

FAMILY COURTS IN CRISIS

NEWSLETTER

August 2013

Children's Rights are Human Rights



*There can be no keener revelation of a society's soul than
the way in which it treats its children.*

Nelson Mandela

*If we are to teach real peace in this world,
and if we are to carry on a real war against war,
we shall have to begin with the children.*

Mahatma Gandhi

Letter to My Mother

For a long time, we have been the lepers that mar the Ball, we captives are not a politically correct topic...

We must think of where we come from, who we are, and where we want to go. I aspire to our having that thirst for greatness one day that makes people rise up from nothingness to the sun. When we are unconditional vis-a-vis the defense of the life and liberty of our own, that is, when we are less individualistic and more committed to the common good, less indifferent and more involved, less intolerant and more compassionate, then at that time we will be the great [world] that all of us would like to be.

That greatness is there asleep in our hearts. But hearts have hardened and weigh so heavily that no elevated sentiments are permitted...

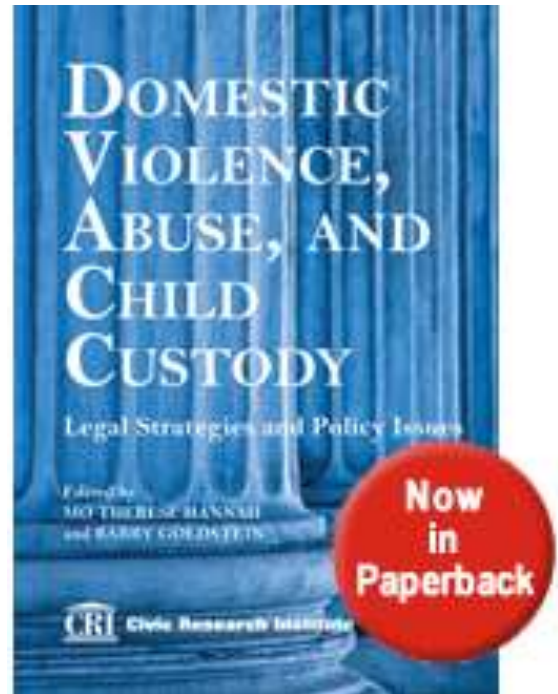
The wars waged against the freedom of a handful of forgotten ones are like a hurricane seeking to bring down everything. It is of no interest. His intelligence, his nobility, and his devotion have given pause to many, and here, more than the freedom of some poor crackpots chained up in the jungle, it is a matter of taking stock of what it means to defend human dignity.

by Ingrid Betancourt

Combating Failures of Family Courts: Defending Human Dignity

Domestic Violence Abuse and Child Custody by Dr. Mo Therese Hannah and Barry Goldstein

Domestic Violence, Abuse and Child Custody is a multi-disciplinary book co-edited by Dr. Mo Therese Hannah and Barry Goldstein which was published in 2010. It contains chapters by over 25 of the leading domestic violence custody experts from the United States and Canada including judges, lawyers, psychiatrists, psychologists, sociologists, journalists and domestic violence advocates. The book brings together all of the most important research about custody and domestic violence in one place so that professionals and protective mothers can find the information they need. This is especially helpful in supporting domestic violence custody cases.

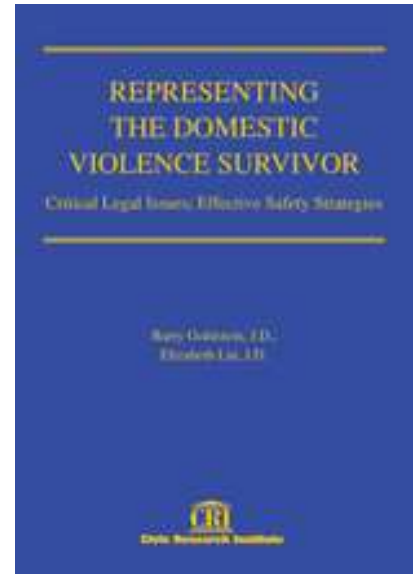


The book demonstrates that there is a serious problem with the way custody courts respond to domestic violence. The courts are getting a large majority of these cases wrong and often catastrophically so. One of the big problems is that courts first developed practices to respond to domestic violence at a time when no research was available. At the time there was a popular assumption that domestic violence was caused by mental illness, substance abuse and the actions of the victim. This led courts to rely on mental health professionals as if they were the experts. We now have substantial research that demonstrates these assumptions were wrong and the standard practices are outdated and discredited. Evaluators routinely use psychological tests that were not made for the populations seen in Family Courts and are based on probability assumptions that often don't apply to the individual parties. This often results in safe, protective mothers being pathologized. The problem is exacerbated by a cottage industry of psychologists and lawyers who recognize that most contested custody are domestic violence cases and the abuser usually controls the family finances. This means the best way to make large incomes is to support approaches that favor abusers. Courts routinely treat these biased professionals as if they were neutral. Even worse many courts learn misinformation from the cottage industry and repeat it in other cases. Although there is now a substantial body of scientific research that could inform decisions and better protect children, few courts have started looking to this research in order to improve their response to domestic violence. In many cases court professionals discredit true allegations of abuse based on information that is not probative and then fail to look for the patterns of coercive and controlling behaviors that would help them recognize domestic violence. In many of the worst cases the courts use bad practices to deny true allegations of abuse and then punish mothers for trying to protect their children from dangerous abusers. This book provides the information necessary to challenge these faulty practices.

<http://barrygoldstein.net/books/domestic-violence-abuse-and-child-custody>

Representing the Domestic Violence Survivor by Barry Goldstein and Elizabeth Liu

Representing the Domestic Violence Survivor is a book written by Barry Goldstein and Elizabeth Liu designed to train attorneys how to litigate domestic violence cases. Many protective mothers have complained that their attorneys did not know how to present evidence about their partner's abuse or even recognize it. The purpose of the book is not to teach lawyers how to practice law. We are assuming they know this. Rather the book is designed to help attorneys understand how to use current scientific research about domestic violence to strengthen their clients' cases.



We want attorneys to tell judges that there is now a substantial body of scientific research that can be used to better understand domestic violence cases. The research establishes that many of the standard practices used by the courts are working poorly for children. Therefore they are asking the courts to be open to hearing this new information.

The information is needed in any case where there are allegations or evidence of abuse. Some court professionals refuse to consider domestic violence expertise because no determination has been made about the validity of the allegations. This is a mistake because the information is needed to inform the decision about the validity of the complaints.

We believe that the three leading sources of good research about domestic violence and custody are the Saunders' study, The Batterer as Parent and Domestic Violence, Abuse and Child Custody. Significantly, the Saunders' study which comes from the U. S. Department of Justice cited the other books extensively. We included substantial information from these sources and demonstrated how they can be used to buttress the cases of domestic violence survivors.

We emphasize the research that mothers make deliberately false allegations less than 2% of the time because so many court professionals believe it is more common. We also mentioned that 85% of cases in which mothers raise concerns about child sexual abuse the alleged abuser wins custody. This means a lot of children are being sent to live with their rapists. We have a chapter to help attorneys prepare the pattern of controlling and coercive behavior which should help courts recognize domestic violence. In the chapter about shared parenting we point out that even research most favorable to using shared parenting finds it should only be used under the most favorable circumstances that include both parents genuinely wanting shared parenting, able to cooperate and living nearby. This is obviously not true in cases with abuse allegations and yet many courts still try to promote shared parenting. We have three chapters that respond to the often unqualified mental health professionals relied on by custody courts. The book demonstrates how to cross-examine unqualified evaluators and encourages the use of genuine experts, particularly domestic violence advocates who can present current research to the court.

We are hopeful that as attorneys receive training in best practices and start to present the right information to the court that it will impact all cases. As judges and other court professionals start to hear about valid research and learn the harm the present practices are doing we believe these professionals will start applying this information to other cases just as they now apply the misinformation they are constantly hearing today.

<http://barrygoldstein.net/books/representing-the-domestic-violence-survivor>

Scared to Leave Afraid to Stay by Barry Goldstein

Scared to Leave Afraid to Stay tells the stories of ten women going through the court system as part of their efforts to leave their abuser. The women were clients of Barry Goldstein. A variety of court issues related to domestic violence are featured in these cases and the reader is taken through the process. The author explains why choices were made and how courts would be expected to respond to a variety of situations. The last section of the book discusses the reforms needed to make the courts safe for battered women. It is important to know that there is a potential better life for the women on the other side of the court case.

In 2009 the Battered Mothers Custody Conference gave Barry Goldstein its “Believer” Award in response to the retaliation by the New York courts to his ethical actions in exposing an abusive judge. The “Believer” Award was named after a chapter in this book which has proven inspirational to many protective mothers and professionals seeking to help them.

Three brave children, whom the book is dedicated to, told their mother that their father was physically and sexually abusing them. The mother complained to Child Protective Services (CPS) and sought a protective order and sole custody. Initially the

children were protected and the father limited to supervised visitation. The children told their attorney, the evaluator, the judge, and the CPS caseworker what their father did to them, but as often happens in these cases, the professionals assumed the mother was brainwashing the children and threatened to take the children from her unless she stopped. The judge ordered normal visitation to resume. Before the first visitation, the father was confronted by the baby sitter in the presence of the law guardian and admitted to kissing his daughters on their privates. The law guardian immediately made a motion to stop the visitation which was supported by the mother’s attorney, Barry Goldstein. The judge consulted with the evaluator. The evaluator said the father used bad judgment but there was no reason to stop the visitation. The four-year-old was penetrated for the first time during the visitation. Barry made a new CPS complaint based on the father’s admission. When the judge found out he yelled and screamed at Barry saying that CPS had already investigated. The new caseworker conducted a more thorough investigation, learned the father had acted even worse than alleged and brought charges against him. The children never had any visitation thereafter that wasn’t supervised. When the mother won custody she invited the caseworker and her attorney for a celebratory dinner. The children had gifts for them, but most important was the name they called them. They called them believers because they believed the children when all the professionals who were supposed to protect them didn’t. There is no greater honor than to be called a believer.



How Do We Know Custody Courts are Sending Children to Live with Abusers?

Ten Ways to Know the Custody Court System is Broken by Barry Goldstein

Mothers and domestic violence advocates have been complaining for many years about problems in the custody court system that have resulted in large numbers of children being sent to live with abusive fathers while safe, protective mothers are denied any meaningful relationship with their children... This article will discuss ten reasons we know the custody court system is broken and must be reformed.

1. **Mothers' Complaints:** A mother who has been the primary caregiver and makes allegations of domestic violence &/or child abuse loses custody to the alleged abuser & receives supervised visitation or no contact with her children... Male supremacist groups have encouraged abusive fathers to seek custody as a way to avoid paying child support, to pressure partner to stay or punish her for leaving...
2. **Available Research:** The modern movement against domestic violence is only about thirty years old and there was little research available when it started. We now have extensive research to demonstrate common mistakes courts and the often-unqualified professionals they rely on use in domestic violence custody cases... We have many studies proving widespread gender bias against women in the approaches used by the courts... Most custody cases (over 95%) are settled more or less amicably. The problem is with the minority of terrible cases that continue to trial and beyond. Courts often think of them as "high conflict" cases, but in reality these are mostly domestic violence cases... 90% of these contested custody cases are caused by abusive fathers...
3. **Battered Mothers Testimony Project and Research:** Several states including Massachusetts, Pennsylvania, California, Arizona and New York City have done studies... These surveys have demonstrated widespread problems in the custody court system, many common mistakes and outcomes that fail to protect battered women and their children.
4. **Courageous Kids:** If a court system wanted to determine the validity and value of psychological evaluations, it would look for research that examined how the recommendations and approaches used by the evaluators worked out in the lives of the children.
5. **Review of Bad Cases:** Many other experts have studied domestic violence cases where the alleged abuser received custody and the protective mother received little or no contact with her children. In these cases we have found widespread mistakes, bad practices, use of myths and stereotypes, the failure to use up-to-date research, gender bias and outcomes that place children at risk.
6. **Parental Alienation Syndrome:** Dr. Paul Fink, past president of the American Psychiatric Association wrote a chapter for the book in which he demonstrates the invalidity of PAS. Dr. Fink points out that Richard Gardner made numerous statements complaining that society takes child sexual abuse too seriously and that sex between adults and children can be appropriate.
7. **Gender Bias:** They have found widespread gender bias and particularly in domestic violence custody cases. Among the common problems were blaming victims for their abuser's behavior, burdening women with higher standards of proof and giving fathers more credibility than mothers.
8. **Failure to Recognize Domestic Violence:** ...Many of the mistakes custody courts make have to do with failing to recognize domestic violence. In fairness some of the problem is caused because victims or their attorneys fail to present the necessary evidence. Too often the professionals are interested only in physical abuse. They fail to consider a variety of controlling and coercive tactics... How can courts be expected to decide domestic violence custody cases appropriately if they don't know what to look for when determining the validity of domestic violence allegations?
9. **Effect of Domestic Violence on Children:** ...As long as the courts fail to understand the long-term harm to children of placing them with abusers, the courts will continue to make decisions that ruin children's lives...

10. **Extreme Results:**...Rapists & even murderers frequently receive some supervised visitation & yet mothers who sought to protect their children from an abuser are completely cut off from their children...

Now That We Know the Custody Court System Is Broken

Now is not the time for blame or attacks... it is all too easy for good and caring people to fail to understand and recognize gender bias and domestic violence. The challenge for the custody court system is to be open to the up-to-date research even though it finds the courts have made widespread mistakes in its handling of domestic violence custody cases.

The medical community faced a similar situation in responding to research that found avoidable mistakes were responsible for 100,000 deaths each year in our nation's hospitals. For years, fear of lawsuits, discipline and damaged reputation caused the medical profession to ignore, deny and seek to place blame on others. Finally they realized this was a losing strategy. Doctors, nurses and hospitals have now come together to correct the problems with more openness and accountability. Lives have already been saved from implementation of this approach and the campaign to prevent such avoidable errors. Rather than harm the medical community's reputation, this campaign has increased the respect for the medical community.

I believe if the legal community makes a similar effort **to apply the latest research and create a campaign to avoid the kinds of tragic mistakes that have ruined the lives of so many women and children, the campaign will improve the reputation of the legal system.**

In responding to domestic violence the experts are the domestic violence community. They are the only profession working full time on domestic violence issues and know how to recognize domestic violence, **the best ways to prevent it and the harm it causes...** The domestic violence community is an important and valuable resource that the court system can benefit from as it applies the up-to-date research to practices that are now discredited.

The legal system must use this research to launch a re-evaluation of its response to domestic violence custody cases so that custody courts become a safe place for battered mothers and their children. We are ready to work with them to help accomplish society's goal of ending domestic violence.

<http://barrygoldstein.net/important-articles/the-custody-court-system-is-broken>

Crisis in the Custody Court System by Barry Goldstein

Every year 58,000 children are sent for custody or unprotected visitation with dangerous abusers. In a recent two year period 175 children were murdered by abusive fathers involved in contested custody often with the unwitting assistance of courts that gave the fathers the access used to kill the children.

Dr. Dianne Bartlow and her students interviewed judges and court administrators as part of a study to determine what reforms the courts had made in response to the tragedies in their communities. The judges who participated are some of the best which is why they agreed to take the time to discuss domestic violence and custody. They often spoke eloquently about these issues and tended to have more training than their colleagues. **Nevertheless these courts had not created reforms to make children safer because they assumed the tragedy in their community was an exception.**

Unfortunately the court system has not been very open to findings that their practices are working

poorly for children. In many ways the court system is an insular community that only speaks to themselves and has not modified their practices and training in response to current scientific research. In April of 2012, the U. S. Department of Justice released a study (<https://www.ncjrs.gov/pdffiles1/nij/grants/234465.pdf>) led by Dr. Daniel Saunders of the University of Michigan that is extremely helpful in explaining why the courts get such a high percentage of domestic violence custody cases wrong. Saunders found that **there is now a substantial body of current scientific research that could inform court decisions, but court professionals rarely look to this research to help protect children.** He found that the standard training received by evaluators, judges and lawyers does not provide the information needed to respond effectively to domestic violence cases....

The problem is magnified by the widespread use of a cottage industry of lawyers and mental health professionals that seek “fathers’ rights” business. A large majority of contested custody are really domestic violence cases in which **abusive fathers use standard abuser tactics to seek custody as a way to regain control over their victims. Domestic violence is very much about control and economic control is an important part of the standard tactics...**

The research means that it is critical courts learn to recognize domestic violence and stop minimizing its significance. **I wish the leaders in the custody court system would be open to meeting with leading researchers and domestic violence experts to discuss the reforms needed to better protect our children.**

<http://barrygoldstein.net/important-articles/crisis-in-the-custody-court-system>

DV Cases Require DV Experts: Duh! by Barry Goldstein

I can understand why the court system did not immediately seek to learn from and rely on domestic violence experts when domestic violence first became a public issue in the mid to late 1970s. There was no research available and few domestic violence advocates....

We now have a substantial body of specialized domestic violence research that establishes **the courts are getting a very high percentage of domestic violence custody cases wrong and often spectacularly wrong because of the standard use of flawed practices.**

These mistaken practices cause even good judges to regularly make bad decisions. Although mothers involved in contested custody cases make deliberately false allegations only one or two percent of the time, **fathers receive custody between 70 and 83% of the time. In other words a large majority of abusers who seek custody are successful...**

Evaluators are generally trained in psychology of psychiatry, but not domestic violence. Even if they have received a few hours of training in domestic violence and have been willing to listen (many evaluators are hostile to this training), at most it gives them some general awareness of the subject, but not expertise.

That is why evaluators rarely provide the courts with information about lethality assessments, domestic violence dynamics or current scientific research. It is why they don’t know what to look for to recognize domestic violence and often mistakenly assume the danger is diminished with the end of the relationship. **Especially important is their failure to understand and explain to the courts the harm of domestic violence to children.**

Expertise in Safety Issues

Fundamental to the work of domestic violence advocates is the ability to engage in safety planning with their clients. In order to do this, they need to be able to assess the level of danger presented by the client's abuser.

We can never know that an abuser will not kill or seriously injure his partner. This is particularly true when she has left him because 75% of men who kill their partners do so after she has left. There are, however, many behaviors domestic violence experts look closely at because they have been shown to demonstrate a significantly higher level of danger.

Among the factors experts look for in assessing lethality are choking, strangling or grabbing her throat, hitting a woman while pregnant, rape or attempted rape, hurting pets, threatening suicide, homicide or kidnapping, substance abuse, mental illness, refusal to obey laws or court orders, availability of guns and a belief she has no right to leave.

With rare exceptions, evaluators and other court professionals do not have this fundamental information and do not apply it to the cases they are working on....**Malpractice is the most, generous term I can think of to describe this dereliction of duty.**

Only a broken system can continue to rely on evaluators and other court professionals in domestic violence cases who have virtually no training or understanding of safety and lethality issues just because there is a long history of making this mistake...

<http://barrygoldstein.net/important-articles/dv-cases-require-dv-experts>

Recognizing Domestic Violence by Barry Goldstein

Domestic violence abusers present many unacceptable risks to children, but the courts cannot protect children if they are unable to recognize the abuser's pattern of domestic violence tactics. Every year 58,000 children are forced into custody or unprotected visitation with dangerous abusers.

Judges make these dangerous mistakes because they are relying on court professionals who do not know how to recognize domestic violence or minimize its significance. They often compound the harm to children by denying them normal access to their mothers by punishing mothers for making abuse allegations the courts assume are false because court professionals failed to understand the significance of the available evidence.

...court professionals are mistakenly discrediting abuse allegations for the wrong reasons, they are missing important evidence that supports the complaints. Often this is because the professionals are only looking for evidence of physical abuse.

When judges lament the difficulty of deciding a he-said-she-said case, they are really referencing their failure to recognize the significance of many pieces of evidence that would have made the case easy to understand. The failure of most court professionals to understand domestic violence dynamics is an important contributor to their inability to recognize valid allegations of abuse...

Many court professionals have been misled to believe contested custody cases are "high conflict" cases. They understand this to mean the parties are angry with each other and act out in ways that hurt the children. The actual research demonstrates a large majority of contested cases are actually domestic violence cases.

They can't be settled because the father is willing to hurt the children in order to regain control. Mothers are unwilling to agree to arrangements that harm their children, but are often blamed for not cooperating....

The most dangerous abusers are the ones who believe she has no right to leave. This is why 75% of men who kill their partners do so after she has left. These are the fathers we see in contested custody cases. This is why over the last few years we have documented at least two hundred children murdered by fathers involved in contested custody cases often with the unwitting assistance of the courts.

Too often court professionals are so delighted that a father wants to be involved with his children that the court professionals never look at his motivation. In the notorious Shockome case, the father openly admitted telling his wife that he brought her here from Russia so she has no right to leave. He said she would never get away from him...

The Mistake of Minimizing Domestic Violence

While evaluators and other court professionals are generally aware that domestic violence is harmful to children, many place less importance on this issue than it deserves because they are unfamiliar with the research that demonstrates the extent of the harm to children. The problem is compounded because most of these professionals have repeatedly heard only the first half of an important sentence. They have heard children do better with both parents in their lives, but missed the rest of the sentence which is unless one of the parents is abusive...

The Most Common "Mythtake" Custody Courts Make

The new Department of Justice study led by Dr. Daniel Saunders of the University of Michigan found that evaluators and other court professionals with inadequate domestic violence training were more likely to believe the myth that mothers frequently make false allegations of abuse and as a result make recommendations that work poorly for children. Deliberate false allegations by mothers occurs only one or two percent of the time, but the myth which is encouraged by abuser rights groups and the professionals they support contribute to frequent mistakes by custody courts that dismiss valid complaints about domestic violence and child abuse. Many of the deeply flawed practices such as parental alienation, "friendly parent" and pathologizing mothers are based on this myth. The myth also encourages gender bias and confirmation bias. This is why experts who know the truth and have the training they need are able to make decisions that work best for children.

Ignorance Is Not Neutral: It Favors Abusers

This lack of critical thinking contributes to the widespread mishandling of domestic violence custody cases. Abuser rights groups often argue that when they come to court mothers and fathers should be treated the same. Judges often accept and support such statements because they superficially sound reasonable and never consider the unstated part of the statement "regardless of past parenting."

If courts are working for the best interests of the children, they need to consider that children usually need one parent more than the other. Their primary attachment figure, whether mother or father is far more important to their well-being than the other parent. **A non-abusive parent is far more valuable to a child than an abusive one.** And yet we often hear judges uncritically repeating the belief that the child needs both parents equally... **The research that establishes that 98% of mothers' domestic violence allegations are honest, but 70-83% of the time the alleged abuser wins custody...**demonstrate a large majority of these cases are wrongly decided.

Even worse are the sexual abuse cases in which 85% of the cases result in custody for the alleged offender. These cases are more difficult because the mothers usually did not witness the alleged sexual abuse. Some of the concerns could be caused by a child's sexualized behavior or complaints that might be caused by boundary violations rather than molestation.

Hopefully it won't be long until we are shaking our heads and wondering how it could have taken so long to appreciate what should be obvious. **A custody court that refuses to listen to a domestic violence expert is demonstrating its bias and committing malpractice.**

Changing Abusers' Behavior: What Works What Doesn't by Barry Goldstein

Introduction

A few years ago I attended a national conference for and about batterer programs. One of my colleagues aptly referred to it as a marketing conference for the batterer program industry. I am sure there were many people at the conference that sincerely sought to reduce domestic violence and believed their programs could help accomplish this. Nevertheless I was appalled at practices that undermined the safety of women partnered with abusive men and frequent inaccurate claims that their programs could change men's behavior and make it safe for women to live with them.

The modern movement to end domestic violence began in the mid to late 1970s and helped make men's violence against women a public issue. This focused attention on the question of how to stop men in heterosexual relationships from abusing their partners. At the time there was little research available to help policy makers and most of the decisions on how to respond to domestic violence were made by people who did not understand domestic violence dynamics. This led to attempts to promote partner safety through ineffective approaches that continue to the present.

One of the fundamental questions was whether to respond by changing individuals one at a time or to promote societal changes. The primary response has been to focus on the individual such as by creating shelters and counseling for survivors and batterer programs and forms of treatment for abusers. **This has undermined recognition of the need to make fundamental changes to the status quo by creating an appearance that society is engaged in an effective response to domestic violence.** Ironically the present response has resulted in a substantial reduction in the number of men killed by their heterosexual partners, but only a small decrease in the number of women murdered by their abusers.

Common Practices Providing Little Protection for Women

Society has adopted many flawed practices in responding to domestic violence and failed to use critical thinking in understanding what strategies are likely to work. Large sums of money have been wasted repeating studies about the effectiveness of batterer programs and other unsuccessful approaches. These are based on a lot of unexamined assumptions.

1. **Mental Health Treatment:** The cause of his abuse is his belief system and sense of entitlement. This is not something changed with therapy.
2. **Substance Abuse:** Long before the start of the modern movement to prevent domestic violence there was a widespread belief that alcohol or drug abuse was the cause of the batterer's assault. Many unqualified professionals continue to believe this even today.

A closer look at his behavior will demonstrate he has a belief system and sense of entitlement that he

uses to justify controlling and coercive behavior towards his partner. He engages in these tactics even when he is sober. Significantly, many men with substance abuse problems never abuse their partners while under the influence because it is not a behavior they would consider.

3. **Anger Management:** Some courts continue to send batterers to anger management classes although there is no valid research to support this practice. They abuse their partners because there is a long history of husbands abusing their wives with no accountability consequences to him.

Practices that Would Provide Protection for Women

1. **Accountability:** Men are far more likely to assault and abuse their intimate partners than anyone else in part because they do not expect to suffer any consequences for their actions. Holding men accountable for their abusive behavior sends a message that society no longer will tolerate his abuse.
2. **Monitoring:** The only responses to domestic violence that have been shown to create a long-term change in men's behavior towards their partners are accountability and monitoring.
3. **Making it Easier for Women to Leave:** More recently abusers have learned to use the custody courts to go after the children. The frequent mistakes caused by inadequately trained court professionals have resulted in frequent awards of custody to abusive fathers. Many mothers have responded by staying with their abusers in order to be close to their children in order to protect them. The recent increase in domestic violence homicides after many years of declines are likely caused by the widespread failures of our custody courts.
6. **Rely on Genuine Experts:** Domestic violence professionals are part of the only profession that works full time on domestic violence issues. Judges and other custody court professionals tend to minimize their value because the advocates often have less formal education than the unqualified evaluators and other professionals relied on by the courts, are seen as partisan because "they always oppose domestic violence," and the courts are not used to thinking of domestic violence as having a specialized body of knowledge that requires expertise.
7. **Work to End Sexism and all other Oppressions:** One of the many problems in responding to domestic violence is that in sexist societies we are not responding to aberrational behavior but rather normal behavior. We often see journalists and court professionals confused by information that the alleged abuser is successful in other parts of his life and is known for good deeds and other positive behaviors that make it hard for untrained professionals to accept that the same man has brutalized his partner often over many years. Similarly we often see untrained professionals have difficulty believing domestic violence allegations against someone who is well dressed and well spoken. Men do not commit domestic violence in a vacuum. Indeed the failure to view their behavior in context is a major impediment to understanding and recognizing domestic violence. Men's behavior towards women takes place in the context of hundreds and thousands of years in which men were allowed and even encouraged to abuse and control their wives. In many of our lifetimes, domestic violence crimes that are now prosecuted were considered legal or at least treated as private matters for which the government was not expected to interfere. Wife rape was treated as legal behavior because men were considered to be entitled to sex from their wives.
8. **Coordinated Community Response:** Each part of the community has a positive role to play to reinforce the message against domestic violence and to stop delivering messages that support men's sense of entitlement and privilege. [The media] **need to stop publishing and broadcasting stories about domestic violence crimes that actually sympathize with the offender and often invisibilize or blame the victim. The media particularly needs to expose the crisis in the custody court that has resulted in at least 58,000 children being sent for custody or unprotected visitation with dangerous abusers every year and the deaths of 175 children in a recent two year period caused by abusive fathers involved in contested custody.**

Legislation Needed to Help Protective Mothers by Barry Goldstein

First Priority Must be Safety

...The concept of safety includes more than just preventing the direct assault on a child, but also placing children under conditions that make it more likely they will engage in harmful behaviors... Almost all of the states use the best interests of the child standard and most have legislation or case law that discusses the criteria to be considered in determining what is in the best interests of the children. One of the major problems with this approach is that the lists do not set forth what issues should be given priority and we routinely see court professionals focus on issues that are far less important than the safety of children.

If safety was the first priority, courts would need a risk assessment rather than the present practice of ordering a more general evaluation...

If the safety of children was the first priority, court professionals would have to consider five major areas of research and information that are needed to protect children's safety regarding domestic violence. These professionals would either have to possess this information or rely on genuine experts with this specific information.

1. **Knowledge of Behaviors Known to Reveal an Increased Danger of Lethality or other Safety Risk**
2. **Understanding Domestic Violence Dynamics:** Men abuse the women they are partnered with because of their sense of entitlement to control their partners.
3. **Recognizing Domestic Violence:** We often see cases that unqualified professionals view as a he-said-she-said dilemma, but if they looked at the pattern of his behavior it would be easy to recognize his history of abuse.
4. **The Effects of Domestic Violence on Children:** Unqualified professionals do not understand the extent of the harm caused by domestic violence so they minimize its significance and place children at risk.
5. **Knowledge of Research about Batterer Narratives:** We have a substantial amount of research about batterer narratives. It demonstrates the kinds of stories, justifications, minimizations and beliefs that they use in discussing their abuse. This is important because abusers tend to be extremely effective at manipulating people including professionals.

Accountability

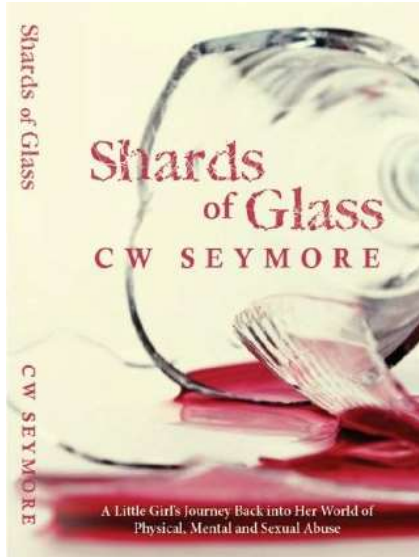
Whenever groups of advocates and supporters of protective mothers come together to discuss reform of the broken custody court system, one of the first suggestions is that we find a way to hold judges and other court professionals accountable... The media has also failed to uphold its obligation to scrutinize the work of the courts.

Barry Goldstein Bio – He is the co-author with Elizabeth Liu of *Representing the Domestic Violence Survivor*, co-editor with Mo Therese Hannah of *Domestic Violence, Abuse and Child Custody* and author of *Scared to Leave Afraid to Stay*. He has been an instructor and supervisor in a NY Model Batterer Program since 1999. He was an attorney representing victims of domestic violence for 30 years. He now provides workshops, judicial and other training regarding domestic violence particularly related to custody issues. He also serves as a consultant and expert witness. Barry can be reached at Barry78@aol.com.

Featured Books

SHARDS OF GLASS

by CW Seymore



BOOK AVAILABLE AT:

<https://www.amazon.com/author/cwseymore>

CRAZY LIFE

by Leslie Morgan Steiner

www.lesliemorgansteiner.com



VIDEO: <http://www.youtube.com/watch?v=V1yW5IsnSjo>

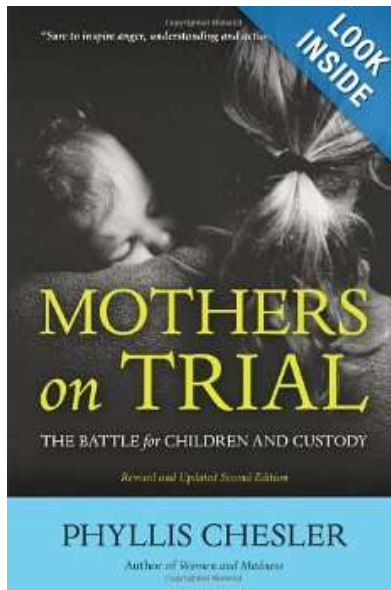
BOOK AVAILABLE AT:

<http://www.lesliemorgansteiner.com>

MOTHERS ON TRIAL: THE BATTLE FOR CHILDREN & CUSTODY

by Phyllis Chesler

www.phyllis-chesler.com



BOOK AVAILABLE AT:

<http://www.amazon.com/Mothers-Trial-Battle-Children-Custody/dp/1556529996/>

SCARED SILENT

by Mildred Muhammad

www.mildredmuhammad.com



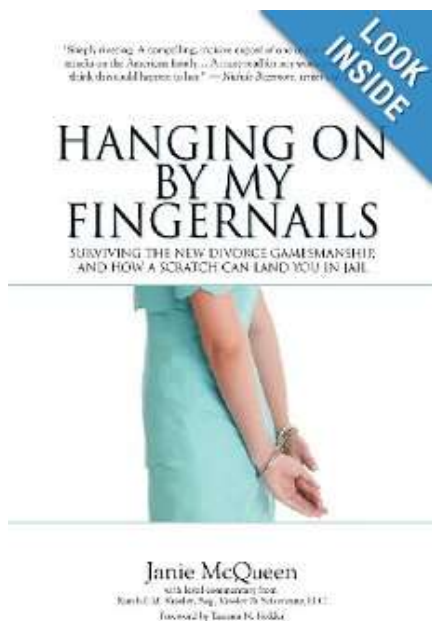
BOOK AVAILABLE AT:

http://www.amazon.com/Scared-Silent-Mildred-Muhammad/dp/1593092415/ref=sr_1_sc_2?s=books&ie=UTF8&qid=1375837633&sr=1-2-spell&keywords=mildred+mohammed

HANGING ON BY MY FINGERNAILS

by Janie McQueen

www.janiemcqueen.com

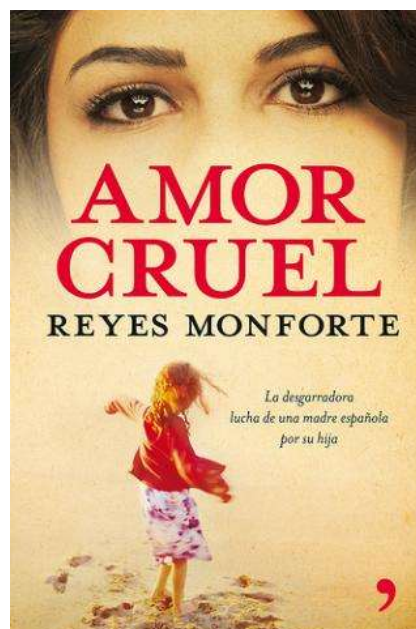


BOOK AVAILABLE AT: www.amazon.com/Hanging-My-Fingernails-Surviving-gamesmanship/dp/0981611400/ref=sr_1_1?s=books&ie=UTF8&qid=1359996315&sr=1-1&keywords=hanging+on+by+my+fingernails

AMOR CRUEL [CRUEL LOVE]

by Reyes Monteforte

www.mariajosecarrascosa.es

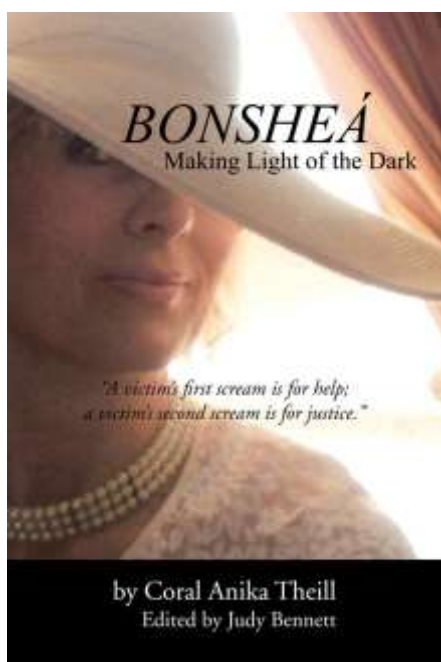


BOOK AVAILABLE AT: <http://www.amazon.com/Amor-cruel-REYES-MONFORTE/dp/8484607496>

BONSHEA: MAKING LIGHT OF THE DARK

by Coral Anika Theill

www.coralanikatheill.com



BOOK AVAILABLE AT: www.amazon.com/BONSHEA%20Making-Light-Dark-ebook/dp/B00C85WM74/ref=sr_1_1?s=books&ie=UTF8&qid=1365560552&sr=1-1&keywords=Bonshea+Making+Light+of+the+Dark

OCTOBER SNOW

by Jenna Brooks (Fiction)

www.octobersnow.weebly.com



BOOK AVAILABLE AT: <http://www.amazon.com/October-Snow-Jenna-Brooks/dp/1479234826>

Family Courts in Crisis Newsletters are prepared by **Quenby Wilcox**, Founder of Global Expats (www.global-xpats.com,) and Safe Child International (www.linkedin.com/groups/Safe-Child-International-3912973.)

Quenby Wilcox, is a career Expat Mom and activist whose work focuses on domestic violence as a human rights violation, the advancement of women/homemaker's rights, and promoting the interests of expatriated citizens around the world. Her research, and lobbying efforts on Capitol Hill and with the US Department of State, as well as her analysis of the issues and challenges involved in cases of international divorce and custody battles are posted on www.worldpulse.com/user/2759/journal. Her blogs are posted on www.quenby.wordpress.com.

She may be contacted at quenby@global-xpats.com, www.linkedin.com/pub/dir/Quenby/Wilcox, or +00.1.202-213-4911 with any questions or requests for interviews.



HELL HATH NO FURY LIKE A MOTHER SCORNE

Free, downloadable copies of *Family in Crisis* (May–August 2013) Newsletters are posted on www.worldpulse.com/user/2759/journal.