

Assessing domestic violence in custody disputes critical to assure safety in parenting plans

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Custody disputes among separated spouses can become especially difficult when there are allegations of domestic violence. When abuse appears to be jointly afflicted, less serious in nature, or a relatively isolated event, the question of which parent gains custody becomes more unclear. As part of a special issue on domestic abuse, a new article in *Family Court Review* addresses the need for a new approach to developing parenting plans after separation when domestic violence is alleged.

An interdisciplinary team of law professors and researchers bring multiple perspectives to the work. Peter G. Jaffe, Janet R. Johnston, Claire V. Crooks, and Nicholas Bala propose a method of assessing risk by screening for the potency, pattern, and primary perpetrator of the violence. This will in turn generate ideas about the type of and potential for future violence, as well as parental functioning. Assessing the level of risk of domestic violence may help match the family to appropriate services and interventions.

The level of potency, or the degree of severity and risk of serious injury, is the foremost dimension to be assessed and monitored so that protective orders can be issued and other immediate safety measures taken. The extent to which the violence is part of a pattern of coercive control is a crucial indicator of the extent of stress and trauma suffered by the child and family. Also, whether there is a primary perpetrator of

violence will indicate whose access needs to be restricted and which parent can provide a nonviolent home.

This kind of differential screening for risk in cases where domestic violence is alleged provides preliminary guidance in identifying parenting arrangements that are appropriate for the specific child and family and, if confirmed by a more in-depth assessment, may be the basis for a long-term plan.

Based upon the level of conflict and violence, various parenting arrangements can subsequently be implemented including co-parenting, parallel parenting, supervised exchange, supervised visitation, and suspended contact.

"Judges and professionals working in the family justice system need to be thorough in their assessment of domestic violence as a critical factor in determining the best parenting plan after separation for the safety of adult victims and their children," the authors conclude.

Source: Wiley-Blackwell

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