respondents were asked, “What do you think is the likelihood that the parties would benefit from mediation or another form of alternative dispute resolution?” Less emphasis was placed on mediation as a recommendation because its definition and procedures differ greatly from one jurisdiction to another. For example, an assumption cannot be made that mediation involves face-to-face meetings between the parties. In some locations, the parties are screened carefully to determine whether face-to-face mediation is appropriate (MAOC, 2009; Ver Steegh, 2003).

Table. State Statutes for Each State

	Presumption in FAVOR of Joint Custody	Presumption Abuser will NOT get Custody	Friendly Parent Exemption for DV	Friendly Parent provision - DV exemptions removed	DV primary weight in best interest standard
AL	Yes	Yes		Yes	
AK		Yes		Yes	
AZ		Yes		Yes	Yes
AR		Yes		Yes	Yes
CA	Yes	Yes		Yes	
CO				Yes	
CT	Yes			Yes	
DE		Yes			
FL	Yes	Yes		Yes	
GA				Yes	Yes
HI		Yes	Yes		Yes
ID	Yes	Yes		Yes	
IL				Yes	
IN		Yes		Yes	
IA		Yes	Yes		Yes
KS				Yes	
KY					
LA	Yes	Yes		Yes	
ME				Yes	

	Presumption in FAVOR of Joint Custody	Presumption Abuser will NOT get Custody	Friendly Parent Exemption for DV	Friendly Parent provision - DV exemptions removed	DV primary weight in best interest standard
MD				Yes	
MA	Yes	Yes		Yes	
MI				Yes	
MN	Yes	Yes	Yes		
MS	Yes	Yes			
MO		Yes		Yes	Yes
MT			Yes		
NE				Yes	
NV	Yes	Yes		Yes	
NH				Yes	
NJ			Yes		
NM	Yes			Yes	
NY				Yes	
NC					
ND		Yes		Yes	
OH				Yes	
OK	Yes	Yes		Yes	
OR	Yes	Yes	Yes		
PA				Yes	
RI					
SC					
SD		Yes			

Presumption in FAVOR of Joint Custody	Presumption Abuser will NOT get Custody	Friendly Parent Exemption for DV	Friendly Parent provision - DV exemptions removed	DV primary weight in best interest standard	DV primary weight in best interest standard
TN	Yes	Yes		Yes	
TX	Yes	Yes		Yes	
UT				Yes	
VT			Yes		
VA			Yes		
WA					
WV	Yes				
WI	Yes	Yes		Yes	
WY				Yes	
DC	Yes	Yes		Yes	

# Survey for Child Custody Evaluators Regarding Family Violence, February 5, 2010

## APPENDIX A



1080 S. University Avenue Ann Arbor, MI 48109

**AIM IS TO IMPROVE KNOWLEDGE AND TRAINING.** We expect the findings of this survey to add to our knowledge of custody evaluations and to improve trainings for evaluators.

**ANONYMITY & CONSENT.** This survey is anonymous and your participation is voluntary. Your completion of the survey will be an indication that you consented to participate.

**ELIGIBILITY.** By "child custody evaluation" we mean an assessment of individual and family factors that will inform the court of the best psychological interests of the child when parents cannot agree on custody. If you have never conducted an evaluator, please do not complete the survey.

**TIME IT WILL TAKE.** This survey takes approximately 20 minutes to complete. Once you begin completing it, you may skip any question.

**PRIVACY PROTECTION.** We suggest you complete the survey in private. Although we have designed this study to keep your responses anonymous, there is a slight chance that your responses could be seen by someone near you as you type in your answers. Because of the controversial nature of some of the questions, we cannot rule out the possibility that you could experience some professional embarrassment if this happened.

**QUESTIONS.** If you have questions about the survey, please contact Dr. Daniel Saunders at [saunddan@umich.edu](mailto:saunddan@umich.edu) or at 1-734-763-6415. If you have questions regarding your rights as a research participant, please contact the Institutional Review Board at 1-734-936-0933 or by email at [irbhsbs@umich.edu](mailto:irbhsbs@umich.edu).

### Background

1)  
How many years of experience do you have conducting custody evaluations?

0 - 5  6 - 10  11 - 15  16 - 20  21 - 25  26 - 30  Over 30 years

2)  
Approximately how many custody evaluations have you completed altogether in your career?

1 - 25  26 - 50  51 - 100  101 - 500  501 - 1000  Over 1000

3)  
Approximately how many custody evaluations have you completed in the past year?

0  1 - 5  6 - 20  21 - 50  51 - 100  Over 100

4)  
In what settings do you conduct evaluations? (please check all that apply)

Private Practice  Court  Public Mental Health Clinic  Psychiatric Hospital  Other (Please specify)

Other:

5)  
What is the state in which you practice the most? If you practice in the District of Columbia, Puerto Rico, or a tribal court, please write that next to "Other."

--Select--

- AL
- AK
- AZ
- AR
- CA
- CO
- CT
- DE
- FL
- GA
- HI
- ID
- IL
- IN
- IA
- KS
- KY

- LA
- ME
- MD
- MA
- MI
- MN
- MS
- MO
- MT
- NE
- NV
- NH
- NJ
- NM
- NY
- NC
- ND
- OH
- OK
- OR
- PA
- RI
- SC
- SD
- TN
- TX
- UT
- VT
- VA
- WA
- WV
- WI
- WY
- Other (please specify)

Other:

### Experience with Domestic Violence Cases

The following questions use the term "domestic violence." We realize there are different definitions and types of domestic violence. For the purpose of this study, we define domestic violence as any physical force against one intimate partner by another that is not in self-defense (including smashing, throwing, & hitting objects). If it is too difficult for you to give an estimate, mark "Can't estimate", or simply skip the question.

6) Please estimate the percentage of your child custody cases that involved allegations of domestic violence.

- 0%  5%  10%  15%  20%  25%  30%  35%  40%  45%  50%  55%
- 60%  65%  70%  75%  80%  85%  90%  95%  100%  Can't estimate

7) In what percentage of these alleged domestic violence cases do you estimate that the father falsely alleges the mother perpetrated domestic violence?

- 0%  5%  10%  15%  20%  25%  30%  35%  40%  45%  50%  55%
- 60%  65%  70%  75%  80%  85%  90%  95%  100%  Can't estimate

8) In what percentage of these alleged domestic violence cases do you estimate that the mother falsely alleges the father perpetrated domestic violence?

- 0%  5%  10%  15%  20%  25%  30%  35%  40%  45%  50%  55%
- 60%  65%  70%  75%  80%  85%  90%  95%  100%  Can't estimate

9) In approximately what percentage of alleged domestic violence cases do you estimate that only the father used domestic violence (not in self-defense)?

- 0%  5%  10%  15%  20%  25%  30%  35%  40%  45%  50%  55%
- 60%  65%  70%  75%  80%  85%  90%  95%  100%  Can't estimate

10) In approximately what percentage of alleged domestic violence cases do you estimate that only the mother used domestic violence (not in self-defense)?

- 0%  5%  10%  15%  20%  25%  30%  35%  40%  45%  50%  55%
- 60%  65%  70%  75%  80%  85%  90%  95%  100%  Can't estimate

11) In approximately what percentage of alleged domestic violence cases do you estimate that both parents used domestic violence (not in self-defense)?

12) Please estimate the percentage of your cases involving alleged domestic violence in which you supported the allegation of domestic violence.

0%  5%  10%  15%  20%  25%  30%  35%  40%  45%  50%  55%  
 60%  65%  70%  75%  80%  85%  90%  95%  100%  Can't estimate

13) For cases in which you have supported the allegation of domestic violence, how much did this typically impact your evaluation or recommendations?

None  A little  Some  Much  Greatly  Extremely  No Answer

For those cases in which one parent was clearly the perpetrator, please estimate the percentage of times that you recommended, or would have if in that position, the following custody arrangements:

	Never 0%	Seldom 1- 9%	Occasionally 10- 49%	Half of the time 50%	Most of the time 51-89%	Almost always 90-99%	Always 100%
14) SOLE LEGAL & PHYSICAL custody with VICTIM of domestic violence	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
15) SOLE LEGAL & PHYSICAL custody with PERPETRATOR of domestic violence	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
16) JOINT LEGAL custody & PRIMARY PHYSICAL custody with VICTIM	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
17) JOINT LEGAL custody & PRIMARY PHYSICAL custody with PERPETRATOR	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
18) SOLE LEGAL custody with VICTIM & JOINT PHYSICAL custody	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
19) SOLE LEGAL custody with PERPETRATOR & JOINT PHYSICAL custody	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
20) JOINT LEGAL & PHYSICAL custody	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

21) For those cases in which you recommended parenting time (visitation) for the perpetrator, please estimate the percentage of cases for which you proposed the following arrangements:

% No supervision of visits  
 % Visits supervised by a friend or relative  
 % Visits supervised by a professional or paraprofessional at a supervised visitation program

Total: 0 (must sum to 100)

**In approximately what percentage of cases do you:**

22) Directly inquire about the presence of domestic violence?

0%  5%  10%  15%  20%  25%  30%  35%  40%  45%  50%  55%  
 60%  65%  70%  75%  80%  85%  90%  95%  100%  Can't estimate

23) Use instruments or standard protocols to screen for domestic violence?

0%  5%  10%  15%  20%  25%  30%  35%  40%  45%  50%  55%  
 60%  65%  70%  75%  80%  85%  90%  95%  100%  Can't estimate

24) What instruments, if any, do you use to assess domestic violence?

(1000 characters remaining)

## Case Vignette

A couple has been married for eight years and separated for six months. Upon separation, the mother moved with their seven year old son to a nearby city and for a few weeks denied the father any contact with him, even phone calls. The father filed a motion for emergency temporary custody. In the interview with the evaluator, the father maintains that he wants a normal father-son relationship and believes that his wife is interfering with his right to be with his son. He says that he is better suited to care for his son and will ensure liberal and frequent contact with the mother.

The wife responds in her interview that she left the marital home when the husband was out of town for the weekend for fear that he would otherwise prevent her from leaving. She states that he has been controlling her every move throughout the relationship. She states that during her pregnancy he once punched her; that on another occasion he "body-slammed" her against his truck; and on a third occasion strangled her. He maintains that on these occasions he was drinking and out of control, the incidents were isolated, and not part of any larger pattern. He also claims his wife has exaggerated her reports of the incidents and that she never received any injuries.

The wife tells you that she never called the police or went to the hospital after any of the assaults. She says her husband never physically harmed their son, but due to

his controlling and abusive behavior she is fearful of him having physical custody of their son. She wants to maintain physical custody. Reports from the son's new school indicate that he is doing well.

The husband makes a good salary as an engineer. The wife has never worked more than part-time. His psychological tests do not show evidence of any major mental illness. Her tests show definite indications of anxiety, depression and paranoia.

If you were presented with this information as an evaluator, what initial hypotheses would you want to explore in this case? [Describe up to three]

25)  
Hypothesis #1

(1000 characters remaining)

26)  
Hypothesis #2

(1000 characters remaining)

27)  
Hypothesis #3

(1000 characters remaining)

What information included or **not** included in this vignette would potentially be the most important to use in conducting a custody evaluation in this case? (Please list up to three)

28)  
1.

29)  
2.

30)  
3.

You have now answered 33% of the questions.



Page Break

**Despite being given a very limited amount of information in this case, please answer the following questions to the best of your ability.**

31)  
What do you think is the likelihood of future psychological harm to the son by the mother?

- 0%  5%  10%  15%  20%  25%  30%  35%  40%  45%  50%  55%  60%  65%  70%  75%  80%  85%  90%  95%  100%  No Answer

32)  
What do you think is the likelihood of future psychological harm to the son by the father?

- 0%  5%  10%  15%  20%  25%  30%  35%  40%  45%  50%  55%  60%  65%  70%  75%  80%  85%  90%  95%  100%  No Answer

33)  
What do you think is the likelihood that the mother is being granted custody of the son?



45)	visitation because their ex-partners falsely accuse them of domestic violence.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
46)	Victims of domestic violence are often reluctant to share parenting roles with ex-partners because they fear further abuse.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
47)	Victims of domestic violence who resist court ordered mediation are not acting in the best interests of their children.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
		<b>Strongly Disagree</b>	<b>Disagree</b>	<b>Slightly Disagree</b>	<b>Neither Disagree Nor Agree</b>	<b>Slightly Agree</b>	<b>Agree</b>	<b>Strongly Agree</b>	<b>No Answer</b>
48)	During the divorce process, victims of domestic violence are likely to try to alienate the child from the other parent.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
49)	Too often fathers are denied joint custody because their ex-partners falsely accuse them of domestic violence.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
50)	Victims of domestic violence who are reluctant to work out ways to co-parent with their ex-partners are hurting their children.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
51)	When a domestically violent father tries to disrupt the mother-child relationship, that is a good reason to award sole custody to the mother.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

		<b>Strongly Disagree</b>	<b>Disagree</b>	<b>Slightly Disagree</b>	<b>Neither Disagree Nor Agree</b>	<b>Slightly Agree</b>	<b>Agree</b>	<b>Strongly Agree</b>	<b>No Answer</b>
52)	If an abusive husband has not directly abused his child, contact between them should be unrestricted.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
53)	When women allege domestic violence, the claim is often exaggerated to alienate fathers from their children.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
54)	It is a myth that women are less violent than men in intimate relationships.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
55)	Custody and visitation decisions should only be based on how parents treated the child and not how they treated the other parent.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

56) When mothers make allegations of domestic violence in custody disputes, what percentage do you estimate are false?

- 0%
- 5%
- 10%
- 15%
- 20%
- 25%
- 30%
- 35%
- 40%
- 45%
- 50%
- 55%
- 60%
- 65%
- 70%
- 75%
- 80%
- 85%
- 90%
- 95%
- 100%
- No Answer

57) When fathers make allegations of domestic violence in custody disputes, what percentage do you estimate are false?

- 0%
- 5%
- 10%
- 15%
- 20%
- 25%
- 30%
- 35%
- 40%
- 45%
- 50%
- 55%
- 60%
- 65%
- 70%
- 75%
- 80%
- 85%
- 90%
- 95%
- 100%
- No Answer

**You have now completed 60% of the questions.**



Page Break

58) When mothers make allegations of child physical abuse in custody disputes, what percentage do you estimate are false?

- 0%
- 5%
- 10%
- 15%
- 20%
- 25%
- 30%
- 35%
- 40%
- 45%
- 50%
- 55%
- 60%
- 65%
- 70%
- 75%
- 80%
- 85%
- 90%
- 95%
- 100%
- No Answer

59) When fathers make allegations of child physical abuse in custody disputes, what percentage do you estimate are false?

- 0%
- 5%
- 10%
- 15%
- 20%
- 25%
- 30%
- 35%
- 40%
- 45%
- 50%
- 55%
- 60%
- 65%
- 70%
- 75%
- 80%
- 85%
- 90%
- 95%
- 100%
- No Answer

60) When mothers make allegations of child sexual abuse in custody disputes, what percentage do you estimate are false?

- 0%
- 5%
- 10%
- 15%
- 20%
- 25%
- 30%
- 35%
- 40%
- 45%
- 50%
- 55%
- 60%
- 65%
- 70%
- 75%
- 80%
- 85%
- 90%
- 95%
- 100%
- No Answer

61) When fathers make allegations of child sexual abuse in custody disputes, what percentage do you estimate are false?

- 0%
- 5%
- 10%
- 15%
- 20%
- 25%
- 30%
- 35%
- 40%
- 45%
- 50%
- 55%
- 60%
- 65%
- 70%
- 75%
- 80%
- 85%
- 90%
- 95%
- 100%
- No Answer

62) In what percentage of cases do you estimate that domestic violence survivors try to alienate the child from the other parent?



81) Workshops        
**0 1 - 10 11 - 25 26 - 50 51 - 100 Over 100**

82) Articles        
83) Lectures        
84) Professional consultations        
85) Web sites read

86)  
What areas of knowledge have you acquired? (Check all that apply)

- Prevalence of domestic violence
- Causes of domestic violence
- Types of perpetrators
- Post-separation violence
- Screening for domestic violence
- Assessing dangerousness in domestic violence cases
- Children's exposure to domestic violence

87)  
Have you personally known anyone who was a victim/survivor of domestic violence? If so, indicate his or her relationship to you (select all that apply):

- father
- mother
- sibling
- other relative
- friend
- acquaintance
- co-worker
- neighbor
- myself

## Your Demographics

88)  
Your Gender

Female  Male  No Answer

89)  
Your Age

18-29  30-39  40-49  50-59  60 and over  No Answer

90)  
Education

High School  Some college  Four years of college  Advanced Degree  No Answer

91)  
If you have an advanced degree, please indicate the kind of degree:

Master's  Ph.D.  Psy.D.  M.D.  No Answer  Other (Please specify)

Other:

92)  
My advanced degree is in the field of:

**Thank you for completing this survey!**  
**If you have any questions or comments,**  
**please contact Dr. Daniel G. Saunders at [saunddan@umich.edu](mailto:saunddan@umich.edu).**

**If you want to be taken off of our list for receiving reminders, please go to the next page.**

Continue ONLY when finished. You will be unable to return or change your answers.

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# Survey on Custody Evaluations and Domestic Violence for Judges, Attorneys and Domestic Violence Survivor Programs

Dear Colleague -

My name is Dr. Daniel Saunders and I am a professor at the University of Michigan. My colleagues and I are conducting a survey on child custody and domestic violence sponsored by the United States Department of Justice. The survey asks about beliefs regarding domestic violence and child custody, and about training received on domestic violence.

The results will add to our knowledge of custody evaluations and will be used to improve trainings. If you work in a domestic violence program for survivors or if you are a judge or attorney who has experience working with child custody cases, we invite you to share your thoughts and experiences.

**ANONYMITY AND CONSENT.** This survey is anonymous and your participation is voluntary. Your completion of the survey will be an indication that you consented to participate.

**TIME IT WILL TAKE.** This survey takes approximately 10-15 minutes to complete. Once you begin the survey, you may skip any question.

**PRIVACY PROTECTION.** We suggest that you complete the survey in private. Although we have designed this study to keep your responses anonymous, there is a slight chance that your responses could be seen by someone near you as you type in your answers. Because of the controversial nature of some of the questions, we cannot rule out the possibility that you could experience some professional embarrassment if this happened.

**QUESTIONS.** If you have questions about the survey, please contact Dr. Daniel Saunders at [saunddan@umich.edu](mailto:saunddan@umich.edu) or at 1-734-763-6415. If you have questions regarding your rights as a research participant, please contact the Institutional Review Board at 1-734-936-0933 or by email at [irbhsbs@umich.edu](mailto:irbhsbs@umich.edu).

Sincerely,

Daniel G. Saunders, Ph.D.

Professor, School of Social Work  
University of Michigan, 1080 S. University Avenue, Ann Arbor MI 48109-1106 USA  
Email: [saunddan@umich.edu](mailto:saunddan@umich.edu) Telephone: 734-763-6415  
Principal Investigator: Project on Custody and Domestic Violence Beliefs

Co-Principal Investigators: Kathleen Coulborn Faller, Ph.D., Richard M. Tolman, Ph.D., and Karen M. Staller.

## Background

1)  
How many years of experience do you have in your current role?

0 - 5  6 - 10  11 - 15  16 - 20  21 - 25  26 - 30  Over 30 years

2)  
Approximately how many custody and visitation cases, if any, have you been involved with in your career (in all your roles and positions combined)?

0  1-25  26-50  51-100  101-500  501-1000  Over 1000

3)  
Approximately how many custody cases have you been involved with in the past year (in all your roles and positions combined)?

0  1 - 5  6 - 20  21 - 50  51 - 100  Over 100

4)  
What is the state in which you practice the most? If you practice in the District of Columbia, Puerto Rico, or a tribal court, please write that next to "Other."

- AK
- AZ
- AR
- CA
- CO
- CT
- DE
- FL
- GA
- HI
- ID
- IL
- IN
- IA
- KS
- KY
- LA
- ME
- MD
- MA
- MI
- MN
- MS
- MO
- MT
- NE
- NV
- NH
- NJ
- NM
- NY
- NC
- ND
- OH
- OK
- OR
- PA
- RI
- SC
- SD
- TN
- TX
- UT
- VT
- VA
- WA
- WV
- WI
- WY
- Other (please specify)

Other:

**Experience with Domestic Violence Cases - This section is to be completed by judges and attorneys only. Domestic violence program staff, please go to the Case Vignette below.**

**The following questions use the term "domestic violence." We realize that there are different definitions and types of domestic violence. This study is building on the results of particular prior studies and therefore, for the purpose of this study, domestic violence is defined as any physical force against one intimate partner by another that is not in self-defense (including smashing, throwing, & hitting objects). If it is too difficult for you to give an estimate, simply skip the question or click "can't estimate."**

5) Please estimate the percentage of your child custody cases that involve allegations of domestic violence (i.e., violence between the parents).

0%  5%  10%  15%  20%  25%  30%  35%  40%  45%  50%  55%

60%  65%  70%  75%  80%  85%  90%  95%  100%  Can't estimate

6) In what percentage of these alleged domestic violence cases do you estimate that the father falsely alleged the mother perpetrated domestic violence?

0%  5%  10%  15%  20%  25%  30%  35%  40%  45%  50%  55%

60%  65%  70%  75%  80%  85%  90%  95%  100%  Can't estimate

7) In what percentage of these alleged domestic violence cases do you estimate that the mother falsely alleged the father perpetrated domestic violence?

0%  5%  10%  15%  20%  25%  30%  35%  40%  45%  50%  55%

0% 5% 10% 15% 20% 25% 30% 35% 40% 45% 50% 55% 60% 65% 70% 75% 80% 85% 90% 95% 100% Can't estimate

8) In approximately what percentage of cases do you estimate that only the father used domestic violence (not in self-defense)?

0% 5% 10% 15% 20% 25% 30% 35% 40% 45% 50% 55% 60% 65% 70% 75% 80% 85% 90% 95% 100% Can't estimate

9) In approximately what percentage of cases do you estimate that only the mother used domestic violence (not in self-defense)?

0% 5% 10% 15% 20% 25% 30% 35% 40% 45% 50% 55% 60% 65% 70% 75% 80% 85% 90% 95% 100% Can't estimate

10) In approximately what percentage of cases do you estimate that both parents used domestic violence (not in self-defense)?

0% 5% 10% 15% 20% 25% 30% 35% 40% 45% 50% 55% 60% 65% 70% 75% 80% 85% 90% 95% 100% Can't estimate

For those cases in which one parent was clearly the perpetrator, please estimate the percentage of cases that you recommended, or would have if in that position, the following custody arrangements:

- % SOLE LEGAL & PHYSICAL custody with VICTIM of domestic violence
- % SOLE LEGAL & PHYSICAL custody with PERPETRATOR of domestic violence
- 11)  % JOINT LEGAL custody & PRIMARY PHYSICAL custody with VICTIM
- % JOINT LEGAL custody & PRIMARY PHYSICAL custody with PERPETRATOR
- % SOLE LEGAL custody with VICTIM & JOINT PHYSICAL custody
- % SOLE LEGAL custody with PERPETRATOR & JOINT PHYSICAL custody
- % JOINT LEGAL & PHYSICAL custody

### Case Vignette Please read this vignette and answer the questions that follow.

A couple has been married for eight years and separated for six months. Upon separation, the mother moved with their seven year old son to a nearby city and for a few weeks denied the father any contact with him, even phone calls. The father filed a motion for emergency temporary custody. In the interview with the evaluator, the father maintains that he wants a normal father-son relationship and believes that his wife is interfering with his right to be with his son. He says that he is better suited to care for his son and will ensure liberal and frequent contact with the mother.

The wife responds in her interview that she left the marital home when the husband was out of town for the weekend for fear that he would otherwise prevent her from leaving. She states that he has been controlling her every move throughout the relationship. She states that during her pregnancy he once punched her; that on another occasion he "body-slammed" her against his truck; and on a third occasion strangled her. He maintains that on these occasions he was drinking and out of control, the incidents were isolated, and not part of any larger pattern. He also claims his wife has exaggerated her reports of the incidents and that she never received any injuries.

The wife tells you that she never called the police or went to the hospital after any of the assaults. She says her husband never physically harmed their son, but due to his controlling and abusive behavior she is fearful of him having physical custody of their son. She wants to maintain physical custody. Reports from the son's new school indicate that he is doing well.

The husband makes a good salary as an engineer. The wife has never worked more than part-time. His psychological tests do not show evidence of any major mental illness. Her tests show definite indications of anxiety, depression and paranoia.

**What information included or not included in this vignette would potentially be the most important for a child custody evaluator to use in conducting an evaluation in this case? Please list up to three.**

12) 1.

13) 2.

14) 3.

**Despite being given a very limited amount of information in this case, please answer the following questions to the best of your ability.**

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0% 5% 10% 15% 20% 25% 30% 35% 40% 45% 50% 55%

60% 65% 70% 75% 80% 85% 90% 95% 100% No Answer

16) What do you think is the likelihood that the father is minimizing the extent of the violence?

0% 5% 10% 15% 20% 25% 30% 35% 40% 45% 50% 55%

60% 65% 70% 75% 80% 85% 90% 95% 100% No Answer

17) What do you think is the likelihood that the parties would benefit from mediation or another form of alternative dispute resolution?

0% 5% 10% 15% 20% 25% 30% 35% 40% 45% 50% 55%

60% 65% 70% 75% 80% 85% 90% 95% 100% No Answer

**If each party asked for sole legal and physical custody, what is the likelihood that the best interests of the child would be served by:**

18) Sole legal/physical custody to mother

0% 5% 10% 15% 20% 25% 30% 35% 40% 45% 50% 55%

60% 65% 70% 75% 80% 85% 90% 95% 100% No Answer

19) Sole legal/physical custody to father

0% 5% 10% 15% 20% 25% 30% 35% 40% 45% 50% 55%

60% 65% 70% 75% 80% 85% 90% 95% 100% No Answer

20) Joint legal custody, primary physical custody to mother

0% 5% 10% 15% 20% 25% 30% 35% 40% 45% 50% 55%

60% 65% 70% 75% 80% 85% 90% 95% 100% No Answer

21) Joint legal custody, primary physical custody to father

0% 5% 10% 15% 20% 25% 30% 35% 40% 45% 50% 55%

60% 65% 70% 75% 80% 85% 90% 95% 100% No Answer

22) Joint legal and physical custody (shared parenting) in every area

0% 5% 10% 15% 20% 25% 30% 35% 40% 45% 50% 55%

60% 65% 70% 75% 80% 85% 90% 95% 100% No Answer

**Imagine that the mother was awarded custody, with visitation rights to the father. What is the likelihood that the best interests of the child and the safety of the family would best be served by:**

23) No supervision of the visits

0% 5% 10% 15% 20% 25% 30% 35% 40% 45% 50% 55%

60% 65% 70% 75% 80% 85% 90% 95% 100% No Answer

24) Visits supervised by a friend or relative

0% 5% 10% 15% 20% 25% 30% 35% 40% 45% 50% 55%

60% 65% 70% 75% 80% 85% 90% 95% 100% No Answer

25) Visits supervised by a professional or paraprofessional at a supervised visitation program

0% 5% 10% 15% 20% 25% 30% 35% 40% 45% 50% 55%

60% 65% 70% 75% 80% 85% 90% 95% 100% No Answer

### Opinions About Domestic Violence, Custody and Visitation

Below are some statements about domestic violence, custody and visitation (parenting time). Please indicate how much you agree or disagree with each statement by clicking a button in the appropriate column.

	Strongly Disagree	Disagree	Slightly Disagree	Neither Disagree Nor Agree	Slightly Agree	Agree	Strongly Agree	No Answer
26) When a mother claiming to be a victim of domestic violence tries to disrupt a child's relationship with the father, that is a good reason to award sole custody to the father.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
27) Men have supervised visitation because their ex-partners false testimony forced them to.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

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	Strongly Disagree	Disagree	Slightly Disagree	Neither Disagree Nor Agree	Slightly Agree	Agree	Strongly Agree	No Answer
28) Victims of domestic violence are often reluctant to share parenting roles with ex-partners because they fear further abuse.	jn	jn	jn	jn	jn	jn	jn	jn
29) Victims of domestic violence who resist court ordered mediation are not acting in the best interests of their children.	jn	jn	jn	jn	jn	jn	jn	jn
30) During the divorce process, victims of domestic violence are likely to try to alienate the child from the other parent.	jn	jn	jn	jn	jn	jn	jn	jn
31) Too often fathers are denied joint custody because their ex-partners falsely accuse them of domestic violence.	jn	jn	jn	jn	jn	jn	jn	jn
32) Victims of domestic violence who are reluctant to work out ways to co-parent with their ex-partners are hurting their children.	jn	jn	jn	jn	jn	jn	jn	jn
33) When a domestically violent father tries to disrupt the mother-child relationship, that is a good reason to award sole custody to the mother.	jn	jn	jn	jn	jn	jn	jn	jn
34) If an abusive husband has not directly abused his child, contact between them should be unrestricted.	jn	jn	jn	jn	jn	jn	jn	jn
35) When women allege domestic violence, the claim is often exaggerated to alienate fathers from their children.	jn	jn	jn	jn	jn	jn	jn	jn
36) It is a myth that women are less violent than men in intimate relationships.	jn	jn	jn	jn	jn	jn	jn	jn
37) Custody and visitation decisions should only be based on how parents treated the child and not how they treated the other parent.	jn	jn	jn	jn	jn	jn	jn	jn

38) When mothers make allegations of domestic violence in custody disputes, what percentage do you estimate are false?

- jn 0% jn 5% jn 10% jn 15% jn 20% jn 25% jn 30% jn 35% jn 40% jn 45% jn 50% jn 55%
- jn 60% jn 65% jn 70% jn 75% jn 80% jn 85% jn 90% jn 95% jn 100% jn No Answer

39) When fathers make allegations of domestic violence in custody disputes, what percentage do you estimate are false?

- jn 0% jn 5% jn 10% jn 15% jn 20% jn 25% jn 30% jn 35% jn 40% jn 45% jn 50% jn 55%
- jn 60% jn 65% jn 70% jn 75% jn 80% jn 85% jn 90% jn 95% jn 100% jn No Answer

40) When mothers make allegations of child physical abuse in custody disputes, what percentage do you estimate are false?

- jn 0% jn 5% jn 10% jn 15% jn 20% jn 25% jn 30% jn 35% jn 40% jn 45% jn 50% jn 55%
- jn 60% jn 65% jn 70% jn 75% jn 80% jn 85% jn 90% jn 95% jn 100% jn No Answer

41) When fathers make allegations of child physical abuse in custody disputes, what percentage do you estimate are false?

- jn 0% jn 5% jn 10% jn 15% jn 20% jn 25% jn 30% jn 35% jn 40% jn 45% jn 50% jn 55%
- jn 60% jn 65% jn 70% jn 75% jn 80% jn 85% jn 90% jn 95% jn 100% jn No Answer

42) When mothers make allegations of child sexual abuse in custody disputes, what percentage do you estimate are false?

- jn 0% jn 5% jn 10% jn 15% jn 20% jn 25% jn 30% jn 35% jn 40% jn 45% jn 50% jn 55%
- jn 60% jn 65% jn 70% jn 75% jn 80% jn 85% jn 90% jn 95% jn 100% jn No Answer

43) When fathers make allegations of child sexual abuse in custody disputes, what percentage do you estimate are false?

- jn 0% jn 5% jn 10% jn 15% jn 20% jn 25% jn 30% jn 35% jn 40% jn 45% jn 50% jn 55%
- jn 60% jn 65% jn 70% jn 75% jn 80% jn 85% jn 90% jn 95% jn 100% jn No Answer

44) In what percentage of cases do you estimate that domestic violence survivors try to alienate the child from the other parent?

- jn 0% jn 5% jn 10% jn 15% jn 20% jn 25% jn 30% jn 35% jn 40% jn 45% jn 50% jn 55%
- jn 60% jn 65% jn 70% jn 75% jn 80% jn 85% jn 90% jn 95% jn 100% jn No Answer

45) In what percentage of cases do you estimate that domestic violence perpetrators try to alienate the child from the other parent?

- jn 0% jn 5% jn 10% jn 15% jn 20% jn 25% jn 30% jn 35% jn 40% jn 45% jn 50% jn 55%
- jn 60% jn 65% jn 70% jn 75% jn 80% jn 85% jn 90% jn 95% jn 100% jn No Answer

What are your major concerns regarding custody and visitation (parenting time) cases that involve domestic violence?

(1000 characters remaining)  
47)

What recommendations do you have for improving the outcomes of custody and visitation decisions in cases that involve domestic violence?

(1000 characters remaining)

## Knowledge of Domestic Violence Acquired

**Please indicate the approximate number of times you have used the following sources to acquire knowledge of domestic violence.**

	0	1 - 5	6 - 10	11 - 20	Over 20
48) Books	<input type="radio"/>				
49) Radio programs	<input type="radio"/>				
50) Films or videos	<input type="radio"/>				
51) Workshops	<input type="radio"/>				

	0	1 - 10	11 - 25	26 - 50	51 - 100	Over 100
52) Articles	<input type="radio"/>					
53) Lectures	<input type="radio"/>					
54) Professional consultations	<input type="radio"/>					
55) Web sites read	<input type="radio"/>					

56) What areas of knowledge have you acquired? (Check all that apply)

- Prevalence of domestic violence
- Causes of domestic violence
- Types of perpetrators
- Post-separation violence
- Screening for domestic violence
- Assessing dangerousness in domestic violence cases
- Children's exposure to domestic violence

57) Have you personally known anyone who was a victim/survivor of domestic violence? If so, indicate his or her relationship to you (select all that apply):

- father
- mother
- sibling
- other relative
- friend
- acquaintance
- co-worker
- neighbor
- myself

## Demographics

58) Gender  
 Female  Male  No Answer

59) Age  
 18-29  30-39  40-49  50-59  60 and over  No Answer

60) Education  
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High School  Some college  Four years of college  Advanced Degree  No Answer

61)

If you have an advanced degree, please indicate the kind of degree:

Master's  Ph.D.  J.D.  M.D.  No Answer  Other (Please specify)

Other:

62)

My advanced degree is in the field of:

63)

What is your primary professional role?

Judge  Attorney  Domestic violence survivor program staff  Other (please specify)

Other:

64)

If you are an attorney, please specify which type.

Legal aid attorney  Private attorney  Attorney at domestic violence program  Attorney educator  Other (please specify)

Other:

65)

Please list any other professional roles you have or have had.

(1000 characters remaining)

**THANK YOU FOR COMPLETING THIS SURVEY!**

**If you have any questions, please contact Dr. Daniel G. Saunders at [saunddan@umich.edu](mailto:saunddan@umich.edu); 734-763-6415; University of Michigan, School of Social Work, 1080 S. University Ave., Ann Arbor MI 48109**

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