Much to Celebrate

With this issue of Synergy, the Family Violence Department pauses to say goodbye to Hon. Stephen B. Herrell, who died on February 12, 2006. With great leadership and integrity, Judge Herrell challenged judges and others throughout the country to look inside themselves and question how they could improve outcomes for families in need. In challenging himself, he was a pioneer in improving the judicial response to domestic violence and worked hard to ensure the voice of battered women’s advocates informed that response. While saddened by his loss, we remember the inspiration he was to us and to others throughout the country.

In January, 2006, President Bush signed into law the latest iteration of the Violence Against Women Act (VAWA). With this issue of Synergy, we focus on those provisions in VAWA 2005 that have been strengthened. Our VAWA article in this issue of Synergy focuses on those provisions in VAWA 2005. The needs of children exposed to domestic violence continue to command the attention of interveners throughout the system. This issue summarizes state legislative enactments concerning parental access to children exposed to domestic violence; highlights the efforts of several Chicago supervised visitation centers to offer culturally appropriate services to such children and their families; and discusses the trend toward using parenting coordinators in family court and analyzes the implications of that practice for victims and their children.

We end by welcoming to our staff, in both our Reno and DC offices, several valued and talented new colleagues. We are delighted to have them aboard.

In peace,

Billie Lee Dunford-Jackson, JD
and Maureen Sheeran

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Parenting Coordination in High-Conflict Cases

Parenting coordination is an emerging alternative dispute resolution technique being used to address the problems of highly litigious “high-conflict families” and overburdened, overworked, and under-resourced family court systems. This article examines parenting coordination in high-conflict cases, which has received increased support in federal and state court systems. It describes the problems of highly litigious “high-conflict families” and the different approaches being used to enhance the safety of abused parents and their children. Approximately, 10 states have statutes, court rules, or local rules authorizing the use of parenting coordination in child custody cases. Another three states have pending parenting coordination legislation.

What is Parenting Coordination?

Parenting coordination seeks to assist high-conflict parents to implement their parenting plan, monitor compliance with the details of the plan, resolve conflicts regarding their children and the parenting plan in a timely manner, and protect and sustain safe, healthy, and meaningful parent-child relationships. Parenting coordination is child-focused and is designed to resolve disputes between high-conflict parents arising out of an agreed-upon parenting plan, or, in cases where the parties cannot agree, a child custody and visitation order entered by the court. Rather than go back to court to resolve problems arising out of the parenting plan or court order, such as changes to or clarification of parenting time, exchanges of the children, or alterations to the children’s appearance, the parties may elect to use parenting coordination to resolve these issues or may be court ordered to do so.

Concerns have been raised about the courts’ use of parenting coordination as an inappropriate delegation of judicial decision-making. While those concerns are legitimate, they can be largely alleviated by ensuring that judicial oversight continues in those cases and that the parties have expedited access to the court in the event that there is disagreement with a decision made by the coordinator, as well as if the need arises either to replace or terminate the use of a parent coordinator. Thus, providing quick, regular, and more economically efficient access to a parent coordinator to help parties resolve day-to-day questions and disputes does not and should not prohibit parties from accessing the judge handling their case.

The Role of the Parenting Coordinator

The role of the parenting coordinator is not to make major decisions that would change legal or physical custody from one parent to the other or that would substantially change a parenting plan or court order. This type of decision-making is the court’s function. However, a parenting coordinator, if given authority by the court, may resolve or make recommendations about issues such as: health care management; child-rearing, education or daycare; enrichment and extracurricular activities; religious observances and education; children’s travel and passport arrangements; communication between parties regarding the children; role of and contact with significant others and extended family; family violence; children’s behavior assessment or testing for either or both parents; or parenting classes for either or both parents. Whether parenting coordination is agreed upon by the parties or court ordered, it is incumbent upon the court to clarify with specificity the role of the parenting coordinator. This is especially true for domestic violence cases because parenting coordination was designed primarily for high-conflict cases.

High Conflict vs. Domestic Violence Cases

While the goals of parenting coordination may serve high-conflict cases well, parenting coordination presents safety concerns in domestic violence cases. The terms high-conflict and domestic violence are often used interchangeably within the courts and are often confused, even though these two terms have vastly different meanings. The term high-conflict has been used to describe more intense and protract-


Child Custody

The special issue of the Journal of the Center for Families, Children & the Courts, Vol. 6, 2005, on courts responding to domestic violence is now available. Articles in this special issue range from a review of federal and state firearms laws related to domestic violence and with suggested protocols for their implementation, to a national review of legislation affecting victims of domestic violence, whether in protection order or family court. The National Council of Juvenile and Family Court Judges recently completed its annual review of legislation affecting victims of domestic violence and their children, Legislative Update, Volume 11.

Nine states, as well as the U.S. Virgin Islands, passed legislation affecting custody and visitation provisions that impact victims of domestic violence. Arizona now prohibits the award of joint custody if the court makes a finding of the existence of significant domestic violence or if the court finds by a preponderance of the evidence that there has been a significant history of domestic violence. In Arkansas, it is now a class A misdemeanor to interfere with custody while the parent or custodian and a minor are being hounded at a domestic violence shelter. Illinois now requires that, in addition to ongoing abuse, the occurrence of repeated abuse he considered when determining the best interests of a child Minnesota established best interests factors for the court’s consideration that focus on safety considerations for victims of domestic violence. In Texas, the court may now decline a mediated settlement agreement affecting the parent-child relationship if the court finds that one of the parties was a victim of domestic violence, the violence affected the party's ability to make decisions, and the agreement was not in the child’s best interest. In Oregon, the court hearing a protection order case may now modify the custody or parenting time provision of a preexisting order if necessary to protect the safety and welfare of the child or petitioner to the order of protection. And, the U.S. Virgin Islands adopted the Uniform Child Custody Jurisdiction and Enforcement Act, as well as a rebuttable presumption that it is in the best interest of a child to reside with the parent who is not the perpetrator of abuse if the court finds domestic violence has occurred.

To request a free copy of Legislative Update, Volume 11, please contact the Resource Center on Domestic Violence: Child Protection and Custody at (800) 527-3223 or visit our website at http://www.ncjfcj.org to download a copy.

Domestic Violence Cases

ed disputes that require considerable court and community resources; and that are marked by a lack of trust between parents, a high level of anger, and a willingness to engage in repetitive litigation. Because domestic violence cases are marked by many of these same traits, they are often lumped into definitions of high-conflict. However, the term domestic violence here refers to an intentional pattern of coercive behavior, including physical violence, sexual violence, threats of harm, economic control, isolation, insults, and emotional control, within an intimate relationship in which one partner engages with the purpose of achieving power and control over the other partner. As a result of the confusion in and interchangeable use of these terms, domestic violence cases are many times labeled as high-conflict cases. However, the risks and responsive strategies to each type of case are different, although they may overlap. The crucial differences between high-conflict cases and domestic violence cases include, among other things:

• In high-conflict cases, there is a relatively equal balance of power between the two parties, and the parties are not making safety-based decisions. However, in domestic violence cases this equality of power is not present because the abusing partner believes that he or she is entitled to control the abused parent and children, and the abused parent’s decisions often hinge on whether the decision will compromise their safety or that of their children.
• The safety of the abused parent and children should be prioritized after separation in domestic violence cases; this is not necessarily a concern in high-conflict cases.
• In high-conflict cases, generally the conflict does not provide the sole basis for choosing one parent as the sole physical or legal custodian of the children; however, in domestic violence cases, many states mandate by law that the violence alone does provide a basis for awarding physical or legal custody of the children to the non-abusive parent.
• In domestic violence cases, the abuser is likely to minimize and deny the violence and the abused parent may be unwilling or afraid to disclose the abuse or parenting concerns about the abuser, however, in high-conflct cases, both parents tend to be equally vocal about parenting issues. Other Safety Concerns for Abused Parents and Children

In addition to the labeling of domestic violence cases as high-conflict cases, current parenting coordination laws also present safety concerns for abused parents and their children. For example:

• Many states with parenting coordination laws or court rules call for parenting coordination specifically in high-conflict cases, which these laws and court rules tend to define as domestic violence cases; or they call for its use in domestic violence cases, without providing specific safety-focused practices and procedures.
• The parenting coordination process is not confidential, so abused parents and their children may be unwilling to disclose ongoing threats or acts of violence or parenting concerns with the abuser and may be at increased risk of harm if information is shared with the abuser. When information that puts a party at risk must be disclosed, the parenting coordinator should alert the party of the disclosure in advance so that the party can take any necessary safety precautions.
• At least two states using parenting coordination also specifically allow parenting coordinators to exclude attorneys from parenting coordination conferences or interviews. This raises the question as to whether this type of practice may interfere with both parties’ due process rights.
• Most states that allow parenting coordination in domestic violence cases do not address domestic violence training in the statute, court rule, or

Continued on page 4
The appropriateness of parent coordination in domestic violence cases is predicated upon ensuring that the primary focus is the safety of abused parents and their children. Therefore, parental coordination should aim to prioritize the safety of the child and the abused parent. Parenting coordination should be an integral part of the overall safety plan for the child, and it should be designed to protect the child from further harm.

Local authorities are responsible for ensuring that parental coordination is conducted in a manner that respects the safety of the child and the abused parent. They should ensure that the appropriate professionals are involved and that the process is guided by the principles of safety, empowerment, and respect for the individual needs of each family. Parenting coordination should be viewed as a tool to support the safety of the child and the abused parent, rather than as an end in itself. By prioritizing the safety of the child and the abused parent, parenting coordination can contribute to a decrease in the incidence of domestic violence and an improvement in the well-being of children.

An example of how parental coordination can be used to prioritize safety is the following scenario: A child living with an abusive parent is required to participate in parenting coordination. The child is hesitant to participate because of past experiences of abuse. In this situation, the child should be given the opportunity to express their concerns and preferences. The child should be allowed to participate in the decision-making process and should be given a voice in the decisions that affect them. By prioritizing the safety of the child, the process of parenting coordination can become more effective and less traumatic for the child.
Accounting for Culture in Supervised Visitation continued from page 11

Hold an all-center gathering to help bridge cultures and contribute to an atmosphere of warmth and respect for families.

Again, this occurs within the context of safety, the specifics of court orders, and availability of adequate supervision. One center, for example, has an annual dinner the week of Thanksgiving, with visiting parents, children, and other family members in one area (with several staff members) and custodial parents in another.

Support families’ food, music, and religious traditions.

Provide space for sharing meals and moving about, including dancing and sports. Work with parents to accommodate families’ faith observances, such as time for prayer, accepted foods, holidays, and rituals. This can be challenging to do, particularly in accounting for how these aspects of culture can be used as tactics for battering, or where parents differ in traditions or in interpretation of tradition.

Build processes for expanding the center’s understanding of families’ experiences with the courts, police, social security, welfare, medical, psychology, and other intervening institutions, both individually and historically.

For example, several of the Chicago focus group participants emphasized that African-American parents walk through the door of the center bringing with them their whole lives, which includes their community’s history with institutional racism, as well as their day-to-day encounters. A center that has been built with that cultural experience at its core takes care in how it appears to and works with parents. Because parents are so often under scrutiny in their everyday lives and routines, as staff members themselves have experienced, staff minimize taking notes during supervised visits. They intervene if appropriate or necessary, but complete their notes after the parents and children have left. Where centers do not have a shared culture with parents and children, they must take extra care to become aware of their individual community histories. For example, it is easy for a person to believe that institutional racism does not exist if they have not experienced it.

The exploration is just beginning. Culture always plays a role, there is no visitation center or service that is culturally neutral. How can we make supervised visitation and exchange an experience with minimal barriers? How can we make supervised visitation welcoming, respectful, and aware of the lives of everyone who comes through the door? How might the idea of safe visitation and exchange look without the physical space of a center? How can we facilitate families’ cultural identities, as well as accommodate them? The Chicago visitation centers will continue asking these questions of their work, recognizing that there is no single answer, no one-dimensional response.

2. Id.


Parenting Coordination Articles

The articles below provide information on parenting coordination in the context of domestic violence.


• American Bar Association, Quarterly E-Newsletter Vol. 2, January 2006, Parent Coordination, The Vermont Model, by Susan Fey and Bunny Flint.

End notes continued on page 13
VAWA 2005: A Focus on Prevention

Congress drafted and passed the third iteration of the Violence Against Women Act (VAWA) in 2005, and President Bush signed it into law in January 2006. This version of the VAWA reached into newer areas: creating prevention and intervention programs for children; amending substantive laws to include child custody, visitation, and support provisions; providing new protections for battered immigrants and their children, improving housing options for battered women and their children; providing more appropriate resources for battered Indian women; emphasizing the provision of culturally and linguistically specific services to improve access for all victims; and clarifying that all VAWA programs will address four crimes: domestic violence, dating violence, sexual assault, and stalking.

**Historical Context**

VAWA was passed by Congress and signed into law in 1994 by President Clinton. VAWA 1994 created substantive laws and major grant programs, including STOP (Services, Training, Officers, and Prosecutors) grants, Grants to Encourage Arrest, and grant programs addressing domestic violence in rural areas, which supported the resources and tools states and local jurisdictions needed to take action. The hallmark of VAWA 1994 was the coordinated community response.

By 2000, VAWA was reauthorized, and in the process of developing that legislation, Congress saw the need for more programs and substantive law changes to help victims. The Legal Assistance for Victims program was established. Sexual assault, dating violence, stalking, and trafficking were added to select programs. VAWA became a comprehensive legal and social service program, not just a criminal legal and social service program, for battered women and their children; providing new protections for battered immigrant populations; providing new protections for children; amending substantive laws and major grant programs, including STOP (Services, Training, Officers, and Prosecutors) grants, Grants to Encourage Arrest, and grant programs addressing domestic violence in rural areas, which supported the resources and tools states and local jurisdictions needed to take action. The hallmark of VAWA 1994 was the coordinated community response.

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**VAWA 2005: Children and Youth Exposed to Domestic and Sexual Violence, Child Custody, Visitation, and Underserved and Immigrant Populations**

Prior to 2005, each VAWA grant program and federal law had its own definitions, which were sometimes inconsistent with each other. Congress has now created a single set of definitions and conditions. After VAWA 2005, most programs will now serve “adult and youth victims” of domestic violence, dating violence, sexual assault, and stalking. Other changes include:

**Helping Children and Youth Exposed to Domestic and Sexual Violence**

Many of the new children’s and youth programs in VAWA address witnessing of domestic violence, child sexual victimization, teen dating violence, and overlapping child abuse and neglect. Because many jurisdictions have charged non-offending parents who are themselves victims of domestic violence with “failure to protect” their children from exposure to the violence, VAWA 2005 makes clear that “child abuse and neglect” does not mean “failure to leave an abusive relationship, in the absence of other action constituting abuse or neglect.”

VAWA 2005 also creates significant new programs to help children, including funding for children’s services, such as shelter, direct counseling, advocacy, mentoring, and legal assistance; funding for conducting outreach and education programs in schools regarding dating violence; funding for programs serving children and youth exposed to domestic violence, dating violence, sexual assault, and stalking to provide support to the non-abusing parent or child’s caretaker; funding to provide direct legal assistance for teen victims of dating violence; and funding to encourage cross training and collaboration between the domestic violence and child welfare systems.

**Safe Havens for Children**

The Safe Havens for Children provision of VAWA 2000 was reauthorized to protect battered parents and children during parent child visitation and visitation exchanges. This provision was extended to dating relationships.

**Full Faith and Credit**

The Full Faith and Credit provision of VAWA 1994 is now amended to clarify that child custody, visitation, and support provisions included in a protection order and issued under the state protection order statute must also receive full faith and credit, making these provisions enforceable across state lines. Additionally, VAWA 2005 prohibits the publication of their experience. For example: set aside 90 minutes for an intake appointment; or expand the customary 15-minute parental arrival and departure windows to allow for bus transportation and getting children in and out of jackets and car seats.

- **Prepare center staff to work with battering parents.**
  - A visitation center should not demonize fathers or structure its work around fear of batterers. To connect with them from a basis of respect does not mean abandoning battered mothers and their children or ignoring the ways in which children might be used as a tactic of battering. The Chicago visitation centers recognize that some battering parents possess, however, they attempt to avoid lumping every visitation or non-custodial parent into a single category.

- **Use staff meetings, ad hoc work groups, community members, and parents to help examine every aspect of the center’s design and the implied and explicit messages about who is welcome and how they are valued.**
  - For the Chicago visitation centers, non-threatening locations (alongside health care offices, a bank building, and a community center) are important in conveying respect, along with careful consideration of the placement and use of security measures such as uniformed guards and metal detectors, both of which the Chicago visitation centers ultimately chose not to use. Formality in addressing people, such as using Mr., Mrs., Miss, Ms., Usted, Señor, or Señora, is also a way for centers to welcome people and show respect. Where there is a gap between the center staff’s background and that of the parents using the center, invite community members to help review the center’s location, space, furnishings, magazines, art work, intake appointments, and visitation and exchange procedures. In addition, invite parents to help inform an understanding of the center’s design and impact, via focus groups, questionnaires, and other avenues.

- **Provide opportunities for extended family to be involved.**
  - As the Chicago visitation centers have experienced, this can occur within the context of safety for battered parents and their children and any restrictions in court orders or sexual abuse issues. In consultation with and approval from the custodial parents, visiting parents have brought other family members to celebrate a birthday or join the visit. “Family” for some parents and children includes a wide circle of relatives, close friends, and godparents.

**Continued on page 12**
In 2001, the City of Chicago’s Mayor’s Office on Domestic Violence (MODV) was selected to participate in the Safe Havens: Supervised Visitation and Safe Exchange Grant Program (Supervised Visitation Program), as a demonstration site. The Supervised Visitation Program allowed the City of Chicago to contract with communities providing domestic violence supervised visitation centers: Apna Ghar, The Branch Family Institute, and Mujeres Latinas en Acción (collectively referred to as the Chicago visitation centers).

As a part of participating in the Supervised Visitation Program, the Chicago demonstration site, with the assistance of technical assistance provider Praxis International (Praxis), explored how the current visitation and exchange practices in a way that makes sense to parents, particularly when the concept is entirely beyond their experiences. In or der for this extension to apply, the individual must show the abuse was at least one reason for the filing delay.

Under VAWA 2005, the self-petitioning eligibility was extended to non-citizen parents who are abused by their United States citizen sons and daughters. Eligibility is dependent upon the parent showing good moral character, that he or she is an immediate relative, residence with the abusive citizen son or daughter, and battery or extreme cruelty. VAWA 2005 added a provision allowing non-citizens to obtain work authorization once a VAWA self-petition is approved. This amendment provides battered non-citizens and their children with an alternative to reliance upon the batterer for financial support.

VAWA 2005 authorizes an outreach program to provide legal services to children of these listed non-citizens, as long as the non-citizen parent did not actively participate in the abuse or crimes against the children. Applicable legal services include, among others, assistance in obtaining a protection order, divorce, child custody, child and spousal support, and assistance with abuse and neglect and juvenile proceedings. VAWA 2005 now allows individuals who are over 21 years old and who were eligible to self-petition prior to turning 21, but did not, to file a VAWA self-petition up to age 25. In order for this extension to be used, the identity of a victim and her children. It goes beyond name, address, and Social Security number and also includes recognizable demographic elements that, in combination with other facts, could be used to identify or locate a victim.

VAWA 2005 recognizes that disclosure of some victim information may be compelled by statutory or court mandate. When such disclosure is compelled, VAWA grantees must offer adequate safety protections to the victim, such as sealing court records or limiting the release of information to specific persons only. Information collected in the aggregate about victims can be shared freely. However, individual victim information may be collected and shared only in password-protected government databases utilized for protection order enforcement or law enforcement.

VAWA 2005: OTHER REAUTHORIZATION HIGHLIGHTS

Confidentiality
Confidentiality is key for victims of domestic violence, dating violence, sexual assault, and stalking, not only for their safety and the safety of their children, but also for their healing. VAWA 2005 requires that grantees of all VAWA-funded programs keep confidential personally identifying information about persons receiving VAWA-funded services. To ensure that protection is not violated, VAWA 2005 provides funding for training staff of programs that serve children and youth on safety and confidentially identifying and protecting children and families experiencing domestic violence.

Personally Identifying Information
Personally identifying information is defined as information that can be used to locate or contact the victim, with the identity of a victim and her children. It goes beyond name, address, and Social Security number and also includes recognizable demographic elements that, in combination with other facts, could be used to identify or locate a victim.

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Culturally and Linguistically Specific and Community-Based Programs
New eligible entities in many existing VAWA programs are community-based, culturally and linguistically specific programs. Additionally, a new grant program has been created to target direct services to culturally and linguistically specific populations.
In March 2004, the United States Supreme Court issued a landmark opinion that had a tremendous impact on the way domestic violence, sexual assault, and child abuse cases were prosecuted. In the case Crawford v. Washington,1 the Court held that hearsay out-of-court statements ("hearsay") that are testimonial in nature are inadmissible unless the person making the statement was unavailable at trial and the defendant had a prior opportunity for cross-examination. This meant potentially that prosecutors could no longer use statements made by victims to third parties as evidence, and that both adult and child victims of violence and abuse might be forced to appear in court to face their abusers and testify against them.

The Crawford court declined to define "testimonial" hearsay precisely. It gave a few examples,2 but left it up to individual state and federal courts to define this term over time through case law. Since Crawford was decided, courts seem to have formulated an approach to defining "testimonial" that is highly fact-specific and not completely adverse to the needs of victims.

Of course, advocates for Crawford was whether child victims would have to testify in court about abuse, or whether their statements to social workers, child advocates, or doctors would be admitted as nontestimonial. At least two courts have held that statements made by children about abuse were nontestimonial and therefore admissible.3 In State v. Moses [Washington 2005], a hospital social worker interviewed the children of a domestic violence victim who was shot to death by her husband. The children told the caseworker that the defendant had kicked the victim and that they hid under their beds during "fights." The social worker contacted child protective services (CPS) based on this information, and testified as to the statements of the children in court. The court held that the statements were nontestimonial because they were offered to show why CPS was contacted and not to show that the defendant had committed abuse. Furthermore, in State v. Bobadilla [Minnesota 2006], the court held that a child's statements to a social worker relating to a sexual assault upon him were nontestimonial because the statements were not made in anticipation of trial but rather, were made to assess whether abuse to the child occurred and whether steps would need to be taken to protect the health and welfare of the child.

Generally, the analysis of whether a hearsay statement is testimonial is very fact-specific; no bright-line rule exists. But it appears from these cases, as well as the cases they rely upon, that there are numerous situations in which a court may find that a child victim's statements about abuse are nontestimonial and therefore admissible. Consequently, the child victims in those prosecutions will not be forced to confront the defendant in order for the cases to be prosecuted.

Supreme Court Update
On June 19, 2006, the United States Supreme Court rendered its decision in the Davis/Hammon cases,4 in which it determined that statements made to police during a 911 call for the purpose of seeking police assistance in an emergency situation are nontestimonial in nature and are admissible, even if the person who makes the statements is not available for cross-examination by the defendant; however, statements made to police at a crime scene, in non-emergency situations and for the purpose of collecting evidence that will be used to indict or prosecute crimes that are testimonial in nature and may be admitted only if the person who made the statements has been made available for cross-examination by the defendant.5

Because many jurisdictions have charged non-offending parents who are themselves victims of domestic violence with "failure to protect" their children from exposure to the violence, VAWA 2005 makes clear that "child abuse and neglect does not mean "failure to leave an abusive relationship, in the absence of other action constituting abuse or neglect."
VAWA continues from page 7

**Crimes and Courts**

VAWA modifies the STOP grants, which fund efforts to bring police, prosecutors, and courts in close collaboration with victim services providers, by creating new purpose areas, including placing victim assistants in law enforcement agencies to ensure adequate triage of cases, as well as help for persons abused by law enforcement personnel. Additionally, a portion of the STOP grants focuses state efforts on culturally and linguistically specific programs that respond to violence against women. VAWA 2005 also requires courts receiving STOP funding to notify perpetrators of domestic violence about the federal firearm prohibitions.

The reauthorized Grants to Encourage Arrest Program has new language discouraging dual arrest of victims and perpetrators and new sexual assault provisions, and provides funding to support Family Justice Centers. Changes to the Legal Assistance for Victims program (LAV) permit LAV-funded attorneys to provide support to victims navigating the criminal justice system: for example, helping a victim prepare a victim impact statement or respond to a subpoena.

**Privacy Protections**

VAWA 2005 supports state and federal efforts to address technology abuse, such as electronic stalking and high tech electrical crimes against women.

**Sexual Assault Services Act (SASA)**

SASA is a new program that creates funding for direct services for sexual assault victims. A portion of this funding will be set aside to create a discretionary grant program for non-profit organizations providing culturally and linguistically specific services. VAWA 2005 also reauthorizes the Rape Prevention and Education program.

**Prevention Programs**

VAWA 2005 creates a number of prevention programs, including programs to educate families and communities about useful responses to domestic violence, dating violence, sexual assault, and stalking; training for home visitation program personnel who work with pregnant women and new parents, on how to recognize and address domestic and sexual violence and link victims with community resources that can help them be safe; and the new Engaging Men and Youth in Preventing Domestic Violence program, which supports programs that help young people develop mutually respectful and nonviolent relationships, while engaging men as allies and role models for younger men through public education and community-based programs.

**Housing**

VAWA 2005 creates a broad range of housing programs and protections to help victims of domestic violence, dating violence, sexual assault, and stalking, including enhancements to the Section 8 voucher program, improvements to the public housing program, and confidentiality protections for victims using Housing and Urban Development programs.

**Safety for Indian Women**

VAWA 2005 also creates a new grant program to enhance tribal infrastructure in order to reduce violent crimes against Indian women. The new program, which is created by taking 10 percent from each of the existing and newly authorized VAWA programs, allows tribal grantees to build tribal, social, and law enforcement systems where none existed before. Additionally, this section of VAWA creates a new Tribal Division in the Office on Violence Against Women, to ensure that the sovereignty and the needs of tribal nations are met.

**CONCLUSION**

The reauthorization of the Violence Against Women Act creates new tools for the court, law enforcement, prosecution, social service, and victim service professionals who serve victims and children of domestic violence, dating violence, sexual assault, and stalking every day. With a focus on prevention, as well as intervention, VAWA 2005 is a bipartisan effort aimed at ending domestic violence, dating violence, sexual assault, and stalking.

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On June 19, 2006, the United States Supreme Court rendered its decision in the Davis/Hammon cases,3 in which it determined that statements made to police during a 911 call for the purpose of seeking police assistance in an emergency situation are nontestimonial in nature and are admissible, even if the person who makes the statements is not available for cross-examination by the defendant; however, statements made to police at a crime scene, in non-emergency situations and for the purpose of collecting evidence that will be used to indict or prosecute crimes are testimonial in nature and may be admitted only if the person who made the statements has been made available for cross-examination by the defendant.4

2. The Court’s examples of testimonial statements included depositions, confessions, police “interrogations,” and prior testimony at a preliminary hearing, before a grand jury, or at a former trial.
3. In both cases, the declarants were unavailable for trial and there was no opportunity for prior cross-examination (probs 1 & 5 of Crawford satisfied) and the statements were considered excited utterances (prob 2 of Crawford satisfied). Also, all of the statements sought to be introduced described the abuse and identified the abuser.
Accounting For Culture in Supervised Visitation Practices

In 2001, the City of Chicago Mayor’s Office on Domestic Violence (MODV) was selected to participate in the Safe Havens: Supervised Visitation and Safe Exchange Grant Program (Supervised Visitation Program), as a demonstration site. The Supervised Visitation Program allowed the City of Chicago to contract with existing domestic violence supervised visitation centers: Apta Ghar. The Branch Family Institute, and Mujeres LATINAS en Acción (collectively referred to as the Chicago visitation centers).

As a part of participating in the Supervised Visitation Program, the Chicago demonstration site, with the assistance of technical assistance provider Praxis International (Praxis), explored how the current design, processes, and procedures of the visitation and exchange centers accounted for aspects of culture. Specifically, the Chicago visitation centers chose to examine the question:

How does culture play a role in serving families using supervised visitation?

Using focus groups, interviews with parents and staff, observations, and group readings of redacted case files, the MODV, the Chicago visitation centers, and Praxis documented current center practices that account for the cultural differences of families coming to the centers and utilizing supervised visitation and exchange services, and, in particular, that account for their experiences with race and class. In examining this question, numerous examples of “cultural humility” were documented.

The concept of cultural humility was not a product of the inquiry, but rather a framework that resonated with the Chicago visitation centers in exploring center practices and cultural differences. Cultural humility “incorporates a lifelong commitment to self-evaluation and self-critique” and “advocacy partner-ships with communities,” as “reflective practitioners” with “self-reflection and self-critique at the institutional level.” Cultural humility “involves the curiosity and motivation to understand the web of meaning in which children and families live, and the reflective capacity to examine … [the practitioner’s] cultural values and assumptions.” It requires a commitment to appreciating the similarities and differences between … [the practitioner’s] culturally shaped goals and priorities and those of the children and families … [the practitioner] care(s) for. It requires as well an obligation to “rein in” [the practitioner’s] power and authority … so that the voices of children and family members can be fully valued and heard.”

Practitioners are cultural beings, familiar with their individual behaviors, arts, beliefs, languages, institutions, and other aspects of culture. The concept of cultural humility requires that practitioners step out of this familiarity; it requires a commitment to reflection and questioning, on an institutional as well as an individual level. Drawing on the experience of the Chicago visitation centers and related discussions, the following are examples of ways to integrate cultural humility into visitation and exchange practices:

• Define a clear identity that is separate from the court.

For many families, civil and criminal court intervention has been characterized by disrespect, confusion, and a lack of information about the process and what is expected of them. Many immigrant families have difficulty understanding the judicial system in their country of origin and even more so in the United States, where the language and system itself are very different.

• Structure adequate time and flexibility into interactions with children and parents.

Time and flexibility are essential in order to build trust and relationships, understand what has happened in someone’s life, and explain supervised visitation or exchange and the center’s procedures in a way that makes sense to parents, particularly when the concept is entirely beyond information contained in a petition for a protection order, a temporary or final protection order, or a petition to register a protection order in another court on the internet.

Underserved and Immigrant Populations

Significant changes to immigration law enable battered immigrants to protect their children from threats of deportation relating to abuse. VAWA 2005 amends the Legal Services Corporation (LSC) provision to allow LSC-funded agencies to provide legal services to non-citizens who have been battered or subjected to extreme cruelty, who are victims of sexual assault or trafficking, and who qualify for U visas. This amendment also allows LSC to provide legal services to children of these listed non-citizens, as long as the non-citizen parent did not actively participate in the abuse or crimes against the children. Applicable legal services include, among others, assistance in obtaining a protection order, divorce, child custody, child and spousal support, and assistance with abuse and neglect and juvenile proceedings.

VAWA 2005 now allows individuals who are over 21 years old and who were eligible to self-petition prior to turning 21, but did not, to file a VAWA self-petition up to age 25. In order for this extension to apply, the individual must show the abuse was at least one reason for the filing delay.

Under VAWA 2005, the self-petitioning eligibility was extended to non-citizen parents who are abused by their United States citizen sons and daughters. Eligibility is dependent upon the parent showing good moral character, that he or she is an immediate relative, residence with the abusive citizen son or daughter, and battery or extreme cruelty. VAWA 2005 added a provision allowing non-citizens to obtain work authorization once a VAWA self-petition is approved. This amendment provides battered non-citizens and their children with an alternative to reliance upon the batterer for financial support.

VAWA 2005 authorizes an outreach program to support public information campaigns targeting underserved and immigrant populations. VAWA 2005 also creates a new grant program to provide resources to community based organizations to develop or maintain outreach and victim services.

Children, and Underserved Populations

VAWA 2005: OTHER REAUTHORIZATION HIGHLIGHTS

Confidentiality

Confidentiality is key for victims of domestic violence, dating violence, sexual assault, and stalking, not only for their safety and the safety of their children, but also for their healing. VAWA 2005 requires that grantees of all VAWA-funded programs keep confidential personally identifying information about persons receiving VAWA-funded services. To ensure that this protection is not violated, VAWA 2005 provides funding for training staff of programs that serve children and youth on safety and confidentially identifying and protecting children and families experiencing domestic violence.

Personally Identifying Information

Personally identifying information is defined as information that can be used to locate or identify, with the identity of a victim and her children. It goes beyond name, address, and Social Security number and also includes recognizable demographic elements that, in combination with other facts, could be used to identify or locate a victim.

VAWA 2005 recognizes that disclosure of some victim information may be compelled by statutory or court mandate. When such disclosure is compelled, VAWA grantees must offer adequate safety protection to the victim, such as sealing court records or limiting the release of information to specific persons only. Information collected in the aggregate about victims can be shared freely. However, individual victim information may be collected and shared only in password-protected government databases utilized for protection order enforcement or law enforcement.

Culturally and Linguistically Specific and Community-Based Programs

New eligible entities in many existing VAWA programs are community-based, culturally and linguistically specific programs. Additionally, a new grant program has been created to target direct services to culturally and linguistically specific populations.

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Congress drafted and passed the third iteration of the Violence Against Women Act (VAWA) in 2005, and President Bush signed it into law in January 2006. This version of the VAWA reached into newer areas: creating prevention and intervention programs for children; amending substantive laws to include child custody, visitation, and support provisions; providing new protections for battered immigrants, and their children; improving housing options for battered women and their children; providing more appropriate resources for battered Indian women; emphasizing the provision of culturally and linguistically specific services to improve access for all victims; and clarifying that all VAWA programs will address four crimes: domestic violence, dating violence, sexual assault, and stalking.

**Helping Children and Youth Exposed to Domestic and Sexual Violence**

Many of the new children’s and youth programs in VAWA address witnessing of domestic violence, child sexual victimization, teen dating violence, and overlapping child abuse and neglect. Because many jurisdictions have charged non-offending parents who are themselves victims of domestic violence with “failure to protect” their children from exposure to the violence, VAWA 2005 makes clear that “child abuse and neglect” does not mean “failure to leave an abusive relationship, in the absence of other action constituting abuse or neglect.”

VAWA 2005 also creates significant new programs to help children, including funding for children’s services, such as shelter, direct counseling, advocacy, mentoring, and legal assistance; funding to conduct outreach and education programs in schools regarding dating violence; funding for programs serving children and youth exposed to domestic violence, dating violence, sexual assault, and stalking; and providing support to the non-abusing parent or child’s caretaker; funding to provide direct legal assistance for teen victims of dating violence; and funding to encourage cross training and collaboration between the domestic violence and child welfare systems.

**Safe Havens for Children**

The Safe Havens for Children program provides VAWA 2000 was reauthorized to protect battered parents and children during parent child visitation and visitation exchanges. This protection was extended to dating relationships.

**Full Faith and Credit**

The Full Faith and Credit provision of VAWA 1994 is now amended to clarify that child custody, visitation, and support provisions included in a protection order and issued under the state protection order statute must also receive full faith and credit, making these provisions enforceable across state lines. Additionally, VAWA 2005 prohibits the publication of their experience. For example: set aside 90 minutes for an intake appointment; or expand the customary 15-minute parental arrival and departure windows to allow for bus transportation and getting children in and out of jackets and car seats.

- Invite diverse community organizations to walk through the center’s space and procedures and provide a critique.
- Ask them to arrive at the center, complete an intake, and walk through the space as if they were a parent who would be using the center. Welcome their insights and recommendations about how to make the center and visitation a more culturally respectful experience.

- Prepare center staff to work with battering parents.
- A visitation center should not demonize fathers or structure its work around fear of batterers. To connect with them from a basis of respect does not mean abandoning battered mothers and their children or ignoring the ways in which children might be used as a tactic of battering. The Chicago visitation centers recognize the danger that some battering parents pose; however, they attempt to avoid lumping every visitation or non-custodial parent into a single category.

- Use staff meetings, ad hoc work groups, community members, and parents to help examine every aspect of the center’s design and the implied and explicit messages about who is welcome and how they are valued.

For the Chicago visitation centers, non-threatening locations (alongside health care offices, a bank building, and a community center) are important in conveying respect, along with careful consideration of the placement and use of security measures such as uniformed guards and metal detectors, both of which the Chicago visitation centers ultimately chose not to use. Formality in addressing people, such as using Mr., Mrs., Miss., Usted, Señor, or Señora, is also a way for centers to welcome people and show respect. Where there is a gap between the center staff’s background and that of the parents using the center, invite community members to help review the center’s location, space, furnishings, magazines, art work, intake appointments, and visitation and exchange procedures. In addition, invite parents to help inform an understanding of the center’s design and impact, via focus groups, questionnaires, and other avenues.

- Prepare staff to support parents and children to lead with the language of their choice.

For example, siblings may prefer to use English when discussing their homework amongst each other, but this may require that center staff help the parent understand the conversation.

- Provide opportunities for extended family to be involved.

As the Chicago visitation centers have experienced, this can occur within the context of safety for battered parents and their children and any restrictions in court orders or sexual abuse issues. In consultation with and approval from the custodial parents, visiting parents have brought other family members to celebrate a birthday or join the visit. “Family” for some parents and children includes a wide circle of relatives, close friends, and godparents.

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**Accounting for Culture in Supervised Visitation continued from page 11**

**Hold an all-center gathering to help bridge cultures and contribute to an atmosphere of warmth and respect for families.**

Again, this occurs within the context of safety, the specifics of court orders, and availability of adequate supervision. One center, for example, has an annual dinner the week of Thanksgiving, with visiting parents, children, and other family members in one area (with several staff members) and custodial parents in another.

**Support families’ food, music, and religious traditions.**

Provide space for sharing meals and moving about, including dancing and sports. Work with parents to accommodate families’ faith observances, such as time for prayer, accepted foods, holidays, and rituals. This can be challenging to do, particularly in accounting for how these aspects of culture can be used as tactics for battering, or where parents differ in traditions or in interpretation of tradition.

**Build processes for expanding the center’s understanding of families’ experiences with the courts, police, social security, welfare, medical, psychology, and other intervening institutions, both individually and historically.**

For example, several of the Chicago focus group participants emphasized that African-American parents walk through the door of the center with their whole lives, which includes their community’s history with institutional racism, as well as their day-to-day encounters. A center that has been built with that cultural experience at its core takes care in how it appears to and works with parents. Because parents are so often under scrutiny in their everyday lives and routines, as staff members themselves have experienced, staff minimize taking notes during supervised visits. They intervene if appropriate or necessary, but complete their notes after the parents and children have left. Where centers do not have a shared culture with parents and children, they must take extra care to become aware of their individual community histories. For example, it is easy for a person to believe that institutional racism does not exist if they have not experienced it.

The exploration is just beginning. Culture always plays a role; there is no visitation center or service that is culturally neutral. How can we make supervised visitation and exchange an experience with minimal barriers? How can we make supervised visitation welcoming, respectful, and aware of the lives of everyone who comes through the door? How might the idea of safe visitation and exchange look without the physical space of a center? How can we facilitate families’ cultural identities, as well as accommodate them? The Chicago visitation centers will continue asking these questions of their work, recognizing that there is no single answer, no one-dimensional response.

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2. Id.

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**Parenting Coordination Articles**

The articles below provide information on parenting coordination in the context of domestic violence.

2. **American Bar Association, Quarterly E-Newsletter Vol. 2, January 2006, Parent Coordination, The Vermont Model, by Susan Fey and Bunny Flint.**

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**End notes continued on page 13**
Parenting Coordination continued from page 3

local rule authoring parenting coordination,36 require only that the parenting coordinator receive a minimal amount of training, such as one-time only training,37 or require training on topics, such as anger management,38 which is an inappropriate intervention in domestic violence cases that could heighten the danger for abused parents and their children.39 This practice is especially problematic because parent-coordinating is the rule, not the exception, for domestic violence cases in many of these states.40 Domestic violence is a multifaceted issue and needs a parenting coordinator who understands its complexity. Even though a parenting coordinator may have some domestic violence training, he or she may still be unable to assess the presence of domestic violence, its impact on those directly and indirectly affected by it, and its implications for the parenting of each party,41 or to assess whether the abuser is using parenting coordination for continued access to the abused parent and children.42 Several states do not require parenting coordinators to conduct separate interviews and sessions with parties in domestic violence cases.43 This practice does not prioritize the safety of abused parents and their children. It also does not protect abused parents from potential intimidation or coercion by the abuser during parenting coordination.

Typically, both parties are required to share the costs of parenting coordination, which may be virtually impossible for an abused parent who has had to flee the abuse and may be starting over. When a party cannot pay the parenting coordinator fee, does that run the party the risk of adverse action by the parenting coordinator? While some states give the parenting coordinator authority to require one party to bear the costs of parenting coordination because of that party’s behavior,10 it is unclear whether domestic violence can be the basis upon which to require an abuser to pay the entire cost of parenting coordination.

These concerns raise the question whether the use of parent coordinators is ever appropriate in cases involving domestic violence. These somewhat mirror the same concerns that were initially raised in regard to the use of mediation in domestic violence cases in Multnomah County, Oregon. However, the Multnomah County experience showed that with appropriate training, procedures, safeguards, and opt-out provisions in place, mediation can improve the outcomes for victims of domestic violence over those that they might otherwise experience in contested court proceedings. Thus, although clearly not appropriate in many cases involving a history of domestic violence, mediation may be a useful tool if thoughtfully used by the courts in custody and parenting time disputes.

Although the parent coordinator movement is a much more recent concept and its use not widespread, with the proper use of the same tools developed in the mediation context, it should not be rejected out of hand in all domestic violence cases.

However, its appropriateness is predicated upon ensuring that the primary focus is the safety of abused parents and their children.

Safety-Driven Approaches

In an attempt to provide safety for abused parents and their children and to acknowledge the differences between high-conflict and domestic violence cases, the Association of Family and Conciliation Courts (AFCC) Guidelines for Parenting Coordination (‘Guidelines’),44 set forth specific practices and procedures for parenting coordination in cases with domestic violence that are separate and different from the parenting coordination practices and procedures in high-conflict cases. The Guidelines recommend that the role of the parenting coordinator should change in domestic violence cases from implementing the parenting plan to enforcing it. In enforcing

The appropriateness of parent coordination in domestic violence cases is predicated upon ensuring that the primary focus is the safety of abused parents and their children.

12. Approximately 24 states have rebuttable presumption statutes stating that a batterer should not be awarded joint physical and legal custody or sole physical or legal custody. See Ala. Code § 26-24-120 (giving a rebuttable presumption that a parent who has a history of perpetrating domestic violence against the other parent, a child, or a domestic living partner may not be awarded sole legal custody, sole physical custody, joint legal custody, or joint physical custody of the child); S.D. Codified Laws § 25-4-15 (rebuttable presumption regarding custody only when there is a conviction of domestic violence). Wis. Stat. § 767-24 (rebuttable presumption regarding legal custody only).
15. See N.C. Gen. Stat. § 50-90 and OLA. STAT. § 43 § 120.3.
18. See also 42.1 § 120.1.
22. supra note 14.
26. The guidelines were developed by the AFCC Task Force on Parenting Coordination, which included a diverse group of professionals from the courts and legal community, child welfare community, domestic violence community, mental health community, and academic community.
27. It is important to note that this terminology implies that the custodial parent will be the abused parent, however, this is not always the case. Many times the abusive parent is the custodial parent.
28. AFCC Task Force, supra note 4 of 16.
31. Id.
Domestic Violence Cases

 resources

VAWA 2005

The following websites provide information, summaries, and analysis to professionals working in the field of domestic violence with guidance relevant to VAWA 2005. The list is not all-inclusive:


Nine states, as well as the U.S. Virgin Islands, passed legislation affecting custody and visitation provisions that impact victims of domestic violence. Arizona now prohibits the award of joint custody if the court makes a finding of the existence of significant domestic violence or if the court finds by a preponderance of the evidence that there has been a significant history of domestic violence. In Arkansas, it is now a class A misdemeanor to interfere with custody while the parent or custodian and a minor are being housed at a domestic violence shelter. Illinois now requires that, in addition to ongoing abuse, the occurrence of repeated abuse he considered when determining the best interests of a child. Minnesota established best interests factors for the court’s consideration that focus on safety considerations for victims of domestic violence.

In Texas, the court may now decline a mediated settlement agreement affecting the parent-child relationship if the court finds that one of the parties was a victim of domestic violence, the violence affected the party’s ability to make decisions, and the agreement was not in the child’s best interest. In Oregon, the court hearing a protection order case may now modify the custody or parenting time provision of a previous order if necessary to protect the safety and welfare of the child or petitioner to the order of protection. And, the U.S. Virgin Islands adopted the Uniform Child Custody Jurisdiction and Enforcement Act, as well as a rebuttable presumption that it is in the best interest of a child to reside with the parent who is not the perpetrator of abuse if the court finds domestic violence has occurred.

To request a free copy of Legislative Update, Volume 11, please contact the Resource Center on Domestic Violence: Child Protection and Custody at (800) 527-3223 or visit our website at http://www.ncjfcj.org to download a copy.

Domestic Violence Cases

ed disputes that require considerable court and community resources; and that are marked by a lack of trust between parents, a high level of anger, and a willingness to engage in repetitive litigation. Because domestic violence cases are marked by many of these same traits, they are often lumped into definitions of high-conflict. However, the term domestic violence here refers to an intentional pattern of coercive behavior, including physical violence, sexual violence, threats of harm, economic control, isolation, insults, and emotional control, within an intimate relationship in which one partner engages with the purpose of achieving power and control over the other partner.

As a result of the confusion in and interchangeable use of these terms, domestic violence cases are many times labeled as high-conflict cases. However, the risks and responsive strategies to each type of case are different, although they may overlap. The crucial differences between high-conflict cases and domestic violence cases include, among other things:

• In high-conflict cases, there is a relatively equal balance of power between the two parties, and the parties are not making safety-based decisions. However, in domestic violence cases this balance of power is not present because the abusing partner believes that he or she is entitled to control the abused parent and children, and the abused parent’s decisions often hinge on whether the decision will compromise their safety or that of their children.

• The safety of the abused parent and children should be prioritized after separation in domestic violence cases; this is not necessarily a concern in high-conflict cases.

• In high-conflict cases, generally the conflict does not provide the sole basis for choosing one parent as the sole physical or legal custodian of the children, however, in domestic violence cases, many states mandate by law that the violence alone does provide a basis for awarding physical or legal custody of the children to the non-abusive parent.

• In domestic violence cases, the abuser is likely to minimize and deny the violence and the abused parent may be unwilling or afraid to disclose the abuse or bringing concerns about the abuser, however, in high-conflict cases, both parents tend to be equally vocal about parenting issues.

Other Safety Concerns for Abused Parents and Children

In addition to the mislabeling of domestic violence cases as high-conflict cases, current parenting coordination laws also present safety concerns for abused parents and their children. For example:

• Many states with parenting coordination laws or court rules call for parenting coordination specifically in high-conflict cases, which these laws and court rules tend to define as domestic violence cases, or they call for its use in domestic violence cases, without providing specific safety-focused practices and procedures.

• The parenting coordination process is not confidential, so abused parents and their children may be unwilling to disclose ongoing threats or acts of violence or parental concerns with the abuser and may be at increased risk of harm if information is shared with the abusive parent. When information that puts a party at risk must be disclosed, the parenting coordinator should alert the party of the disclosure in advance so that the party can take any necessary safety precautions.

• At least two states using parenting coordination also specifically allow parenting coordinators to exclude attorneys from parenting coordination conferences or interviews. This raises the question as to whether this type of practice may interfere with both parties’ due process rights.

• Most states that allow parenting coordination in domestic violence cases do not address domestic violence training in the statute, court rules, or
Parenting Coordination in
Violence Cases

Parenting coordination is an emerging alternative dispute resolution technique being used to address the problems of highly litigious “high-conflict families” and overburdened, overworked, and under-resourced family court systems. This article examines parenting coordination in high-conflict cases, the safety implications of parenting coordination for abused parents and their children, and the different approaches being used to enhance the safety of abused parents and their children.

Approximately, 10 states have statutes, court rules, or local rules authorizing the use of parenting coordination in child custody cases.7 Another three states have pending parenting coordination legislation.8

What is Parenting Coordination?

Parenting coordination seeks to assist high-conflict parents to implement their parenting plan, monitor compliance with the details of the plan, resolve conflicts regarding their children and the planning of a custody agreement, and overburdened, overworked, and under-resourced family court systems. This article examines parenting coordination in high-conflict cases, the safety implications of parenting coordination for abused parents and their children, and the different approaches being used to enhance the safety of abused parents and their children.

The Role of the Parenting Coordinator

The role of the parenting coordinator is not to make major decisions that would change legal or physical custody from one parent to the other or that would substantially change a parenting plan or court order.7 This type of decision-making is the court’s function.

However, a parenting coordinator, if given authority by the court, may resolve or make recommendations about issues such as: health care management; child-rearing, education or daycare; enrichment and extracurricular activities; religious observances and education; children’s travel and passport arrangements; communication between parties regarding the children, role of and contact with significant others and extended family; substance abuse assessment or testing for either or both parents; and parenting classes for either or both parents.8 Whether parenting coordination is agreed upon by the parties or court ordered, it is incumbent upon the court to clarify with specificity the role of the parenting coordinator. This is especially true for domestic violence cases because parenting coordination was designed primarily for high-conflict cases.

High Conflict vs. Domestic Violence Cases

While the goals of parenting coordination may serve high-conflict cases well, parenting coordination presents safety concerns in domestic violence cases. The terms high-conflict and domestic violence are often used interchangeably within the courts and are often confused, even though these two terms have vastly different meanings.9 The term high-conflict has been used to describe more intense and protract-
Much to Celebrate

With this issue of Synergy, the Family Violence Department pauses to say goodbye to Hon. Stephen B. Herrell, who died on February 12, 2006. With great leadership and integrity, Judge Herrell challenged judges and others throughout the country to look inside themselves and question how they could improve outcomes for families in need. In challenging himself, he was a pioneer in improving the judicial response to domestic violence and worked hard to ensure the voice of battered women’s advocates informed that response. While saddened by his loss, we recognize that his dedication to judicial leadership in improving the judicial response to domestic violence and their children.

There is much to celebrate with this issue, as well. In January, 2006, President Bush signed into law the latest iteration of the Violence Against Women Act (VAWA). With each successive version of this law, which was first enacted in 1994 and reauthorized in 2000, children’s issues and services have been strengthened. Our VAWA article in this issue of Synergy focuses on those provisions in VAWA 2005. The needs of children exposed to domestic violence continue to command the attention of interveners throughout the system. This issue summarizes state legislative enactments concerning parental access to children exposed to domestic violence; highlights the efforts of several Chicago supervised visitation centers to offer culturally appropriate services to such children and their families; and discusses the trend toward using parenting coordinators in family court and analyzes the implications of that practice for victims and their children.

We end by welcoming to our staff, in both our Reno and DC offices, several valued and talented new colleagues. We are delighted to have them aboard.

In peace,

Billie Lee Dunford-Jackson, JD and Maureen Sheeran