Our Policy

• In 1994 the NCJFCJ published *Family Violence: A Model State Code*. The NCJFCJ recommends that states create a rebuttable presumption that a child’s best interest is not served if a perpetrator of domestic violence is awarded sole or joint legal or physical custody of that child.

• In addition, the NCJFCJ approved and adopted as official policy the statements made and practices recommended in its publications *A Judicial Guide to Child Safety in Custody Cases (Judicial Guide)* and *Navigating Custody & Visitation Evaluations in Cases with Domestic Violence: A Judge’s Guide (Navigating Guide)*. In particular, Parental Alienation Syndrome (PAS), discredited by the scientific community, is not admissible evidence and any reference should be stricken under the standards established in Daubert and Frye.

• Finally, the NCJFCJ’s highly successful Domestic Violence Resource Center: Child Protection and Custody (Resource Center) is recognized nationally for its leadership on issues of custody in the context of domestic violence, and the NCJFCJ has been funded by the Office of Violence Against Women (OVW) to work on multiple projects which address custody decision-making in the context of domestic violence.

Our Work

• The Resource Center, in partnership with other national organizations, is recruiting a team of national experts to develop a coordinated strategy for custody cases involving domestic violence. The Resource Center is also developing a campaign to increase public awareness of the effect of domestic violence on children and why such violence must be properly addressed to serve children’s best interests and protect their safety and well-being.

• The NCJFCJ leads a national team in the design and implementation of the Family Court Enhancement Project (FCEP) which selected four courts to engage in a process of assessing their court structures and processes and implementing systems change to improve custody outcomes for victim parents and their children. The NCJFCJ coordinates the provision of technical assistance to each of these sites.

• Historically, the NCJFCJ has served as a national resource to communities with coordinated supervised visitation and exchange services, including an interactive website: safehavensonline.org. Currently, under the Justice for Families Initiative, the NCJFCJ provides technical assistance and policy leadership on the topics of supervised visitation, parental access, and safe exchange.

• Training and technical assistance for court-related professionals is a focus as well. The NCJFCJ developed a curriculum for custody evaluators on how to identify, analyze, and account for domestic violence in custody cases, which was pilot-tested in 2017. The Resource Center is developing a similar curriculum for guardians ad litem as well as a continuing education program for attorneys to improve their capacity to represent victim parents effectively in custody cases.

Our Results

The NCJFCJ has developed several judicial tools over the last decade, including the *Judicial Guide* (2008), the *Navigating Guide* (2004, revised 2006), and a Model Order for Custody Evaluation.
The NCJFCJ provided training, technical assistance, and support for two sites to implement the Judicial Guide and has provided many courts with community-specific technical assistance. To date, the NCJFCJ has distributed 5,796 Judicial Guides and 6,291 Navigating Guides.

- A significant emphasis of the FCEP is on the development of replicable processes for courts’ self-assessment of their decision-making in the context of domestic violence. Together with the other national partners on this project, the NCJFCJ has developed Guiding Principles for courts interested in this work, and a judicial tool to guide analysis and decision-making in these challenging cases is being pilot-tested. These and other promising practices and resources will soon be featured on a website devoted to the project. Training, technical assistance, and evaluation mechanisms developed during this project will contribute to future training and technical assistance endeavors.

- The Resource Center has released four publications in a series of guides to assist victims who must represent themselves in their custody cases, two additional guides in the series are planned for this year. Training and technical assistance to improve advocates’ capacity to help and support their clients through their custody cases is ongoing in the form of webinars, community-specific technical assistance, and publications. Staff are also teaming with judicial officers to present on this topic at two national conferences in 2018.

Our Vision for the Future

1. Family court judges making custody decisions have the capacity to identify domestic violence and to make parenting and co-parenting orders which protect the physical and emotional well-being of victimized parents and their children.

2. Family courts across the country seek and receive assistance in assessing and responding to structural and procedural barriers to safety and well-being for victim parents and their children, including supervised visitation services.

3. Courts use the recommendations of third-party evaluators cautiously and request their involvement with specificity about the scope of their investigation and assessment only if their training and protocols are consistent with emerging best practices.

4. Courts provide victim parents with adequate information about court processes, including mandatory or available alternative dispute resolution processes, so they can make educated decisions about their options and present their cases effectively if they cannot secure counsel.

5. Court-annexed alternative dispute resolution processes have exemptions for when victims’ parents are unable to participate safely and fairly, are domestic violence-informed, and protect victims’ autonomy and safety.

The NCJFCJ recommends continued funding for development of policy, best practices, and tools for judges and court officers and evaluation of these efforts, as well as new funding streams to support courts in their efforts to 1) use the Judicial Guide and other judicial tools and guides, 2) develop and refine resources for courts and court-related professionals, and 3) engage in a process like that undertaken at the four FCEP sites.