June 22, 2019, marks the 20th anniversary of the publication of *Effective Intervention in Domestic Violence & Child Maltreatment Cases: Guidelines for Policy and Practice* aka the Greenbook.¹

For more than 20 years, it has been the policy of the [National Council of Juvenile and Family Court Judges](https://www.ncjfcj.org) (NCJFCJ) to encourage child protection services, domestic violence agencies, juvenile courts, and community-based services to design interventions for families with co-occurring domestic violence and child maltreatment to achieve three outcomes: to create safety, enhance well-being, and provide stability for children and families.²

For our 2019 Domestic Violence Awareness Month Fact Sheet, the [Resource Center on Domestic Violence: Child Protection and Custody](https://www.rcdvcpc.org) (a project of the NCJFCJ) seeks to honor survivors and their children who are experiencing co-occurring domestic violence and child maltreatment while attempting to navigate child custody and child welfare systems.

If you have any questions about these facts or domestic violence, please visit our website at [rcdvcpc.org](http://rcdvcpc.org) or call us at **1-800-52-PEACE**.

On behalf of the staff of the Resource Center on Resource Center on Domestic Violence: Child Protection and Custody, and all of the members of the NCJFCJ, we hope this fact sheet is helpful to your ongoing work with survivors and their families.

For training and technical assistance call **1-800-52-PEACE**.

**RESOURCE CENTER ON DOMESTIC VIOLENCE: CHILD PROTECTION AND CUSTODY**
Co-occurrence of Domestic Violence and Child Maltreatment

01 According to statistics from 2015, one out of every four women and one out of every ten men in the United States experience “sexual violence, physical violence, and/or stalking by an intimate partner and reported an intimate partner violence-related impact during their lifetime.”

02 Studies using nationally representative data have been conducted to provide an estimate of the co-occurrence of domestic violence and child maltreatment. More than a third (33.9%) of children who witnessed partner violence also were victims of maltreatment in the past year. Over half (56.8%) of children exposed to partner violence also had been maltreated at some point in their lives.

03 Two studies led by Centers for Disease Control researchers found long-term negative effects on people who had adverse childhood experiences such as exposure to domestic violence and child maltreatment. The first study found a greater likelihood of adolescent alcohol use, and the second study found a greater risk of depression among adults who reported witnessing their mother being physically abused as children.

04 Adverse childhood experiences have been associated with health concerns and lower life satisfaction, more frequent symptoms of depression and anxiety, tobacco product use, increased alcohol use, behaviors that place adults at risk for HIV infection, disabilities caused by health problems, as well as diabetes, stroke, and heart disease.

05 Childhood exposure to domestic violence is associated with intergenerational transmission of domestic violence as the child grows into adulthood and has a family of his or her own. A study done by a researcher at the University of North Texas found that males who witness domestic violence and/or experience abuse in childhood are more likely to commit domestic violence later on in their lives than those who had neither witnessed domestic violence nor been abused as children. Similarly, offenders of dating violence tend to have a history of witnessing parental violence.

06 In a mega-analysis combining data from 15 studies to examine child functioning across four groups of children (including maltreated children, children exposed to domestic violence, children maltreated and exposed to domestic violence, and a no-violence comparison group), researchers found that children experiencing a co-occurrence of maltreatment and exposure to domestic violence were 1.9 times more likely to have internalizing behavior problems (such as anxiety and depression) and 1.5 times more likely to have externalizing behavior problems (such as aggression and delinquency) than were children who experienced only one form of violence.
07 Although children exposed to domestic violence or maltreatment are at greater risk of developing emotional, behavioral, cognitive, health, and mental health problems, not all exposed children display such problems. Research has shown that almost 40% of children who have been exposed to domestic violence or maltreatment do just as well as, if not better than, children not exposed, suggesting that protective factors may be promoting resilience in children exposed to domestic violence or maltreatment.

08 Having a stable, nurturing adult relationship can be an important protective factor for a child exposed to the toxic stress of domestic violence or maltreatment. In one study of mothers who experienced intimate partner violence in the past year, researchers found that resilient children (with high competency and low adjustment problems) aged 6-12 witnessed less violence, had fewer fears and worries, and had mothers with better mental health and parenting skills than children with severe adjustment problems, who were struggling, or had depression.

Child Custody and Domestic Violence

09 Despite the potential harm it may cause, it has been estimated that 58,000 children in the U.S. each year are court ordered into unsupervised contact with physically or sexually abusive parents following divorce.

10 Survivors of domestic violence often are not believed or are viewed as being alienating rather than protective of their children. In a national study of 238 custody cases published online in which alienation was alleged, fathers who were accused of abuse and who accused the mother of alienating the children won their custody cases the majority of the time (72 percent). When child sexual abuse allegations were made against the father and the mother was alleged to have alienated the children, the fathers’ likelihood of winning the custody case increased to 81 percent.

11 In a study of 364 Wisconsin divorce actions in which one of the parents was convicted beyond a reasonable doubt of a domestic abuse crime, researchers observed that joint legal custody was the most common custody outcome and primary physical custody was given to the domestic abuse victim in only 60 percent of cases. There were no explicit provisions for the safety of the victim or children (such as ordering that exchange occur in a protected setting) in 70 percent of the cases reviewed. Researchers further noted that fewer than 10 percent of cases included a formal finding of domestic abuse.
The amount of domestic violence training and education that custody evaluators receive is related to their beliefs about whether allegations of domestic violence are commonly fabricated. Evaluators reporting extensive domestic violence-focused training reported believing that spousal abuse is highly relevant to child custody, false allegations of domestic violence are rare (10 percent or lower), and that custody recommendations should differ based on type of violence. Evaluators reporting little domestic violence-focused training reported believing that spousal abuse is not relevant to child custody, false allegations of domestic violence are common (40 to 80 percent), and custody recommendations should prioritize co-parenting and father-child relationships.

Professionals involved in making custody-related decisions must be better educated about the effects of exposure to domestic violence on children and how granting custody to abusive parents can potentially cause serious long-term harm to children. Common misconceptions in addressing domestic violence in child custody disputes include beliefs that:

• domestic violence is typically not an issue for divorcing couples involved in a child custody dispute;
• domestic violence results in eventual separation for abused women;
• children exposed to domestic violence are not harmed so long as they are not directly injured;
• domestic violence is not relevant for the determination of child custody since it is behavior between adults;
• assessment of the needs of abused women and their children, and the effects cause by the perpetrator, can be conducted satisfactorily by family courts, attorneys, and mediation or other court services;
• legal and mental health services for female victims and their children are readily available; and
• solutions and community assistance are limited for the complex dilemmas posed by abused women and their children separating from batterers.

Although 22 states and the District of Columbia have statutes mandating a presumption against sole or joint physical or legal custody to a perpetrator of domestic violence, these presumptions are effective only as part of a consistent statutory scheme. Research indicates that the presumption can be undermined in states with a competing “friendly parent” statute or joint custody presumption.

**Child Welfare and Domestic Violence**

Since the mid-1990s, 25 states have enacted punitive legislation for individuals perpetrating domestic violence in the presence of children, with penalties ranging from community services, external supervision of parenting time, and financial penalty, to incarceration. Research indicates that enactment of these punitive laws leads to statistically significant drops in the total homicide victimization rate by 0.30 per 100,000 inhabitants and the child homicide victimization rate by 0.12 per 100,000 inhabitants. These drops equate to 11 percent (total homicide) and 20.4 percent (child homicide), with respect to the means of these outcomes. With respect to marital homicides, however, the researchers did not find any significant relationship between enactment of these state laws and homicide rates, suggesting that the deterrent impact of the laws is possibly offset by the risk of reprisal in marital relationships.
16. Having a caregiver who is the perpetrator, victim, or observer of domestic violence is a risk factor that increases a child’s likelihood of maltreatment. Specifically, more than one-quarter (27.2 percent) of child victims in the United States have a domestic violence caregiver risk factor, compared to 9.1 percent of non-victims with the same risk factor. Additionally, 10.4 percent of child fatalities reported to be the result of child maltreatment had a caregiver who was exposed to domestic violence.

17. A growing body of child welfare literature suggests that children who come to the attention of child protective authorities are more likely to experience out-of-home placement if their families are affected by domestic violence. For example, in a study of a nationally representative sample of children investigated for a report of maltreatment, researchers found in a 30-month follow-up interview that the presence of intimate partner violence increased the likelihood of out-of-home placement. Results seem to vary, however, depending on the type of sample used, suggesting that substance use may supersede intimate partner violence as the primary reason for caseworkers’ placement decisions.

18. Studies examining the impact of domestic violence on family reunification outcomes suggest that domestic violence either negatively influences family reunification or has no relationship to family reunification outcomes. For example, in a study of mothers of abused and neglected infants and toddlers participating in an intensive intervention program, researchers found that partner violence as an individual risk factor did not predict decisions by the juvenile court with regard to permanency planning.

19. Under-identification of domestic violence by child welfare workers is a recurrent theme in the research literature. One study found a 15-17% domestic violence identification rate without a specialized intake questionnaire compared to a 48.9% rate with the questionnaire. Another study found that in a sample of caregivers and child welfare workers, 31% of caregivers reported experiencing domestic violence in the past year, but child welfare workers only identified this victimization history in 12% of families.

20. Multiple studies show that the degree and quality of domestic violence training for child welfare workers is highly varied. A study of two urban counties in Southern California found that only 45.8% of child welfare workers reported receiving any initial domestic violence training upon employment. A national study found that 75.3% of child welfare agencies reported mandatory domestic violence training for some staff but that only 17.8% reported mandatory training for all child welfare staff. Although more limited in scope, research also points to a need to train domestic violence advocates on how to respond to co-occurring child maltreatment and domestic violence.

Id. at 14, 17-19.

**Citations by Fact**


03 Dube, S. R., Miller, J. W., Brown, D. W., Giles, W. H., Felitti, V. J., Dong, M., & Anda, R. F. (2006). Adverse childhood experiences and the association with ever using alcohol and initiating alcohol use during adolescence. The Journal of Adolescent Health: Official Publication of the Society for Adolescent Medicine, 38(4), 444.e1. This was a retrospective cohort study of 8,417 adult health maintenance organization members in California who completed a survey about adverse childhood experiences, which included childhood abuse and neglect, growing up with various other forms of household dysfunction, and alcohol use in adolescence and adulthood.


04 Mersky, J. P., Topitzes, J., & Reynolds, A. J. (2013). Impacts of adverse childhood experiences on health, mental health, and substance use in early adulthood: A cohort study of an urban, minority sample in the U.S. Child Abuse & Neglect, 37(11), 917-925. This study reviewed adult survey data obtained from 1,142 participants (74.2% of all participants) from the Chicago Longitudinal Study, which tracks development of a cohort of individuals from low-income, urban families, born between 1979-1980.


arrested for battering and ordered for assessment at a center for domestic violence. The study assessed the correlation between type, severity, frequency of violent behavior perpetrated, and the amount of exposure to violence experiences during childhood measure through retrospective self-report.

Chapple, C. L. (2003). Examining intergenerational violence: Violent role modeling or weak parental controls? *Violence and Victims, 18*(2), 143-162. This study examined data from a 200-question self-report survey of 980 students in grades nine through eleven in Southernstown, Arkansas, who reported prior dating experience.


Graham-Bermann, S. A., Gruber, G., Howell, K. H., & Girz, L. (2009). Factors discriminating among profiles of resilience and psychopathology in children exposed to intimate partner violence (IPV). *Child Abuse & Neglect, 33*(9), 648-660. This study presents findings from a multivariate cluster analysis of scores obtained from a sample of 219 children exposed to varying levels of intimate partner violence within the last year.

How many children are court-ordered into unsupervised contact with an abusive parent after divorce? (2008, Sept. 22). Retrieved August 13, 2019, from Leadership Council on Child Abuse & Interpersonal Violence: [http://www.leadershipcouncil.org/1/med/PR3.html](http://www.leadershipcouncil.org/1/med/PR3.html) This report uses a formula of estimations including the number of children affected by divorce each year, the number of families with allegations of child abuse and/or severe domestic violence, the percentage of cases found or suspected to be valid, and the percentage of children who remain in the unprotected care of an abuser.

custody litigation in which alienation was claimed.


Haselschwerdt, M.L., Hardesty, J.L., & Hans, J.D. (2011). Custody evaluators’ beliefs about domestic violence allegations during divorce: Feminist and family violence perspectives. *Journal of Interpersonal Violence* 26(8), 1694-1719. In this study, 23 custody evaluators were interviewed and grounded theory methods were used to examine how custody evaluators’ perspectives on domestic violence and their beliefs about custody disputes in the context of domestic violence are related to their evaluation process and recommendations.


Morrill, A. C., Dai, J., Dunn, S., Sung, I., & Smith, K. (2005). Child custody and visitation decisions when the father has perpetrated violence against the mother. *Violence Against Women*, 11(8), 1076-1107. In this study, the authors examined 393 custody and/or visitation orders across six states where the father perpetrated domestic violence against the mother. The authors also surveyed 60 judges who entered those orders.

Dasgupta, K., & Pacheco, G. (2018). The impact of child welfare legislation on domestic violence-related homicide rates. *Health Economics*, 27(5), 908-915. This study drew on victim-offender relationships and victims’ ages in the Uniform Crime Reports’ Supplementary Homicide Reports to create five outcomes of domestic violence-related homicides (child homicides, family homicides,
child family homicides, marital homicides, and total homicides) and used regression analysis to estimate the impact of child witness to domestic violence laws on the different domestic violence-related homicide rates.

16 U.S. Department of Health & Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children’s Bureau. (2019). Child maltreatment 2017. Retrieved from https://www.acf.hhs.gov/cb/research-data-technology/statistics-research/child-maltreatment. The data for this report come from all 50 states, the Commonwealth of Puerto Rico, and the District of Columbia, through a national data collection and analysis program known as the National Child Abuse and Neglect Data System (NCANDS). NCANDS collects case-level data on children who receive an investigation response or an alternative response after a child abuse and neglect referral is screened-in by a child protection services agency. Case-level data for children who are “victims” or “nonvictims” include information about caregiver risk factors, including the domestic violence caregiver risk factor. For purposes of this report, the definition of domestic violence is “any abusive, violent, coercive, forceful, or threatening act or word inflicted by one member of a family or household on another.” In NCANDS, the caregiver may be the perpetrator or the victim of the domestic violence.


Horwitz, S. M., Hurlburt, M. S., Cohen, S. D., Zhang, J., & Landsverk, J. (2011). Predictors of placement for children who initially remained in their homes after an investigation for abuse or neglect. *Child Abuse & Neglect*, 35(3), 188-198. This study included a sample of 3,129 children ages 0-14 in families investigated for child maltreatment. Data were collected via face-to-face interviews with children, caregivers, and CPS workers using the Conflict Tactics Scale-1 Physical Violence scale to measure domestic violence. Elevated domestic violence scores were found to increase the likelihood of out-of-home placement at 30-month follow-up period.

18 Larrieu, J. A., Heller, S. S., Smyke, A. T., & Zeanah, C. H. (2008). Predictors of permanent loss of custody for mothers of infants and toddlers in foster care. *Infant Mental Health Journal, 29*(1), 48–60, 56. This study examined 93 mothers and 140 children ages 0-60 months in out-of-home care. Mothers were participating in a clinical intervention project in Louisiana that assessed families with CPS-substantiated abuse or neglect. Data were collected via face-to-face interviews with mothers.

19 See, e.g., Kohl, P. L., Barth, R. P., Hazen, A. L., & Landsverk, J. A. (2005). Child welfare as a gateway to domestic violence services. *Children and Youth Services Review, 27*(11), 1203-1221. This study used data from the National Survey of Child and Adolescent Well Being to sample 3,135 female caregivers of children remaining in the home following maltreatment investigation by child welfare workers. Indicators of domestic violence used in this study came from child welfare worker and caregiver interviews. Magen, R. H., Conroy, K., & Del Tufo, A. (2000). Domestic violence in child welfare preventative services: Results from an intake screening questionnaire. *Children and Youth Services Review, 22*(3-4), 251-274. This study reports results from implementation of a domestic violence screening questionnaire with 540 families in neighborhood-based child welfare agencies. Researchers examined monthly reports for the year prior to implementing the project to establish a baseline for identifying domestic violence in each of the participating agencies. Rates of domestic violence

This document was supported by Grant Number 90EV0439-03 from the Administration on Children, Family and Youth Services, U.S. Department of Health and Human Services (DHHS). Its contents are the responsibility of the author(s) and do not necessarily represent the official view of DHHS or the NCJFCJ.