

Legal Resource Kit

Domestic Violence and
Child Custody

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Contents

The ABCs of Child Custody When Domestic Violence is An Issue

Tips for Women Involved in Child Custody Matters When Domestic Violence is an Issue

A Guide to Parental Alienation Syndrome

State Custody Laws That Consider Domestic Violence

Interstate Custody: Understanding the UCCJA, UCCJEA and the PKPA

The Impact of Domestic Violence On Children

Select Bibliography On Domestic Violence and Child Custody

Organizations and Resources List

Notes

The ABCs of Child Custody When Domestic Violence is An Issue

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This Legal Resource Kit is designed to give an overview of the protections provided by the laws of different states so that you can make informed decisions about how to deal with domestic violence issues in the context of custody disputes. It will inform you about the practical steps to take in child custody disputes in which domestic violence is an issue; give a brief overview of the uniform state and federal provisions that govern interstate child custody matters; to provide information about the impact of domestic violence on child witnesses; and direct you and your attorneys to sources of information that will answer questions and concerns about domestic violence and child custody. This kit is not a substitute for the services of an attorney.

I. Introduction

In no other area of family law are battered women and their children inadvertently subjected to greater physical and emotional harm than in the child custody and visitation context. Battered women are often forced to participate in custody arrangements that require mediation, unsupervised custody and visitation, and other types of exchanges that leave them and their children vulnerable to continued abuse and control at the hands of their batterers. Women who try to protect themselves and their children by seeking sole custody or modifications in custody arrangements such as cessation of visitation, supervised visits, or who flee with their children are penalized by having custody taken away and given to their batterers. Despite the perception that mothers always win custody, when fathers contest custody, they win sole or joint custody in 40% to 70% of the cases.¹ Indeed, even in cases where abuse is reported, a batterer is twice as likely to win custody over a non-abusive parent than in cases where no abuse is reported.²

Domestic violence may arise as an issue in court cases addressing a range of issues. For example:

- § An abused woman seeks child support or an order of protection during a divorce
- § An abused women seeks a restraining order because of harassment at her job, her child's school, her home, or the home of a relative
- § An abuser seeks changes in custody or visitation
- § An abused person seeks supervised or limited visitation of the abuser
- § The court seeks to terminate the parental rights of the abused, the abuser, or both due to alleged physical abuse of the children
- § The court seeks to terminate the parental rights of the abused, the abuser, or both due to alleged failure to protect the children from abuse
- § An abused person seeks money damages for physical and mental injury from abuse

II. The Intersection of Domestic Violence and Child Custody: An Overview

Child custody is the care and control of minor children that has been awarded by the court to one or both parents in a court proceeding. It is the legal right of a parent to decide where a child lives, how much time a child spends with different caretakers, and who has the legal right to make decisions about the child's needs. Child custody can be legal (decision making), physical (where the child resides), or a combination of the two.³ Courts have much discretion in determining a custody arrangement. The type of custody arrangement can vary. However, the most common forms are where either one parent has both physical and legal custody of the child or where both parents share legal custody of the child, but one parent has physical custody.

While there is no uniform law that governs child custody, all states use the same standard in determining custody arrangements, called the "best interest of the child" standard. Under that standard, courts look at a number of factors in determining what type of custody arrangement would best suit the child's physical, intellectual, moral, and spiritual needs.

Most states have separate statutes governing child custody and domestic violence. Although many states require the court to consider domestic violence in making temporary or final custody determinations, others do not. Moreover, a number of state custody statutes make no mention of domestic violence as a factor to be considered in making custody awards. Of equal concern are joint custody provisions that do not take into account how domestic violence puts both the survivor and her child/children at further risk.

See the section of this Legal Resource Kit entitled "State Custody Laws That Consider Domestic Violence" for a complete list of custody statutes in the different states.

Indeed, for the battered woman, the custody and

visitation processes often become a means by which a batterer furthers his abuse through attempts to continue to maintain control. Most forms of shared custody and visitation involve some type of proximity or contact between the battered woman and her abuser during the exchange of the child between parents. During these exchanges battered women are often subjected to verbal and physical harassment, stalking, assault, and threats, including the threat of child kidnapping.⁴ Women who deny visitation or who go to court to request a modification or supervised visitation in order to protect themselves and their children are frequently accused of trying to alienate the child from the abusive parent.

Courts must become more sensitive to how the cycle of domestic violence impacts custody and visitation arrangements, especially during the period after the parties have separated. Judges must be willing to acknowledge that, while the involvement of both parents is a laudable goal, it is not one that should be placed before the safety of the children and the battered parent.

III. Myths and Facts About Domestic Violence and Child Custody

The unfair treatment of battered women in custody disputes results from myths about the impact of domestic violence on women and children, as well as the widespread failures of civil protection agencies in taking women's experiences seriously. Here are some of the common myths that persist:

Myth: *It is easy for a battered woman to leave her abuser or to stop the abuse.*

Fact: Fear of losing her children, pressures from religious communities to stay in the relationship, financial dependence, the insensitivity and unresponsiveness of the justice system, and the escalation of abuse that occurs when women try to leave make it difficult for a woman to separate from her abuser. Even when a battered woman appears to "just accept" the violence, she is often making different attempts to avoid and stop the violence. Such attempts include complying with (or anticipating) a batterer's demands, demanding that the batterer stop his

abuse, orchestrating the environment (e.g., keeping children quiet), leaving the home, calling the police, and fighting back with or without weapons.⁵

Myth: *Battered women who take their children and flee an abusive relationship are safe from further harm.*

Fact: Studies find that domestic violence escalates when battered women leave their abusers, and that terminating a relationship results in a greater risk of fatality for battered women and their children.⁶ This abuse takes the form of threats and actual violence to the mother and her children. Further, women and their children risk additional (and sometimes fatal) harm during court ordered visitation or joint custody arrangements. This occurs as many batterers discover that the children are a means of continuing the abuse of a former partner. Five percent of abusive fathers threaten to kill their children's mother during visitation with their children and 25 percent of abusive fathers threaten to harm their children during visitation.⁷

Myth: *Domestic violence between parents does not impact their children.*

Fact: While most mothers in abusive relationships take precautions to shield their children from the harmful effects of violence, it is extremely difficult for them to protect their children from witnessing or experiencing abuse. It is estimated that 87% of children who come from homes plagued by domestic violence actually witness the abuse.⁸ Most children are adversely impacted by the abuse, although how they are affected may vary. Research suggests that child witnesses of domestic violence are more likely than other children to feel helpless, fearful, depressed, and anxious. They suffer both emotional and physical developmental problems, and are more likely than children who do not grow up in homes plagued by domestic violence to suffer from anxiety, low self-esteem, and depression.⁹ Many experts believe that child witnesses of domestic violence internalize the fear and trauma that results from witnessing violence, and are themselves likely to become perpetrators of violence in the future.¹⁰

Myth: *Abuse of one parent by another parent does not mean that the abuser poses any harm or danger to the children.*

Fact: While research results vary, studies have found that child abuse occurs in 25% to 70% of the families that experience domestic violence.¹¹ Further evidence linking domestic violence to the heightened risk of harm to children can be found in a report to the Florida Governor's Task Force on Domestic and Sexual Violence, which identified over 300 domestic violence fatalities in 1994; 73 of those victims were children. Most of the children were killed by their biological fathers. In some cases, male abusers killed their entire families, including themselves.¹²

Myth: *Batterers who seek custody do so out of love for their children and a desire to be good parents.*

Fact: Abusive fathers continue to abuse and exert control over women after separation by vigorously pursuing custody of the couple's children.¹³ Batterers are twice as likely as non-physically abusive fathers to seek sole custody of their children,¹⁴ and frequently refuse to pay child support as a way to continue the financial abuse and dependence of the mother.¹⁵

Myth: *Battered women raise the issue of abuse in an attempt to turn their children against the other parent in order to gain sole or primary custody.*

Fact: This allegation is often leveled at women who are simply trying to make judges aware of separation violence, their children's concerns, and other abuses by the batterer. These assertions may be in the form of so-called "syndromes" like "Parental Alienation Syndrome" (PAS) or "Divorced Mother Syndrome."¹⁶ Regrettably, however, judges, guardians *ad litem*, and court-appointed custody evaluators often rely on these theories to discount the very real fears and concerns that battered women and their children bring before the court.¹⁷ See the section in this Legal Resource Kit on the "A Guide to Parental Alienation Syndrome" for information on how to address these assertions.

Tips For Women Involved in Child Custody Matters When Domestic Violence is An Issue

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As with any legal matter, knowledge is power. Women should be informed about the potential issues and problems that can arise in a custody case against a batterer. When resources permit, a woman should try to secure a lawyer to represent her in court. Attorney referrals can be obtained through the local women's bar association, a domestic violence advocacy organization, or a legal aid office. If this is not possible and the woman does not qualify for a free lawyer, she should check with the local bar association, domestic violence advocacy organization, or legal aid office about free clinics or workshops on custody or divorce. If a woman has to represent herself in court, it is a good idea to see if a relative, friend, or representative from a local women's or battered women's advocacy group can accompany her for moral support. Below are some common questions and answers to issues that battered women face when involved in a custody dispute.

Should I raise domestic violence as an issue?

Yes. Child custody disputes are very often a continuation of domestic abuse, particularly after a woman has left her batterer. Raising domestic violence issues in a contested child custody case requires careful judgment and resolve, but it should be done. Child custody is a sensitive area for all involved, and allegations of domestic violence make it more so.

While the general level of public knowledge about domestic violence has improved, judges, lawyers, court personnel, and law enforcement officers still have much to learn about how domestic violence impacts the lives of women and children on a daily basis. Unfortunately, some judges still adhere to the myth that women use allegations of domestic violence to either get even with or lash out at the other parent in order to gain an upper hand in a case. This is contrary to studies that show that false

allegations of domestic abuse in order to gain an upper hand in divorce or child custody proceedings are infrequent.¹⁸

Some judges also mistakenly believe that violence against a mother has little or minimal impact on her children, particularly after the parties have separated. This is also not true. Not raising issues of domestic violence in custody matters will only serve to continue the abuse and control; only by raising the issue of domestic violence is there a chance that the judge will understand the larger issues affecting the custody case.

What if my attorney does not want to raise domestic violence issues?

Unfortunately, many attorneys do not understand that domestic violence is often a factor in child custody matters. Moreover, in the family law context, attorneys feel pressured to have the parties in a case settle disputed

matters in a friendly way and will want to show the judge that their client is the more cooperative party. Also, although custody is the primary issue, attorneys are trained to weigh many factors in a case, and you may feel that your concerns are not being taken seriously and that the attorney is not on your side. Communicate immediately and frequently with your attorney about incidents of battering and harassment that may be occurring. Consider seeking assistance from a battered women's support group that may be able to provide information to your attorney in advocating your case. There are several national organizations that can provide educational material and technical assistance to lawyers involved in child custody cases where domestic violence is a factor. Encourage your attorney to contact these organizations or obtain information from these organizations yourself and pass it on to your attorney. Also, educate yourself about the issues and the court process. This will undoubtedly improve your ability to work with your attorney on your case. See the "Organizations and Resources List" section of this Legal Resource Kit for additional information about organizations that distribute materials on domestic violence and child custody.

When should I tell the judge of my concerns about violence?

Immediately. Generally, the sooner a judge is told of a history of domestic violence between you and your child's father or that you have specific concerns about your safety and that of the child in light of recent incidents in which you were threatened, harassed, or physically battered, the better. Women must inform the court on the record of the incidents of abuse, its effects on the children, and their concerns about its impact on any custody or visitation arrangements between the parties. The resolution of contested custody matters can take anywhere from several months to a year or two, if not more. In the meantime, a judge can issue temporary orders regarding the custody of the children, visitation, evaluations, and investigations of the parties by court-appointed experts and probation officers. Informing the judge of your concerns up front will put the court on

notice about your concerns and allow the judge to consider your safety when issuing these temporary orders. It also creates a record of the abuse. This information may be useful in other judicial proceedings.

What type of information should I give the judge about the history of violence in my relationship?

The type of information or evidence given to a judge will vary with each case. If you have an order of protection, a copy should be given to the judge and placed in the record in the custody proceeding. Any additional information presented should be as specific as possible, for example:

- § Police reports
- § Hospital and medical reports
- § Photographs of injuries
- § Witness statements including affidavits or testimony of neighbors, co-workers, friends, or family members who may have witnessed the abuse or its aftermath
- § A log of specific information about dates, times, and notes on the allegations being raised¹⁹

Be sure to tell the court if your batterer is violating the order of protection or if you are being subjected to stalking, harassing phone calls, threats to kidnap the children, or physical abuse. Batterers typically engage in harassment and sabotage that is hard to prove, like making harassing calls to a woman's job under the guise of inquiring about the children, vandalizing a woman's car, or insisting on special visitation arrangements for a trip out of town with the children only to leave them with a babysitter, relative, or friend. These tactics psychologically and emotionally exhaust the woman and often have the effect of making her appear irrational if she reports them to the judge.

Although an abused woman can see a batterer's tactics for what they are, she cannot assume that the court will agree. Specific documentation of these subtle forms of

harassment can help bolster a battered woman's credibility. Documentation of abuse that can be placed on the record in a custody matter is more likely to make a judge take notice and put in place measures to ensure the safety of the woman and child. This documentation will also establish a court record in the event that a woman wants to appeal her case to a higher court.

What if I am falsely accused of being abusive?

Batterers who deny that they are abusive will often attempt to establish that *they* are actually the victims of abuse. If this happens in your situation, do everything in your power to establish that the batterer is the principal aggressor and that you are the true victim of abuse. To make your case effectively, rely on evidence and documentation like the materials listed above. If you do not have copies of the necessary reports, try to obtain them from the police, hospitals, doctors, and shelters that are familiar with your case.

Another way to establish that you are the victim of abuse is to maintain a thorough list of all of the dates or approximate dates on which your batterer abused you. If you are having trouble remembering dates, try to think in terms of holidays, seasons, or special events. For example, if you cannot remember exactly when your abuser slapped you in the face causing swelling and redness, try to think if you had swelling at Thanksgiving time. Was it before Thanksgiving or after the holiday? Did you have to conceal injuries when you attended your child's parent-teacher conference? Were you wearing winter clothing or summer clothing when you went to the hospital with a broken arm? This type of exercise can help you accurately establish the dates or approximate dates on which you were abused. Try to distinguish separate incidents, and if you are represented by an attorney, provide her with as accurate and complete a list as possible. In addition, produce any photographs that show signs of physical abuse or property damage that have been inflicted by your batterer. Pictures offer invaluable insight into abusive relationships and create powerful images that will inform the judge about your situation.

What if there is evidence of mutual battering?

It is not unusual for women to fight back in an abusive situation -- out of anger and/or for protection from violence. If this is the case, the judge should be advised to determine the principal aggressor in the situation rather than reaching a conclusion of mutual battering. Judges must be encouraged to weigh evidence of coercive and fear-inducing conduct²⁰ as well as evidence of physical violence. It must be made clear that it is rare that violence is mutual, and that mutual orders of protection put the real victim, and her children, at great risk of further harm.

How can I convince the judge that domestic violence is having a detrimental effect on my child?

Many judges, as with the society at large, continue to view domestic violence as a family matter. Their understanding of domestic violence, however, rarely includes a sense of how it impacts the entire family, including children, even if the child was never the target of physical abuse. The court should be informed if your child either witnessed the abuse or in some way was affected by the violence. The testimony of an expert can also help to show the negative impact that the violence in your home is having on your child, in addition to clarifying the difference between children who witness violence, as opposed to children who are caught in the crossfire or who are the actual targets of a parent's abuse.²¹

School reports and conversations with social workers and guidance counselors regarding emotional, behavioral, or other problems exhibited by your child should be introduced as evidence. Try to present as much evidence as possible to illustrate the adverse effect that the violence is having or may have on your child. Be careful to make equally clear that while your child is being negatively affected by the violence, you are also doing everything in your power to protect and shield the child from harm. Demonstrate, if possible, the necessary precautions that you have taken to protect your child's emotional and physical well-being, despite the presence of violence. Your batterer and his attorneys may try to implicate you in the fact that your child was negatively impacted by the

violence. You must try to disprove these claims when possible. Ultimately, the judge may not understand that violence against women has an adverse effect on children.

Therefore it is up to you and your attorney to establish this. See the section in this Legal Resource Kit on the “Impact of Domestic Violence On Children” for additional information.

How can I refute allegations that I am trying to turn my children against the batterer by raising the issue of domestic violence?

Attorneys and domestic violence survivors may be well aware of an alarming trend in which batterers and their attorneys accuse domestic violence survivors of alienating the couple’s children from the battering parent. These accusations -- sometimes referred to as Parental Alienation Syndrome (“PAS”) or Malicious Mothers Syndrome -- are frequently used against women in custody proceedings. See the section in this Legal Resource Kit on “Parental Alienation Syndrome” for additional information. You and your attorney should watch for references to such syndromes and insist that the court allow you to offer information countering these theories.²² Contact your local or state domestic violence coalition for referrals to expert witnesses who can testify about these so-called syndromes.

How can I prepare myself for court?

A judge’s decision to award custody that is in the best interest of the child is very often influenced by the impression that she has of both parents. Years of abuse, control, humiliation, degradation, and sheer terror take a toll on many women, and judges who are not familiar with the dynamics of family violence may misinterpret a woman’s coping strategies as indications of poor parenting ability. This may seem unfair, but it is often the reality for domestic violence survivors. The following may help you make a favorable impression before the court.

- § Prior to the hearing, write down your key points so that your testimony is focused and non-contradictory. It is important to be both honest and accurate, even if this means admitting to some behavior that may

appear unfavorable. It is important to be thorough. What you neglect to acknowledge in your testimony may be introduced by the other party.

- § Dress neatly. If your children are present, make certain that they are clean and dressed neatly as well. The physical impression that you and your children make on the judge should not be underestimated.
- § Be polite and respectful when addressing the judge. Be very careful not to interrupt the judge, the other party, and/or the other party’s attorney.
- § Do not fight or argue with the other party during the hearing or in the presence of the judge. This will only make you look non-cooperative or appear to be a participant in the harassing and abusive behavior. You may find that your abuser will try to lure you into a fight. Avoid contact and confrontation with the abuser and make every effort to behave in a civil and polite manner to court personnel.²³

What can I do to protect my child/children from harm during visitation with the abusive parent?

There are a number of measures that you can take in order to protect your children from harm during unsupervised visitation with an abusive parent. If you are concerned that your children are at risk of being abused during visitation with their father and you are not able to secure supervised visitation for them, consider devising a safety plan for their visits. It is recommended that you contact your state or local domestic violence or victim assistance agency for guidance in developing a safety plan. Together with a trained advocate, develop an outline that takes into account your fears, your children’s concerns, as well as your children’s age and ability to follow a safety plan. While no child should be forced to follow a safety plan, age appropriate measures can alleviate the stress and anxiety that unsupervised visitation can create for battered women and their children.

See the “Organizations and Resources List” section of this guide for referrals to organizations that can assist with the development of safety plans.

A Guide to Parental Alienation Syndrome

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Introduction

One of the dangers that women face in child custody disputes is that their credibility -- and that of their children -- will be attacked on the basis of a controversial theory called "Parental Alienation Syndrome" ("PAS").²⁴ According to the theory, one parent -- usually the custodial mother²⁵ -- systematically brainwashes the child to hate, fear, or reject the other parent, programming the child to become alienated from that parent. If the theory is used successfully, the father will be awarded custody and the mother will receive only very limited visitation.

PAS was developed by Dr. Richard A. Gardner,²⁶ a child psychiatrist who has testified as an expert in many custody cases. In the published case law, PAS has appeared most often in cases where one parent is alleging sexual abuse of the children.²⁷ Gardner, and other psychiatrists who have adopted the theory, argue that in order to maintain custody of the child, a vindictive or troubled parent, usually the mother, will falsely accuse the father of sexually abusing the child. The child, brainwashed and a victim of PAS, will cooperate with the mother's efforts by corroborating the allegations of abuse and insisting that she or he wants to remain with the mother.

The use of the PAS theory is not limited to sexual abuse cases. Mothers are often accused of PAS in cases of domestic violence. If you are a battered woman, even though your children are legitimately afraid of living with their father, you may be accused of planting those fears. In the domestic violence context, fathers claim that vindictive mothers have made up allegations of abuse and trained their children to show fear of their fathers. Even though such fears are the normal result of

a child having witnessed domestic violence,²⁸ fathers have used the theory with success to prove that they are not guilty of abuse. They have also used the theory to get custody of their children. If you and your children are leaving a situation of domestic violence or your children have been sexually abused by their father, you and your attorney must be prepared to both challenge the validity of the PAS theory and the evidence that it is occurring in your home.

What is "Parental Alienation Syndrome" and how can it be used against me?

Dr. Gardner introduced the PAS theory in his 1987 book, *The Parental Alienation Syndrome and the Differentiation Between Fabricated and Genuine Child Abuse*.²⁹ Psychiatrists and courts have recognized at least four forms of PAS:

1. One parent actively brainwashing or manipulating the feelings of a child concerning the other parent;
2. One parent unconsciously rewarding a child for turning his or her affections away from the other parent;
3. A child alienating himself or herself on the basis of fear of loss of love; and
4. A child alienating himself or herself because of certain situational factors.³⁰

It is the first form of PAS that most often costs mothers custody of their children. In the context of contested child custody cases where domestic violence is an issue, the concept behind PAS is not new, as accusations of abuse made during divorce or custody proceedings are often viewed with skepticism.³¹ PAS reinforces the idea that one

parent will make false allegations of domestic violence or sexual abuse to retaliate against the other parent or to gain the upper hand in court.³² By using the term “syndrome,” Gardner adds an aura of scientific legitimacy to his theory and implies that the child suffers from a known and curable medical or psychological condition.³³ PAS places the blame for this condition on the mother, provides a basis for the conclusion that mother and child are lying about the domestic violence or sexual abuse, and supports awarding custody to the accused father.

It is also important to recognize that your children’s father and his attorney may not actually use the words “Parental Alienation Syndrome” in describing your behavior. Even the idea can be used against you. Be aware of your children’s father, his attorney, and his expert witnesses using phrases and categorizations associated with PAS, such as “manipulate,” “brainwash,” “program,” “train,” “coach,” and “retaliation.”

Will the judge in my case view PAS as a valid theory?

In at least 18 states, courts have admitted evidence of PAS in cases of sexual abuse allegations.³⁴ Your attorney will need to determine if PAS evidence has been admitted in courts in your state.³⁵ Just because one court has refused to admit the evidence does not mean that all courts in your state will follow suit.³⁶ You or your attorney must be prepared to both contest the admission of PAS as a theory and to argue that PAS has not occurred in your case.

What can I do to keep evidence of PAS out of my case?

What is notable about the cases which have relied on PAS evidence in making custody determinations is that the courts have not first considered the validity of the theory and whether the evidence should have been admitted at all.³⁷ Convincing the judge not to consider evidence of PAS should be the primary strategy you and/or your attorney use. Rules of evidence for admitting scientific and psychological evidence vary from state to state, but typical standards are proof that the theory is “generally accepted” or “reliable and

relevant.”³⁸

PAS has not been generally accepted in the scientific community, although two courts have ruled that it has.³⁹ There is much debate over whether the theory is based upon accepted scientific research methodology and whether it is entirely grounded on conclusions drawn by one clinical psychiatrist in observing his own patients.⁴⁰ Further, there is debate over whether the books, findings, or conclusions in support of PAS have been subject to the peer review process of a scientific journal that is the accepted standard for scientific conclusions.⁴¹ Some critics have expressed concern that none of Dr. Gardner’s articles about PAS can be found in scientific journals with peer review boards, but only appear in legal journals without the expertise to evaluate his claims.⁴² Further, PAS is not listed in the American Psychiatric Association’s *Diagnostic and Statistical Manual (“DSM-IV”)*, the mental health professional’s guidebook, or the World Health Organization’s *International Classification of Diseases (“ICD-9”)*.⁴³

Another potential criticism is that the PAS evaluation procedure requires a confrontation between the child and the accused abuser. The practice of having a child confront his or her accused abuser with allegations of sexual abuse is not common among child sex abuse experts because it significantly decreases the likelihood that the child will report anything the child feels is negative, like abuse.⁴⁴

Experts in the field of abuse and child custody have conducted research and written articles to refute Dr. Gardner’s claims. At least one study has concluded that false sexual abuse allegations are only slightly higher among families involved in custody and visitation disputes than in the general population.⁴⁵ Others have criticized the theory for its bias against women,⁴⁶ and at least one court concluded, before Dr. Gardner removed it from the market, that Dr. Gardner’s “Sexual Abuse Legitimacy Scale” is “not supported by any evidence concerning its recognition and acceptability within the scientific community” and therefore should not have been admitted into evidence.⁴⁷

Generally, you and your attorney may criticize expert testimony on the basis of “(1) the methodology’s ability to be tested; (2) whether it has been subjected to peer review; (3) its potential rate of error; and (4) whether it has gained general acceptance in the relevant scientific community.”⁴⁸

That is, you would argue that PAS cannot be tested, that it has not been reviewed or accepted by the scientific community, and that it often results in incorrect conclusions. Some scholars have argued that these standards should not be used in admitting psychological syndrome evidence, like PAS, because the “criteria . . . are difficult to apply.”⁴⁹ At least one court has concluded that the standard for psychological testimony should be simply whether or not it is reliable.⁵⁰ It is important to argue that PAS is simply not a reliable theory. Because of the variety of ways courts have dealt with the admission of testimony by psychological experts, it is important that you or your attorney determine what the standards are in your state, and then demonstrate that PAS does not meet those standards.

Courts have generally agreed, though, that “[o]pinions . . . that ‘merely tell the jury what result to reach’ are not deemed helpful to the jury. . . . A doctor also cannot pass judgment on the alleged victim’s truthfulness in the guise of a medical opinion.”⁵¹ So, one way to avoid the damage of evidence about PAS is to prevent the use of expert testimony in your case, regardless of its content. Several courts have refused to hear evidence about PAS on this basis. One New York court refused to allow Dr. Gardner to testify because he would testify about whether or not the allegations of sexual abuse were true when “[t]he issue [determining the truth of the allegations of abuse] is strictly reserved to the trier of fact [the judge or the jury]. The defendant’s expert purports to make such a determination by determining if a particular accusation has the criteria of a truthful accusation or a false accusation.”⁵² A Florida court likewise concluded that “expert witnesses impermissibly intrude[d] into the function of the jury to determine such questions of credibility.”⁵³ However this is a risky strategy because it may also keep you from using your own experts to support your allegations of domestic violence or sexual abuse. If your attorney suggests keeping all expert testimony out of your trial as a strategy for keeping evidence of PAS out, weigh the full consequences that this may have on your case before agreeing to do so.

What can I do to help my case if evidence of PAS is admitted?

There are basically three arguments that you or your attorney can make: that the allegations of domestic violence or sexual abuse are true and therefore the alienation of the children towards their father is well-founded;⁵⁴ that your children are well-adjusted and have positive relationships with both you and their father;⁵⁵ or that despite the appearance of PAS, the children will be better off living with you than with their father.⁵⁶

You may want a professional to evaluate your child.⁵⁷ However, in making your case, be very careful about which experts you agree to have testify. In one Indiana case, a mother lost custody of her two children after agreeing to have the children evaluated by a doctor who regularly relies on PAS and who testified that the mother had engaged in “a series of actions and ‘maneuvers by which she would attempt to exclude [the father] and to denigrate him in the eyes of the children.’” and that the mother “had displayed excessive anger and hostility toward [the father].”⁵⁸ Also, courts do not like to have multiple evaluations of children and will probably not rely on expert testimony purporting to know for sure if sexual abuse allegations are true.⁵⁹

How have courts viewed PAS?

If your judge agrees to hear evidence about PAS, there are three probable outcomes: the judge may agree that PAS has occurred and change your current custody arrangements; the judge may refuse to change the custody arrangements because there is inadequate evidence of PAS; or, the judge may refuse to change custody arrangements because other factors outweigh the effect of PAS.

In one extreme case, a New York family court judge transferred custody to the father and denied the mother any visitation after concluding that “it is likely that the mother programmed her daughter to accuse the father of sexually abusing the child so that she could obtain sole custody.”⁶⁰ The court compared the mother to the mythical figure Medea, “ready to sacrifice her child to accomplish her selfish goal” and concluded that the mother was “not fit to continue in the role of a parent.”⁶¹ The court relied heavily on Dr. Gardner’s writings in analyzing the evidence presented by several experts, as well as on inconsistencies in the child’s testimony. Likewise, an Indiana court

transferred custody and denied a mother visitation for sixty days because “a parent’s egregious violation of a custody order or behavior towards another parent, which places a child’s welfare at stake . . . support[s] a trial court’s modification of its custody order.”⁶²

In other cases, courts have considered evidence of PAS and refused to modify custody arrangements. Some courts have concluded that evidence of PAS is not enough to support a change in custody. In a North Dakota case, for example, the court asserted that “[e]vidence of alienation or frustration of visitation are significant factors in determining custody,” but left the children with the custodial parent, the father, because both parents “are guilty of distrusting each other and perpetuating unnecessary conflict between them.”⁶³ Other courts have concluded that other factors in the family situation outweigh the negative effects of PAS. The Vermont Supreme Court, as required by statute, has considered the “ability and disposition of each parent to foster a positive relationship and frequent and continuing contact with the other parent,” and agreed that the mother had made “unfortunate efforts to disrupt the child’s relationship with her father.”⁶⁴ The court left the child with the mother because she had been the primary caregiver and had a “close, warm, nurturing, and consistent relationship” with her

daughter.⁶⁵ Still other courts have found that despite allegations, there was simply no evidence of PAS.⁶⁶

Even if the court does not remove your child from your custody, evidence of PAS may be used against you in other ways. For example, a Florida court relying on the PAS theory ordered a mother “to do everything in her power to create in the minds of [the children] a loving, caring feeling toward the Father. It shall be the Mother’s obligation to convince the children that it is the Mother’s desire that they see their Father and love their Father.”⁶⁷ An appellate court concluded that this order did not violate any of the mother’s rights.

Conclusion

At Legal Momentum, we hear from many women who have confronted PAS, as well as a general disbelief regarding their concerns about domestic violence or child sexual abuse. For women and children who have legitimate fears for their safety, we are concerned about this trend and will continue to monitor developments in the admission of PAS into child custody determinations. For further information, see any of the sources cited in this kit or contact Legal Momentum or see a collection of materials on this website: <http://www.gate.net/~liz/liz/contents.html>.

State Custody Laws That Consider Domestic Violence

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State courts and legislatures have adopted various approaches to the dissolution of a family that has experienced domestic violence. The custody laws of 48 states, the District of Columbia, and the Virgin Islands take domestic violence into account. State statutes recognizing the relationship between parental violence and custody can be divided into three categories:

1. Statutes which require courts to consider domestic violence before joint custody is awarded;
2. Statutes adding domestic violence as a factor to the sole custody/best interests of the child standard; and
3. Statutes directing that domestic violence influences other decisions such as whether a parent has abandoned her children in order to flee domestic violence.

Some of these statutes are summarized below. States in which domestic violence is a defense to a charge of parental kidnapping or custodial interference are also highlighted. While some states' laws are very favorable to victims of domestic violence, courts and judges do not always apply the statutes to protect abused women and their children. Please consult a local attorney specializing in child custody and domestic violence for more information.

ALABAMA

General Provision

In a custody dispute, if it is shown that one parent is a perpetrator of domestic violence, it is presumed that custody with that parent would be detrimental to the child. It is up to the perpetrator to show otherwise. The court must also take into consideration the safety of the child and the parent who is the victim of domestic violence, and must consider the perpetrator's history of violence. CODE OF ALA. § 30-3-131 (2005).

Absence or Relocation

If a parent is absent or relocates because of an act of domestic or family violence by the other parent, the absence or relocation may not be a factor that weighs against the parent in determining the custody or visitation. CODE OF ALA. § 30-3-132(b) (2005).

ALASKA

General Provision

The court must consider the best interests of the child in determining custodial placement of a child, weighing evidence of domestic violence and child abuse or neglect in the proposed custodial household. ALASKA STAT. § 25.24.150(c)(7) (2005).

ARIZONA

General Provision

There is a presumption that an award of custody to the parent who has committed an act of domestic violence is contrary to the child's best interest, though this does not apply if both parents have committed an act of domestic violence. ARIZ. REV. STAT. ANN. §§ 25-403(N) (2004); 25-403(B). The court will use as evidence of domestic violence police reports, school records, medical records, witness testimony, child protective services records, and domestic violence shelter records. ARIZ. REV. STAT. ANN. § 25-403(S). The court will not award joint custody if the court sees evidence of current domestic violence, or evidence of a significant history of domestic violence. ARIZ. REV. STAT. ANN. § 25-403(E). If the court finds that domestic violence has occurred, and the court is satisfied that time with the battering parent will not endanger or significantly impair the child's emotional development, the court will arrange for visitation that best protects the child and the abused spouse from further harm. ARIZ. REV. STAT. ANN. § 25-403(P).

Absence or Relocation

In determining the weight of absence or relocation of a parent, the court can consider whether the absence or relocation was caused by domestic violence. ARIZ. REV. STAT. ANN. § 25-403(Q) (2004).

ARKANSAS

General Provision

In making custody or visitation decisions, the court must take acts of domestic violence into consideration. ARK. CODE ANN. § 9-13-101(c)(1) (2005). There is a presumption that it is not in the best interests of the child to be placed in the custody of an abusive parent. ARK. CODE ANN. § 9-13-101(c)(2).

CALIFORNIA

General Provision

The court must take into consideration a history of abuse by a parent against a child or another parent when conducting a "best interest of the child" analysis in a custody proceeding. The court will use as evidence reports from the court, law enforcement agencies, child protective agencies, medical records, and victims services agency records. CAL. FAM. CODE § 3011(b) (2005). The court will also look to whether the abusive spouse has successfully completed a counseling program, parenting class, probation or parole, whether the parent is restrained by a protective order, and whether the parent has committed further acts of domestic violence in determining whether the presumption against granting custody to the perpetrator of domestic violence has been overcome. CAL. FAM. CODE § 3044(b).

Custodial/Visitation Interference

California law recognizes that a parent may have "good cause" to take a child or deprive another person of custody. "Good cause" means a good faith and reasonable belief that the taking, detaining, concealing, or enticing away of the child is necessary to protect the child from immediate bodily injury or emotional harm. Emotional harm includes having one parent who has committed domestic violence against the other parent who is taking or concealing the child. The person who takes, detains, or conceals the child should file a report with the district attorney's office notifying them of his or her action within ten days. A request for custody must be filed within thirty days and must set forth the basis for the belief of imminent bodily injury or emotional harm to the child. The address of the person who takes, detains, or conceals the child with good cause remains confidential until released by court order. CAL. PENAL CODE § 278.7 (2005).

COLORADO

General Provision

Although the court is allowed to grant sole or joint custody, it is assumed that joint custody is not in the best interest of the child if there is a history of spouse abuse. COLO. REV. STAT. § 14-10-124(1.5)(b)-(v) (2005). Spouse abuse is defined as the proven threat of or infliction of physical pain or injury by a spouse on the other parent. COLO. REV. STAT. § 14-10-124(4). A parent may object to visitation by the noncustodial parent if that parent has been convicted of any crime that includes an act of domestic violence that constitutes a potential threat or endangerment to the child. COLO. REV. STAT. § 14-10-129(3)(a).

Absence or Relocation

The court is not permitted to consider a parent's flight from the home to escape the abuse as contrary to the child's best interest. COLO. REV. STAT. § 14-10-124(4).

Custodial/Visitation Interference

It is a defense to the crime of custodial interference that the offender reasonably believed that her conduct was necessary to preserve the child from danger to his or her welfare. COLO. REV. STAT. § 18-3-304(3).

DELAWARE

General Provision

In applying the best interest of the child standard, the court is required to consider any evidence of domestic violence when making a custody determination. DEL. CODE ANN. tit. 13, §§ 722(a)(7) (2005); 706A(a). Domestic violence includes, but is not limited to, physical or sexual abuse, or threats of physical or sexual abuse, and any other offense against the person committed by one parent against the other parent, against any child living in either parent's home, or against any other adult living in the child's home. Domestic violence does not include reasonable acts of self-defense by one parent in order to protect herself or a child from abuse or threats of abuse

by the other parent or other adult living in the home. DEL. CODE ANN. tit. 13, § 703A(a). No one convicted of perpetrating domestic violence shall be awarded sole or joint custody of a child unless the offender can show that there have been no further acts of domestic violence and that giving custodial or residential responsibilities to the perpetrator is in the best interests of the child. DEL. CODE ANN. tit. 13, § 705A(b)-(c). In all cases in which the court finds that one of the child's parents has committed an act of domestic violence against the child, against the other parent, or against another person in the child's household, the court shall devise a visitation schedule that best protects the child and the victim of domestic violence from further abuse. DEL. CODE ANN. tit. 13, § 708A. If the court finds that a parent has sexually abused his or her child, the Court shall prohibit all visitation until such time as the court finds that supervised visitation would not harm, endanger, or impair the child's physical, psychological, or emotional well-being. DEL. CODE ANN. tit. 13, § 710A.

Absence or Relocation

If a parent flees from domestic violence and temporarily leaves a child behind, it is not to be considered evidence of abandonment so long as the child is not left in immediate danger of serious physical injury. DEL. CODE ANN. tit. 13, § 704(a).

DISTRICT OF COLUMBIA

General Provision

The court may award joint or sole custody according to the best interest of the child. Joint custody is assumed to be in the best interest of the child except in cases where there is evidence of an intrafamily offense. D.C. CODE ANN. § 16-911(a)(2) (2005). If the judicial officer finds that a parent seeking custody has committed a family offense, any determination that custody or visitation be awarded to that parent must be supported by a written statement by the judicial officer specifying factors which support that decision. If the officer finds that domestic violence has occurred, visitation will only be awarded if

the child and custodial parent can be adequately protected from harm inflicted by the other party. D.C. CODE ANN. § 16-911(a-1). The party found to have committed an offense must prove that visitation will not endanger the child or significantly impair the child's emotional development. D.C. CODE ANN. § 16-911(a-1).

Custodial/Visitation Interference

Intentionally concealing a child from another parent is not a crime if such action is taken to protect the child from imminent physical harm or is taken by a parent fleeing from imminent physical harm to the parent. D.C. CODE ANN. § 16-1023(a)(1)-(2).

FLORIDA

General Provision

Courts will order shared custody unless shared custody is determined to be detrimental to the child. The court will consider spousal or child abuse as evidence of detriment to the child. If the abusive parent is unable to show that custody with such parent would not be detrimental to the child, that parent can be denied parental responsibility, visitation, and custody. If the court determines that shared custody would be detrimental to the child, it may order sole custody and make arrangements for visitation that will best protect the child or abused spouse from further harm. FLA. STAT. ANN. § 61.13(2)(b)(2) (2005).

Custodial/Visitation Interference

A parent's reasonable belief that removing a child from the other parent is necessary to protect the child from danger is a defense to the felony of custodial interference. The custodial interference statute does not apply where a spouse is the victim of any act of domestic violence or has reasonable cause to believe that she is about to become the victim of any act of domestic violence and seeks shelter from such acts or possible acts and takes the child with her. FLA. STAT. ANN. § 787.03(6) (2005).

GEORGIA

General Provision

The court is directed to consider domestic violence as a factor of possible detriment to the child. The court's primary concern is the safety of the child and of the parent who is the victim of family violence. The court is required to consider the perpetrator's history of domestic violence when determining what visitation plan and/or custodial placement is in the child's best interest. OFFICIAL CODE OF GA. ANN. § 19-9-1(a)(2)(A)-(B) (2004).

Absence or Relocation

If the parent who is the victim of domestic violence leaves the home to escape the violence, the court will not consider such absence or relocation abandonment, so long as it was only for a reasonable period of time. OFFICIAL CODE OF GA. ANN. § 19-9-1(a)(2)(C).

HAWAII

General Provision

The court is required to consider family violence as a factor in deciding what is in the child's best interest in all custody and visitation determinations. The court must give a written explanation if it decides to place a child with someone who has a history of committing domestic violence. Joint or shared custody will be determined in a manner that best protects the safety and well-being of the child and the abused parent. HAW. REV. STAT. ANN. § 571-46(9) (2004).

Custodial/Visitation Interference

It is a defense to prosecution under the custodial interference statute that the person had a good faith and reasonable belief that removing the child was necessary to protect the child from immediate bodily injury. In order to assert this defense, a report must be filed with the clerk of the family court detailing the taking of the child and the whereabouts of the minor as soon as possible. HAW. REV. STAT. ANN. § 707-726(2) (2004).

IDAHO

General Provision

Domestic violence is a factor in a custody determination, regardless of whether or not the child was an actual witness to the violence. IDAHO CODE § 32-717(1)(g) (2004). There is a presumption that joint custody is not in the child's best interest if one of the parents is a habitual perpetrator of domestic violence. IDAHO CODE § 32-717B.

Custodial/Visitation Interference

It is a defense to the crime of custodial interference when the action is taken to protect the child from imminent physical harm or is taken by a parent fleeing from imminent physical harm. IDAHO CODE § 18-4506(2)(a)-(b) (2005).

ILLINOIS

General Provision

When determining the best interest of the child in a custody dispute, physical violence or the threat of physical violence perpetrated either against the child or another person by a potential custodian is a factor that must be considered by the court. 750 ILL. COMP. STAT. ANN. 5/602(a)(6)-(7) (2005). However, if the behavior of a parent is believed not to affect the relationship with the child, it will not be a consideration when the court is determining custody. 750 ILL. COMP. STAT. ANN. 5/602(c). Visitation may be restricted or denied if the court finds that a parent has used the visitation in a manner harmful to the child or the child's custodian. 750 ILL. COMP. STAT. ANN. 5/607.1(a).

Custodial/Visitation Interference

It is a defense to the crime of custodial interference that the parent was fleeing an incidence or pattern of domestic violence. 720 ILL. COMP. STAT. ANN. 5/10-5(c)(3).

INDIANA

General Provision

In determining the best interests of the child, the court will consider evidence of domestic violence. BURNS IND. CODE ANN. § 31-17-2-8 (2004). If the noncustodial parent has been convicted of domestic or family violence that the child either witnessed or heard, the court will presume that the parent's visitation with the child must be supervised for at least one year, but not more than two years, following the crime. BURNS IND. CODE ANN. § 31-17-2-8.3.

IOWA

General Provision

There is a presumption that joint custody should not be awarded if the court finds that a history of domestic violence exists. IOWA CODE § 598.41(1)(b) (2004). In determining custody and visitation, the court will consider whether the safety of the child, other children, or the other parent will be jeopardized. IOWA CODE § 598.41(3)(i).

Absence or Relocation

The court will not consider a parent's relocation or absence as a factor in awarding custody or visitation if the absence or relocation is due to domestic abuse perpetrated by the other parent. IOWA CODE § 598.41(1)(d) (2004).

KANSAS

General Provision

Evidence of spousal abuse is one of the factors that the court considers when determining the custodial placement of a child. KAN. ANN. STAT. § 60-1610(a)(3)(B)(vii) (2005).

KENTUCKY

General Provision

Information, records, and evidence of domestic violence are relevant factors for the court to consider when determining the best interest of the child in a custody determination. However, unless the behavior of the alleged perpetrator of violence affects the child, or the child's relationship to both parents, that behavior will not impact the custody decision. KY. REV. STAT. ANN. §§ 403.270(2)(f), 403.270(3) (2004). If domestic violence and abuse have been alleged, the court shall determine the visitation arrangement, if any, that would not seriously endanger the child or custodial parent's physical, mental, or emotional health. KY. REV. STAT. ANN. § 403.320(2).

Absence or Relocation

The court will not consider a parent's abandonment of the home when deciding custody arrangements if the parent left the home because he or she was harmed or was seriously threatened with harm by his or her spouse. KY. REV. STAT. ANN. § 403.270(4).

LOUISIANA

General Provision

The court will not award sole or joint custody to a parent who has a history of perpetrating family violence. LA. REV. STAT. § 9:364(A) (2005). If both parents have a history of violence, the court will award custody to the parent who is least likely to continue to perpetrate family violence. LA. REV. STAT. § 9:364(B). The court will allow supervised visitation between the child and the abusive parent on the condition that the parent participates in a treatment program. LA. REV. STAT. § 9:364(C). If the court finds that a parent has sexually abused his or her child or children, the court will prohibit visitation and contact between the abusive parent and the children, until it finds in a subsequent hearing that the abusive parent has successfully completed a treatment program designed for sexual abusers, and that supervised visitation is in the child's best interest. LA. REV. STAT. § 9:364(D).

Custodial/Visitation Interference

It is a defense to the crime of custodial interference that the parent reasonably believed her actions were necessary to protect the welfare of the child. LA. REV. STAT. § 14:45.1(A) (2005).

MAINE

General Provision

The court is directed to consider evidence of a history of family violence between two parents or between a parent and a child when making a custody determination. 19-A ME. REV. STAT. ANN. § 1653(3)(M) (2004). The court must look at the effects of family violence on the child's emotional health and safety. 19-A ME. REV. STAT. ANN. § 1653(3)(L). A court may award custody or visitation with a child to a parent who has committed domestic abuse only if the court finds that contact is in the best interest of the child and that adequate provisions for the safety of the child and the parent who is a victim of the abuse can be made. 19-A ME. REV. STAT. ANN. § 1653(6)(A).

Absence or Relocation

The court may not consider abandonment of the home as a factor when determining parental rights with respect to the child when the abandoning parent has been physically harmed or seriously threatened with physical harm. 19-A ME. REV. STAT. ANN. § 1653(5) (2004).

MARYLAND

General Provision

When determining the welfare and best interest of a child in a custody or visitation proceeding, the court will consider abuse by a parent against the child's other parent, the abuser's spouse, the child, or any other child in the household. MD. FAMILY LAW CODE ANN. § 9-101.1(b) (2004).

Custodial/Visitation Interference

If an individual violates the provisions of the custodial interference statute she should file, within 96 hours, a petition in court that states that at the time the act was committed, a failure to act would have resulted in a clear and present danger to the health, safety, or welfare of the child. The petition must also seek to revise, amend, or clarify the custody order. If the court finds that there was a clear and present danger to the health, safety, or welfare of the child it is a complete defense. MD. FAMILY LAW CODE ANN. § 9-306 (2004).

MASSACHUSETTS

General Provision

When considering the best interest of a child, the court may consider all relevant facts including whether any member of the family abuses alcohol or other drugs or has deserted the child, and whether the parties have a history of being able and willing to cooperate in matters concerning the child. The court must consider whether the child's present or past living conditions adversely affect the child's physical, mental, moral, or emotional health. ANN. LAWS OF MASS. ch. 208, § 31 (2005).

MICHIGAN

General Provision

The court must consider domestic violence as a factor in a custody determination regardless of whether the violence was directed toward or witnessed by the child. MICH. COMP. LAWS. SERV. § 722.23(k) (2005). The court may also consider domestic violence when deciding the length and type of visitation granted to the abusive parent. MICH. COMP. LAWS. SERV. § 722.27(a)(6)(d).

Absence or Relocation

In determining the amount of parenting time to be granted to each parent, a custodial parent's temporary residence with the child in a domestic violence shelter shall not be construed as evidence of the parent's intent

to retain or conceal the child from the other parent. MICH. COMP. LAWS. SERV. § 722.27a(6)(h) (2005).

Custodial/Visitation Interference

It is a complete defense to a charge of custodial or visitation interference if a parent proves that his or her actions were taken to protect the child from an immediate and actual threat of physical or mental harm, abuse, or neglect. MICH. COMP. LAWS. SERV. § 750.350a(5) (2005).

MINNESOTA

General Provision

The "best interests of the child" analysis should include consideration of the effect of domestic abuse between the parents or between a parent and another individual on the child. MINN. STAT. §§ 518.17 subd. 1(12)-(13) (2004), 257.025(a)(12). However, conduct of a parent which does not affect the relationship with the child may not be considered. The court will presume that joint legal or physical custody is not in a child's best interest if there is a history of violence between the parents. MINN. STAT. § 518.17 subd. 2(d).

Custodial/Visitation Interference

It is a defense to a charge of custodial interference that a person reasonably believed that the action taken was necessary to protect the child from physical or sexual assault or substantial emotional harm. It is also a defense if the parent reasonably believed that the action taken was necessary to protect herself from physical or sexual assault. MINN. STAT. § 609.26 subd. 2(1)-(2) (2004).

MISSISSIPPI

General Provision

The court will presume that it is detrimental to the child to be placed in sole or joint custody of a parent who has a history of perpetrating family violence. MISS. CODE ANN. § 93-5-24(9)(a) (2005). If the court finds that both parents have committed acts of domestic violence, but that parental custody would be in the best interest of the child,

the court may award custody to the parent less likely to perpetrate family violence. MISS. CODE ANN. § 93-5-24(9)(b).

MISSOURI

General Provision

The court must consider the mental and physical health of all individuals involved, including any history of abuse of any individual involved in determining custody. If the court finds that it is in the child's best interest to be placed in the custody of the abusive parent, it must give a written explanation of its decision. § 452.375(2)(6) REV. STAT. MO. (2005). The court must factor the safety of the child, parent, or other family or household member when determining visitation rights. § 452.400(1) REV. STAT. MO. In a custody determination where the court finds that domestic violence has occurred, the court must show that the final custody or visitation arrangement protects the child and/or victim of domestic violence from further harm. § 452.375(13) REV. STAT. MO.

Custodial/Visitation Interference

It is an absolute defense to the crimes of parental kidnapping and child abduction that the parent was fleeing an incident or pattern of domestic violence. § 565.160 REV. STAT. MO. (2005).

MONTANA

General Provision

The court may consider physical abuse or the threat of physical abuse against a child or one parent against another when determining the best interest of the child for a parenting plan. MONT. CODE ANN. § 40-4-212(1)(f) (2004). The court may conduct a hearing to determine whether contact with a parent would be detrimental to the child's best interest where a parent has been convicted of such crimes as assault of a family member. MONT. CODE ANN. § 40-4-212(1)(l).

NEBRASKA

General Provision

In devising custody arrangements and visitation plans, the court must consider the best interests of the child, including credible evidence of abuse inflicted on any family or household member. NEB. REV. STAT. ANN. § 42-364(2)(d) 2005).

NEVADA

General Provision

When deciding what is in a child's best interest in a custody proceeding, the court must consider such factors as whether the parent seeking custody of the child has engaged in an act of domestic violence against the child, a parent of the child, or anyone residing with the child. NEV. REV. STAT. ANN. §§ 125.480(4)(c) (2004); 125C.230; 432B.157. The court will presume that custodial placement of the child with the abusive parent is not in the child's best interest unless the abusive parent can show that there is no danger to the child. NEV. REV. STAT. ANN. § 125.480(5). If both parents have engaged in acts of domestic violence, the court must determine who was the primary physical aggressor. If the court cannot make this determination, the presumption is against placement with either parent. NEV. REV. STAT. ANN. § 125.480(6).

Custodial/Visitation Interference

A person who detains, conceals, or removes a child to protect the child from imminent danger of abuse or neglect or to protect herself from imminent physical harm, and reports the detention, concealment, or removal to law enforcement or to a protective services agency within twenty-four hours or as soon as circumstances allow is not considered in violation of the custodial interference statute. NEV. REV. STAT. ANN. § 200.359(8) (204).

NEW HAMPSHIRE

General Provision

When a court finds that abuse has occurred, it must consider the abuse in determining whether joint custody would be appropriate. The court must make its decision regarding custody and visitation to best protect the child, the abused spouse, or both. N.H. REV. STAT. ANN. § 458:17(II)(c) (2004).

Custodial/Visitation Interference

It is a defense to the crime of custodial interference that a parent was acting in good faith to protect the child from real or imminent physical danger. This defense is not available if the parent charged with the offense has left the state with the child. N.H. REV. STAT. ANN. § 633:4(III)-(IV) (2004).

NEW JERSEY

General Provision

The court is directed to consider domestic violence and the safety of both parents and the child when making a custody determination. A parent will not be deemed unfit unless that parent's conduct has had a substantially adverse effect on the child. N.J. STAT. § 9:2-4(c) (2005).

Custodial/Visitation Interference

It is a defense to prosecution under the custodial interference law that the parent reasonably believed that the action was necessary to protect the child from imminent danger. It is also a defense when a parent who has custody reasonably believes that she is fleeing from imminent physical danger from the other parent. However, no defense is available if the parent, within 24 hours of taking the child, does not provide notice of the child's whereabouts to the police department, prosecutor, or to the Division of Human Services. N.J. STAT. § 2C:13-4(c)(1) (2005).

NEW MEXICO

General Provision

In determining the best interests of the child, the court will consider a judicial adjudication that either parent has engaged in one or more acts of domestic abuse against the child, the other parent, or another household member. N.M. STAT. ANN. § 40-4-9.1(B)(9) (2005). If the court finds that domestic abuse has occurred, the court must set forth findings that the custody or visitation order adequately protects the child, the abused parent, or household members.

Custodial/Visitation Interference

Good cause is a defense to the crime of custodial interference. N.M. STAT. ANN. § 30-4-4(B).

NEW YORK

General Provision

Acts of domestic violence are to be considered in determining the best interests of the child. N.Y. C.L.S. DOM. REL. LAW § 240 (2005).

Custodial/Visitation Interference

It is a defense that the child was abandoned or that taking the child was necessary in an emergency to protect the child from abuse or threatened abuse. N.Y. C.L.S. PENAL LAWS § 135.50(2) (2005).

NORTH CAROLINA

General Provision

In determining the best interests of the child, the court considers all relevant factors including acts of domestic violence between the parties, the safety of the child, and the safety of either party from domestic violence by the other party. N.C. GEN. STAT. § 50-13.2(a) (2005).

Absence or Relocation

If a parent is absent or relocates with or without the children because of an act of domestic violence, the absence or relocation shall not be a factor that weighs

against the parent in determining custody or visitation. N.C. GEN. STAT. § 50-13.2(b) (2005).

NORTH DAKOTA

General Provision

Domestic violence is a factor that the court must consider when determining the best interest of a child in a custody proceeding and visitation plan. The court will not award sole or joint custody to a parent who has perpetrated domestic violence unless that parent can demonstrate that the child's best interests require that person's participation as a custodial parent. The fact that the abused parent suffers from the effects of abuse may not be a ground for denying custody. N.D. CENT. CODE § 14-09-06.2(1)(j) (2005). Domestic violence is also a consideration in determining whether or not to grant unsupervised visitation. N.D. CENT. CODE § 14-05-22(3) (2005).

OHIO

General Provision

The court must consider whether either parent has been convicted of, or pled guilty to, the crime of domestic violence, another offense where the victim was a family or household member and was physically harmed by the offense, or child abuse. The court must also factor the potential for, or a history of, parental kidnapping. The court may allow joint custody in such a situation, if it is determined to be in the best interest of the child. OHIO REV. CODE ANN. § 3109.04(C), (F)(2)(c) (2005). Family violence and abuse is also considered in determining visitation rights. OHIO REV. CODE ANN. § 3109.051(D)(12), (F)(2).

Custodial/Visitation Interference

It is a defense to the charge of custodial interference that the actor believed that the removal of the child was necessary to preserve the child's health or welfare. OHIO REV. CODE ANN. § 2905.04(B).

OKLAHOMA

General Provision

The court shall consider evidence of ongoing domestic abuse. The court will assume that placement of a child with a parent who has a history of domestic abuse, or unsupervised visitation with the abusive parent, is not in the best interest of the child, unless the abusive parent can prove otherwise. 43 OKL. ST. § 112.2(A)(4) (2004); 10 OKL. ST. § 21.1(D).

OREGON

General Provision

The court is directed to consider spousal abuse between two parents and/or abuse against the child when making a custody determination. OR. REV. STAT. § 107.137(1)(d), (f) (2003). If a parent has committed abuse, there is a presumption that it is not in the best interest of the child to award sole or joint custody to the parent who committed the abuse. OR. REV. STAT. § 107.137(2). The court must also consider whether a continuing relationship with the other parent will endanger the health or safety of either parent or the child.

PENNSYLVANIA

General Provision

Each parent and adult household member's present and past violent and abusive conduct shall be considered by the court when making a custody or visitation determination. 23 PA. CONS. STAT. § 5303(a)(3) (2004).

Custodial/Visitation Interference

It is a defense to the crime of custodial interference that the parent believed that her actions were necessary to protect the child from danger to his or her welfare. 18 PA. CONS. STAT. § 2904(b)(1) (2004).

RHODE ISLAND

General Provision

The court must consider evidence of past or present

domestic abuse of all parties involved when making a custody or visitation determination. R.I. GEN. LAWS § 15-5-16(g)(1) (2004). If there is evidence of violence, the court will make custody and visitation arrangements to best protect the child or abused parent from further harm. R.I. GEN. LAWS § 15-5-16(g)(2).

Custodial/Visitation Interference

It is a defense to the felony of custodial interference that the parent was fleeing an incident or pattern of domestic violence. R.I. GEN. LAWS § 11-26-1.1(b)(3) (2004).

Absence or Relocation

The fact that a parent is absent or relocates because of an act of domestic violence by the other parent will not weigh against that parent in determining custody and visitation. R.I. GEN. LAWS § 15-5-16(g)(6) (2004).

SOUTH CAROLINA

General Provision

After issuing a domestic violence order of protection, the court may make temporary custody decisions about all minor children living in the homes of all parties involved in order of protection. S.C. CODE ANN. § 20-4-60(c)(1) (2004).

TENNESSEE

General Provision

In determining the best interests of the child, the court will consider evidence of physical or emotional abuse of the child, the other parent, or any other person. TENN. CODE ANN. § 36-6-106.

Absence or Relocation

If a parent relocates due to the other parent's commission of child abuse or child sexual abuse, the court will not consider the relocation in determining custody. TENN. CODE ANN. § 36-6-106 (2005).

TEXAS

General Provision

When making a sole custody determination, the court must consider the intentional use of abusive physical force by a parent against a spouse or a child under eighteen years old committed within two years preceding the filing for divorce or annulment, or while the suit is pending. If there is a history of neglect, child abuse/sex abuse, or domestic violence against another parent or spouse, the court will not grant joint custody. The court may deny visitation to a parent who has committed family violence. TEX. FAM. CODE § 153.004 (2004).

UTAH

General Provision

The court must consider past conduct and the demonstrated moral standards of both parents and the best interest of the child when making a custody determination. UTAH CODE ANN. §§ 30-3-10(1) (2005), 30-6-4.2(2)(f).

Custodial/Visitation Interference

Good cause is a defense to taking, enticing, concealing, or detaining a child from his or her lawful custodian. UTAH CODE ANN. § 76-5-303(1)-(2) (2005).

VERMONT

General Provision

After the separation or divorce of two parents, it is in the best interest of the child to have the maximum contact with both parents, unless direct physical harm or significant emotional harm is likely to result from that contact. 15 VT. STAT. ANN. § 665 (2004). The court will consider evidence of abuse, and the impact the abuse has on the child, and on the relationship between the child and abusing parent. 15 VT. STAT. ANN. § 665(b)(9).

Custodial/Visitation Interference

It is a defense to the charge of keeping a child from a

lawful custodian that the person charged with the offense was acting in good faith to protect the child from real and imminent physical danger. Evidence of good faith includes, but is not limited to, filing a petition documenting the danger and seeking to modify the custodial decree within 72 hours of the termination of visitation rights. The defense is not available if the person charged has left the state with the child. 13 VT. STAT. ANN. § 2451(c) (2004).

VIRGINIA

General Provision

When determining what is in the best interest of the child in a custody proceeding, the court must consider any history of family abuse. VA. CODE ANN. § 20-124.3(9) (2004).

VIRGIN ISLANDS

General Provision

After issuing a domestic violence protective order, the court may make decisions regarding custody, child support, and visitation, provided those issues are not at the time being litigated or are already resolved. The court is directed to take all necessary steps to protect the safety and well-being of the plaintiff and minor children. 16 V.I. CODE ANN. § 97(b)(4) (2005).

WASHINGTON

General Provision

The court will limit the amount of residential time a parent has with a child if the parent, or another person residing with the parent, has a history of domestic violence that has resulted in grievous bodily harm or the fear of such harm. The court must act to protect the child from physical, sexual, or emotional abuse or harm that could result from contact with an abusive parent. REV. CODE WASH. (ARCW) § 26.09.191 (2005).

Custodial/Visitation Interference

It is a complete defense in a prosecution of custodial interference that the parent reasonably believed that she or the child were in danger of imminent physical harm and that the parent sought the help of the police, protective agencies, or courts before or after taking the child. REV. CODE WASH. (ARCW) § 9A.40.080(2)(a) (2005).

WEST VIRGINIA

General Provision

The court may deny joint custody where it would be manifestly harmful to the child, and will allocate custodial responsibility based on the child's best interests. W. VA. CODE § 48-9-206(b) (2005). In doing so, the court will consider a history of domestic violence and child abuse. W. VA. CODE § 48-9-209(a)(1), (3). If a parent has engaged in domestic abuse, the court may not allocate custodial responsibility to that parent without making written findings that the child and other parent can be adequately protected from harm. W. VA. CODE § 48-9-209(c).

Custodial/Visitation Interference

It is a defense that the parent reasonably believed removing the child was necessary to preserve the welfare of the minor. W.VA. CODE § 61-2-14d(c) (2005).

WISCONSIN

General Provision

The court may grant sole legal custody when the parents would not be able to engage in cooperative decision-making. Evidence of interspousal battery creates a presumption that parents will not be able to cooperate in making decisions. WIS. STAT. ANN. § 767.24(2)(b)(2)(c) (2004).

Custodial/Visitation Interference

It is a defense that the parent, or a person authorized by the parent, acted to protect the child from imminent

physical harm or sexual assault. It is also a defense that the action was taken by a parent fleeing from imminent physical harm to herself. WIS. STAT. ANN. § 948.31(4)(a)(1)-(2) (2004).

WYOMING

General Provision

The court assumes that domestic abuse is contrary to the best interest of the child when making custody and visitation determinations in divorce proceedings. If there is evidence of domestic violence, the court must arrange visitation in such a manner that best protects the child and the abused spouse from further harm. WYO. STAT. §§ 20-2-112(b) (2004), 20-2-201(c).

Custodial/Visitation Interference

It is a defense that the parent's action was necessary to preserve the child from an immediate danger to his or her welfare. WYO. STAT. § 6-2-204(c)(i) (2004).

Interstate Custody: Understanding the UCCJA, the UCCJEA and the PKPA

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A battered woman and her advocates will often find themselves involved in a custody dispute that involves more than one state. These disputes may arise after a woman crosses state lines with her children to flee an abusive situation. They may also be the result of an abusive parent kidnapping the couple's children, or filing a lawsuit for custody in one state while the woman and children are temporarily visiting a second state. In these and other situations, it is important to understand the laws that govern interstate custody.

What are the UCCJA, the UCCJEA and the PKPA?

UCCJA stands for the Uniform Child Custody Jurisdiction Act.⁶⁸ It is a set of guidelines created in 1968 to help foster uniformity between the states with respect to child custody and enforcement laws. These guidelines have been adopted in some form by all 50 states. **UCCJEA** stands for the Uniform Child Custody Jurisdiction and Enforcement Act.⁶⁹ The UCCJEA is a new model of the UCCJA that was issued in 1998. As of July 2005, forty-four states have adopted it, and it is expected that many other states will adopt it over the next few years.⁷⁰ The UCCJA/EA are only useful if your state has adopted them. **PKPA** stands for the Parental Kidnapping Prevention Act.⁷¹ It is a federal law that allows one state to honor and enforce the custody determination of another state, as long as the PKPA's requirements are satisfied.

What is the difference between the UCCJA/EA and the PKPA?

There are some important differences between the UCCJA, the UCCJEA and the PKPA. The UCCJA does not give preference to the child's home state (state where the child has lived for six months prior to the custody case) in determining which state has the power to make decisions in a child custody dispute.⁷² The PKPA does.⁷³ Also, the PKPA provides that once a state has made a custody determination, it has the exclusive power to continue to make all custody determinations as long as one party in the dispute remains in the state. The UCCJA is less clear about whether more than one state could have the power to make custody decisions at a given time.⁷⁴ For those states that have adopted the UCCJEA, these differences are reconciled. The UCCJEA adopts the provisions of the PKPA that clarify which state can make custody decisions when more than one state is involved.⁷⁵ It also creates new enforcement provisions requiring states to enforce the custody and visitation determinations of other states.⁷⁶

When may the UCCJA/EA or the PKPA become a factor in a custody/visitation case where domestic violence is an issue?

The UCCJA, UCCJEA, and PKPA help courts determine which state has the authority to make a custody decision when the children and their parents do not all live in the

same state. They do not provide guidelines to help courts determine who gets custody or what kind of visitation arrangements should be made. The most common circumstances in which the UCCJA/EA and/or the PKPA will apply are:

- § where a battered woman and her child flee to another state without a custody/visitation order or in violation of a custody/visitation order; or
- § where a batterer abducts the child in violation of a custody/visitation order.

Why is an understanding of the UCCJA/EA and the PKPA important in child custody and visitation cases where domestic violence is an issue?

These are the provisions that a court will look to in determining whether it has the power to hear an interstate custody case. Battered women must be aware that fleeing with a child for safety reasons will not automatically justify removal of the child in the eyes of the court. Similarly, a battered women whose child is abducted by the batterer must be armed with the legal basis for securing the return of the child, because the longer the child is in a different state, the harder it may be to secure the child's return.

How does a court decide whether it can hear a case under the UCCJA/EA or the PKPA?

A court must first decide whether it has jurisdiction, or power, over the case. The first question is whether any other state has grounds to hear a case. If so, the court cannot make a custody decision. This is because of the provisions that grant jurisdiction to only one state. Two states cannot both rule in the same custody case.

If no other state has jurisdiction, then a court must determine if it has the power to make the custody decisions. In child custody matters where domestic violence is an issue, there are two types of jurisdiction most likely to serve as the basis for a court hearing a case under the UCCJA/EA or the PKPA. They are *home state jurisdiction* and *emergency jurisdiction*.⁷⁷

§ **Home state jurisdiction:** A *home state* is the state where the child has lived with a parent or an acting parent for at least six consecutive months immediately before the commencement of a child custody proceeding, or from the child's birth until the commencement of the proceeding, if the child is less than six months old.⁷⁸ Under the UCCJEA and the PKPA, jurisdiction based on the *home state* of the child has priority over all other bases for jurisdiction.⁷⁹

§ **Emergency jurisdiction:** *Emergency jurisdiction* is the temporary power of a court to make decisions in a case to protect a child from harm.⁸⁰ In custody/visitation matters where domestic violence is an issue, a court may decide to exercise "emergency" jurisdiction to protect a battered woman and her child. This type of jurisdiction is temporary and is invoked solely for the purpose of protecting the child until the state that has jurisdiction enters an order. Therefore, an order issued by a court exercising *emergency jurisdiction* is not a permanent order regarding custody/visitation.

What if I am only asking the court to modify an existing custody order?

The UCCJA/EA and the PKPA apply in cases where a person is seeking a modification of a custody/visitation order. A court must meet the standards required for exercising either *home state* or *emergency jurisdiction* before it can modify the order.

Can a court reject my request to exercise jurisdiction in my case?

Yes. Under the UCCJA/EA and the PKPA, a court may decline to hear a case if it appears that the requesting party has "unclean hands"-- for example, if a person who alleges safety concerns merely as a pretext for bringing a custody matter in another state. Being prepared to present testimony and other evidence as recommended in this kit will help you to state your case and avoid a denial of jurisdiction on this basis.

The Impact of Domestic Violence On Children

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I. Overview

In recent decades, our society has slowly and reluctantly begun to lift the veil of secrecy surrounding family life and intimate relationships to reveal the shocking pervasiveness of domestic violence. Studies have shown that more women are abused by their husbands or boyfriends each year than are injured in car accidents, muggings, or rape.⁸¹ Nearly one in every three adult women experiences at least one physical assault by a partner during adulthood.⁸² An estimated 4 million American women experience a serious assault by an intimate partner during an average year.⁸³ Although these statistics reflect the large number of women who are battered by their intimate partners, the numbers only begin to account for the population of women who suffer from domestic violence, which frequently includes psychological abuse and patterns of coercion and control that may not be reflected in these statistics. Women who experience domestic violence fail to report the crime to law enforcement personnel six times more often than do women who experience violence that is perpetrated by a stranger.⁸⁴

II. Spouse Abuse and Child Abuse

Psychological studies have found a significant overlap between spouse abuse and child abuse. For example, one survey found that 45% of assaults on women are accompanied by physical assaults on a child in the family,⁸⁵ and an article revealed that in 30% to 60% of families where either child abuse or spouse abuse was identified, the other form of violence was also present.⁸⁶

III. Children Caught in the Crossfire

Whether they are the intended targets of the abusive parent or not, children are harmed both physically and psychologically by the abuse of their mothers. Batterers often deliberately abuse children both physically and verbally, in order to hurt and control the mothers. Children are also accidentally harmed by blows or flying objects aimed at their mothers, by seeing their mothers abused, and by the constant disruption that such abuse causes. There are several additional ways that children experience adult domestic violence. These include hitting or threatening a child while in its mother's arms, taking the child hostage in order to force the mother to return to the home, forcing the child to watch assaults against the mother or to participate in the abuse, and using the child as a spy or interrogating him or her about the mother's activities.⁸⁷ Children are also told by their abusive fathers that if not for their mother's behavior their families would be together.⁸⁸ This is frequently an attempt to put pressure on the mother through the children to return to the batterer or to drive a wedge between the mother and her children.⁸⁹

IV. Witnessing the Aftermath of Violence

In addition to seeing, hearing, or being directly subjected to physical violence, many women and their children describe the aftermath of a violent event as traumatic. Children may be forced to see their mother injured and in need of help, may have to live with a father who alternates between physical violence and loving care, may witness

police intervention to remove a father from the home, or may have to move to a shelter for battered women.⁹⁰ They may observe blood, bruises, torn clothes, broken glass, and injuries to their mother's person as well as experience an atmosphere of tension and fear in their homes.⁹¹ Any definition of "witnessing violence" must include all of these various ways in which children experience a violent event.⁹² They may see the violence or be used as a part of it. Even when they are not present, children often are aware of the violent event and experience its aftermath.⁹³

Reports by battered mothers indicate that 87% of children witness the abuse.⁹⁴ Many children actually see their father, stepfather, or mother's boyfriend not only beat their mothers but rape them as well.⁹⁵ Although some parents believe that they succeed in shielding their children from the batterer's aggression, children often provide detailed accounts of the very events which adults report they did not witness.⁹⁶ Reports by children and by adults of their memories of childhood experiences indicate that parents severely underestimate the extent to which their children are exposed to violence.⁹⁷

V. Physical and Emotional Effects of Domestic Violence on Children

Subjecting children to their mother's victimization is a form of emotional abuse. Exposure to threats of injury, suicide attempts, verbal assault, and threats to kill evoke in children a combination of intense feelings,⁹⁸ including: fear that their mother will be killed, guilt at not stopping the violence, divided loyalties, and anger at their mother for not leaving.⁹⁹ Even one episode of violence can produce post-traumatic stress disorder in children.¹⁰⁰ Batterers must be held responsible for causing such trauma in children.¹⁰¹

Studies indicate that children who witness their fathers

beating their mothers suffer emotional problems, including slowed development, sleep disturbances, and feelings of helplessness, depression, and anxiety. Many of these children exhibit more aggressive, antisocial, fearful, and inhibited behaviors. They also show lower social competence than other children.¹⁰² Children from homes where their mothers were abused have also shown less skill in understanding how others feel and in examining situations from the other's perspective when compared to children from non-violent households.¹⁰³

Research has found that many of these children also suffer somatic symptoms. They are hospitalized more, have more colds and sore throats, and are more prone to bedwetting than children from homes without violence.¹⁰⁴

Witnessing abuse as a child also has long-term effects. In one study, witnessing violence as a child was associated with adult reports of depression, low self-esteem among women, and trauma-related symptoms among men.¹⁰⁵ Studies also indicate that growing up with domestic violence increases the likelihood that a child will grow up to abuse his spouse.¹⁰⁶

VI. Abuse by Battered Women

Battered women may displace their anger at their abusers onto their children. In one study, sixteen percent of women who lived with an abusive man reported that they directed their anger toward their children. Five percent expressed this anger through violence.¹⁰⁷ However, data from the National Center for Child Abuse and Neglect show that where there is child abuse concurrent with spouse abuse, 70% of the violence is committed by the man.¹⁰⁸ In most cases of child abuse, removing the children from the batterer's environment and placing them with the mother ends the abuse.¹⁰⁹

Select Bibliography on Domestic Violence and Child Custody

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Organizations and Resources List

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This list has been compiled to aid women with legal issues arising from domestic violence, including child custody. The groups below provide information and referrals, as well as many other services. This list, however, is not comprehensive. For more local referrals, contact the organizations listed for your state. Additionally, please contact us at (212) 925-6635 if you discover that any part of this list is out of date or if you know of a resource that should be included.

INTERNATIONAL RESOURCES

Hot Peach Pages

<http://www.hotpeachpages.net>

Worldwide list of agencies against domestic violence, global inventory of hotlines, shelters, refuges, crisis centers and women's organizations, searchable by country, along with an index of domestic violence resources in over 60 languages

Women Against Violence Europe (W.A.V.E.)

<http://www.wave-network.org>

A network of European women's non-governmental organizations working to combat violence against women and children; currently the network focuses specifically on violence in the family and intimate relationships

Global List of Women's Organizations

www.distel.ca/womlist/womlist.html

A comprehensive list of women's organizations, sorted by country or territory; some links to agencies

NATIONAL RESOURCES

American Bar Association Commission on Domestic Violence

740 15th St., N.W.

Washington, DC 20005

(202) 662-1744

www.abanet.org/domviol

Training and educational materials for attorneys and other

professionals who serve victims of domestic violence

Ayuda, Inc.

1736 Columbia Rd., N.W.

Washington, DC 20009

(202) 387-4848

www.aiudainc.org

Community-based legal services, advocacy and education for foreign-born, low-income people in the areas of immigration and domestic violence; bilingual and culturally sensitive services

Battered Women's Justice Project

Criminal Justice Center

2104 4th Ave. South, Suite B

Minneapolis, MN 55404

Civil Justice Office

1601 Connecticut Ave NW, Suite 500

Washington, DC 20009

Defense Office

125 S.9th St., Suite 302

Philadelphia, PA 19107

(800) 903-0111

www.bwjp.org

Promotion of systemic change within community organizations and governmental agencies engaged in the civil and criminal justice response to domestic violence; a collaborative effort of Minnesota Program Development, Inc., The Pennsylvania Coalition Against Domestic Violence and The National Clearinghouse for the Defense of Battered Women

Family Violence Prevention Fund

383 Rhode Island St., Suite 304

San Francisco, CA 94103

(800) 595-4889

(415) 252-8900

www.endabuse.org

Legislative lobbying, promotion of community leadership, work with health care providers, police, judges and employers

Health Resource Center on Domestic Violence, Family Violence Prevention Fund

(888) 792-2873

Support to those interested in developing a comprehensive health care response to domestic violence

National Violence Against Women Prevention Research Center

125 S. 9th St.

P.O. Box 250852

Philadelphia, PA 19107

(215) 351-0010

(800) 903-0111 ext. 3

<http://dpa.state.ky.us/library/advocate/mar98/battered.html>

Work with battered women who have been charged with a crime or are in prison

National Crime Victims Research and Treatment Center

Department of Psychiatry, USC

165 Cannon St., #310

Charleston, SC 29425

(843) 792-2945

www.vawprevention.org

www.musc.edu/cvc

Sponsored by the Centers for Disease Control and Prevention; prevention of violence against women through public education, research and a collaboration of advocates, practitioners, policy makers and researchers

National Domestic Violence Hotline

P.O. Box 161810

Austin, TX 78716

(800) 799-7233 (hotline open 24 hours, 7 days a week)

www.ndvh.org

Database of more than 4,000 shelters and service providers across the United States, Puerto Rico, Alaska, Hawaii and the U.S. Virgin Islands

National Network to End Domestic Violence

660 Pennsylvania Ave., S.E., Suite 303

Washington, DC 20003

(202) 543-5566

www.nnedv.org

Legislative lobbying and impact litigation; website provides links to state domestic violence coalitions and other organizations

National Runaway Switchboard

3080 N. Lincoln Ave.

Chicago, IL 60657

(773) 880-9860

(800) RUNAWAY (switchboard)

www.nrscrisisline.org

Facilitates relationships to ensure that youth and families have access to resources in their communities through education, support and collaboration with volunteers

National Center for Victims of Crime

2000 M St., N.W., Suite 480

Washington, DC 20036

(202) 467-8700

(800) 394-2255 (helpline)

www.ncvc.org

Comprehensive victims' services referral program for shelters, criminal and juvenile justice departments, prosecutors, victim survivor groups, advocacy organizations and victim compensation offices; stalking resource center, training institute, teen victim project, outreach and publications

Rape, Abuse and Incest National Network (RAINN)

635-B Pennsylvania Ave., S.E.
Washington, DC 20003
(800) 656-4673
www.rainn.org
Programs that prevent sexual assault, support for victims

National Council of Juvenile & Family Court Judges:
Family Violence Department

P.O. Box 8970
Reno, NV 89507
(800) 527-3223
www.ncjfcj.org/dept/fvd
Improvement of the ways in which courts, law enforcement, agencies and others respond to family violence, with the ultimate goal of improving the lives of domestic violence victims and their children

STATE RESOURCES

Alabama

Alabama Coalition Against Domestic Violence

P.O. Box 4762
Montgomery, AL 36104
(334) 832-4842
www.acadv.org
Training for local programs, referrals to statewide programs and shelters

Alabama Coalition Against Rape

207 Montgomery St.
Montgomery, AL 36104
(334) 264-0123
www.acar.org
Rape counseling, including marital rape
Alabama Coalition Against Domestic Violence Crisis Line
(800) 650-6522
Shelter for abused women and children; counseling for domestic violence victims, sexual abuse victims, and adult survivors of incest; no legal services

YWCA's 24-hour Domestic Violence Crisis Line

P.O. Box 11865
Birmingham, AL 35202
(205) 322-4878
www.ywcaham.org/DVRes/programs.asp
Part of YWCA, court advocacy, dating violence programs, support groups for children and adults, individual domestic violence counseling, shelters for women and their children, economic aid for women fleeing dangerous situations

Domestic Violence Intervention Center

P.O. Box 1104
Auborn, AL 36831-1104
(334) 749-1515
(800) 650-6522
www.geocities.com/dvic2/
Emergency shelters, out-of-shelter counseling services, support groups, legal advocacy, referrals to Legal Aid or private attorneys

Alaska

Alaska Network on Domestic Violence and Sexual Assault

130 Seward St., Room 209
Juneau, AK 99801
(888) 988-3725
www.andvsa.org
State network of local centers, referrals, lobbying, legal advocacy project

Alaska Council on Domestic Violence and Sexual Assault

P.O. Box 111200
Juneau, AK 99811
(907) 465-4356
www.dps.state.ak.us/cdvsa/asp/
Referrals, batterers' intervention programs, victims' services through shelters, pro bono attorney services

Alaska Network on Domestic Violence and Sexual Assault Legal Advocacy Project

130 Seward Street, Rm. 209

Juneau, AK 99801

(907) 586-3650

www.andvsa.org/legal.htm

Civil legal services for victims of domestic violence and sexual assault, pro bono program

Alaska Women's Resource Center

610 C St., Suite 2A

Anchorage, AK 99501

(907) 276-0528

www.alaskawomensresourcecenter.org

www.awrconline.org

Legal referrals, general information, parenting classes, domestic violence counseling, home visit program, vocational counseling, substance abuse counseling, no shelter

Abused Women's Aid in Crisis

100 W. 13th Ave.

Anchorage, AK 99501

(907) 279-9581

(907) 272-0100 (hotline open 24 hours, 7 days a week)

www.awaic.org

Shelter, support and educational groups, case management services, legal advocacy, a good connection with Alaska Legal Services

Standing Together Against Rape

1057 W. Fireweed Lane, Suite 230

Anchorage, AK 99503

(907) 276-7279

(800) 478-8999 (hotline open 24 hours, 7 days a week)

(907) 276-7273 (hotline)

www.star.ak.org

Website provides a list of local shelters

Northwest Women's Law Center

3161 Elliott Ave., Suite 101

Seattle, WA 98121

(206) 682-9552

(206) 621-7691 (referral line)

www.nwwlc.org

Information and referrals about family law and discrimination, impact litigation, self-help programs
Serves Alaska, Idaho, Montana, Oregon, and Washington

Arizona

Arizona Coalition Against Domestic Violence

301 E. Bethany Home Rd., Suite C194

Phoenix, AZ 85012

(602) 279-2900

(800) 782-6400

www.azcadv.org

Legal advocacy and referrals, training department

CASA – Center for Prevention of Abuse and Violence

77 E. Thomas, Suite 112

Phoenix, AZ 85012

(602) 254-6400

www.casacares.org

Prevention classes, counseling, collaboration with some law firms, no shelter

Against Abuse

P.O. Box 10733

Casa Grande, AZ 85230

(520) 836-1239

(520) 836-0858 (hotline open 24 hours, 7 days a week)

Legal advocates, work with Legal Aid, counseling, case management, legal services for child custody

Family Advocacy Center

2120 N. Central Ave., Suite 250

Phoenix, AZ 85004

(602) 534-2120

(888) 246-0303

<http://phoenix.gov/CIT2ASST/fac.html>

For victims of crime, including domestic violence; assistance with orders of protection, crisis counseling, information and referral service, legal advocacy, shelter

access, support at court, support groups, medical services and examinations

Tucson Centers for Women and Children

2545 E. Adams St.
Tucson, AZ 85716
(520) 795-8001
(888) 428-0101 (hotline open 24 hours, 7 days a week)
(520) 795-4266 (hotline)
www.tucsoncenters.com

Two shelters in Pima County for women and children, counseling, case management, information and referrals, advocacy, children's center

Arkansas

Arkansas Coalition Against Domestic Violence

1401 W. Capitol, Suite 170
Little Rock, AR 72201
(800) 269-4668
(501) 907-5612
www.domesticpeace.com

Training and technical assistance, forums, public education, lending library; website provides information about local shelters

Project for Victims of Family Violence

P.O. Box 1923
Fayetteville, AR 72702
(479) 442-9811 (hotline open 24 hours, 7 days a week)
Shelter, advocacy for women and children, referrals to pro bono attorneys

Women and Children First

P.O. Box 1954
Little Rock, AR 72203
(501) 376-3219
(800) 332-4443 (hotline open 24 hours, 7 days a week)
Shelter for women and children, referrals to Legal Aid, life skills training, job assessment, GED classes, no child custody work

California

California Alliance Against Domestic Violence

926 J St., Suite 210
Sacramento, CA 95814
(916) 444-7163
(800) 524-4765
www.caadv.org

Coalition represents about 100 California organizations responding to the needs and interests of battered women

Statewide California Coalition for Battered Women

P.O. Box 19005
Long Beach, CA 90807-9005
(562) 981-1202
(888) 722-2952
www.sccbw.org

Coalition of advocates and agencies throughout California dedicated to stopping domestic violence; website provides links to domestic violence crisis hotlines and a family violence referral directory

Family Violence Law Center

P.O. Box 22009
Oakland, CA 94623
(510) 208-0220
(510) 208-0255 (hotline open 24 hours, 7 days a week)
www.fvlc.org

Counseling, referrals, help with obtaining restraining orders, accompany victims to court

California Women's Law Center

3460 Wilshire Blvd., Suite 1102
Los Angeles, CA 90010
(213) 637-9900
www.cwlc.org

Although mainly a public policy organization, also provides advocacy, outreach, educational materials and legal referrals

Next Door: Solutions to Domestic Violence Legal Advocacy Program

234 E. Gish Rd., Suite 200
San Jose, CA 95112
(408) 501-7550
(408) 279-2962 (hotline open 24 hours, 7 days a week)
www.nextdoor.org
Support groups for women, children's groups, one-on-one counseling, safe home for women and children in emergency situations, batterer's intervention program, teen groups, accompany victims to court when trying to obtain protective orders

Colorado

Colorado Coalition Against Domestic Violence

P.O. Box 18902
Denver, CO 80218
(303) 831-9632
(888) 778-7091
www.ccadv.org
Statewide agency that coordinates services for domestic violence victims and their families

T*E*S*S*A

320 S. El Paso St.
P.O. Box 2662
Colorado Springs, CO 80901
(719) 633-3819 (hotline open 24 hours, 7 days a week)
(719) 633-1462
Shelter for women and children, referrals to Colorado Legal Services, help in obtaining protection orders, domestic violence classes for women and children, antiviolence program, empowerment program

Denver Victim Service Center

P.O. Box 18975
Denver, CO 80218
(303) 860-0660
(303) 894-8000 (hotline open 24 hours, 7 days a week)
Counseling, support groups, advocacy, help with restraining orders, referrals to shelters and legal advisors

Project Safeguard

815 E. 22nd Ave.
Denver, CO 80205
(303) 863-7416
Denver County: (303) 863-7233 (hotline open 24 hours, 7 days a week)
Arapaho County: (303) 344-9016 (hotline open 24 hours, 7 days a week)
Adams County: (303) 637-7761 (hotline open 24 hours, 7 days a week)
Broomfield County: (720) 887-2179 (hotline open 24 hours, 7 days a week)
Help with obtaining temporary restraining orders and permanent restraining orders, pro se divorce and custody clinics for battered women, community education, legal advocacy

Connecticut

Connecticut Coalition Against Domestic Violence

90 Pitkin St.
East Hartford, CT 06108
(860) 282-7899
(888) 774-2900 (hotline open 24 hours, 7 days a week)
www.ctcadv.org
Statewide network of community-based programs providing shelter, support and advocacy to battered women and their children; website includes list of local shelters

Domestic Violence Services of Greater New Haven

P.O. Box 1329
New Haven, CT 06505
(203) 865-1957
(203) 789-8104 (hotline open 24 hours, 7 days a week)
(888) 774-2900
www.dvsgnh.org
Individual counseling, support groups, community education, emergency shelter, children's program, family violence victim advocacy program, pro se temporary restraining order program

Delaware

Delaware Coalition Against Domestic Violence

100 W. 10th St., Suite 703
Wilmington, DE 19801
(302) 658-2958
Hotlines based in shelters:
(302) 762-6110 (New Castle County)
(302) 422-8058 (Kent & Sussex Counties)
(302) 745-9874 (serving immigrants and Hispanics)
www.dcadv.org
Victim counseling and support services; website includes information about local shelters and advocacy services

Delaware Helpline

(800) 464-4357 (instate) (Monday-Friday 7:30am-6pm)
(800) 273-9500 (out-of-state)
www.delawarehelpline.org
Information on state government agencies and referrals to community resources

Domestic Violence Advocacy Center

P.O. Box 922
Dover, DE 19903
(302) 739-6552 (Kent)
(302) 856-5843 (Sussex)
Referrals, shelter, support for court proceedings, accompany victims to hearings, good ties with Legal Aid, offices located in Family Court building

District of Columbia

D.C. Coalition Against Domestic Violence

1718 P St., N.W., Suite T-6
Washington, DC 20036
(202) 299-1181
www.dccadv.org
Individual and systems advocacy, research, local and national resources on domestic violence, Victim Advocacy Program, Targeted Offender Program, Supporting Our Survivors Center, coalition-building projects

Florida

Florida Coalition Against Domestic Violence

425 Office Plaza Dr.
Tallahassee, FL 32301
(850) 425-2749
(800) 500-1119
(800) 621-4202 (TTY)
www.fcadv.org
Safety planning, legal assistance, public benefits information, special projects for elderly victims of domestic violence, services for immigrants, list of local domestic violence shelters

Women In Distress of Broward County, Inc.

P.O. Box 676
Ft. Lauderdale, FL 33302
(954) 760-9800
(954) 761-1133 (hotline open 24 hours, 7 days a week)
www.womenindistress.org
Advocacy, counseling, shelter, childcare services locations

Georgia

Georgia Coalition Against Domestic Violence

3420 Norman Berry Dr., Suite 280
Atlanta, GA 30354
(404) 209-0280
(800) 33-HAVEN
www.gcadv.org
Statewide member-based organization committed to eliminating violence against women by promoting systems change and supporting intervention programs

Georgia Coalition on Family Violence, Inc.

1827 Powers Ferry Rd., Bldg. 3
Suite 325
Atlanta, GA 30339
(770) 984-0085
(800) 33-HAVEN
www.4women.gov/violence

Information on domestic and intimate partner violence, dating violence, sexual assault and abuse, and elder abuse

Project Safe

P.O. Box 7532
Athens, GA 30604
(706) 543-3331 (hotline open 24 hours, 7 days a week)
www.project-safe.org
Shelter, referrals, support groups, community education and trainings

Partnership Against Domestic Violence

619 Edgewood Ave, Suite 101
Atlanta, GA 30312
(404) 873-1766 (Fulton County)
(770) 963-9799 (Gwinnett County)
(800) 334-2836 (hotline open 24 hours, 7 days a week)
(404) 870-9600
www.padv.org
Emergency shelter for women and their children, children and youth program, transitional services, legal advocacy, community support groups for women, parenting groups, community outreach, welfare assistance, services to women with disabilities

Southside Legal Center

250 Georgia Ave., S.E.
Atlanta, GA 30312
(404) 688-5512
Pro bono legal services for family law

Hawaii

Hawaii State Coalition Against Domestic Violence

716 Umi St., #210
Honolulu, HI 96819
(808) 832-9316
Hotlines open 24 hours a day, 7 days a week:
(808) 841-0822 (Oahu)
(808) 959-8864 (Hilo)
(808) 245-8404 (Kauai)
(808) 322-7233 (Kona)

(808) 579-9581 (Maui/Lanai)
(808) 567-6888 (Molokai)
www.hscadv.org (contains a list of 24-hour shelters on each island)
Coalition comprised of the directors of spousal abuse shelters and psycho-educational counseling programs for victims and perpetrators of spouse abuse, the Victim Witness Assistance Division of the Honolulu Prosecutor's Office and the Domestic Violence Clearinghouse and Legal Hotline

Domestic Violence Clearinghouse and Legal Hotline

P.O. Box 3198
Honolulu, HI 96801
(808) 531-3771
www.stoptheviolence.org
Legal hotline services, legal information and referrals for child custody, help with restraining orders, child support, and counseling

Idaho

Idaho Coalition Against Sexual Assault and Domestic Violence

815 Park Blvd., Suite 140
Boise, ID 83702
(208) 384-0419 (8:00 a.m. - 5:00 p.m.)
(888) 293-6118 (in-state)
www.idvsa.org
Education, assistance and support to individuals, programs and organizations

The Women's Center Alternatives to Domestic Violence Program

2201 N. Government Way, Suite E
Couer d'Alene, ID 83814
(208) 664-9303
(208) 664-1443 (hotline open 24 hours, 7 days a week)
www.nican.org/womenscenter/shelter.html
Advocacy for domestic violence and sexual assault victims, counseling for children and adults, support groups, shelter for women and children, no child custody services

Volunteer Lawyers Program

P.O. Box 895
Boise, ID 83702
(208) 334-4510
(800) 221-3295 (in-state) (8:00 a.m. – 5:00 p.m., Monday-Friday)
www2.state.id.us/isb/pub_info/ivlp.htm
Representation in civil cases, including divorce and custody

Northwest Women's Law Center

3161 Elliott Ave., Suite 101
Seattle, WA 98121
(206) 682-9552
(206) 621-7691 (referral line)
www.nwwlc.org
Information and referrals about family law and discrimination, impact litigation, self-help programs
Serves Alaska, Idaho, Montana, Oregon, and Washington

Illinois

Illinois Coalition Against Domestic Violence

801 S. 11th St.
Springfield, IL 62703
(217) 789-2830
(217) 241-0376 (TTY)
www.ilcadv.org
Statewide training of service providers, information and referral to local resources, technical assistance, public education materials, lending library, public policy work

The Women's Center, Inc.

610 S. Thompson
Carbondale, IL 62901
(618) 549-4807
(800) 334-2094 (hotline open 24 hours, 7 days a week)
Legal services and advocacy, counseling, children's programs with therapist, shelter for women and children, no child custody work

Oasis Women's Center

111 Market St.
Alton, IL 62002
(618) 455-1978 (Statewide) (hotline open 24 hours, 7 days a week)
(800) 244-1978 (Alton area only)
Shelter for women and children, legal advocates, no child custody work

Jane Adams Hull House: Uptown Center

4520 N. Beacon St.
Chicago, IL 60640
(773) 561-3500
www.hullhouse.org
Domestic violence court advocacy program, family care, Head Start, women's counseling center

Mercer County Family Crisis Center

110 N.W. Third Ave.
Aledo, IL 61231
(309) 582-7233 (hotline open 24 hours, 7 days a week)
Child advocacy, referrals to housing and children's services, legal advocacy

Indiana

Indiana Coalition Against Domestic Violence/Sexual Assault

1915 W. 18th St.
Indianapolis, IN 46202-1016
(317) 917-3685
(800) 538-3393
(800) 332-7385 (hotline open 24 hours, 7 days a week)
www.violenceresource.org
Information and referrals, advocacy, technical assistance to shelters, training, monitoring of batterers' intervention programs, public awareness and legislative campaigns

Albion Fellows Bacon Center

P.O. Box 3164
Evansville, IN 47731
www.albionfellowsbacon.org

(800) 339-7752 (hotline open 24 hours, 7 days a week)
(812) 422-5622 (domestic violence hotline open 24 hours a day, 7 days a week)
(812) 424-7273 (sexual assault hotline open 24 hours a day, 7 days a week)
Shelter for women and children, individual and support group counseling, legal and peer advocacy program, children's program, information and referrals, community outreach programs

Turning Point Domestic Violence Services

P.O. Box 403
Columbus, IN 47201
(812) 379-9844
(800) 221-6311 (hotline open 24 hours, 7 days a week)
Shelter, advocacy for sexual assault and domestic violence victims, staff attorney who can provide advocacy and advice

Iowa

Iowa Coalition Against Domestic Violence

2603 Bell Ave., Suite 100
Des Moines, IA 50321
(515) 244-8028
(800) 942-0333 (state hotline, not affiliated with this agency)
Resource clearinghouse, public policy initiatives, professional education and training, consultant to other agencies on how to counsel battered women; provides expert testimony and legal representation through appellate work or the Battered Women's Immigrant Law Clinic

Children and Families of Iowa Family Violence Center

1111 University Ave.
Des Moines, IA 50314
(515) 243-6147
(800) 942-0333 (hotline open 24 hours, 7 days a week)
www.cfiowa.org
Safe shelter, outreach services, individual and group counseling, legal advocacy at court house for both civil

and criminal cases, community education, Spanish and Bosnian speakers

Iowa Mediation Service

6200 Aurora Ave.
Merle Hay Center, Suite 608W
Urbandale, IA 50322
(515) 331-8081
Mediation for divorce and custody issues

Catholic Charities—Phoenix House Domestic Violence Shelter

Council Bluffs, IA
(712) 256-2059 (in-state hotline open 24 hours a day, 7 days a week)
(800) 612-0266 (hotline open 24 hours, 7 days a week)
Accompany and assist victims in criminal and civil court cases, management of police reports, referrals to pro bono programs

Kansas

Kansas Coalition Against Sexual and Domestic Violence

220 S.W. 33rd St., Suite 100
Topeka, KS 66611
(785) 232-9784
(888) IN-ABUSE (Statewide hotline)
www.kcsdv.org
Referrals to local programs

Domestic Violence Association of Central Kansas

203 S. Santa Fe Rd.
Salina, KS 67401
(785) 827-5862
(800) 874-1499
www.dvack.org
Support groups, crisis hotline, counseling services

YWCA Women's Crisis Center and Safe House

1 N. St. Francis
Wichita, KS 67214
(316) 263-7501

(316) 267-SAFE (hotline open 24 hours, 7 days a week)
www.ywcaofwichita.org
Shelter provider

Kentucky

Kentucky Domestic Violence Association

P.O. Box 356
Frankfort, KY 40602
(502) 209-KDVA (5382)
www.kdva.org
Support agency for domestic violence shelters, training,
local hotline listings

Center for Women and Families

226 W. Breckenridge St.
P.O. Box 2048
Louisville, KY 40202-2048
(502) 581-7200 (hotline open 24 hours, 7 days a week)
Help and advocacy for victims of rape, sexual assault, and
incest; creative employment program; individual
development account program (for economic abuse
survivors who have no credit or stable finances)

Crisis & Information Center

101 W. Muhammad Ali Blvd.
Louisville, KY 40202
(502) 589-4313
Mental health resource center that takes some calls from
people in immediate domestic violence situations and
makes referrals to shelters

Louisiana

Louisiana Coalition Against Domestic Violence

P.O. Box 77308
Baton Rouge, LA 70879
(225) 752-1296
www.lcadv.org
Community education, advocacy, technical assistance,
coordination of statewide network of domestic violence
programs that offer direct services, referrals to attorneys
or legal advocates

YWCA Battered Women's Program

601 S. Jefferson Davis Parkway
New Orleans, LA 70119
(504) 486-0377 (hotline open 24 hours, 7 days a week)
(888) 411-1333 (in-state)
Individual and group counseling, shelter referrals, legal
advocacy, transportation to shelters in and out of town,
information

Maine

Maine Coalition for Family Crisis Services

P.O. Box 89
Winterport, ME 04496
(207) 941-1194
Umbrella office for the ten projects around the state that
offer hotline services; some regions have shelters, safe
houses, training, educational programs, court advocacy
services

Family Violence Project

P.O. Box 304
August, ME 04332
(207) 623-8637
“Men’s Work” program (a 48-week program for male
batterers); information, referrals, counseling services

Abused Women's Advocacy Project

P.O. Box 713
Auburn, ME 04212
(207) 784-3995
(800) 559-2927
(207) 795-4020 (hotline)
Support groups, individual advocacy, batterers’
intervention program, community advocates, programs
for child abuse victims
Counties: Androscoggin, Franklin, Oxford

Maryland

Maryland Network Against Domestic Violence

6911 Laurel-Bowie Rd., Suite 309

Bowie, MD 20715
(301) 352-4574
(800) 634-3577 (MD-HELPS)

www.mnadv.org
Educational training and advocacy, no direct services

Turn Around

www.turnaroundinc.org

Three locations:

2300 N. Charles St.

Baltimore, MD 21218

(410) 837-7000

(410) 828-6390 (hotline open 24 hours, 7 days a week)

401 Washington Ave., Suite 300

Towson, MD 21204

(410) 377-8111

9100 Franklin Square Dr., Rm 317

Baltimore, MD 21237

(410) 391-2396

Individual and group counseling for victims of sexual assault, domestic violence and child sexual abuse; community education, emergency shelters, accompany victims to the emergency room

House of Ruth Domestic Violence Legal Clinic

(410) 554-8463

(888) 880-7884 (legal line open 24 hours a day, 7 days a week)

2201 Argonne Dr.

Baltimore, MD 21218

www.hruth.org

Counseling and direct representation for battered spouses in civil protection order proceedings, divorce and child custody cases

Massachusetts

Massachusetts Coalition of Battered Women Services Group

14 Beacon St., Suite 507

Boston, MA 02108

(617) 248-0922

Information and referrals to statewide shelters and programs

New Center for Legal Advocacy, Inc.

257 Union St.

New Bedford, MA 02740

(800) 244-9023

www.ncla.net

Family law services with focus on domestic violence; on-site family law clinic

Community Legal Services and Counseling Center

1 West St.

Cambridge, MA 02139

(617) 661-1010

www.clsacc.org

Legal program includes family law (child custody)

Michigan

Michigan Coalition Against Domestic and Sexual Violence

3893 Okemos Rd., Suite B2

Okemos, MI 48864

(517) 347-7000

www.mcadsv.org

Technical assistance and training to member organizations, no direct services

Women's Center of Marquette/Harbor House

1310 South Front St.

Marquette, MI 49855

(906) 225-1346

(906) 226-6611 (crisis line)

(800) 455-6611

Shelter, advocacy and support services for resident and non-resident clients; sexual assault program

Saginaw Underground Railroad

P.O. Box 2451
Saginaw, MI 48605
(989) 755-0413
(989) 755-0411 (crisis)
www.undergroundrailroadinc.org
Shelter for domestic violence and sexual assault victims, support groups, advocacy

Women's Justice Center

615 Griswold St., Suite 1520
Detroit, MI 48226
(313) 962-4945
(313) 861-5300 (crisis line)
Legal representation in family law cases, including child custody

Minnesota

Minnesota Coalition for Battered Women

590 Park St., Suite 410
St Paul, MN 55103
(651) 646-6177 (metro area)
(800) 289-6177
(651) 646-0994 (local hotline open 24 hours a day, 7 days a week)
www.mcbw.org
Resources on welfare, referrals to local family violence waiver programs (TANF), technical assistance with child protection cases, youth and children's issues

Harriet Tubman Women's Shelter

P.O. Box 7026
Powderhorn Station
Minneapolis, MN 55407
(612) 827-6105
(612) 827-2841 (hotline)
Legal Program Advocacy Program:
(612) 673-2244

Help with orders of protection, housing advocacy, JET Program (jobs, education and training that also helps women receive MFIP benefits), family resiliency program, support groups, low cost activities, licensed childcare center on site, holistic program for abusers, high school education program

Mississippi

Mississippi Coalition Against Domestic Violence

P.O. Box 4703
Jackson, MS 39296
(601) 981-9196
(800) 898-3234 (during business hours the phone rings to the office in Mississippi, after hours it will ring to the national hotline)
www.mcadv.org
Education of youth, clergy, and members of the bar; violence in workplace training, referral services to victims, legislative education, work with the assistant attorney general, connections with various Legal Aid Society offices around the state

Missouri

Missouri Coalition Against Domestic Violence

718 E. Capitol Ave.
Jefferson City, MO 65101
(573) 634-4161
www.mocadv.org
Shelter referrals, public education, training, policy work, technical assistance, conferences, research

The Shelter

P.O. Box 1367
Columbia, MO 65205
(573) 875-1369
(800) 548-2480 (hotline open 24 hours, 7 days a week)
(573) 875-1370 (hotline)
Local and statewide hotline, emergency shelter, crisis intervention, domestic violence and sexual assault education programs, support groups on and offsite,

counseling, case management, children's programs to reduce violent tendencies, parenting program, court and hospital advocacy, victims' advocates who work with the criminal justice system

The Family Violence Center

P.O. Box 5972

Springfield, MO 65801

(417) 837-7700

(800) 831-6863 (hotline open 24 hours, 7 days a week)

(417) 864-SAFE (hotline)

www.familyviolencecenter.org

Shelter, transportation to appointments, childcare, counseling, domestic violence education classes, anger management and parenting classes; every week, a case manager from Legal Aid goes to court with clients

Montana

Montana Coalition Against Domestic Violence

P.O. Box 818

Helena, MT 59624

(406) 443-7794

(888) 404-7794 (toll-free number available during business hours)

www.mcadsv.com

Referrals to shelters, Legal Aid, governmental agencies and other membership organizations; resource library available on web

Friendship Center

1503 Gallatin St.

Helena, MT 59601

(406) 442-6800

(800) 248-3166 (general number that will direct you to appropriate hotlines)

Shelter, legal referrals, counseling and children's programs for domestic violence victims

Northwest Women's Law Center

3161 Elliott Ave., Suite 101

Seattle, WA 98121

(206) 682-9552

(206) 621-7691 (referral line)

www.nwwlc.org

Information and referrals about family law and discrimination, impact litigation, self-help programs
Serves Alaska, Idaho, Montana, Oregon, and Washington

Nebraska

Nebraska Domestic Violence and Sexual Assault Coalition

825 M St., Suite 404

Lincoln, NE 68508

(402) 476-6256

(800) 876-6238 (in state hotline)

Shelters, referrals, collaboration with social services, technical assistance

DOVES: Domestic Violence Emergency Services

P.O. Box 434

Scottsbluff, NE 69363

(308) 632-3683

(308) 436-4357 (hotline open 24 hours, 7 days a week)

www.dovprogra.com

Crisis line, support and advocacy, safe shelter, safety planning, criminal justice advocacy, assistance with protection orders, accompany victims to court, emergency transportation, financial assistance, 911 cell phones, weekly support groups

Rape/Spouse Abuse Crisis Center

2545 N St.

Lincoln, NE 68510

(402) 476-2110

(402) 475-7273 (hotline open 24 hours, 7 days a week)

www.rsacc.org

Crisis line, counseling, medical and legal advocacy, support groups, referrals to legal services

Women Against Violence, YWCA

222 S. 29th St.

Omaha, NE 68131

(402) 345-7273 (hotline open 24 hours, 7 days a week)
Group and individual therapy, domestic violence and sexual assault counseling, batterers' groups

Nevada

Safe Nest

2915 W. Charleston Blvd.

Las Vegas, NV 89102

(702) 877-0133

(800) 486-7282 (hotline open 24 hours, 7 days a week)

(702) 646-4981 (hotline)

www.safenest.org

Shelter for women and children, separate shelter for men at a different location, counseling, batterers' treatment, juvenile counseling, legal advocacy, outreach, educational outreach, court advocacy

Crisis Call Center

P.O. Box 8016

Reno, NV 89507

(702) 784-8085

(702) 784-8090

(800) 992-5757 (hotline open 24 hours, 7 days a week)

Crisis line makes referrals

New Hampshire

New Hampshire Coalition Against Domestic and Sexual Violence

P.O. Box 353

Concord, NH 03302

(603) 224-8893 (8:00 a.m. - 4:00 p.m. EST)

(866) 644-3574 (domestic violence crisis center)

(800) 277-5770 (sexual assault crisis center)

www.nhcadsv.org

Umbrella organization for 14 member programs that provides community education, coordination, training, resource sharing and advocacy for public policy changes

YWCA Crisis Service

72 Concord St.

Manchester, NH 03101

(603) 625-5785 (Manchester office)

(603) 432-2687 (Derry office)

(603) 668-2299 (hotline open 24 hours, 7 days a week)

Shelter for women and children, court advocacy, support groups for sexual assault and domestic violence victims, accompany victims to hospital and/or police

New Jersey

New Jersey Coalition for Battered Women

1670 Whitehorse-Hamilton Square Rd.

Trenton, NJ 08690

(609) 584-8107

(800) 572-7233 (statewide hotline open 24 hours a day, 7 days a week—TTY and Spanish available)

www.njcbw.org

Referrals to other programs

National Center for Protective Parents'

Women's Law Project

1908 Riverside Dr.

Trenton, NJ 08618

(609) 394-1506

Cases involving abusive spouses or parents in Mercer/Burlington/Ocean County only; provides attorneys for family law cases at sliding scale fee

New Mexico

New Mexico State Coalition Against Domestic Violence

200 Oak, N.E., Suite 4

Albuquerque, NM 87106

(505) 246-9240

www.nmcadv.org

Referrals to local shelters and providers

New Mexico Coalition of Sexual Assault Programs, New Mexico Clearinghouse for on Sexual Abuse and Assault Services

4004 Carlisle, N.E., Suite D

Albuquerque, NM 87107

(505) 883-8020
www.swcp.com/nmcsaas

Referrals to organizations that provide direct services, training, library searches for social workers, informational pamphlets, posters, rape kits

New Mexico Domestic Violence Hotline
(800) 773-3645 (in-state only)

Women's Community Association
P.O. Box 25363
Albuquerque, NM 87125
(505) 247 4219
www.wca-nm.org

Shelter, family transitional program, counseling, referrals to Legal Aid, a secondhand store that offers discount items to families, business attire for women to wear for job interviews

New York

New York State Coalition Against Domestic Violence
350 New Scotland Ave.
Albany, NY 12208
(518) 482-5465
(800) 942-6906 (hotline open 24 hours, 7 days a week)
(800) 818-0656 (English TTY)
(800) 942-6908 (Spanish)
(800) 780-7660 (Spanish TTY)
www.nyscadv.org

Crisis intervention, referrals and information, prevention programs, technical support, training programs, advocacy on statewide and federal level, technical assistance to domestic violence programs around the state

Victims Information Bureau of Suffolk
P.O. Box. 5483
Hauppauge, NY 11788
(631) 360-3730
(631) 360-3606 (hotline open 24 hours, 7 days a week)
www.vibs.org
Emergency room companions, speakers, community

education programs, safety planning, counseling, HALT offender's program

Safe Horizon
2 Lafayette St., 3rd Floor
New York, NY 10007
(212) 577-7700
(212) 577-7777 (crime victims hotline open 24 hours a day, 7 days a week)
(800) 621-4673 (DV hotline)
(212) 227-3000 (rape, sexual assault, incest hotline)
(800) 621-HOPE
www.safehorizon.org

Immediate assistance, including shelter, referrals, crisis intervention, legal advocacy, long and short term support, and counseling; free legal consultations for family law and domestic violence issues with the Domestic Violence Law Project

National Coalition for Family Justice
(914) 591-5753
www.ncfj.org

Women can attend monthly meetings and get free legal advice from attorneys; helpline answers general questions and provides referrals on all family law issues; workshops and court-watching program

Family Law Center
53 Stanton St.
New York, NY 10002
(212) 254-8228
pffamilylawctr@aol.com

Low-fee legal services for divorce, custody, child support, visitation and orders of protection

American Academy of Matrimonial Lawyers
www.aaml.org
Legal representation for custody and divorce cases

North Carolina

North Carolina Coalition Against Domestic Violence

115 Market St., Suite 400
Durham, NC 27717
(919) 956-9124
(888) 232-9124

www.nccadv.org

Coalition of agencies and individuals that offers technical assistance, training and information about public policy initiatives and activities to increase public awareness

Family Violence Prevention Center of Orange County

201 East Rosemary St.
P.O. Box 187
Chapel Hill, NC 27514
(919) 929-3872

Mental health crisis counseling for domestic violence victims, court advocacy, shelter placement, support groups

ARISE: Durham Coalition for Domestic Violence Services

P.O. Box 688
Durham, NC 27702
(919) 403-9425
(919) 688-2372 (hotline open 24 hours, 7 days a week)
Support, resources, shelter for women and children, case management, court advocacy, free legal clinic, community education, accompany victims to hospital and/or court

Children's Law Center

601 E. 5th St., Suite 480
Charlotte, NC 28202
(704) 331-9474

Work on court-appointed custody cases and delinquency cases for children under 16

Durham Crisis Response Center Crisis Line

206 N. Dillard St.
Durham, NC 27701
(919) 403-9425
(919) 403-6562 (hotline)
www.drhamresponse.org

Emergency counseling and referrals

North Dakota

North Dakota Council on Abused Women's Services/Coalition Against Sexual Assault

418 East Rosser Ave., Suite 320
Bismarck, ND 58501
(701) 255-6240
(888) 255-6240 (8:00 a.m.-5:00 p.m. CST)
www.ndcaws.org

Referrals to statewide agencies, educational programs

Ohio

Ohio Domestic Violence Network

4807 Evenswood Dr., Suite 201
Columbus, Ohio 43229
(614) 781-9651
(800) 934-9840 (hotline open 24 hours, 7 days a week)
www.odvn.org

Referrals to local programs and state Legal Aid programs

Domestic Violence Center

P.O. Box 5466
Cleveland, Ohio 44101
(216) 651-8484
(216) 391-HELP (hotline open 24 hours, 7 days a week)
www.domesticviolencecenter.org
Emergency housing, bus fare, advocacy, employment and housing specialists, youth and women's programs, program for abusive partners, group and individual counseling for both women and children

Muskingum Counseling Center

2845 Bell St.
Zanesville, OH 43701
(740) 454-9766
(800) 344-5818 (hotline open 24 hours, 7 days a week)
www.sixcounty.org

Anger management programs for abusers, outpatient and inpatient counseling for domestic violence victims

Every Woman's House

237 N. Walnut St.

Wooster, Ohio 44691
(216) 263-6021
(800) 686-1122 (hotline open 24 hours, 7 days a week)
(216) 263-1020 (hotline)
Emergency shelter available 24 hours a day, individual and group counseling for adults and children, accompany victims to court, hospital advocacy, legal referrals, help with filing orders of protection

Oklahoma

Oklahoma Coalition Against Domestic Violence and Sexual Assault
3815 N. Santa Fe Ave., Suite 124
Oklahoma City, OK 73112
(918) 647-5814
www.ocadvsa.org
Educational programs and statewide referrals

Domestic Violence Intervention Services
4300 South Harvard, Suite 100
Tulsa, OK 74135
(918) 585-3163
(918) 585-3143 (DV crisis line open 24 hours a day, 7 days a week)
(918) 744-7273 (Sexual assault crisis line open 24 hours a day, 7 days a week)
www.dvis.org
Help with protective orders

Oregon

Oregon Coalition Against Domestic and Sexual Violence
380 Spokane St., Suite 100
Portland, OR 97202
(503) 365-9644
www.ocadv.com
Statewide referrals

Central Oregon Battering and Rape Alliance
1425 N.W. Kingston Ave.
Bend, OR 97701

(541) 382-9227
(541) 389-7021 (Bend area) (hotline open 24 hours, 7 days a week)
(800) 356-2369 (hotline open 24 hours, 7 days a week)
www.cobra-dvsa.org
Shelter for women and children, support groups, community and legal referrals

Portland Women's Crisis Line
P.O. Box 42610
Portland, OR 97242
(503) 235-5333 (Portland area)
(888) 235-5333
www.pwcl.org
Crisis line, referrals, support

Northwest Women's Law Center
3161 Elliott Ave., Suite 101
Seattle, WA 98121
(206) 682-9552
(206) 621-7691 (referral line)
www.nwwlc.org
Information and referrals about family law and discrimination, impact litigation, self-help programs
Serves Alaska, Idaho, Montana, Oregon, and Washington

Pennsylvania

Pennsylvania Coalition Against Domestic Violence
6400 Flank Dr., Suite 1300
Harrisburg, PA 17112
(800) 932-4632 (PA only)
(800) 537-2238 (National)
Legal Office:
(888) 23-LEGAL (PA only)
(800) 903-0111 x2 (National)
www.pcadv.org
Statewide and national referral service, legal assistance, civil litigation through the Battered Women's Justice Project

Battered Women's Justice Project

(800) 903-0111 ext.1 criminal justice, ext.2 civil justice, ext.3 defense issues

www.bwjp.org

Civil justice department handles custody issues and family law and helps women charged with "failing to protect" their children from the batterers' violence

The Women's Law Project

125 S. 9th St., Suite 300

Philadelphia, PA 19107

(215) 928-9801

www.womenslawproject.org

Telephone counseling service that provides legal information about child custody, child support, spousal support and divorce; no legal representation

Women Against Abuse Legal Center

100 South Broad St., 5th Floor

Philadelphia, PA 19110

(215) 686-7082

(215) 386-7777 (hotline open 24 hours, 7 days a week)

www.womenagainstabuse.org

Legal representation and court advocacy for Philadelphia domestic violence victims; representation for child custody cases if already a client

Rhode Island

Rhode Island Coalition Against Domestic Violence

422 Post Rd.

Warwick, RI 02888

(401) 467-9940

(800) 494-8100 (Statewide hotline open 24 hours a day, 7 days a week)

www.ricadv.org

Referrals to direct and legal services, training, policy work

Women's Resource Center of South County

61 Main St.

Wakefield, RI 02879

(401) 782-3995

(401) 782-4172 (Court office)

(401) 782-3990 (hotline open 24 hours, 7 days a week)

www.wrcsc.org

Shelter, expressive arts therapy for child victims, support groups, outreach and education

South Carolina

South Carolina Coalition Against Domestic Violence and Sexual Assault

P.O. Box 7776

Columbia, SC 29202

(803) 256-2900

(800) 260-9293 (8:30 a.m. – 5:30 p.m.)

www.sccadvasa.org

Statewide referrals

Safe Harbor

P.O. Box 174

Greenville, SC 29602

(864) 467-1177

(800) 291-2139 (hotline open 24 hours, 7 days a week)

www.safeharborsc.org

Shelter for women and their children, counseling, housing and employment assistance, collaboration with a legal services agency, court advocacy

My Sister's House

4713 South Blvd.

P.O. Box 5341

North Charleston, SC 29405

(843)-747-4068

(843) 744-3242 (hotline open 24 hours, 7 days a week)

(800) 273-HOPE (hotline)

<http://archives.charleston.net/org/mysister/>

Shelter for women and children, case management, legal referrals to the Center for Equal Justice

South Dakota

South Dakota Coalition Against Domestic Violence and Sexual Assault

P.O. Box 141

Pierre, SD 57501

(605) 945-0869

(800) 572-9196

www.southdakotacoalition.org

Coalition building, support for community-based nonviolent alternatives, public education and technical assistance, policy development, innovative legislation

Rape and Domestic Abuse Center

401 E. 8th St., Suite 311

Sioux Falls, SD 57103

(605) 339-0116

(605) 339-4397 (after hours)

(877) 462-7474 (toll free)

Family violence project, batterers' intervention, court watching, women's empowerment program

211 Helpline

1000 West Ave. North, Suite 310

Sioux Falls, SD 57104

(605) 334-6646

(605) 339-4357 (hotline open 24 hours, 7 days a week)

www.helplinecenter.org

In Sioux Falls, dial 211 from any phone: support for those in crisis situations, referrals and information about shelters across the state, legal referrals when possible

Children's Inn

409 N. Western Ave.

Sioux Falls, SD 57104

(605) 338-0116

(605) 338-4880 (Sioux Falls area) (hotline open 24 hours, 7 days a week)

(888) 378-7398 (outside Sioux Falls) (hotline)

www.chssd.org

Shelter for women and children, legal advocacy and referrals, help with protection orders, assistance for male victims of domestic violence

Tennessee

Tennessee Coalition Against Domestic and Sexual Violence

P.O. Box 120972

Nashville, TN 37212

(615) 386-9406

(800) 289-9018 (toll-free in-state)

www.tcadv.org

Public policy work, advocacy, referrals, resources, technical assistance to local domestic violence programs

Texas

Texas Council on Family Violence

P.O. Box 161810

Austin, TX 78716

(512) 794-1133

www.tcfv.org

Direct service through national hotline, training to those that work with domestic violence victims

Women's Advocacy Project, Inc.

P.O. Box 833

Austin, TX, 78767-0833

(512) 476-5377

(800) 374-4673 (Statewide family violence legal line)

(512) 476-5770 (Family violence legal line, Austin only)

www.women-law.org

Project attorneys answer the statewide legal hotline and provide assistance to women with a variety of legal concerns relating to domestic violence and family law

Safe Place

P.O. Box 19454

Austin, TX 78760

(512) 440-7273

(512) 267-SAFE (hotline open 24 hours, 7 days a week)

(512) 927-9616 (TTY)

www.austin-safeplace.org

Hospital and legal advocacy, two emergency shelters for women and children, referrals to free and sliding-scale legal assistance, parenting education

Houston Area Women's Center

1010 Waugh

Houston, TX 77019

(713) 528-6798

(713) 528-7273 (sexual assault hotline open 24 hours a

day, 7 days a week)
(713) 528-2121 (domestic violence hotline open 24 hours
a day, 7 days a week)
www.hawc.org
Counseling, housing assistance, attorney referrals

Utah

Utah Domestic Violence Advisory Council

120 N. 200 West, #319
Salt Lake City, UT 84103
(801) 538-4526
(800) 897-5465
Statewide effort to eliminate violence and to stop the
intergenerational cycle of domestic violence; shelters, legal
referrals, child custody case management

211 Info Bank

1025 S. 700 West
Salt Lake City, UT 84104
Dial 211 from any phone in the state
(888) 826-9790
(800) 897-5465
www.informationandreferral.org
Help only for Utah residents, referrals to counseling
agencies, legal advocacy, victims' assistance

Vermont

Vermont Network Against Domestic Violence and Sexual Assault

P.O. Box 405
Montpelier, VT 05601
(802) 223-1302 (statewide network office, can make
referrals to out-of-state programs, 9:00 a.m. - 5:00 p.m.
M-F, EST)
(800) 228-7395 (in-state domestic violence hotline)
(800) 489-7273 (in-state sexual assault hotline)
www.vtnetwork.org
Member programs can make referrals to Legal Aid if
caller is located in a county that has a Legal Aid program

Virginia

Virginians Against Domestic Violence

1010 N. Thompson St., Suite 202
Richmond, VA 23230
(804) 377-0335
(800) 838-8238 (statewide hotline open 24 hours a day, 7
days a week)
www.vadv.org
Information and referrals, advocacy, legal information

YWCA of Richmond

Richmond, VA 23219
(804) 643-6761
(804) 643-0888 (Richmond) (hotline open 24 hours, 7
days a week)
(804) 796-3066 (Chesterfield) (hotline open 24 hours, 7
days a week)
www.ywca.org
Individual and support group counseling, two shelters for
women and their children, relationship with Legal Aid

Services to Abused Families, Inc.

P.O. Box 402
Culpeper, VA 22701
(540) 825-8891
(800) 825-8876 (hotline open 24 hours, 7 days a week)
(504) 825-8876 (hotline)
safe.inc@earthlink.net
www.safe-shelter.org
Legal representation and other services for domestic
violence and child custody issues in Culpeper, Madison,
Rappahannock, Fauquier and Orange Counties

Laurel Shelter, Inc.

P.O. Box 23
Gloucester, VA 23061
lsi@ccsinc.com
(804) 695-0542
(804) 694-5552 (hotline open 24 hours, 7 days a week)
Free attorney services for child custody cases involving
domestic violence in Gloucester, Middlesex, King
William, Mathews, King and Queen Counties

The Turning Point, The Salvation Army

815 Salem Ave., S.W.
Roanoke, VA 24016
(703) 345-0400 (hotline open 24 hours, 7 days a week)
Shelter, counseling, outreach, transitional housing,
childcare and legal representation for domestic violence
victims involved in custody battles

Samaritan House

P.O. Box 2400, #226
Virginia Beach, VA 23450
(757) 631-0710
(757) 430-2120 (hotline open 24 hours, 7 days a week)
www.samaritanhouseva.org
VELA (Victims Empowered through Legal Assistance) is
the legal branch of the shelter; legal representation for
domestic violence victims dealing with protective orders
and child custody issues

Loudon Abused Women's Shelter

9 Loudon St., S.E.
Leesburg, VA 20175
(703) 777-6522 (hotline open 24 hours, 7 days a week)
Shelter, outreach, transitional housing, counseling, an
attorney that helps domestic violence victims with
custody, protective orders and child support issues

Washington

Crisis Support Network

2 Appelo Lane
Naselle, WA 98638
(360) 484-7191
(800) 435-7276 (hotline open 24 hours, 7 days a week)
www.crisis-support.org
Crisis intervention, information, referrals to local
organizations

Northwest Women's Law Center

3161 Elliott Ave., Suite 101
Seattle, WA 98121
(206) 682-9552
(206) 621-7691 (referral line)
www.nwwlc.org

Information and referrals about family law and
discrimination, impact litigation, self-help programs
Serves Alaska, Idaho, Montana, Oregon, and Washington

West Virginia

West Virginia Coalition Against Domestic Violence

4710 Chimney Dr., Suite A
Charleston, WV 25302
(304) 965-3552
www.wvcadv.org
Referrals to local agencies, policy work, training, a legal
advocate on staff

YWCA Family Violence Prevention Program

1100 Chaplaine St.
Wheeling, WV 26003
(304) 232-2748
(800) 698-1247 (hotline open 24 hours, 7 days a week)
Support groups, legal advocacy, shelter, counseling, child
advocacy

Information Helpline Upper Ohio Valley

51 11th St.
Wheeling, WV 26003
(304) 233-6300
Emergency assistance and referral service, work with
YWCA that has a shelter and advocates for women and
children

Wisconsin

Wisconsin Coalition Against Domestic Violence

307 Paterson St., Suite 1
Madison, WI 53703
(608) 255-0539
www.wcadv.org
Referrals to state-wide programs

Legal Action of Wisconsin

230 W. Wells St., Rm 800
Milwaukee, WI 53203
(Also offices in Madison, Racine, Green Bay, Oshkosh,
La Crosse)
(800) 278-0633

(414) 278-7722

www.legalaction.org

Referrals and direct legal services for low-income clients, civil legal services in family law, domestic violence

Wisconsin Family Justice Center

Milwaukee County Courthouse

901 N. 9th St.

Milwaukee, WI 53233

(414) 403-9000

www.wisconsinforms.com/WFJC.htm

Self-help center, one-on-one free assistance with forms and procedures, referrals for family law matters

Office of Crime Victim Services

P.O. Box 7951

Madison, WI 53707

(608) 264-9497

(800) 446-6564 (victims only)

www.doj.state.wi.us/cvs/

Referrals, financial assistance, professional training

Passages, Inc.

P.O. Box 546

Richland Center, WI 53581

(608) 647-3617

(800) 236-4325 (hotline open 24 hours, 7 days a week)

Emergency shelter for domestic violence and sexual assault survivors, counseling, referrals, support groups, legal advocate who may provide assistance in domestic violence and child custody cases

Manitowoc County Domestic Violence Center

P.O. Box 1142

Manitowac, WI 54221-1142

(920) 684-4661 (8:00 a.m.-5:00 p.m. CST)

(877) 275-6888 (hotline open 24 hours, 7 days a week)

(920) 684-5770 (hotline)

www.dvconline.net

Shelter for domestic violence victims, counseling, advocacy, transitional living programs, transportation, group counseling, referrals to Legal Aid and other legal services

Wyoming

Wyoming Coalition Against Domestic Violence and Sexual Assault

409 S. 4th St.

P.O. Box 236

Laramie, WY 82070

(307) 755-5481

(307) 755-0992 (Legal project)

(800) 990-3877 (victims only) (9:00 a.m. - 5:00 p.m. MST)

www.users.qwest.net/~wyomngcoalition/index.htm

Civil legal assistance project provides pro bono legal services (including child custody cases) to victims of domestic violence, public awareness campaign, referrals

Women's Center

P.O. Box 581

Sheridan, WY 82801

(307) 672-7471

(307) 672-3222 (hotline open 24 hours, 7 days a week)

Support, referrals, help with legal issues

Safehouse/Sexual Assault Services, Inc.

1603 Capitol Ave., Suite 510

P.O. Box 1885

Cheyenne, WY 82001

(307) 634-4220 (main office)

(307) 637-7233 (hotline open 24 hours, 7 days a week)

Advocacy and assistance with: orders of protection; stalking cases; shelter; transitional housing; support groups; and attorney referrals.

Notes

1. See RUTH ABRAMS AND JOHN GREANEY, REPORT OF THE GENDER BIAS STUDY OF THE SUPREME JUDICIAL COURT OF MASSACHUSETTS 62-63 (1989); Nancy D. Polikoff, *Why are Mothers Losing: A Brief Analysis of Criteria Used in Child Custody Determinations*, 14 WOMEN'S RTS L. REP. 177 (1992).
2. See AMERICAN PSYCHOLOGICAL ASS'N PRESIDENTIAL TASK FORCE ON VIOLENCE IN THE FAMILY, VIOLENCE AND THE FAMILY 39-40 (1996).
3. See WOMEN'S LAW PROJECT, FAMILY VIOLENCE & THE CHILD CUSTODY 15 (1996).
4. See AMERICAN PSYCHOLOGICAL ASS'N, *supra* note 2, at 39.
5. See *Necessary Issues for Understanding Battered Women*, DOMESTIC VIOLENCE REPORT (Civic Research Inst., Kingston, N.J.) Feb. - Mar. 1997, at 33.
6. See NEW YORK COMM'N ON DOMESTIC VIOLENCE FATALITIES, REPORT TO THE GOVERNOR 14 (1997); BYRON JOHNSON ET AL., MORTALITY REVIEW: FINAL PROJECT SUBMITTED TO THE FLORIDA GOVERNOR'S TASK FORCE ON DOMESTIC AND SEXUAL VIOLENCE 9 (1997).
7. See Joan Zorza, *Protecting the Children in Custody: Disputes When One Parent Abuses the Other*, 29 CLEARINGHOUSE REV. 1113, 1117 (1996).
8. See Howard Davidson, *The Impact of Domestic Violence on Children*, 1994 A.B.A. SEC. CTR. ON CHILDREN AND THE LAW 1 (*citing* LENORE E. WALKER, BATTERED WOMEN SYNDROME 59 (1984)).
9. See Christina Christopoulos et al., *Children of Abused Women: I. Adjustment at Time of Shelter Residence*, 49 J. MARRIAGE & FAM. L. 611, 611-619 (1987) (*cited in* Jeffrey L. Edleson, *Children's Witnessing of Adult Domestic Violence*, 14 J. INTERPERSONAL VIOLENCE 8, 839-70 (1999)).
10. See Davidson, *supra* note 7.
11. See Howard A. Davidson, *Child Abuse and Domestic Violence: Legal Connections and Controversies*, 29 FAM. L.Q. 357, 358 (1995); Bonnie Carlson, *Children of Battered Women: Research, Programs, and Services*, in A. ROBERTS, HELPING BATTERED WOMEN: NEW PERSPECTIVES AND REMEDIES 172 (1996); Lee H. Bowker et al., *On the Relationship Between Wife Beating and Child Abuse*, in FEMINIST PERSPECTIVES IN WIFE ABUSE 158, 162 (1988).
12. See BYRON JOHNSON ET AL., MORTALITY REVIEW: FINAL PROJECT SUBMITTED TO THE FLORIDA GOVERNOR'S TASK FORCE ON DOMESTIC AND SEXUAL VIOLENCE 27, 41, 43, 63 (1997).
13. See Joan Zorza, *Using the Law to Protect Battered Women and Their Children*, 27 CLEARINGHOUSE REV. 1437 (1994) (*citing* Marsha B. Liss and Geraldine Butes Stahly, *Domestic Violence and Child Custody*, in BATTERING AND FAMILY THERAPY: A Feminist Perspective 175, 179, 181 (Marsali Hansen & Michele Hanway eds., 1993)); AMERICAN PSYCHOLOGICAL ASS'N, *supra* note 2, at 99.

14. See AMERICAN PSYCHOLOGICAL ASS'N, *supra* note 2, at 40.
15. See Zorza, *supra* note 13.
16. These so-called syndromes have no empirical validation, and, for example, are not listed in the American Psychiatric Association's *Diagnostic and Statistical Manual of Mental Disorders* (DSM).
17. See AMERICAN PSYCHOLOGICAL ASS'N, *supra* note 2 at 40; Rosalyn Schultz, *Evaluating Medical and Mental Health Testimony in Child Sexual Abuse Cases*, in 1997 WILEY FAMILY LAW UPDATE 167, 188.
18. See AMERICAN PSYCHOLOGICAL ASS'N PRESIDENTIAL TASK FORCE ON VIOLENCE IN THE FAMILY, VIOLENCE AND THE FAMILY 12 (1996).
19. See Teresa Mener & Kathryn Webster, *Effects of Domestic Abuse on Child Witnesses*, in 1997 WILEY FAMILY LAW UPDATE 201 (John Wiley & Sons, Inc. ed., 1997).
20. See Nancy K.D. Lemon et al., *Domestic Violence & Children: Resolving Custody and Visitation Disputes, A National Judicial Curriculum*, 79 FAMILY VIOLENCE PREVENTION FUND (1995).
21. See Daniel G. Atkins & John S. Whitelaw, *Turning the Tables on Women: Removal of Children from Victims of Domestic Violence*, 30 CLEARINGHOUSE REVIEW 261 (1996).
22. It should be noted that "parental alienation syndrome" and "malicious mothers syndrome" are not listed in the *Diagnostic and Statistical Manual of Mental Disorders* published by the American Psychiatric Association.
23. See WOMEN'S LAW PROJECT, FAMILY VIOLENCE & THE CHILD CUSTODY PROCESS: A LEGAL GUIDE FOR PROTECTING CHILDREN 34 (1996).
24. See RICHARD A. GARDNER, THE PARENTAL ALIENATION SYNDROME AND THE DIFFERENTIATION BETWEEN FABRICATED AND GENUINE CHILD ABUSE (1987).
25. PAS can be used against fathers, see *Loll v. Loll*, 561 N.W. 2d 625 (N.D. 1997), but it is more often used against mothers. See Cheri L. Wood, *The Parental Alienation Syndrome: A Dangerous Aura of Reliability*, 27 LOY. L.A. L. REV. 1367, 1371-72 & n.37 (1994). Even in *Loll*, where the mother accused the father of PAS, the judge granted the father full custody. And in one case, even though the children were removed from the father's custody and placed with the mother based on admitted evidence of PAS, the court's "major concern focuse[d] on Trudi," the stepmother, not on the father's behavior. *In re Marriage of Rosenfeld*, 524 N.W. 2d 212, 215 (Iowa Ct. App. 1994). For further discussion of sex bias in the use of PAS, see *infra* note 39.
26. Dr. Gardner is a clinical professor of child psychiatry at Columbia University and the author of more than 250 books and articles. His own publishing house, Creative Therapeutics, publishes many of his books. He has testified in 400 custody or sex abuse cases. See *Richard Gardner: Summary of Curriculum Vitae*, available at <http://www.rgardner.com/pages/cvsum.html> (last visited April 14, 2006). Dr. Gardner has argued that sex

abuse is not necessarily traumatic to children. See RICHARD A. GARDNER, TRUE AND FALSE ACCUSATIONS OF CHILD SEX ABUSE 670-71 (1992). Gardner has also claimed that child abuse allegations are a “wave of hysteria.” Richard A. Gardner, *Modern Witch Hunt-Child Abuse Charges*, WALL ST. J., Feb. 22, 1993, at A10.

27. Child sex abuse is reported in only about two percent of custody disputes. See Nancy Thoennes & Patricia G. Tjaden, *The Extent, Nature, and Validity of Sexual Abuse Allegations in Custody/Visitation Disputes*, 14 CHILD ABUSE & NEGLECT 151, 153 (1990).
28. For a discussion of children’s anger and fear as a result of domestic violence, see *infra* note 54.
29. In his book, PARENTAL ALIENATION SYNDROME, Dr. Gardner also introduced the “Sexual Abuse Legitimacy Scale” (“SALS”). Gardner and others have used the SALS in conjunction with PAS to assess the validity of sexual abuse allegations. Gardner claims that while intrafamilial abuse allegations are true in more than 95 percent of cases, the opposite is true when intrafamilial abuse allegations are raised in the context of child custody disputes. The SALS indicators consist of yes or no questions asked of the child, the accused parent, and the accusing parent, with points assigned to yes answers. The total score, according to Gardner, determines the likelihood that the allegations are true. The higher the score, the more likely the accusations are to be valid. See Lucy Berliner & Jon R. Conte, *Sexual Abuse Evaluations: Conceptual and Empirical Obstacles*, 17 CHILD ABUSE & NEGLECT 111, 114 (1993) (referring to the SALS as a “disturbing example of using indicators as determinative of true versus false cases”). Dr. Gardner himself has removed the SALS from the market as a diagnostic tool. See Stephanie J. Dallam, *The Evidence for Parental Alienation Syndrome: An Examination of Gardner’s Theories and Opinions*, TREATING ABUSE TODAY, March/April 1998 (citing Priscilla R. Chenoweth, *Don’t Blame the Messenger in Child Sex Abuse Cases*, N.J. L.J., Apr. 19, 1993, at 17, and RICHARD A. GARDNER, PROTOCOLS FOR THE SEX-ABUSE EVALUATION (1995)); see also Berliner & Conte, *supra* at 114. If your children’s father attempts to use the SALS to prove that your children are lying about being sexually abused, make sure the judge understands that Dr. Gardner removed the SALS from the market in 1987 and it is discredited.
30. *Wiederholt v. Fischer*, 169 Wis. 2d 524, 531 n.1, 485 N.W. 2d 442 (Wis. Ct. App. 1992). In child custody disputes involving allegations of abuse or domestic violence, experts rely on the first form of PAS. Other forms appear in different types of custody disputes. See, e.g., *In re Violetta B.*, 568 N.E. 2d 1345 (Ill. App. Ct. 1991) (child alienating herself from grandmother because of a situational factor, the fear of being removed from foster mother’s custody).
31. See Rita Smith & Pamela Coukos, *Fairness and Accuracy in Evaluations of Domestic Violence and Child Abuse in Custody Determinations*, JUDGES' J., Fall 1997, at 38, 40-41.
32. See *id.*
33. See Wood, *supra* note 25, at 1410, 1412.
34. See *People v. Loomis*, 172 Misc. 2d 265, 268 n.1 (N.Y. Suffolk County Ct. 1997) (citing cases from Connecticut, Washington, California, Indiana, Ohio, Wyoming, Iowa, Nevada, Wisconsin, Illinois, Texas, and Florida); see also *Edwards v. Williams*, 170 F. Supp.2d 727 (E.D.K.Y. 2001); *M.W.W. v. B.W.*, 900 So. 2d 1230 (Ala. Civ. App. 2004); *White v. Kimrey*, 847 So. 2d 157 (La. Ct. App. 2003); *State v. Fuller*, No. COA02-1176, 2003 N.C. App. LEXIS

- 1677 (N.C. Ct. App. Aug. 19, 2003); *Bielaska v. Orley*, No. 175388, 1996 Mich. App. LEXIS 1175 (Mich. Ct. App. July 19, 1996). According to Dr. Gardner, he has testified in twenty-four states and provided assistance in cases in six others. See *Richard Gardner: Summary of Curriculum Vitae*, *supra* note 26.
35. See also the discussion about the standards for admitting scientific and psychological evidence, *infra* note 38, 48-53 and accompanying text.
36. For example, two courts in New York have come out differently on the issue. Compare *Loomis*, 172 Misc. 2d 265 (refusing to consider PAS evidence) with *Karen B. v. Clyde M.*, 151 Misc. 2d 794 (N.Y. Fam. Ct. 1991) (relying heavily on Gardner's theories).
37. See, e.g., *In re Marriage of Rosenfeld*, 524 N.W. 2d 212, 215 (Iowa Ct. App. 1994) (refusing to "pass upon the issue of whether parental alienation syndrome is a reliable theory" but transferring custody because of the mother's "manipulative" behavior). At least two courts have allowed children to be evaluated for PAS, even while expressing skepticism about the theory. See *State ex rel. George B. v. Kaufman*, 483 S.E. 2d 852, 856-57 & n.5 (W.Va. 1997); *In the interest of T.M.W.*, 553 So. 2d 260, 262 (Fla. Ct. App. 1989). See also *Wood*, *supra* note 25 at 1386 n.132 ("Although it might be argued that [the *Weiderholt*] court properly ignored the PAS testimony, the problem is that the court even admitted it at all.").
38. See *Frye v. United States*, 293 F. 1013, 1014 (D.C. Cir. 1923), *superseded by* Fed. R. Evid. 702, *as construed in* *Daubert v. Merrell Dow Pharmaceuticals*, 509 U.S. 579, 589 (1993) and *Kumho Tire Co., Ltd. v. Carmichael*, 526 U.S. 137, 141 (1999). The *Frye* test is still used in at least fourteen states. For a general discussion about evidence, see Teresa Meuer & Kathryn Webster, *Effects of Domestic Abuse on Child Witnesses in 1997* WILEY FAMILY LAW UPDATE 201, 224-27 (1997). See also *infra* notes 48-53 and accompanying text.
39. See *Dallam*, *supra* note 29; *Wood*, *supra* note 25, at 1374-77 & nn.57-71. See *Bates v. Bates*, Case No. 99D958 (18th Jud. Cir. Dupage Cty., Ill. Jan. 17. 2002); *Boyd v. Kilgore*, 773 So.2d 546 (Fla. Dist. Ct. App. 2000).
40. See *Berliner & Conte*, *supra* note 29, at 114; John E.B. Myers, *What is Parental Alienation Syndrome and Why is it So Often Used Against Mothers?*, excerpted from *A MOTHER'S NIGHTMARE-INCEST: A PRACTICAL LEGAL GUIDE FOR PARENTS AND PROFESSIONALS* (1997).
41. See *Berliner & Conte*, *supra* note 29, at 114; *Dallam*, *supra* note 29; Myers, *supra* note 40.
42. See Myers, *supra* note 40. Dr. Gardner, however, claims that his articles have been published in peer review journals. See *Richard Gardner: Articles in Peer-Review Journals and Published Books on the Parental Alienation Syndrome*, available at http://www.rgardner.com/refs/pas_peerreviewarticles.html (last visited April 14, 2006). Critics respond that these peer review articles have been published in legal, not scientific journals, and the review committees are made up of legal scholars who lack the expert medical, psychological, or mental health credentials to properly review medical or scientific theories.
43. The *DSM* is "the common language of mental health clinicians and researchers for communicating about mental illnesses." AMERICAN PSYCHIATRIC ASSOCIATION, FACT SHEET: PSYCHIATRIC DIAGNOSIS AND THE DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS (FOURTH EDITION), *DSM-IV* 3 (1997). Each

entry in the *DSM* includes a general description of the disorder and a listing of possible symptoms. *See id.* at 1. The labels in the *DSM* and the *International Classification of Diseases* are the same, so that medical diagnoses are consistent internationally. *See id.* Gardner's work is to be included in the first *Treatment Statistical Manual of Behavioral and Mental Disorders* ("TSM-P"), published by the Joint Commission for TSM-BMD. However, "the Commission has nothing whatever to do with the [American Psychiatric Association]. Furthermore -- and contrary to what Dr. Gardner claims -- the TSM-I is not a companion to the *DSM-IV*." Judith M. Simon, *Richard Gardner: A Self-Made Man*, at <http://www.swans.com/library/art4/jms001.html> (last visited April 14, 2006). It remains to be seen if courts will accept a listing in the TSM-I as evidence that the theory has been accepted by the scientific community. It further remains to be seen whether PAS will be included in the *DSM-V*, scheduled to be published in 2011.

44. *See* Thoennes & Tjaden, *supra* note 27, at 160. Under the SALS criteria, this reluctance to report the sexual abuse would be considered a signal that the allegations are false. *See* Berliner & Conte, *supra* note 29, at 114 ("Sample criteria are: for the child, very hesitant to divulge the abuse.").
45. *See* Thoennes & Tjaden, *supra* note 27, at 160.
46. *See* Dallam, *supra* note 29 (citing critics); *see also* Wood, *supra* note 25, at 1372-73 (reporting that Dr. Gardner blames women's "thirst for vengeance" on such stereotypes as "(1) men hav[ing] more opportunity to find new partners; (2) men [being] less frustrated; (3) men [being] less angry...; and (6) women project[ing] their own real behaviors and fantasies on men").
47. *Page v. Zordan*, 564 So. 2d 500, 502 (Fla. Dist. Ct. App. 1990).
48. *Landeros v. Barbieri*, 98 Civ. 7809 (RLE), 1998 U.S. Dist. LEXIS 667, *5 (S.D.N.Y. Jan. 23, 1998) (citing *Daubert*, 509 U.S. at 593-94).
49. James T. Richardson, *et al.*, *The Problems of Applying Daubert to Psychological Syndrome Evidence*, JUDICATURE, July-Aug. 1995, at 10, 10. For cases criticizing the use of syndrome evidence, *see New Jersey v. Michaels*, 625 A.2d 489 (N.J. Super. Ct. App. Div. 1993), *aff'd* 642 A.2d 1372 (N.J. 1994); *Felix v. Nevada*, 849 P.2d 220 (Nev. 1993).
50. *Landeros*, slip op. at *7 (quoting *Jugle v. Volkswagen of America, Inc.*, 975 F.Supp. 576, 580 (D. Vt. 1997)).
51. *United States v. Whitted*, 11 F.3d 782, 785 (8th Cir. 1993) (quoting Fed. R. Evid. 704 advisory committee's note). *See also Gier v. Educational Serv. Unit No. 16*, 66 F.3d 940, 943-44 (8th Cir. 1995) (rejecting "psychological evaluations . . . founded on vague psychological profiles and symptoms" under the *Daubert* standard) (internal quotation omitted).
52. *Loomis*, 172 Misc. 2d at 268.
53. *Page*, 564 So. 2d at 502.
54. In this case, a child's fear of living with the abusive parent would be normal. *See* Meuer & Webster, *supra* note 15, at 206-07 (arguing that children may be angry at the abuser). Gardner himself agrees that "when bona fide abuse does exist, . . . the child's responding hostility (toward the abusive parent) is warranted and the concept of

the PAS is not applicable.” RICHARD A. GARDNER, *THE PARENTAL ALIENATION SYNDROME: A GUIDE FOR MENTAL HEALTH AND LEGAL PROFESSIONALS* 61 (1992).

55. *See infra* note 66.
56. *See infra* notes 63-65 and accompanying text.
57. For a discussion about expert witnesses in domestic violence cases, *see* Meuer & Webster, *supra* note 38, at 223-24.
58. *White v. White*, 655 N.E. 2d 523, 525-26 & n.2 (Ind. Ct. App. 1995). Dr. Lawlor has accused mothers of PAS in numerous other cases. *See, e.g., Hanson v. Spolnik*, 685 N.E. 2d 71 (Ind. Ct. App. 1997).
59. *See supra* notes 51-53 and accompanying text.
60. *Karen B.*, 151 Misc. 2d at 801.
61. *Id.* Medea killed her children in seeking revenge on her husband, who had left her for another woman.
62. *Hanson*, 685 N.E. 2d at 78.
63. *Loll*, 561 N.W. 2d at 629 (rejecting mother’s arguments that father was guilty of alienating the children).
64. *Cabot v. Cabot*, 697 A.2d 644, 648 (Vt. 1997).
65. *Id.* at 649.
66. *See, e.g., Blosser v. Blosser*, 707 So. 2d 778, 780 (Fla. Dist. Ct. App. 1998) (concluding that “[t]he child did exhibit loving, caring, affectionate relationships with Mother, Father, and her step-mother” and that there was no evidence of PAS).
67. *Schutz v. Schutz*, 522 So. 2d 874, 874 n.2 (Fla. Dist. Ct. App. 1988). *See also Cabot*, 697 A.2d at 649 (trial court did not change custody, but did “state[] that [the mother] needed to change her attitude”); Meuer & Webster, *supra* note 15, at 236 (discussion of “friendly parent provisions”).
68. *See* Uniform Child Custody Jurisdiction Act, *available at* http://www.law.upenn.edu/bll/ulc/fnact99/1920_69/uccja68.htm (last visited July 27, 2005) [hereinafter *UCCJA*].
69. *See* Uniform Child-Custody Jurisdiction and Enforcement Act, *available at* <http://www.law.upenn.edu/bll/ulc/fnact99/1990s/uccjea97.htm> (last visited July 27, 2005) [hereinafter *UCCJEA*].
70. The states are: Alabama, CODE OF ALA. § 30-3B-101; Alaska, ALASKA STAT. §§ 25.30.300; Arizona, ARIZ. REV. STAT. §25-1001; Arkansas, ARK. CODE ANN. § 9-19-101; California, CAL. FAM. CODE §3400; Colorado, COLO. REV. STAT. 14-13-101; Connecticut, CONN. GEN. STAT. §46b-115; D.C., D.C. CODE § 16-4601.01; Florida, FLA.

STAT. §61-501; Georgia, OFFICIAL CODE OF GA. ANN. § 19-9-40; Hawaii, HAW. REV. STAT. § 583A-101; Idaho, IDAHO CODE §32-11-101; Illinois, 750 ILL. COMP. STAT. ANN. 36/101; Indiana, BURNS IND. CODE ANN. § 31-17-3-1; Iowa, IOWA CODE § 598B.101; Kansas, KAN. STAT. ANN. §38-1366; Kentucky, KY. REV. STAT. ANN. § 403.800; Louisiana, LA. REV. STAT. 13:1700; Maine, 19-A ME. REV. STAT. ANN. § 1731; Maryland, MD. FAMILY LAW CODE ANN. § 9.5-11; Michigan, MICH. COMP. LAWS SERV. prec § 722.1101; Minnesota, MINN. STAT. § 518D.101; Mississippi, MISS. CODE ANN. § 93-27-101; Montana, MONT. CODE ANN. § 40-7-101; Nebraska, NEB. REV. STAT. ANN. § 43-1226; Nevada, NEV. REV. STAT. ANN. § 125A.005; New Jersey, N.J. STAT. §2A:34-53; New Mexico, N.M. STAT. ANN. § 40-10A-101; New York, N.Y. CLS DOM. REL. § 75; North Carolina, N.C. GEN. STAT. § 50A-101; North Dakota, N.D. CENT. CODE § 14-14.1-01; Ohio, OHIO REV. CODE ANN. 3127.01; Oklahoma, 43 OKL. ST. § 551-101; Oregon, OR. REV. STAT. § 109.701; Pennsylvania, 23 PA. CONS. STAT. § 5401; Rhode Island, R.I. GEN. LAWS § 15-14.1-1; South Dakota, S.D. CODIFIED LAWS § 26-5B-102; Tennessee, TENN. CODE ANN. § 36-6-201; Texas, TEX. FAM. CODE § 152.001; Utah, UTAH CODE ANN. § 78-45c-101; Virginia, VA. CODE ANN. § 20-146.1; Washington, REV. CODE WASH. (ARCW) § 26.27.011; West Virginia, W. VA. CODE § 48-20-101; Wyoming, WYO. STAT. § 20-5-201.

71. See 28 U.S.C. § 1738A (2005).

72. See *UCCJA*.

73. See Summary: Uniform Child Custody Jurisdiction and Enforcement Act, *available at* http://www.nccusl.org/Update/uniformact_summaries/uniformacts-s-uccjae.asp (last visited July 21, 2005) [hereinafter *UCCJEA-Summary*]; see also 28 U.S.C. § 1738A(c)(2)(A)(I).

74. See *UCCJEA-Summary*, *supra* note 73; see also 28 U.S.C. § 1738A(d), (f), (g).

75. See *UCCJEA-Summary*, *supra* note 73; see also *UCCJEA*, art. 2, §§ 201(a)(1), (202), (203).

76. See *UCCJEA-Summary*, *supra* note 73; see also *UCCJEA*, art. 3, §§ 301-316.

77. There are two additional jurisdictional bases for a state to hear a custody/visitation matter. They are “significant connection jurisdiction” and “default jurisdiction” which apply only if no other state would have jurisdiction. See *UCCJA*, §§ 3(a)(2), 3(a)(4); *UCCJEA*, art. 2, §§ 201(2)(A), 201(2)(B)(4); 28 U.S.C. §§ 1738A(c)(2)(B), 1738A(c)(2)(D).

78. See *UCCJA*, § 2(5); *UCCJEA*, art. 1, § 102(7); 28 U.S.C. § 1738A(b)(4).

79. See *UCCJEA*, art. 2, § 201(a)(1); 28 U.S.C. § 1738A(c)(2)(A).

80. See *UCCJA*, § 3(3)(ii); *UCCJEA*, art. 2, § 204; 28 U.S.C. § 1738A(c)(2)(C)(ii). Under the *UCCJEA*, the court can also act to protect a parent or sibling of the child. See *UCCJEA*, art. 2, § 204(a).

81. See PETER G. JAFFE ET AL., CHILDREN OF BATTERED WOMEN 19 (1990) *citing* A. Toufexis, “Home Is Where The Hurt Is: Wife Beating Among The Well-To-Do Is No Longer A Secret,” *TIME*, Dec. 21, 1987, at 68.

82. See AMERICAN PSYCHOLOGICAL ASS'N PRESIDENTIAL TASK FORCE ON VIOLENCE IN THE FAMILY, VIOLENCE AND THE FAMILY 10 (1996).
83. See *id.*
84. See *id.*
85. See NAT'L CENTER ON WOMEN AND FAMILY LAW, INC., THE EFFECTS OF WOMAN ABUSE ON CHILDREN: PSYCHOLOGICAL AND LEGAL AUTHORITY 6 (2d ed. 1994) (citing Maria Roy, *A Current Study of 150 Cases, in BATTERED WOMEN: A PSYCHOLOGICAL STUDY OF DOMESTIC VIOLENCE* (Maria Roy ed., 1979)).
86. See Jeffrey L. Edleson, *The Overlap Between Child Maltreatment and Woman Battering*, VIOLENCE AGAINST WOMEN (1998).
87. See Jeffrey L. Edleson, *Children's Witnessing of Adult Domestic Violence*, 14 J. INTERPERSONAL VIOLENCE 8, 839-70 (1999) (citing A. L. GANLEY & S. SCHECHTER, DOMESTIC VIOLENCE: A NATIONAL CURRICULUM FOR CHILDREN'S PROTECTIVE SERVICES (1996)).
88. See *id.*
89. See *id.*
90. See Edleson, *supra* note 87, at 3.
91. See NAT'L CENTER ON WOMEN AND FAMILY LAW, INC., *supra* note 85, at 6.
92. See *id.*
93. See *id.*
94. See LENORE E. WALKER, THE BATTERED WOMAN SYNDROME 59 (1984).
95. See Elaine Hilberman & Kit Munson, *Sixty Battered Women*, 2 VICTIMOLOGY: AN INT'L J. 460, 463 (1977-78).
96. See Jaffe, *supra* note 81, at 59.
97. See Edleson, *supra* note 87.
98. See Daniel G. Saunders, *Child Custody Decisions in Families Experiencing Woman Abuse*, SOCIAL WORK, Jan. 1994, at 51, 52.
99. See *Children: The Forgotten Victims of Marital Violence*, VIRGINIA CHILD PROTECTION NEWSLETTER (James Madison Univ., Ctr. for Child Abuse Educ., Harrisburg, Va.) 1986.

100. See Molly E. Stullman et al., *Assessment and Treatment of the Child Witness of Domestic Violence* (July 1987) (unpublished paper presented at the Third Nat'l Conf. for Family Violence Researchers, Univ. of N.H.).
101. See Saunders, *supra* note 98, at 52.
102. See Edelson, *supra* note 87, at 7.
103. See Francis S. Hinchley & James R. Gavelek, *Empathic Responding in Children of Battered Women*, 6 CHILD ABUSE AND NEGLECT 395-401 (1982).
104. See *Report of the New York Task Force on Women in the Courts*, 15 FORDHAM URB. L. J. 1, 42-43 (1986-1987) (citing PAGELOW, CHILDREN IN VIOLENT FAMILIES: DIRECT AND INDIRECT VICTIMS, in YOUNG CHILDREN AND THEIR FAMILIES 59 (Hill & Barnes eds. 1982)); Hilberman & Munson, *supra* note 95, at 463.
105. See Louise Silvern et al., *Retrospective Reports of Parental Partner Abuse: Relationship to Depression, Trauma Symptoms and Self-Esteem among College Students*, 10 J. FAM. VIOLENCE 177, 177 (1995).
106. See *e.g.*, GELLES, THE VIOLENT HOME 172 (1972).
107. See Saunders, *supra* note 98, at 52 (citing WALKER, *supra* note 14).
108. See NAT'L CENTER ON WOMEN AND FAMILY LAW, INC., *supra* note 85, at 14 (citing WALKER, *supra* note 14, at 27-28).
109. See *id.* (citing Layzer et al., *Children in Shelters*, 9 RESPONSE 2, 5 (1986)).