



# Domestic Violence & Coercive Control

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# Introduction

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- Washburn Children & Family Law Center
- Kansas Children's Cabinet & Trust Fund



Welcome to our presentation on domestic violence and coercive control, brought to you by Kayla Clark and Makeebba Deterville, students at Washburn University School of Law. This project is through the Washburn Law Children and Family Law Center and Kansas Children's Cabinet and Trust Fund, which aims to educate those involved in the legal system on issues of child welfare and childhood trauma. We hope to educate our listeners on these issues so that they may apply this information to everyday legal practice and better support the children in our community.

# Goals

- Definitions
- Effects on adults and children
- Disadvantages in the legal system
- Best practices



Our goals for this presentation are: to define domestic violence and coercive control, to explain how domestic violence and coercive control affect both adults and children, to bring light to how the legal system disadvantages domestic violence survivors, and to provide best practices for handling cases involving domestic violence and coercive control.

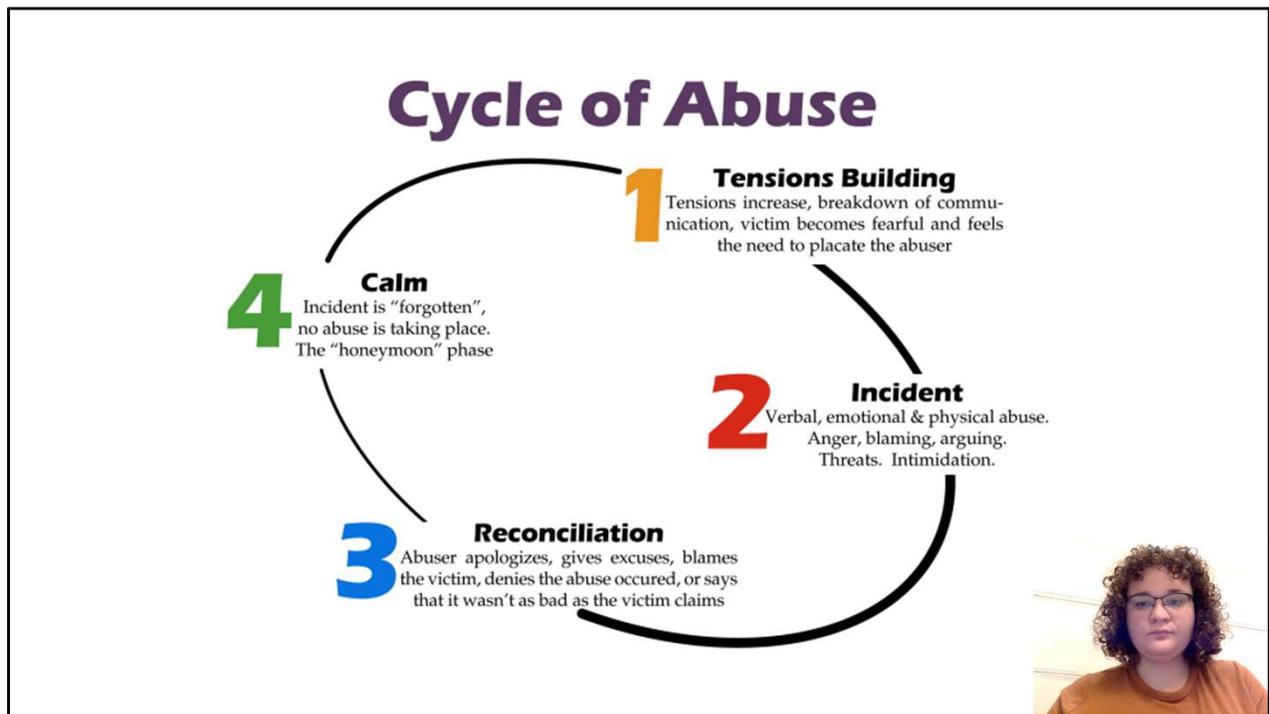
# What is Domestic Violence?

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- United Nations: "[A] pattern of behavior in any relationship that is used to gain or maintain power and control over an intimate partner."



To start, we have to define what domestic violence is. The United Nations defines domestic violence (or "DV") as "a pattern of behavior in any relationship that is used to gain or maintain power and control over an intimate partner." We will discuss the importance of understanding domestic violence in family law later in our presentation, but for now it is beneficial to keep in mind that this pattern of power and control significantly affects how child custody issues should be navigated. An extremely common misconception about domestic violence is that the primary method of abuse is physical. In reality, it is much more complex than that. Physical abuse is only one symptom of domestic violence. Domestic violence can be physical, sexual, emotional, verbal, psychological, or a combination of these. A DV survivor can be of any gender, race, sexual orientation, religion, nationality, or disability. That being said, research and statistics show that the majority of intimate partner violence that is based in coercive control and the majority of lethal domestic violence is perpetrated by a man against a woman, which is why throughout this presentation we will be referring to the victims and perpetrators as such. This is by no means meant to minimize the real trauma caused by abusive relationships that fall outside of this characterization. In a few minutes we will take some time to discuss common dynamics of an LGBTQ+ abusive relationship.



The cycle of abuse is an important concept to grasp before going in depth on abusive relationships. It illustrates a common pattern of behavior in abusive relationships and plays into an abuser's power and control, which will be discussed on the next slide. Not all abusive relationships fit this model exactly, but it is nonetheless a useful tool in helping a survivor to work through what is happening to them.

The cycle of abuse has 4 stages: tension building, incident, reconciliation, and calm. The tensions building phase is when the victim begins to pick up on an impending abusive incident. The abuser may start to become snappy, verbally degrading, and on edge. The victim may feel she is "walking on eggshells" to try to keep the abuser from finally lashing out. She may direct her children to try to stay "out of sight and out of mind" to avoid upsetting the abuser. We will discuss more on how children are affected by the cycle of abuse later in the presentation. The tension building phase can last anywhere from hours, days, to months. Some victims may even attempt to provoke the abuser so that she can be the one to determine when the abusive incident occurs, and no longer has to live in anticipation of when the abuser will snap.

The reconciliation phase involves the abuser apologizing and seemingly making amends for his actions, or denying the abuse occurred at all. The abuser may promise to get sober, go to therapy, and never act that way again. He may gaslight the victim into thinking the abusive incident wasn't all that bad and she should move on. We will discuss gaslighting later in the presentation. If the victim fled the home after the abusive incident, the abuser

may convince her to come back. He may also convince her to drop any charges that resulted from calling the police.

In the calm or "honeymoon" phase, the abuser is on his best behavior. The victim may have hope that things will really be better this time and the abuser will keep his word. The abusive incident is forgotten and no longer discussed. All in due time, the tensions will start building again and the abuser will drop this act. The cycle then begins again.

Again, not every abusive relationship follows this pattern or contains all these phases, but as a model, the cycle of violence helps us understand how survivors can get trapped believing that the abuser will change.

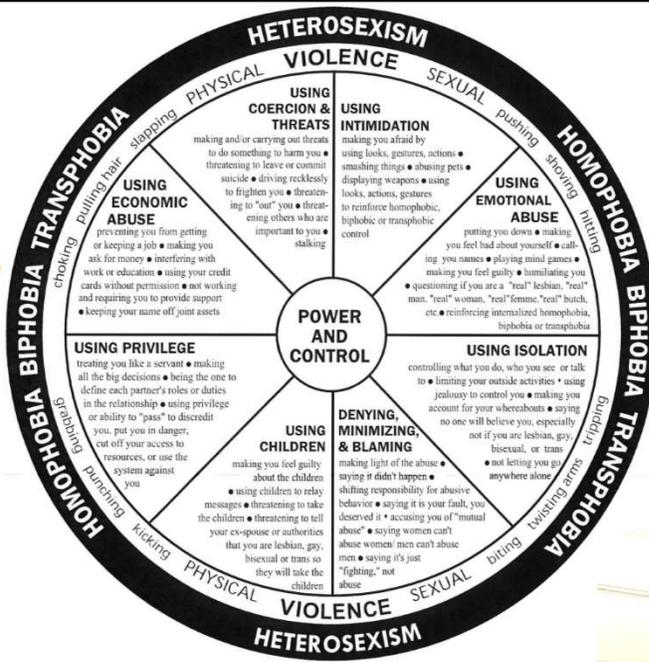


This is the power and control wheel. It is a helpful tool to demonstrate the framework of an abusive relationship and helps to answer the question of "why does she stay with her abuser"? If we see domestic violence as only physical violence, it's easy to judge survivors for staying with their abusers. For abusers, it is all about gaining power and control—physical abuse is a method to maintain that power and control. Some abusive relationships have very little physical violence but are still incredibly abusive via the other means shown on the wheel. And that is why physical abuse is on the outside of the wheel, because for some abusive relationships (not all) physical abuse or the threat of physical abuse is how an abuser will keep his victim within this wheel. For example, let's say an abuser takes control of his victim's bank accounts to keep her reliant on him for money for herself and her children. One day when looking through her phone, the abuser finds out she has a secret bank account. He wants to ensure that his victim knows that she has to follow his rules, so he physically abuses her and demands she turn over her secret account to him. This pattern can extend to any part of the wheel—the abuser could retaliate when his male privilege is challenged because his wife doesn't cook dinner just the way he likes it. It is important to note that abusers tend to leverage social marginalization to control their victims. Victims from marginalized groups can experience the power and control wheel differently. For example, if a victim is a Black woman, the abuser can take advantage of the fact that she may have a distrust of police based on their history of racial discrimination and discourage her from reaching out to the police for help. If a victim is disabled and uses

a wheelchair, the abuser may be her primary caregiver and turn off her wheelchair so she cannot leave the house. Next, we will discuss how this marginalization often manifests for LGBTQ victims.

# LGBTQ Domestic Violence

- An extra layer to the power and control dynamic: heterosexism, homophobia, biphobia, and transphobia.



As mentioned earlier, the pronouns and language used in this presentation will primarily reflect heterosexual abusive relationships, but it is important to have a basic understanding of how an LGBTQ abusive relationship plays out. As you can see, the categories of power and control are the same, but the tactics used may differ. These tactics play into heterosexism, homophobia, biphobia, and transphobia. An abuser's most powerful tactic could be threatening to reveal to the victim's family and community that they are LGBTQ. Doing this could isolate a victim from all support, result in a victim losing their job, or even put the victim in danger. This situation could also apply to a bisexual victim in a heterosexual abusive relationship.

On the other hand, some of these unaccepting communities have small close-knit groups of LGBTQ "chosen family" communities in which people can find love and support from those who understand them. If an abuser successfully manipulates this small community into believing there is nothing abusive happening, a victim may be scared to speak out about the abuse in fear of being ostracized by their "chosen family".

There is also a significant stigma that LGBTQ people cannot be in abusive relationships, which is why this slide is so important to include in this presentation. An abuser will realize this stigma exists and take advantage of it by convincing the victim that no one will believe him because men can't abuse other men. This stigma is often held by law enforcement, who may decide not to take any action when a gay victim calls for help under the assumption that the incident was just fighting and not domestic abuse. In some situations,

the victim may be arrested if it appears he fought back. In some cases, law enforcement may not take a protection from abuse order seriously when the victim and abuser are the same gender.

**More than half (54%)  
of transgender  
people experienced  
some form of intimate  
partner violence.**

**National Center For  
Transgender Equality**

A small inset photograph of a woman with curly hair and glasses, wearing a brown top, is positioned in the bottom right corner of the infographic.

Transgender victims face unique issues of power and control. Research shows that transgender individuals face a dramatically higher prevalence of domestic violence than individuals who are not transgender- they are 1.7 times more likely to experience any form domestic abuse, 2.2 times more likely to experience physical abuse, and 2.5 times more likely to experience sexual abuse by their partner. 30-50% of transgender people face intimate partner violence at some point in their lifetime. There is a significant and deep-rooted history of mistreatment of transgender individuals by law enforcement, which may prevent a transgender victim from reaching out to police for help. Around one-fifth of transgender people who interact with police have reported police harassment, and half of transgender people report they are uncomfortable seeking police assistance. These statistics are even higher for Black transgender people. Transgender people are also at a higher risk of homelessness, meaning they may rely on their abuser for financial assistance and housing. Emotional abuse may manifest as repeatedly telling a trans woman that she is not a "real woman" and no one will believe that she is being abused.

## Obstacles for LGBTQ Victims

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Gender-specific services may exclude some genders.

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Expectation of certain gender presentation while in shelter.

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Advocates that are not trained in LGBTQ domestic violence.



LGBTQ people also face a significant obstacle when seeking help from domestic violence shelters and advocates. Most domestic violence shelters do not accept men, and advocates not trained on LGBTQ abuse may be less inclined to believe that an LGBTQ relationship can be abusive at all. On the other hand, a lesbian woman who seeks shelter may be faced with the horrifying reality of her abuser lying to advocates in order to stay at the same shelter. A transgender woman may be viewed as different and thus denied services, or a transgender man may have to present himself as female in order to access services.

In reality, an entire presentation could be devoted to this issue. It is vital to be educated on LGBTQ domestic violence in order to work against the stigmas that LGBTQ abusers use in their favor.

## Coercive Control Defined

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- A catch-all term that emphasizes the core of most domestic violence: the need for power and control.
- Repeated, ongoing, intentional tactics used to limit the liberty of the victim.



Coercive control is essentially everything inside of the power and control wheel. It is a catch-all term that emphasizes the core of most domestic violence: the need for power and control over a victim. Coercive control is not just made up of isolated incidents—it is a constant reality in the life of a domestic violence survivor, with repeated, ongoing, and intentional tactics used to limit the liberty of the victim. In terms of measuring danger, a 2017 study of 358 domestic violence female homicides explored coercive control factors other than physical violence. Coercive control was present in 92% of female homicides, stalking in 94%, obsession 94%, fixation 88%, surveillance 63%, and isolation 78%. This shows that it's very important to shift our perspective away from using physical violence to measure what relationships are dangerous and move to looking for elements of coercive control. Coercive control may be a more accurate measure of conflict, distress, and danger than the presence of physical violence – relationships can be abusive, dangerous, and traumatizing without physical abuse. The term coercive control was refined by Dr. Evan Stark, who defined it as follows: an ongoing strategy of isolation of the victim from friends, family and children; control of access to resources such as transportation, money and food, and control of access to employment and education.

## Examples of Coercive Control

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### Isolation

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### Deprivation of resources

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### Credible threat



Isolation is a very common and powerful tool of coercive control. Isolation can include controlling what the victim does and who she sees, limiting her outside activities, making her share wherever she is at all times, not letting her go anywhere alone, controlling when she can use her phone, or even locking her in her home. This means that opportunities to create meaningful relationships with non-abusive people are limited or denied. We will discuss the effects of this more in the next slide.

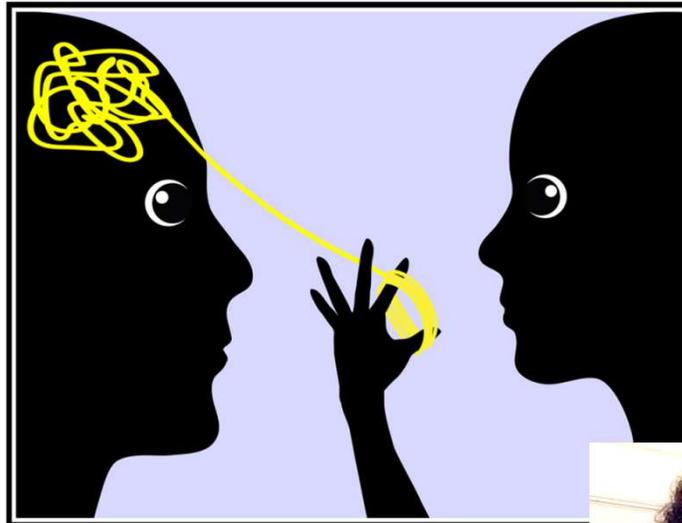
Deprivation of resources involves an abuser limiting a victim's ability and capacity to make choices. The abuse will limit or deprive the victim and their children of things like money, food, transportation, or even air conditioning. A common way this manifests is through economic abuse. An abuser will interfere with a victim's employment (by not allowing her to have a job or trying to sabotage the job she has) or prevent the victim from having control of any money or bank accounts. Alternatively, he may allow the victim to work but refuse to contribute to household bills or create debt in her name. Economic abuse can make it extremely difficult for a victim to leave her abuser, as she becomes completely dependent on him to survive.

Credible threat is the constant feeling that the abuser could hurt the victim at any time. This feeling is very powerful—the victim is on alert at all times that she or her children could be in danger if she upsets her abuser. This is often referred to as "walking on

eggshells". An abuser establishes credible threat by ensuring the victim is aware that he is *willing* to deliver negative consequences, not just that he is *able* to.

# Gaslighting

- “That’s not abusive.”
- “Are you sure? You have a bad memory.”
- “You’re going to get angry over that? You’re so sensitive.”
- “No one will believe you.”
- “I don’t want to hear this again.”



Gaslighting is a powerful tool used to distort the victim's sense of reality and shift blame to the victim. The term comes from George Cukor's 1944 film "Gaslight", in which a husband aims to drive his wife insane by adjusting the brightness on the gaslights in their home and convincing her that the brightness is not changing at all. Gaslighting causes a victim to question their own feelings, instincts, sanity, and sense of self. This is, of course, a method of power and control. For example, an abuser could scream at a victim, destroy her property, stalk her, or isolate her, but convince the victim that she is not being abused because he has never beat her. This type of gaslighting might convince someone being abused that they should not reach out for help because the abuse isn't "bad enough." Over time, a victim may believe she cannot trust herself to know what is actually happening in her relationship or may feel she has some sort of mental health disorder. It may be helpful for someone being gaslighted to keep a journal of every abusive incident in order to look back and remind herself what actually happened, as the abuser could convince her an incident never occurred or that the incident was trivial and not worth being upset about.



Effects on Victims

- Physical and mental health impact.
- Traumatic bonding.
- Separation violence.



Victims of CC/DV face long lasting and serious physical and mental health issues. Research has shown that psychological abuse has a more detrimental impact on women's self esteem than physical victimization itself. This is in part due to the isolation a victim faces, as this cuts off a victim from sources that can validate self-worth, such as friends and family. The most common mental health issues include depression, emotional distress, anxiety, PTSD, chronic pain, and substance abuse. Victims can experience significant neurocognitive impairment as well, including slower processing speeds, severe dissociative symptoms, poorer reasoning, poorer planning skills, and poorer decision making. These symptoms are more prevalent if the psychological abuse is combined with sexual and/or physical abuse, but there is still a significant impact on cognitive impairment for victims who face psychological abuse alone. Victims of combined abuse are ten times more likely to attempt suicide than a woman who experiences no abuse. Research shows that these symptoms persist over a year after the abuse ends.

Traumatic bonding is the repeated cycle of increased dependency and decreased self-esteem experienced by victims that forms a robust emotional bond with the abuser. The cycle of abuse involves an abuser committing an abusive act (such as hitting, humiliating, sexual assault, or verbal abuse) and then entering a "honeymoon phase" in which he becomes the perfect partner for a short period of time in order to convince the victim that he has changed and the abuse will not happen again. What this means in terms of trauma

bonding is that the abuser causes pain, but is also in charge of taking away that pain. In her eyes, he is the only one who can make the abuse stop. This picture is a great visual depiction of this. The victim may start to become thankful to the abuser for taking away the pain and form a trauma bond with him. This is an obstacle that a victim may face in trying to leave her abuser.

Separation violence is another significant obstacle to a woman leaving her abuser. Research shows that this is the one of the most dangerous times in an abusive relationship, as this is the abuser's ultimate loss of control. Abusers who did not use physical violence during the relationship may resort to physical violence when the victim leaves or attempts to leave. The abuser likely ensured throughout the relationship that the victim knew that he will retaliate if she ever tried to leave. On average, it takes 7 tries for a woman to fully leave her abusive relationship.



## Effects on Children: Physical Violence

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- Approximately 7 million children are exposed to domestic violence per year.
- More than ½ become involved in physical assaults by yelling at parents, directly intervening, or calling for help.



Now let's shift to how coercive control affects children, first examining the effects of witnessing physical violence. The effects of witnessing physical violence between parents is undoubtedly traumatic and there is extensive research to show this. Approximately 7 million children are exposed to DV per year, and more than half of those children become involved in physical assaults by yelling at parents, directly intervening, or calling for help. There are mountains of research on the effects of children witnessing physical violence, and some of those findings include: Children, particularly boys, who witness DV in the home are more likely to abuse their future partners. These children are more aggressive with their peers and more likely to bully. They are three times more likely to end up in juvenile court for a violent offense. Witnessing DV impacts a child's ability to function in an educational setting. When parents in an abusive relationship get a divorce, their children have higher rates of emotional distress and behavioral problems than children of divorce where DV is not present.



## Effects on Children: Coercive Control

- A 2015 study found that children demonstrated an understanding of the patterns of abuse and control that existed within their home.

It is essential to understand that children are harmed by exposure not only to physical violence, but to coercive control. Children that live with coercive control express higher levels of anxiety and fear, a lack of security and safety, and a reluctance to trust others. The effects on children mirror the effects on the abused parent, and the children are also subject to control of time and movement within the home, deprivation of resources, and isolation. A 2015 study interviewed 15 mothers and 15 children to understand the experience of coercive control on children, and found a common theme of children learning to prevent themselves from being "too visible, too loud, and too noticeable". All of the children were able to identify what spaces in the home were "safe" and what spaces were "risky". Communal areas were generally seen as unsafe. The children interviewed were able to articulate aspects of CC that they observed, such as the abuser forcing the mother to clean and make food instead of going out with friends, the abuser purposefully scaring the mother, the abuser making snide and manipulative comments in public, and the abuser taking away any money the mother made. Children also expressed the anxiety their mothers felt when going out in public after separating from the abuser. All of these observations show that children are aware of CC in their home, and it affects them profoundly.

CC can cause children to alter their behavior to accommodate the abuser. They have the capacity to understand the tactics the abuser uses to control, as well as the resulting effects

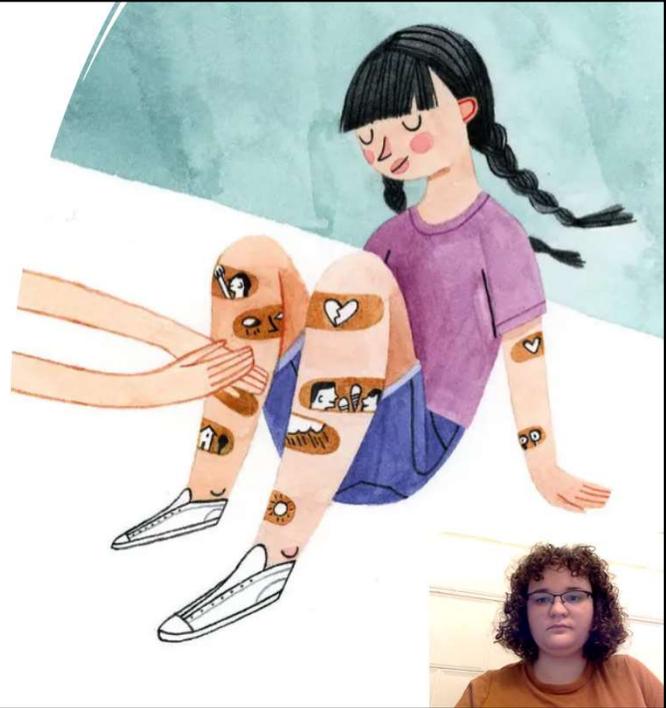
of the tactics. This is best explained through examples. A child can start to pick up on the abuser's escalations into violence and know when it is time to go take his siblings and hide in his room. A child can understand that an abuser utilizes male privilege by expecting the mother to do all of the parenting, and therefore decides not to go to their father for help with homework. A child can be deprived of meaningful relationships with friends and family if her mother is not allowed to leave the house or drive her own car. On the other hand, maybe a child hears the awful names his father calls his mother and learns that this is the appropriate way to talk to his mother or other women in his life.

Another unfortunate effect is a reluctance to disclose the abuse to other people. This could be because the abuser explicitly tells the children to say nothing, but a child can also pick up on the fact that bringing others into their home situation is too risky due to CC. A child may have seen his mother try to reach out to others before, only for the abuser to manipulate authorities into believing nothing is wrong, followed by an attack on the mother as retaliation. The child learns that upsetting the abuser's sense of power and control is dangerous for his mother. This is an important dynamic to keep in mind, particularly for a guardian ad litem who may find a child reluctant to disclose abuse for these reasons.

## Children's Resilience and Resistance

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- Maintaining elements of normal life.
- Close relationship with the non-abusive parent.
- Expressive strategies such as art, music, sport, and play.



Children are also stronger, smarter, and more resilient than we give them credit for. Resistance can look like children finding as many ways as possible to have a normal life and bonding closely with the non-abusive parent. A child having a positive relationship with the non-abusive parent can placate the negative impacts of witnessing domestic violence and coercive control. J. Devaney formulated two ways in which children will cope with DV/CC: emotional-focused coping and problem-focused coping. Emotional-focused coping looks like a child withdrawing in order to manage and reduce stress, such as playing or listening to music to distract themselves. Problem-focused coping is a child's attempt to change the problematic situation. Unfortunately, this can manifest as attempting to intervene physically in altercations or summoning help. In terms of CC, this could manifest as a child passively refusing to share information about the non-abusive parent to the abuser after separation. Expressive strategies such as art, music, sport, and play, have been shown to help children cope with living in a home with domestic violence.



## Co-Parenting with an Abuser

- Before separation:
  - Victims as protective parents
  - Maternal isolation
- After separation:
  - Separation violence
  - Abuser using child custody proceedings



It is most beneficial to think about up co-parenting difficulties both before and after separation, because an abuser's behavior will shift significantly after separation due to the need to adjust how he maintains power and control. It is common for the non-abusive parent to take on a protection role, whether they are protecting their child from physical violence or coercive control. Protecting their child is a constant process. A 2015 study determined that there are two ways in which mothers will commonly seek to protect their children: protection as an act to stop physical violence being perpetrated on their children, and protection as a constant process to create an environment that is free of violence and provides some form of stability or normality for children. An example of the latter method is a mother ensuring her children have time and space to play even when isolated from the outside world.

Children do not always have a strong bond with the non-abusive parent. One of the ways this occurs is through maternal isolation- systematically isolating the mother from the family unit by recruiting children into the abuse. This can manifest as the abuser occasionally showing interest in the children and being the "fun parent"- taking the kids out to do fun things, joking and playing, and spending money on the children. The children begin to wonder why such a fun parent would be so mean to their mother, and reach the conclusion that the abuse is her fault. Another thing to keep in mind is that when the victim is cut off from the outside world, her children may be her only form of contact. This means it is extremely devastating and dehumanizing to have children turn against you. An

abuser can also undermine her ability to parent, encouraging children to question their mother's authority causing the mother to lose confidence in her parenting ability. Studies show that one of the most dangerous times for an abuse survivor is when she leaves or attempts to leave. This is the abuser's ultimate loss of power and control- and he will retaliate. Abusers who were not physically violent at all are at an increased risk of using physical violence upon separation. As survivors typically flee with their children, a survivor may be reluctant to leave out of fear not only for herself, but for her children. It's common for abusers to extend their coercive control through custody arrangements. Anxiety and fear for both mothers and children often increases during pick-ups/drop-offs for parent visitation. An abuser could cancel visitation or demand it at the last minute in order to control the mother's schedule and keep her on her toes. Research shows that abusers seek custody at higher rates than non-abusive fathers, even when they have shown little prior interest in parenting their children. Family court can be an avenue for intimidation and fear, and a continued method of financial control through mounting legal fees. This is particularly problematic when family courts fail to recognize coercive control dynamics and allow themselves to be used to perpetuate abuse.

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## Where the System Gets it Wrong:

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- Friendly Parent Factor
- Mediation



The system fails when implementing the "friendly parent factor" and mediation in domestic violence and coercive control cases.

# Friendly Parent Factor

- What is the Friendly Parent Factor?
  - Willingness to involve the other parent in the decision-making for the child.
- Effects of Friendly Parent Factor?
  - Domestic violence survivor likely to be labeled unfriendly / uncooperative.
  - Abusive partner manipulates mediator.
  - Survivors who pursue sole custody deemed uncooperative.
  - Court overlooks intimate partner violence.



- What is Friendly Parent Factor?
  - According to the article, “No way to turn: Traps encountered by many battered women with negative child custody experiences”
    - Most states use the friendly parent factor for custody determinations. These statutes ask the courts to evaluate a parent's willingness to involve the other parent in the decision-making for the child.
- What are the Effects of Friendly Parent Factor?
  - Domestic violence survivors may be labeled unfriendly and uncooperative if they report safety concerns regarding contact between themselves and the abusive parent.
  - Some articles recommend that the friendly parent standard not be applied in cases with significant safety concerns and preventing exposure to intimate partner violence should be a priority.
  - The abusive partner may be able to manipulate mediators by expressing their desire to share custody and therefore making the abused parent seem uncooperative
    - According the article, A "Friendly Parent" concept: A Flawed Factor for Child Custody, Margret Dore explains that "the friendly parent concept

presents a paradox. This is because in a child custody dispute, the parents are in litigation against each other. The purpose of this litigation is to take custody away from the other parent, which by definition does not foster the other parent's relationship with the child. The friendly parent concept, however, requires parents to make the opposite showing, that they will "most likely foster . . . the other parent's relationship with the child."

- This makes it almost impossible for both parents to be friendly with each other.
  
- According to UCLA Women's Law Journal, domestic violence abusers are master manipulators and will find creative ways to abuse their victims, even after separation.
  - This Journal introduces Victim Psychology.
  - Victims cope with Post Traumatic Stress Disorder (PTSD) from abuse in diverse ways.
  
- Some victims may appear angry, distrustful, and suspicious. The court may view this as abnormal because judges expect the victim to appear hopeless and victimized. Courts will then see the victim as uncooperative according to the friendly parent factor.
  
- Survivors who pursue sole custody also seem uncooperative in court.
  
- The court system overlooks the fact that intimate partner violence may preclude effective communication.

# Mediation

- Why not?

- Encourages continued abuse
- Assumes equal bargaining power

- Negotiation

- Couples who are experiencing behavior that is threatening, coercive, manipulative, and deceptive are usually not able to negotiate a settlement with one another
- Find appropriate approach



- Mediation is not the best option in domestic violence and coercive control cases. It encourages continued abuse and assumes that there will be equal bargaining power.
- Negotiation in this matter only escalates conflict and control
  - Couples who are experiencing behavior that is threatening, coercive, manipulative, and deceptive are usually not able to negotiate a settlement with one another spouse.
- One must determine the appropriate approach in these situations, which may not include the traditional model of mediation to negotiate custody.

# How to Recognize DV in Court

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- Abusers use the court system to challenge former spouse's parenting skills.
- Abusers may appear more composed than the victim in court.



- According to Journal of interpersonal violence, abusers use the court system to challenge their former spouse's parenting skills.
  - Images of "good mothers" are favored in court. These officials have little to no understanding of the dynamics of intimate partner violence.
  - Ultimate results from domestic violent cases in court are discriminating effects against the abused party.
  - Also, according to this study, male abusers receive more leniency from court official, despite violating judges' direct orders, custody agreements, and visitation orders.
- According to article, Abusers appear more normal and exemplary than the victim in court.
  - Courts may grant the abusive parent sole custody due to the assumption that the abusive parent is more equipped to facilitate the children's relationship with the other parent.

# Best Practices

- Understand family violence.
- Cycle of violence.
- Sensitive interview practices.
- Understanding cultural issues.



- The following are best practices for handling domestic violence and coercive control cases:
- Understand Family Violence
  - Family violence covers a broad range of matters which include emotional, physical, financial, and sexual abuse. It doesn't just harm the victim, but it effects the whole family unit. It is important to understand Family violence.
- Cycle of violence
  - As mentioned previously, this explains why some people stay in abusive situations
  - Cycle of violence is described as the "tension phase," the explosion and acute phase," and "the honeymoon phase."
  - Most abusive situations start off with "honeymoon phase." This stage is passionate and there is no need to confront disagreements or important discussions of marriage and children.
- Sensitive interview practices
  - Remember that Mediation does not work in these cases
- Understanding cultural issues
  - Refrain from making assumptions about families based on cultural differences.
  - Refrain from generalizing based on your own experiences.

- For example: In some communities, victims won't tell on their abusers.

# Assess the Risk

- History of violence
- Separation or attempted separation
- Obsessive or possessive tendencies
- Prior police contact
- Threats to kill
- Excessive drinking or drug use
- Coercive control



- Domestic violence cases should involve risk assessments
  - A risk Assessment is a systemic process of evaluating and analyzing potential risks that may negatively impact a person.
  - The following are Risk factors to consider:
    - Does the person have a History of violence
      - You should know whether the family has experienced violence before. This will give you an idea as to where the current problem is stemming from.
    - Has there been a Separation or attempted separation
      - It is important to know whether a partner has tried to leave before and what were the implications of his/her actions. How did this effect the children?
    - Obsessive or possessive tendencies
      - Sometimes people are oblivious to these signs. So it may be up to you to recognize this.
    - Has there been Prior police contact
      - Has the police been called out to the families home before? If so, why? Did it involve violence?
    - Are there Threats to kill?

- Has a partner every threaten to kill the other partner?
- Is Excessive drinking or drug use involved?
  - It is important to know whether there are drugs or alcohol involved to get a clear understanding of where the problems are stemming from?
- Coercive control
  - As stated earlier in this presentation, You should learn whether there are acts or patterns of assault, threats, humiliation, or intimidation that is used to frighten the victim.

# Safety Plans

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- Detailed plans.
- Identify safe friends and safe places.
- Identify the essential items to take.
- Include resource information.
- Build on what a survivor is already doing to survive.



- Safety Plans
  - When dealing with a family who is experiencing domestic violence or coercive control you may want to produce a safety plan.
  - Safety plans are designed to optimize victim safety at every stage
  - Safety plans should start from the assumption that an abuser is dangerous and try to help the survivor identify the circumstances under which the abuser typically becomes violent and how the abuser may react.
- What to include in the safety plan:
  - Detail plans in case of dangerous situations or changes in the relationship, such as breaking up
  - Identify safe friends and safe places that the family can go in case of an emergency
  - Identify the essential items to take should one need or decide to leave home
  - Include information about local relationship abuse resources and legal rights
  - Also, build on what a survivor is already doing to survive

# Hypothetical: Safety Planning



- Sue comes to you because Sue's spouse, Tom, is abusing her. Sue lives with Tom and her two children. Sue says that Tom doesn't abuse her very often, but when he does, she ends up in the hospital. She doesn't know when Tom will get angry again and abuse her. Sue's two children have witnessed the abuse before. Sue wants to know what she should do.



Consider the following hypothetical about Sue:

Sue comes to you because Sue's spouse (Tom) is abusing her. Sue lives with Tom and her two children. Sue says that Tom doesn't abuse her very often, but when he does, she ends up in the hospital. She doesn't know when Tom will get angry again and abuse her. Sue's two children have witnessed the abuse before. Sue wants to know what she should do.

# Safety Plan with Sue

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## Create a safety plan with Sue:

- Identify trustworthy family/friends to call in case of emergency.
- Ask what essential items Sue will need in case of emergency.
- Provide Sue with resources and referrals.
- Understand that leaving is not always the safest option.
- Remember, the goal is to stay ready, so that you don't have to get ready.



- You should create a safety plan with Sue. This plan should include trustworthy family and/or friends that Sue can call on in case Tom becomes aggressive and wants to abuse her.
- You both should identify essential items that Sue needs to bring with her. Sue should have these items readily available for her when it is time to leave the home. She must determine where she will leave these items to ensure that Tom can not find it.
- Provide Sue with resources that can help her in domestic violence situations. This can be the closest domestic violence shelter, and/or victim counseling.
- Understand that leaving is not always the safest option— do not second guess if Sue is not ready to leave. Separation violence is a significant risk, and she is in the best position to understand the risk.
- Remember, that the goal is to stay ready, so that you don't have to get ready.

## Have the Conversation

- Speaking to someone who is in a domestic violence situation can be difficult for a professional.
- Why?
  - Domestic violence survivors are more likely to confide in a friend or family they can trust, and not a professional.



Although it may be difficult, professionals must have a conversation with domestic violence victims. This conversation includes details about the ins and outs of the victim's life and how they have gotten to this point. Domestic violence victims normally keep a small circle of friends or family that they can trust. This normally does not include professionals. To be able to reach a person who is experiencing domestic violence, a professional must be empathetic, compassionate, and patient towards the victim. The survivor may not open up to you so easily.

However, you may need to understand the details of the abuse in order to competently represent a survivor.



## Where to Have the Conversation

- Safe environment
- Ideally, face to face
  - Make sure conversation won't be overheard.
  - Place eyes on the family.
- Approach with kindness and concern.



Where should you have the conversation?

- You want to have this conversation in a safe environment. Remember that the victim does not trust many people. Also, remember that the victim is afraid for their lives and the lives of their children.
- If possible, the conversation with the victim should always be face to face. With the current pandemic, it has been harder for people to meet face-to-face, however, there has to be a good effort to make this conversation face-to-face, so that you won't be overheard. Also, this time can be used to get a good look of the victim and the children and determine if there are any concerns.
  - For example: You may have a client who is a victim of domestic violence. Every time you get updates on the client, it is over the phone. You never see the client face-to-face. This can be dangerous. You are unable to make any determinations on the welfare of your client because you have not laid eyes on them. Also, the abuser can be manipulating your client to tell you that everything is going well at the home.
- Approach the conversation with kindness and concern. Let the victim know that you are there for them and that you are there to help and support.

# How to Build Trust

- Let a survivor know:
  - You believe them.
  - The abuse is not their fault.
  - Help is out there and where to find it.
  - You want to help.
- Thank them for their bravery.



Here are a few ways to build trust with your client,

- Let them know that you believe them.
  - Victims have been conditioned by their abusers to believe that no one will believe them. It is up to you to break this belief.
- Reassure them that the abuse is not their fault
  - Victims often believe that if they behave a certain way, their abusers won't hurt them.
- Let them know that help is out there and where to find it.
  - As stated previously, victims are conditioned to believe that they are isolated and that no one will help them.
- Let them know that you want to help
  - This will reassure the client that they are not alone.
- Lastly, thank them for their bravery
  - The victim will feel like they are making the right steps.

# What Not to Say

- Do not pass judgement:
  - Never place blame on the victim.
    - "It seem like it's just as much your fault as his."
    - "But everyone has arguments, don't they?"
  - Never offer psychological diagnosis or advice, leave this up to the experts.
  - Never tell them to leave the relationship immediately.
    - This can be very risky and there may be reasons why they can't leave.



There are a few things that you don't want to say to your client.

- Don't pass judgement on them.
  - Victims already feel bad enough in these situation
  - Never place blame on the victim
    - For example: Never say
      - It seems like it is as much your fault as it is his.
      - But everyone has arguments, don't they?
- Never offer psychological advice, leave this up to the experts
- Never tell the victim to leave the relationship immediately.
  - This can be very risky and there may be reasons why they can't leave.

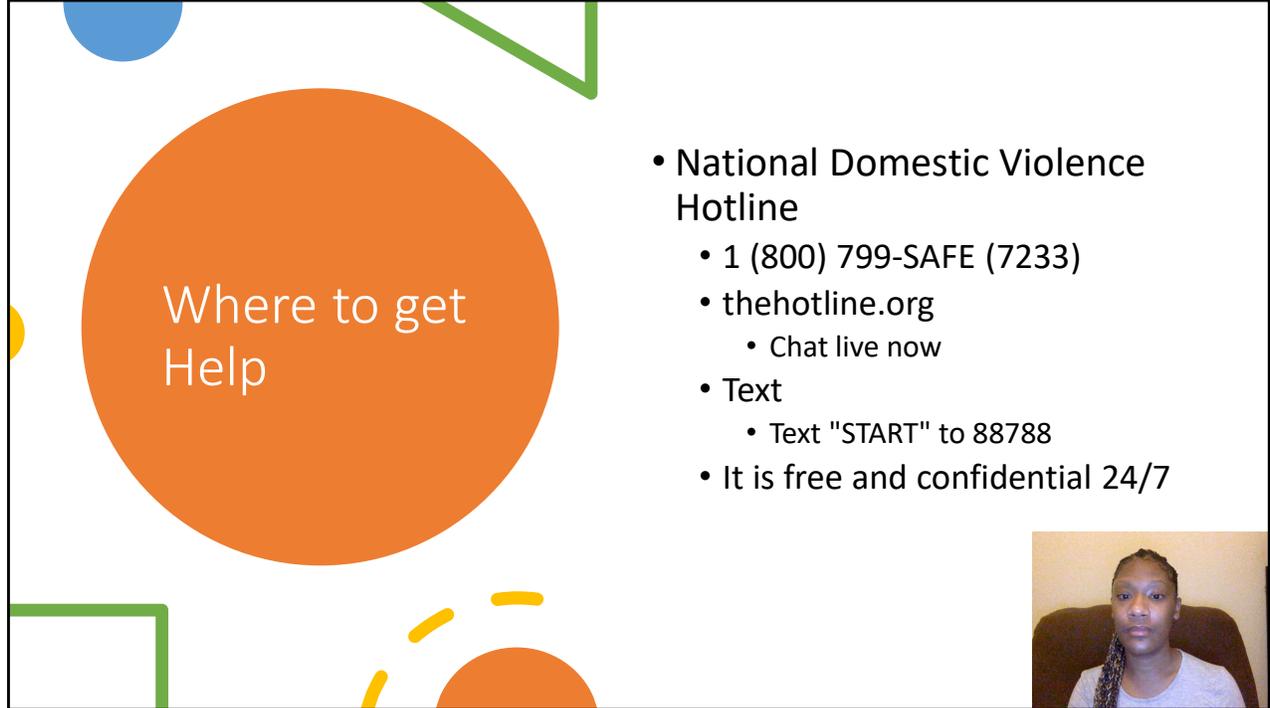
# Listen

- You may not have all the answers
- Listening to the victim will break the silence around the situation
- Involve the client in planning
  - Ask what they want to happen next



You may not have all the answers but listening to the victim will break the silence around the situation.

- Sometimes victims just need a listening ear and then things will begin to unravel.
- Involve the client in the planning process
  - Ask them what they want to happen next. The client will feel in control of this situation.
- Ending a relationship with an abusive person is difficult and a risky decision. The victim may take time to work out how they will get out safely. Be sure not to pressure victims.
- If the victim says that they would not like to talk about the abuse, this is fine. However, part of an attorney's job is to get information to build a strong case. Be sure to explain why you are asking these questions and how this impacts the victim's case. If that means you break up the interview over multiple days or you can ask the client to send something via email. However, don't shy away just because it is hard.



Where to get Help

- National Domestic Violence Hotline
  - 1 (800) 799-SAFE (7233)
  - thehotline.org
    - Chat live now
  - Text
    - Text "START" to 88788
  - It is free and confidential 24/7



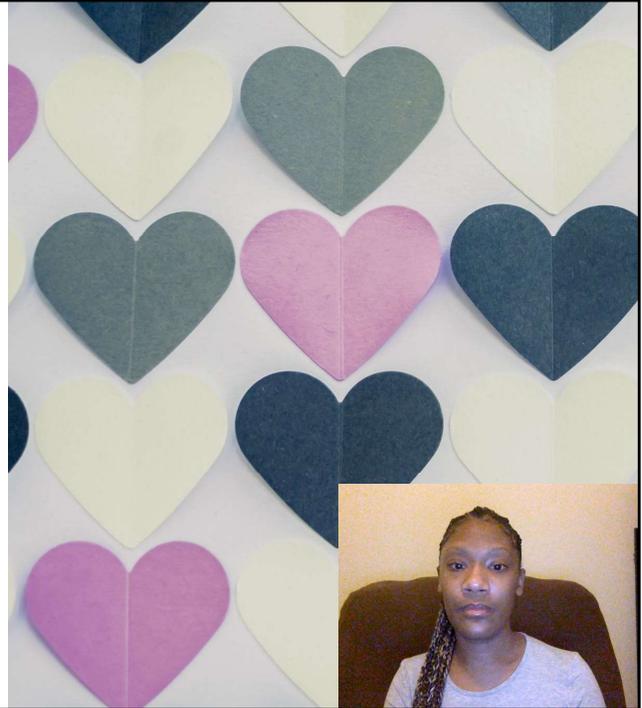
A good source to find help is the National Domestic Violence Hotline

- The number is 1 (800) 799-SAFE (7233)
- You can access the website at Thehotline.org
  - On this website, you can chat with a live representation using the "Chat live now" option
- You can Text from your phone
  - Texting "START" to 88788
- This source is free and confidential 24/7

# Conclusion

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- Define DV and CC
- Effects of DV and CC
- Legal system and DV
- Best practices
- Now, that you've been informed, it is up to you to make a difference!



- In conclusion, we have Defined domestic violence and coercive control, Explained how domestic violence and coercive control effects both adults and children, Shown how the legal system can devastate domestic violence survivors, and lastly, we have provided best practices for handling cases involving domestic violence.
- Now, that you've been provided this information, it is up to you to make a difference!

