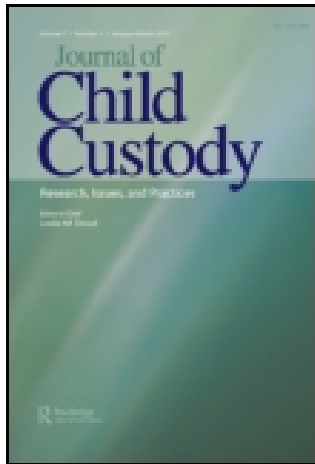


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### Intimate Partner Violence and Child Custody Evaluation, Part I: Theoretical Framework, Forensic Model, and Assessment Issues

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## **Intimate Partner Violence and Child Custody Evaluation, Part I: Theoretical Framework, Forensic Model, and Assessment Issues**

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*An integrative conceptual framework and forensic evaluation model are presented for custody evaluators when the issue of Intimate Partner Violence is salient in a child custody case (IPV-CC). A revised typology of IPV combines previously proposed categories with a violence risk assessment approach to reflect both the descriptive and predictive functions for evaluators. It is a research-based forensic model. Continuous and categorical variable approaches to the analysis of IPV in custody cases are presented and contrasted. Ten behavioral dimensions of IPV-CC are described to serve as a multidimensional behavioral grid approach to the assessment of IPV. The integrated framework and perspective allows for greater behavioral specificity in the analysis. It avoids problems inherent in forensic assessment by subtype labeling. The court will be better informed by a multidimensional and continuous variable approach that provides behavioral versus categorical differentiation. This approach allows for more accurate and efficient risk communications to the court and translation to parenting plan recommendations. Issues involved with the forensic assessment of IPV in the custody context and making predictions/*

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*recommendations about future parenting, co-parenting, and child adjustment are discussed.*

**KEYWORDS** *intimate partner violence, domestic violence, child custody evaluations, risk assessment, domestic violence categories*

## INTRODUCTION

In this article, we describe the new conceptual developments in the adjoining fields of Intimate Partner Violence (IPV)<sup>1</sup> and Child Custody Evaluation (CCE). We address the scholarly efforts of conceptual differentiation concerning the identification of IPV subtypes, offer a revised typology, and present an organizing theoretical framework and forensic evaluation model for child custody evaluators. The proposed framework and forensic model melds the descriptive typology with the forensic violence risk approaches to partner violence into an *Integrated Framework*. It is geared to assist evaluators with their multiple forensic tasks when IPV is a salient issue in a custody dispute, but it also should be useful to judges and other mental health and legal practitioners. We have attempted to make the approach as scientifically grounded or research-based to the extent possible while at the same time recognizing the fact-driven and individualized nature of all child custody disputes. This article is presented as consistent with the “art and science” perspective on child custody evaluation (Gould & Martindale, 2007; Gould & Stahl, 2000). A follow-up Judge’s Bench Book publication will present a briefer, streamlined version of the Integrated Framework for judges and “first responders” to IPV cases when it is likely that expert opinion and less behavioral information will be available for the decision maker (e.g., temporary restraining order hearing; hospital emergency department admission).

This is Part I of a three-part article. This part includes the following components: (1) a revised IPV typology; (2) integration of major risk factors for future IPV with the subtype analysis; (3) identification of 10 behavioral dimensions to enhance both descriptive and predictive accuracy on future violence, quality of parenting and co-parenting, and child and parent adjustment; (4) presentation of specific *behavioral differentiation* of the pattern and severity of past IPV as more useful than the *categorical differentiation*; (5) discuss a continuous variable versus categorical approach to custody evaluation and developing parenting plans in IPV cases; (6) recommend that a “behavioral grid” approach to description and prediction of IPV will be more advantageous to the evaluator and court; (7) discuss the fundamentals of violence risk assessment; (8) discuss dimensions of the coercive control subtype of IPV (e.g., physical versus psychological aggression components of IPV and their relevance for future co-parenting); (9) review the research and literature linking the relevance of IPV for parenting and co-parenting; (10) present

considerations for making parenting plan recommendations based on the forensic findings in a comprehensive CCE. Part II presents a framework for the assessment of credibility in allegations of IPV within the child custody context that revises and updates the existing framework (Austin, 2000) that is currently used by evaluators and recommended by authorities for use in IPV-CC assessment (e.g., P. G. Jaffe, Johnston, Crooks, & Bala, 2008; Johnston, Roseby, & Kuehnle, 2009). Part III of this article discusses assessment issues more specifically and presents an assessment structure and forensic protocol for custody evaluators.

### IPV-Child Custody Cases

Authorities have strongly recommended that evaluators screen for past IPV in every case (Frederick, 2008). We agree. This article concerns cases where IPV allegations have been presented or past IPV has been documented so the evaluator needs to formally investigate the issue and its relevance to a recommended parenting plan.

We suggest that custody cases where IPV is very salient be referred to as *IPV-child custody* cases, or IPV-CC. Such cases require a special approach by evaluators and need to be prioritized by the court, as suggested by prominent commentators, many who are very critical of how courts manage and evaluators assess IPV (Bancroft & Silverman, 2002; Bartlett, 2002; Ellis & Stuckless, 2006; Fineman, 2002; Frederick; Hardesty, Haselschwerdt, & Johnson, 2012; Morrill, Dai, Dunn, Sung, & Smith, 2005; Smith & Coukos, 1997; Stark, 2009; Ver Steegh & Dalton, 2008).

### IPV as a Complex Issue in Custody Disputes

Standards for custody evaluation (Association of Family and Conciliation Courts, 2006) have identified IPV as one of the *complex issues* in child custody disputes and evaluations along with cases involving alienation allegations, relocation, very high conflict, substance/alcohol abuse, and child sexual abuse allegations. We propose when evaluators face one of these complex issues that their forensic task requires that they take a *systematic approach* to framing the problem for the court and collecting and gathering data. We suggest that the resulting quality of their work product will be enhanced by using available forensic frameworks or evaluation models to facilitate taking a systematic approach. Practice surveys have discovered that evaluators generally do not report following any given conceptual framework or use of standardized actuarial assessment instruments (Bow & Boxer, 2003).

In all of the complex issues in custody disputes, the risk of potential harm to the children is the salient issue for evaluators and the court so a risk assessment approach will always be appropriate and helpful to the court. In

IPV-CC, a risk assessment approach fits exceptionally well for the predictive and descriptive tasks of the evaluator (Austin, 2001). We suggest it should be expected by the court. The judge is in a position of a “risk decision maker.” What is unique about IPV in custody disputes is that there may be issues of potential harm (e.g., future violence) towards a parent as well the child.

## SALIENT ISSUES IN IPV-CC

### Definition

There is no perfect definition of IPV, but a parsimonious definition of IPV is offered by the Center for Disease Control (2009): physical, sexual, or psychological harm caused by a current or former partner. This definition includes emotional/psychological harm, which can be problematic since a very high percentage of divorcing partners report emotional abuse occurred during the marriage and separation and this may be the reason for the divorce (Newmark, Harrell, & Salem, 1995). Legal definitions found in state statutes often include elements of relationship control and/or actions that elicit fear in a partner. Our proposed IPV framework does not depend on any particular definition of IPV.

Considering whether domestic violence occurred during a marriage is required to be part of best interest determinations for custody and access arrangements in 46 states, either as a statutory best interest factor or by other statutory provision (American Bar Association [ABA], 2008). Only 37 states have a list of statutory best interest factors to consider, but IPV is always included when there is a list (Elrod & Spector, 2011). Twenty-six states follow the model statute of the National Council of Juvenile and Family Court Judges (1994) that requires that a finding of domestic violence creates a rebuttable presumption against joint decision making (for reviews of state laws, see ABA, 2008; Austin, Dale, & Drozd, 2012). In 2003, only one province in Canada required the court to consider domestic violence in child custodial decisions (Shaffer & Bala, 2003), but now three provinces require judicial scrutiny on the issue (N. Bala, February 10, 2010, personal communication).

### Importance of Legal Context

The legal context of a pre- versus post-decree case will greatly affect how IPV is considered and weighted by an evaluator and court. At the time of the dissolution (e.g., pre-decree) the IPV issue means the court and evaluator need to assess the credibility of allegations; address safety concerns; and determine relevance to the issues of co-parenting and shared decision making. It is likely there be more *potency* (e.g., P. G. Jaffe et al., 2008), or that there be a more *active concern*, about past IPV and risk at the time of separation and dissolution. IPV incidents may be *fresh* and associated with the separation IPV, or they could be more remote and consist of a minor incident

or two in the distant past, or *stale*. Active/fresh and substantial IPV data may be highly relevant in the pre-decree case when there has been severe and/or a pattern of IPV in the history of the intimate relationship. It will have higher predictive value on future violence in the short-term. Commentators and researchers (Hardesty, 2002; Spiwak & Brownridge, 2005) assert that violence risk, including lethality, is heightened in the timeframe surrounding separation when there is more potency and active concern.

It will not be unusual for judges to waive the presumption against joint legal custody/decision making that is found in many states when the fact pattern/evidence shows there were relatively minor incident(s) of partner violence and there are indications the parents can cooperatively co-parent together. It also will not be unusual for the parents to stipulate to joint decision making when there has been some pattern or incidents of past IPV. When there has been substantial or severe IPV, then shared decision making generally would not be appropriate, just as authorities recommend against shared custody when there is enduring high conflict (Maccoby & Mnookin, 1992). Fathers and their attorneys not infrequently assert that a mother has misused the protective order process in order to gain legal advantage and sole decision making, but there is not research to support the view that this is a frequent occurrence.

In post-decree cases, the salient issue may be continuing psychological aggression that is residual from a more severe past pattern of IPV. More severe IPV is likely to be more relevant if the parents return to court to modify a parenting plan because it will frequently be the case that the victim-mother will continue to be afraid of her ex-partner and both she and the child may continue to experience trauma symptoms. If the level of past IPV severity was low, a stable parenting plan has been in place for an extended time, and there are not issues of residual coercive actions, then it is not likely the past IPV will be afforded significant weight.

The authors have seen IPV-CC cases where the harm-doer, ex-partner has returned to court in a modification action for expanded involvement and parenting time on the grounds that the abuse occurred a long time ago and he has made substantial behavioral changes. He may have remarried, lives a stable life, and has established that he can parent in an appropriate way. We have seen judges grant equal parenting time and shared decision making with such a fact pattern and seem to be dismissive of the mother's assertion that she continues to be afraid and cannot effectively share in decision making. It would seem that if there are examples of continuing controlling, intrusive behaviors (e.g., demanding, accusing e-mails), then judges will want to be cautious in expanding the parenting plan so that active co-parenting is expected, and they will want to look for the nuances in possible post-decree, residual coercive actions such as accusatory emails, rigidity in small changes in the parenting time schedule, and intimidating nonverbal behaviors when attending joint activities of the child.

## IPV Subtypes and Importance of Coercion and Control Dynamics

An important point found in the recent conceptual efforts in the IPV literature is to appreciate that when there has been coercive, controlling psychological dynamics involved (e.g., also known as “battering”), even with infrequent or minor, physical violence, then the issue will always be highly relevant to issues of safety and crafting an appropriate parenting plan (Bancroft & Silverman, 2002; P. G. Jaffe et al., 2008; Johnson, 2008; Stark, 2007; 2009; Straus, 1999).

A second important point from the literature is that the evaluator should attempt to differentiate the *subtype and severity* of IPV and describe any aspects of coercive control between the parents. Recent conceptual developments in the field (e.g., P. G. Jaffe, et al., 2008; Kelly & Johnson, 2008) make it easier for evaluators to describe for the court the subtype and general behavioral pattern that occurred in the relationship and family unit. We suggest that a primary rule for evaluators should be that a severe form of IPV and/or coercive control should make IPV highly relevant to the parenting plan for either fresh or stale incidents of violence and pattern of coercive actions. We suggest a secondary rule should be that relevance is a function of corroboration of credibility of IPV allegations, potent-active IPV behaviors, and pattern and severity.

Our view of IPV-CC is that it is important for evaluators not just to describe the IPV subtype or the qualitative dimension of the IPV interpersonal dynamics, but also to assess the level of severity of the past pattern of IPV within each subtype. For example, severe past violence that has been situation-specific and involving alcohol may be highly potent and relevant to both predictions about future risk of violence and co-parenting actions. This perspective allows for examining the degree of potency (or level of IPV risk) that is linked with past IPV behaviors within each qualitative category of IPV. The authors acknowledge the multidimensional nature of severe abuse and nuances (such as economic control/abuse) within the coercive control dynamics that may be relevant to anticipating future safety concerns, ability to co-parent and so forth.

## Predictive Tasks for Evaluators

Custody evaluators are always charged with investigating and making predictions about the child's adjustment and long-term developmental outcomes and future parenting and co-parenting behaviors. IPV-CC cases present evaluators with additional challenges. Predictions need to be made about violence risk concerning parents and children, based on past behaviors involving physical violence and/or psychological aggression. The relevance of corroborated past IPV needs to be established. With minor severity and

situational couple violence, it may not be relevant except as part of conflict and anger issues between the parents. When IPV is deemed to be relevant, then a safety component or risk management strategy may need to be addressed in the recommended parenting plan. The history of violence needs to be considered for the assessment of the co-parenting relationship and whether parents are candidates for joint decision making.

### Importance of Forensic Investigation

The need for custody evaluators to conduct a thorough investigation when there are allegations of IPV cannot be overemphasized (Dalton, Drozd, & Wong, 2006). This forensic task may resemble that of an investigative journalist (Heilbrun, 2001) and requires a maximal effort to go beyond the surface data and not just stop investigating when the data appear to be of the “he-said/she-said” variety (Austin & Kirkpatrick, 2004; Kirkpatrick & Austin, 2005). As part of their investigation, evaluators need to take a systematic approach to the assessment of credibility of both the allegations and denial of allegations by the parties (Austin, 2000; P. G. Jaffe et al., 2008). Evaluators need to be vigilant in obtaining collateral interview data that may help confirm or disconfirm allegations (Austin, 2002; Austin & Kirkpatrick, 2004). It is known that a very high percentage of IPV incidents are not reported to authorities, and there sometimes is a “veil of secrecy” over domestic abuse in a family so that even severe IPV is not reported due to a wide range of psychological reasons (Harway & Hansen, 1994). While allegations of IPV that surface for the first time in the context of litigation may be suspect, the evaluator’s duty is to be a vigilant investigator and conduct an objective assessment.

## IPV FRAMEWORKS AND TYPOLOGIES

### Early Research and Theory

The literature in the field of domestic violence (DV)/IPV is voluminous and characterized by a wide divergence of conceptual efforts to describe the many dimensions and psychological dynamics associated with violence within intimate partnerships. There often has been a wide chasm and loud debate between the views of researchers and advocates for victims, with the result of practitioners and judges caught in the middle. Early and high quality research studied the correlation between a large range of variables and frequency of IPV (Gelles & Straus, 1988). Theory was creative, well developed, and scientifically grounded (Straus & Gelles, 1990).

Data from the early research that confirmed gender symmetry on the issue of incidence of instigating IPV (Straus & Gelles, 1990) sparked polemical debates and created a researcher–advocate chasm on how to best view



IPV as a social problem. The cause of the professional divide seemed to reflect researchers examining the wide spectrum of forms and causes of IPV and advocates focusing on the severe form of IPV that emanated from the dynamics of relationship control. For two decades, the field of IPV focused on power and control in “battering” (Pence & Paymar, 1993; Walker, 1979; Walker, 1984) so that in the context of a child custody dispute all degrees of severity in IPV were likely to be treated alike by the court and application to a parenting plan. Researchers were critical of this “undifferentiated” view of IPV and advocated for recognition of the empirical reality of gender symmetry concerning the issues of instigation and the wide variation in the severity and psychological dynamics of IPV in families (Dutton, 2005).

### Johnston and Campbell Typology

The publication of a typology of IPV that was geared towards application to child custody disputes was a conceptual breakthrough, but it seemed to further fuel professional polemics on the issue. Johnston and Campbell (1993) proposed the following subtypes of IPV:

- Ongoing or episodic male battering
- Female-initiated violence
- Male-controlling interactive violence
- Separation-engendered violence/post-divorce trauma
- Psychotic and paranoid reactions leading to violence

This typology by Johnston and Campbell (1993) recognized the severe form of IPV that was characterized by coercion, control, and severe physical and psychological aggression. It also included females resisting primary male-instigated violence, the heightened violence risk at the time of marital separation, and it recognized that females also initiate and participate in situational violent interactions. Implicit in the typology was the view that much of IPV was situational in nature and not embedded in enduring relationship pathology of coercion and control by one dominant partner.

### Call for Differentiation

Johnson and Leone (2005) questioned the generalizability of the entire research literature on DV because of the failure to distinguish between the more severe form of IPV with psychological control dynamics from situational, conflict-instigated, and more common IPV. They stated: “[B]ecause these types of violence have different psychological and social roots, interpersonal dynamics, and consequences for the victim, much of the empirical domestic violence literature is virtually meaningless” (p. 325). There are countless examples in the DV research literature of conclusions

being drawn by researchers without acknowledging this limitation (Morrill et al., 2005).

### Typologies Within the Batterer Paradigm

Dalton (1999) called for efforts to further develop the conceptual understanding of IPV in the child custody context to assist with safety/risk assessment, developing educational programs, and designing therapeutic interventions to fit with the pattern of IPV behaviors. As if heeding Dalton's call, researchers began to create empirically based categories to distinguish subtypes of character pathology among "batterers" within the severe form of IPV involving relationship-control dynamics (Holtzworth-Munroe, Meehan, Herron, Rehman & Stuart, 2000).

Capaldi and Kim (2007) questioned whether the distinctions within the severe type really represented qualitative distinctions based on character pathology, or if they reflect different patterns of violent behavior. These authors reviewed the literature that further questioned the stability of the batterer subtypes over time, the virtual absence of longitudinal studies (see Holtzworth-Munroe et al., 2000), and research showing a decrease or desistance of violence over time and as a function of age group (Capaldi, Shortt, & Kim, 2003; Sutor, Pillemer, & Straus, 1990), keeping in mind that the research concerned violence between partners who stay together.

### Recognition of Situational IPV

Proponents of the batterer view of domestic violence began differentiating between the severe form of IPV with coercion and control from situational and conflict-instigated IPV (Johnson, 2008; Johnson & Leone, 2005). This shift made conceptual sense in light of the research that had demonstrated that the IPV in most families was likely to be less severe, not involving coercion and control, and mutual (Kwong, Bartholomew, & Dutton 1999). IPV-CC cases that do not involve a severe level of past physical aggression or coercion and control are likely to be the most frequent fact pattern encountered by custody evaluators.

That most IPV occurrences in community samples are situational, conflict instigated seems accepted and expected by researchers (e.g., Capaldi et al., 2003). It appears the base rate or 12-month incident rate is 10% to 16% and similar in North American, British, and Australian/New Zealander representative samples (Archer, 2000; Kwong et al., 1999; Straus & Gelles, 1990). Research shows a similar IPV incidence rate for same-sex relationships (Rohrbaugh, 2006). Researchers also accept that in research samples, the typical pattern on instigation will show reciprocal or mutual participation in the physical as well as psychological aggression components of IPV (Capaldi et al., 2003). Controversy exists over the relative frequency of primary instigation for gender, with different authorities disputing whether the research generally shows a

somewhat higher frequency of female-instigated IPV of the situation-specific, conflict-instigated pattern (Dutton, 2005; Johnson, 2005). The important point for evaluators would seem to be that they should be open to the hypothesis that IPV often would involve participation and instigation by either or both partners. It does not seem to be disputed that the severe form of IPV involving coercion and control is almost always a male-instigated phenomenon.

### New Consensus Typology

In response to the ardent debate on IPV concerning issues of the emphasis on the male-instigated, “batterer” severe subtype versus an interactional view of most IPV, or the feminist versus basic research approaches (see Dutton, 2005; Johnson, 2005), there was an interdisciplinary conference (Ver Steegh & Dalton, 2008) that produced conceptual papers and a new typology of IPV (P. G. Jaffe et al., 2008; Kelly & Johnson, 2008). There also was a call for productive dialogue between professional groups (Salem & Dunford-Jackson, 2008). The new typology represents an interdisciplinary effort to move the field of IPV-CC forward by acknowledging the multiple behavioral variations in IPV, or the “shades of gray,” and away from the dominant “batterer paradigm,” or singular, stereotyped view of IPV.

Kelly and Johnson (2008) proposed the following typology, which we refer to as the “new consensus” IPV typology:

- Coercive Controlling Violence
- Violent Resistant
- Situational Couple Violence
- Separation-Instigated Violence

Coercive controlling violence represents a pattern of “battering” and relationship control. The level of physical violence may be severe, but it could be a case of substantial psychological aggression with control coupled with relatively minor physical violence (Johnson, 2008; Stark, 2007; Straus, 1999). Violent resistant IPV is intended to describe female victims’ self-defense against attack as part of coercive controlling violence, but resistant violence could be part of situational or conflict-instigated violence and could describe actions of either gender. Situational couple violence is expected to be the most frequent type of IPV and reflects the 12-month incidence rates noted above. Separation-instigated IPV is expected to be situational in nature, though a coercive controlling, violent partner may again become violent in response to a marital separation.

There are indications that this typology, along with the similar typology proposed by P. G. Jaffe et al. (2008), has been favorably received by the field. These typologies are a starting point for the custody evaluator and help the court to understand the general pattern or “ballpark” of the IPV history.

There appears to have been general acceptance of the utility of the typologies, so we refer to these publications as representing a “new consensus typology.” Evaluators and other practitioners appear to applying the typology in a variety of settings. Evaluators will benefit by learning the new typology and utilizing it in their evaluations, not as a cookbook approach, but as a guide to sound investigation and analysis. There are inherent difficulties in making specific behavioral predictions from typologies, but it will help the court to know what type of IPV and behavioral pattern has occurred in the family. The subtype differentiation serves the purpose of making the court aware of the IPV “ballpark” that characterizes the fact pattern.

The new consensus typology is more consistent with the research. It allows for continuing conceptual development, which is what we are offering here. All of the typologies wait to be tested. Difficulties in showing the advantages of the typology (e.g., relationship control vs. severity of violence) in terms of predictive accuracy of future violence and effects of the violence, raise concerns on how to actually put a subtype analysis into practice (Anderson, 2008). Whereas the ultimate goal of describing violence in a family is to make predictions about the best parenting plan for the child or children, significant research is needed on the typologies as well as on the best parenting plans to use with a given scenario in a given family.

#### OTHER FRAMEWORKS FOR ASSESSING IPV-CC

An integrated conceptual framework to assist evaluators in systematically assessing IPV and addressing the tasks required of evaluators does not yet exist, but a few conceptual frameworks have been developed that provide guidance to evaluators. Despite the importance and frequency of IPV-CC cases, there have been relatively few frameworks and forensic models proposed to assist evaluators.

Campbell (2007) has pioneered the assessment of lethality and female homicide by intimates. Austin (2000) presented a forensic model for evaluators for assessing the credibility of allegations of IPV within the context of a custody dispute that was incorporated into Johnston’s potency framework (P. G. Jaffe et al., 2008). Austin (2001) presented a violence risk assessment model and predictive typology that Bow and Boxer (2003) used to gather data on the types of IPV patterns that custody evaluators see in their forensic practices. Dalton et al. (2006) prepared a “Judges’ Guide” for the National Council of Juvenile and Family Court Judges that was an overview of issues and considerations for judges and evaluators. Dalton et al. provide guidelines for evaluators on a variety of dimensions of an IPV-CC evaluation with an emphasis on addressing safety concerns and “red flags” about future violence risk. Austin, Thomas, and Arnold (2009) integrated recent typologies with risk and credibility assessment for making parenting plan recommendations. In

this article we present a more elaborate conceptual framework, or forensic model, to guide evaluators and courts on how to accurately and thoroughly assess IPV. Part III presents a more detailed description of the forensic model and a structured assessment protocol.

P. G. Jaffe et al. (2008) presented a version of the new consensus typology (with a 3 P approach) with that being followed by one set forth by Johnston et al. (2009) who proposed a P P P P P (i.e., 5P framework) screening assessment to determine the relevance of IPV and how to translate it to parenting plans. The acronym stands for potency, pattern, and primary perpetrator, parenting problems, and preferences and perspective of the child. Within each component are specific questions for the evaluator to follow. This approach is essentially a practical, experience-based forensic assessment model. The strength of the P-approaches is that they have a behavioral focus whereas the weakness is that they seem to focus on the severe form of IPV with coercive control. The 5P assessment involves the need for evaluators to address all relevant safety issues based on the facts of the case.

Evaluators will benefit from considering this framework as a starting point for their assessment. The 5 P approach is a screening assessment for IPV, but it is also designed to yield substantial information on the pattern and potency of IPV. It is a systematic approach to IPV-CC.

Johnston et al. (2009) define potency as severity, dangerousness, and current risk of serious injury or lethality potential to erupt into explosive violence or escalate to dangerous levels. In terms of pattern, the question is whether there is an ongoing pattern of coercive control or if the violence has been situational or conflict-instigated. The next category is in regards to who is the primary perpetrator: Is it primarily the father, the mother, mutual, and/or defensive or reactive? The added P's are about parenting problems and the child's preference. In terms of the former, the question is about the capacity of the violent parent to provide the child consistency, stability, warmth, appropriate authority, and reflective responsiveness to the child's individual needs separate from their own. The last P is about the child. What are his or her preferences in terms of time spent with each parent, and what is the child's perspective on the violence in the family? Is the child scared of the person(s) who instigated the violence or identified with that person or those persons? And finally, what meaning does the child give to the violence in the family? Does it define the child's experience in his or her family? What support does the child have? What vulnerabilities does each child in the family have? What resiliency factors does each child in the family possess? In other words, what are the risks and benefits of the child having access to both parents? Johnston et al. (2009) have developed a series of questions to ask in relationship to each of the 5 P's.

Both the P. G. Jaffe et al. (2008) and the Johnston et al. (2009) frameworks make a contribution by offering general guidelines on how to

translate the IPV assessment to parenting plan recommendations. Based on the assessment data, decision guidelines are made on co-parenting, parallel parenting, exchanges, need for supervised parenting time, and when to suspend parent–child contact. Advice is given on access arrangements and other aspects of parent–child contact. Suggestions are given for when certain access and custodial arrangements are appropriate or not appropriate.

### LIMITATIONS TO USING IPV TYPOLOGIES

The new consensus typology for use in child custody cases (P. G. Jaffe, Crooks, & Bala, 2005; Ver Steegh, 2005) has caught on—in part because it replaced the outdated one-size-fits-all approach. There are, though, limitations to the new consensus typology. Perhaps their acceptance has been premature. Speaking specifically about Johnson’s two types (1995), Anderson (2008) wrote, “acceptance of this typology (e.g., Johnson’s, 1995 two types) has not been driven by empirical findings” (Anderson, 2008, p. 1158). Capaldi and Kim (2007) also questioned the conceptual and empirical integrity of proposed typologies. Our view is that the “cycle of violence” perspective that was the standard in the DV field for decades (Walker, 1979; Walker, 1984), lacked empirical support.

The same criticism can be applied to the new differentiation scheme because of inherent problems in creating a taxonomic classification system to describe behavioral phenomena (Meehl, 2004). Before evaluators march into court with a conceptual analysis and recommendations based on the new consensus typology, they need to appraise how existing research supports the logic of the taxonomy and how it would apply to parenting plan recommendations. Research on each subtype is needed. The typologies, past and present, are better viewed as heuristic frameworks for descriptive purposes. They will be very useful for general differentiation of IPV for evaluators, courts, and other professionals. The reality is that the typologies have strengths (descriptive value) and weaknesses (inherent limitations because of the lack of research showing what the categories predict).

Evaluators need to keep in mind that each category or IPV subtype represents a theoretical construct that may be useful in describing a subset of behavioral patterns within the broader population of individuals and couples whose relationship is characterized by IPV to some degree. There exists a very limited amount of research that lends theoretical coherence to each category, while there is virtually no research that links each subtype to specific parenting behaviors and level of parental functioning or children’s adjustment as a result of the IPV subtype (Hardesty et al., 2012).

The categories are descriptive, not explanatory or predictive. A single risk factor may well be more accurate in predicting future behaviors or outcomes (e.g., past pattern and severity of violence; Anderson, 2008). The evaluator who relies upon the typology may face an admissibility challenge

to his or her expert testimony because of a lack of consensus in the field on the concepts and reliability/validity of the categories.

In a recent case, a forensic reviewer read statements by the mother on allegations of verbal abuse by the father and of several incidents of minor physical aggression with no way to corroborate the allegations. The father described a high level of psychological aggression by the mother and incidents of physical aggression instigated by her. The reviewer—expert concluded the pattern of behavior was one of “coercive control” by the father, and this would be grounds for endorsing the mother’s plan to relocate out of state with a 2-year-old child. This would be an example of how not to use the typology. The testifying reviewer of the court’s pointed out the evaluator needed to expand his investigation and acknowledge the lack of data to support the mutual allegations. The fact pattern was more consistent with that of conflict-instigated, situational IPV dynamics.

In another recent case, a child custody evaluator used the 5 Ps in the following manner, which was ultimately helpful for the court. He found from corroborated data that most probably, the violence in the family could best be described as conflict instigated or situation-specific that occurred at the time of separation. A risk analysis and threat assessment showed that the probability of future violence was low. The kind of aggression in the past was found to have been mostly emotional as seen frequently in high-conflict families. Both parents were emotionally reactive and disrespectful of the other—whether either of their verbal conflict rose to the level of emotional or psychological abuse was not clear. There was one incident of physical violence, a severe one, which occurred at the time of separation, in which the father slapped mother on her face, hard enough to break her nose, after finding out she was having an affair with their son’s championship Club soccer coach. There appeared to have been no pattern of coercive control, in fact, no pattern to any aggressive behavior at all until the end of the relationship. The corroborative data collected suggested that the pattern of instigation involving the verbal conflict during the course of the relationship was that of mutual high conflict with the one incident of substantial physical aggression with the father as the instigator at the time of the marital separation. The outcome of the case was that the father was quite remorseful, completed anger management education after arrest. The plea was entered, and the mother was given temporary sole legal custody pending father’s completion of an anger management program. Because there was no history of relationship control and the father had been very involved and competent, he received equal parenting time.

### What Kinds of IPV Cases Do Evaluators Encounter?

Studies have consistently reported a high prevalence of IPV during the history of the relationship reported by divorcing-litigating partners (Newmark et al.,

1995). Estimates vary greatly due to sampling and measurement differences, but a fair expectation is that over 50% of litigating, former intimates report IPV of some form and severity (see Kelly & Johnson, 2008 for a review).

Bow and Boxer (2003) conducted a quality survey of custody evaluators' description of their experience with IPV-CC cases. Using Austin's (2001) predictive typology, data were presented on the pattern of instigation and severity of IPV that the evaluators recalled encountering in their evaluations. The findings indicated the following and give evaluators an empirical basis to know what pattern of IPV they are likely to encounter:

- IPV was estimated to have been present in 37% of cases;
- 46% of those cases were separation related;
- 29% of cases were episodic;
- 24% of cases were enduring, chronic IPV;
- when IPV was an issue, 16% of cases had severe IPV; 33% moderate; 50% minor;
- 51% of IPV cases had a male as the primary instigator; 11% female primary instigator; 17% were bidirectional, mostly male; 14% bidirectional, mostly female; 7% bidirectional, mutual.

#### FUNDAMENTALS OF VIOLENCE RISK ASSESSMENT FOR IPV-CC

Practitioners are frequently called upon to make predictions about violence risk in a variety of settings (Milner & Campbell, 2007; Sheridan, Glass, Limandri, & Poulos, 2007). The context of IPV-CC disputes is just much more complicated than some other clinical and forensic contexts. We strongly suggest custody evaluators should not conduct an IPV-CC evaluation unless he or she has sufficient training in violence risk assessment (VRA) in a custody context.

VRA should identify both the level of risk and the severity of potential negative consequences for a child and/or parent. The evaluator needs to conduct a risk assessment, but the court will want the evaluator to communicate on how to manage and reduce the risk of harm, both for physical and psychological harms. A "safety plan" can be viewed as a "risk management or containment plan."

The combination of the levels of estimated risk and degree of detriment guide the court on the need for protective intervention for a parent and/or child. This risk–detriment combination creates a threshold for judicial action. Table 1 portrays the possible "risk x stakes" combinations (Grisso & Appelbaum, 1992). If the IPV assessment indicates there is a high degree of risk for dire consequences, then there should be a low threshold for protective action, meaning no hesitation to implement protective measures in the parenting plan. For example, if there is a history of substantial violence and



**TABLE 1** Threshold of Harm on Predicted Stakes X Risk (In Domestic Violence Evaluation)

<i>Probability of occurrence</i>	Low Probability	High Probability
<i>Stakes (Potential Consequences)</i>		
Low Stakes	Highest threshold for taking action	High threshold for taking action
High Stakes	Low threshold for taking action	Lowest threshold for taking action

coercive actions, a threat to kill the ex-partner, and access to firearms, then access to the parent/potential target should be denied, and parenting time should be restricted/supervised. A difficult situation is when an evaluator cannot conclude whether there is high risk, but there is a concern about a high level of potential harm. The evaluator's report and testimony needs to help place the court in a "comfort zone" regarding the ordered parenting plan in terms of risk and safety.

Risk refers to the probability of a negative or harmful event occurring (i.e., violence) that may produce a negative outcome or consequence for an individual or individuals (i.e., physical injury, emotional distress, fear, death). Risk assessment involves identifying risk factors that are known to be associated with harmful events. Risk assessment is designed to produce accurate predictions of aversive events. An insurance company uses risk factors (e.g., age, sex, academic performance, past driving performance) to predict future driving performance (i.e., aversive events) that may result in aversive outcomes (i.e., motor vehicle accident, injury, death). Risk factors are more likely to produce accurate predictions if they are based on scientific research and not intuition, common sense hunches, or clinical impressions. The predictions are based on group or aggregate data and applied to individual cases (e.g., applicant for car insurance).

Risk factors can be classified as *static* or *dynamic* (Douglas & Skeem, 2005). Static factors are either historical events (i.e., prior conviction for DV) or personal characteristics (i.e., age). Static risk factors are not changeable. The insurance company uses static risk factors of personal characteristics or past driving behavior. In terms of VRA, dynamic risk factors are changeable and may be fluid (e.g., alcohol abuse, anger control problems, bipolar disorder). When there are recent stressors (e.g., marital separation, job loss, economic losses, loss of significant others, sleep deprivation, medical problems, etc.) dynamic risk factors can be activated as can static, historical risk factors (e.g., exposure to harsh parenting as a child, exposed to domestic violence, adolescent violent behavior). Thus antecedent conditions are a category of risk factors for the evaluator to consider.

VRA for the IPV-CC case should begin with an assessment of the *research-based risk factors*. These include the severity and pattern of past

violence and IPV; current substance misuse or abuse, including alcohol, illicit drugs, and/or prescription medications; presence of a major mental disorder or psychological disturbance; and developmental-antecedent conditions (e.g., childhood conduct problems and psychopathology, exposure to harsh parenting, domestic violence as a child, and other aversive childhood conditions).

Other risk factors are presented in the general DV literature (e.g., Tjaden & Thoennes, 2000). Though some of the factors have positive correlations with IPV incidents, the predictive value is likely to be low, and the studies suffer from a lack of differentiation of IPV subtype. For example, the Center for Disease Control (2009) proposes 31 risk factors. The factors of past violence, mental disorder, and alcohol/drug use are included. Antecedent conditions, developmental experiences are included, but so are unemployment, age, having few friends, and low academic achievement. These other “risk factors” may be useful for an evaluator in the individual case and are therefore worthy of describing the instability that was in the family unit, but they should not be considered in general to be reliable or efficient predictive risk factors and instead should be considered as possible environmental stressors that may be relevant to forensic assessment in the individual case. They should be used clinically-forensically, or anchored in the evaluator’s interpretation of the data on a factor believed to be relevant to violence assessment, in combination with the major risk factors. For example, when an ex-partner is socially isolated and feels he has lost access to his children, then it would be relevant and part of the assessment of potency. Assessing risk for homicide/suicide, including child domestic homicide requires a different approach (Campbell, 2007; P. G. Jaffe, Campbell, Hamilton, & Juodos, 2012).

In addition to relying upon research-based risk factors, the evaluator should consider threat factors (e.g., access to a firearm, intrusive phone calls, obsessive following, or threatening e-mails), which are relevant and informative based on clinical, forensic experience, but there may be little or no research base to rely upon. Authorities on violence risk assessment strongly encourage assessors to consider these types of factors that frequently seem to be a part of violence, especially post-separation violence that often spills over into the workplace environment (Meloy, 2000; Tau, 2012). There also is an important role for clinical judgment in forensic VRA in combination with research-based risk factors or actuarial instruments (Hanson, 1998). As evaluators consider the gathered investigative data in the case, threat factors can be gleaned from the threat assessment and targeted violence literatures (Meloy, 2000; Turner & Gelles, 2003): verbal threats, access to firearms, stalking, and other intrusive actions. This approach is sometimes described as using “structured professional judgment” (Meloy, 2010).

Research has documented that the accuracy of violence risk predictions is not high (Monahan, 2003). This is especially true when the violent action is a statistically rare event, or being a low base rate phenomenon, such as

homicide. While such rare and severe events defy predictive accuracy (Monahan & Steadman, 1996), courts expect mental health evaluators to at least communicate their level of concern in light of the data (*Barefoot v. Estelle*, 1983). Technology has improved so that violence risk communications can be helpful to courts (Borum, 1996; Monahan, 2003; Monahan et al., 2001).

The risk and threat factors can be used to make violence risk predictions about a range of possible negative harmful actions of general concern or classes of actions (physical violence, psychological aggression, harassment, coercive actions). The violence risk predictions can also be communicated concerning specific behaviors (e.g., continue with threats, intrusive phone calling, name calling, following, or physical assaultive behaviors). For example, post-separation stalking or following behavior would be a very large red flag and “threat-risk factor.” The violence risk concerns identified individuals (i.e., other parent, children) whereas in other forensic contexts the violence risk prediction is a generalized concern and risk (e.g., release of a previously dangerous psychiatric patient or incarcerated sex offender). *IPV risk*, thus, can be thought of as a type of “targeted violence.”

In VRA the evaluator needs to be mindful about the possibility of making prediction errors of both the false positive type (overpredicting violence risk and potential harm) and the false negative type (downplaying violence risk and relevance of behaviors to the parenting plan) (see Hart, Webster, & Menzies, 1993). The effects of both types of errors can be dire, albeit of a qualitatively different nature (Austin et al., 2009; P. G. Jaffe et al., 2008). The aversive effects of concluding that a person has committed violence, or that there is sufficient risk to diminish parenting time, can have profound effects on the parent-child relationship and the quality of life of both. Not heeding risk factors or red flags that follow from a parent’s conspicuously alarming behaviors can place the children at risk and can be lethal to children and ex-partners. If evaluators “miss it” for the court on issues of violence risk and the implications for parenting and co-parenting, the consequences can be extreme with the errors going in either direction. The stakes are high. When there has been severe form of IPV, the evaluator needs to assist the court to reduce uncertainty for the child and parent’s future. The court wants to raise the odds in favor of safety, or to have a low threshold for protective action when there has been high harm in the past, while also appreciating that a parent who perpetrated IPV may have important psychosocial resources to offer the child.

Evaluators will be most helpful to the court in IPV-CC cases if they are informed about issues in making violence risk communications to the court (Borum, 1996; Schopp, 1996). A risk x stakes format in making data-based risk communications is an efficient means of doing so. Clear risk communication will include reference to data that support opinions on the concern about likelihood of future violence and possible level and type of violence;

confidence in the opinion/prediction; and a proposed range and types of interventions for the court to consider to try to contain the risk.

For example, in a case where there has been a pattern of severe coercive control violence over many years of the relationship, the probability of the pattern repeating is high, as are the stakes, in which case the threshold for taking action is low. That is, strong and immediate action to protect the child and adult victim is called for. On the other hand, should there have been one incident of violence at the time of separation with no pattern of violence in the relationship, the risk or probability of occurrence is low. In such a case, the *threshold to take action* is high, and it is possible that a low level of intervention, as in exchanges being done in a neutral place, would be called for as opposed to supervised contact.

#### ASSESSMENT OF ACTIVE-POTENCY: QUALITATIVE ANALYSIS OF RISK

Based on the violence risk and threat assessment, evaluators need to determine to what extent the IPV history translates to an *active concern* for the court. This will largely come from the severity of past IPV behaviors, degree of coercive actions, and whether there have been recent violent or alarming behaviors. If there are recent, corroborated threat behaviors or targeting behaviors (e.g., stalking) then the risk is active. There is a red flag. P. G. Jaffe et al. (2008) and Johnston et al. (2009) describe this dimension of active concern as *potency*, which is the central part of the threat assessment and targeted violence literature and approaches. The degree of active-potency concern applies to short- and long-term predictions on violence risk/safety, parenting, and co-parenting. The potency of IPV behaviors also translates to concern about the quality of parenting behaviors (Hardesty et al., 2012; Johnston et al., 2009). An active-potency alert will be relevant to helping the court implement a risk containment part to the parenting plan, if one is needed.

Making violence risk predictions on future IPV behaviors towards an ex-partner is straightforward. The process of generalizing the VRA and active-potency concern to parenting and co-parenting behaviors is more problematic because of the limited amount of research that links type and degree of IPV with quality of parenting. This literature is reviewed below. P. G. Jaffe et al. (2008) present a pragmatic approach to applying IPV assessment data to general parenting plan recommendations. It needs to be kept in mind that research on IPV and post-separation parenting and co-parenting behaviors is in its “infancy” (Hardesty et al., 2012), but there are ongoing efforts to identify dimensions of parenting behaviors that are likely to be negatively impacted by a perpetrator of IPV, especially the severe forms, for practical consideration in the implementation of parenting plans for the

coercive control subtype (Battered Women's Justice Project, 2012). It also may be the case that when there has been a coercive control pattern at a severe level, the fact pattern creates "face validity" for judges so they know it is highly relevant to quality of future parenting, the lack of research notwithstanding (P. G. Jaffe, personal communication, November 3, 2012). Stated differently, when there have been substantial to severe coercive controlling behaviors, then it is *theoretically sound* to expect and predict future harsh parenting practices that need to be addressed in a parenting plan.

## PROPOSED INTEGRATIVE FRAMEWORK FOR THE ASSESSMENT OF IPV-CC: MOVING BEYOND CATEGORIES

### Overview

Our framework builds on the new consensus typology. We call it the integrated conceptual framework for the assessment of IPV-CC. We incorporate research-based major risk factors and propose behavioral dimensions to improve both the descriptive differentiation and the predictive accuracy of evaluators, and therefore the court. From the violence risk research literatures, the three major risk factors for future violence are past violence, substance abuse, and presence of a major mental disorder (Lidz, Banks, Simon, & Mulvey, 2007; Lidz, Mulvey, & Gardner 1993; Monahan et al., 2001;). Domestic violence research shows severity of past violence is a more accurate predictor of future violence and the behavioral effects of violence than the degree of relationship control (Anderson, 2008; Jose, Alino, & O'Leary, 2012).

We submit that data on the three major risk factors will be better predictors of future violence than knowing the subtype. However, evaluators are called upon to inform the court on other issues and to make predictions about parenting and co-parenting behaviors as well as addressing issues of risk, safety, and future violence. More than just risk factors are necessary to address these forensic tasks. It may be that data on past coercive actions (e.g., psychological aggression) may be more useful in anticipating problems in future parenting and co-parenting behaviors.

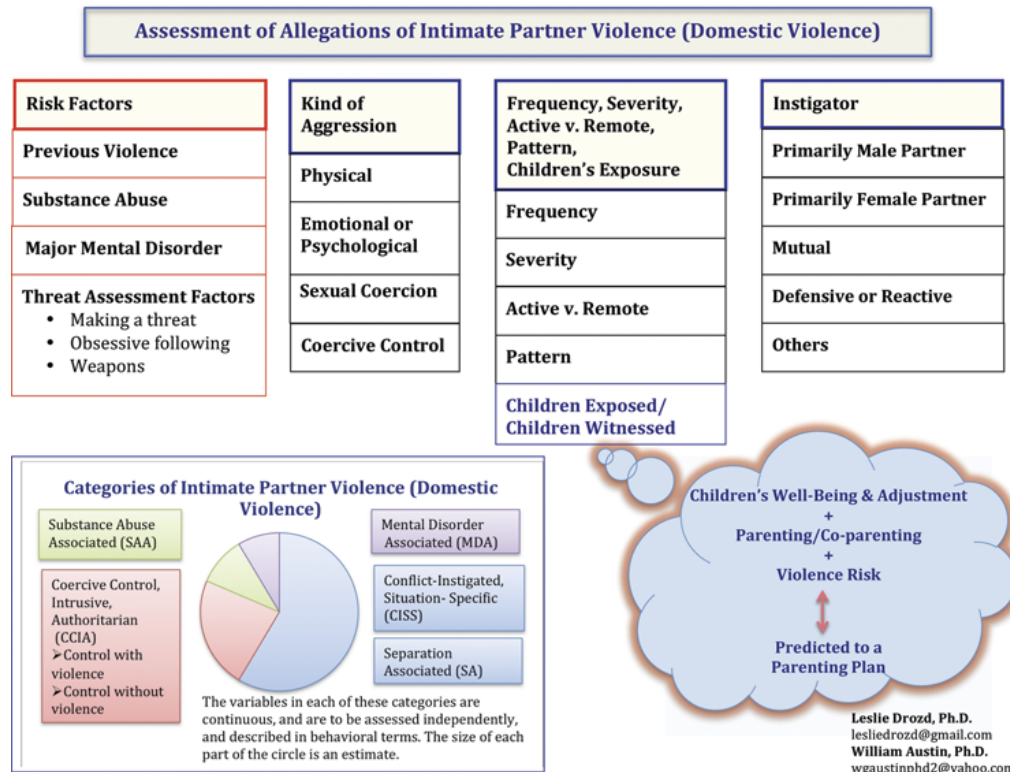
Our proposed revised typology includes the coercive control and situational, conflict-instigated bifurcation as two general subtypes (Johnson, 1995; Johnson & Leone, 2005) and IPV associated with separation. We offer new descriptive terms for the subtypes. We suggest adding the descriptive terms of intrusiveness and authoritarian to the severe form. We also suggest that "separation-associated" IPV is a more accurate descriptive term than separation-instigated because very frequently the separation is the result of an IPV incident as opposed to IPV following separation. A description of these three subtypes is presented below as part of the integrated framework. We have not included the Violent Resistant subtype, which was described in

the new consensus typology as female partners resisting male partner aggression because it is part of the interpersonal dynamic and is reciprocally violent behavior when there is coercive control and male-instigated IPV.

We have added two other subtypes that incorporate the major risk factors of substance abuse-associated IPV and major mental disorder-associated IPV to reflect the research literature. Our approach is based on the view that the major risk factors for future IPV will be the most efficient starting point for both describing past IPV and making predictions for future IPV, quality of parenting/co-parenting, and child adjustment. Identification of the subtype is based on the evaluator's thorough investigation of the IPV issue and is the starting point for addressing the forensic tasks.

The IPV schematic (Chart 1) is a proposed model for evaluators to use.<sup>2</sup> While the model is provided to be a conceptual tool for custody evaluators, we suggest it should be useful as a heuristic for judges, legal practitioners, mental health professionals, mediators, and parenting coordinators. It shows the proposed subtypes and behavioral dimensions. We are not offering a new IPV typology per se. The IPV subtypes described in the text and in Chart 1 represent a conceptual integration of the new consensus typology with the violence risk assessment methodology to enhance specificity in the descriptions of the qualitatively distinct behavioral patterns.

**CHART 1** Assessment of Allegations of Intimate Partner Violence (Domestic Violence)  
© Leslie M. Drozd & William G. Austin (color chart available online)



## Behavioral Dimensions

The Integrated Framework is described below. It identifies 10 key behavioral dimensions for the evaluator's assessment. We propose that these dimensions constitute a "behavioral grid" for the evaluator to use in both describing past IPV with greater behavioral specificity and for more accurately predicting future violence risk. Gathering data on these dimensions also provides for an easier translation to implications for future parenting and co-parenting. Articles II and III present a recommended forensic protocol and address assessment issues in IPV-CC.

The integrated approach is based on the idea of behavioral differentiation on the behavioral and psychological pattern of IPV-related behaviors and effects. The evaluator will be better able to communicate to the court about the (a) pattern of past IPV, including severity, frequency, and instigation; (b) degree and pattern of relationship control and psychological aggression between the partners; (c) presence of the three major risk factors; (d) exposure of children to past violence; (e) temporal pattern or the "freshness" of IPV incidents; and (f) historical, antecedent conditions that are associated with increased risk for IPV. The proposed forensic assessment component (see Part III) calls for a formal violence risk and threat assessment when the allegations or circumstances call for it.

## Severe Form of IPV and Active-Potency Assessment

While acknowledging that clearly describing the relationship dynamics involving control and coercion will be very important in crafting a safe and effective long-term best interest parenting plan, we suggest that evaluators and courts consider yet another and more parsimonious way of viewing IPV-CC. It may be a more efficient *starting point* to simply consider the *pattern of documented physical violence and threats* and *how active and potent* the behaviors of concern are. This calculation from the forensic assessment can be described as the "IPV severity index." A *pattern and potency initial assessment* can quickly determine relevancy of IPV to safety and parenting issues and help identify cases where it is likely that a situation of "high risk of high harm" exists. A fact pattern of a history of repeated violent incidents of a serious nature and multiple separations, but without coercive control, is likely to be more volatile, and even potentially lethal, than the coercive controlling violence with a limited amount of physical aggression during the marriage. A subtype analysis would assign the label of situational, conflict instigated, but with severe physical violence as part of the behavioral pattern. Documented past violence is a major risk and predictive factor (Anderson, 2008; Lidz et al., 1993; Monahan, 2003).

As suggested by the IPV schematic (Chart 1), the evaluator can gather data on the severity, frequency, pattern of incidents, and pattern of instigation.

In addition to data on physical violence, we suggest that evaluators assess for recent physical threats to complete the description of the pattern of IPV. Data on psychological aggression and control are part of the comprehensive forensic assessment, but as a starting point we suggest the “IPV severity index” take center stage. This approach is similar to Johnston’s work (P. G. Jaffe et al., 2008; Johnston et al., 2009). The assessment of potency will stem from active factors based on recent data (e.g., recent IPV incidents, threats, harassment, stalking, access to firearms) and major risk factors that also may be active (e.g., substance and alcohol abuse, emotional disturbance, extreme anger, paranoia). It seems this efficient approach of combining an assessment of IPV severity and potency should be the hallmark of every IPV-CC forensic evaluation.

### Structure of the Framework

The following is a more complete description of the integrated framework and forensic evaluation model. We are proposing a *multi-layered approach* to the IPV-CC assessment: (1) describing the IPV in terms of an IPV subtype or hybrid subtype; (2) assessment of the severity index and active-potency concern; (3) description of the IPV pattern in terms of 10 behavioral dimensions; (4) location of the specific behavioral pattern in a 10-dimensional behavioral grid; (5) conducting a violence risk-threat assessment; and (6) translating the assessment to predictions on future violence risk-safety concerns, parenting, co-parenting, and child adjustment in alternative parenting plan options.

The multidimensional behavioral description can be thought of as a behavioral grid so the evaluator can describe for the court the past pattern of IPV in terms of the degrees of potency on each of the identified dimensions. For example, an investigation may lead the evaluator to conclude that the IPV pattern was one of “mild in past severity of physical aggression, several incidents, mutual in instigation, usually involving alcohol, remote in time, stemming from situational conflict, not involving coercion or threats, and witnessed by the children. The evaluator can also describe the case in terms of one of the IPV subtypes or combination of subtypes. That is, the case may be one where IPV behaviors were situation-specific, conflict- instigated and involve the use of alcohol in past incidents.

### Proposed Revised Typology

We propose using five categories or subtypes for descriptive purposes. The first three are found in the new consensus typology. We propose somewhat different descriptive terms for these first three categories. We recommend the evaluator first conduct a subtype analysis based on the data obtained in a careful investigation. This will show the general ballpark of the type or mixture of subtypes, behavioral pattern, and the type of psychological dynamics between the parents that is relevant for co-parenting issues. It is important that the descriptive, subtype analysis concerns the investigation



and documentation of past violent behaviors and the translation of those data to predicting future post-relationship behaviors.

#### COERCIVE CONTROLLING, INTRUSIVE, AUTHORITARIAN VIOLENCE (CCIA)

We have added intrusive and authoritarian as this seems to capture aspects of the severe form of IPV when there is a high level of control. Intrusiveness is a hallmark of what has formerly been thought of as “battering” and describes some of the coercive tactics used (Hardesty et al., 2012; P. G. Jaffe et al., 2008). Intrusiveness can be found in both male and female partners who are coercive in their dealings with the other partner. This type was described by Kelly and Johnson (2008) as Coercive Controlling Violence (CCV). It is thought of as almost always male initiated and with the male partner dominating his partner through coercive actions, intrusiveness, intimidation, domination, and generally being authoritarian and rigid. It often has occurred when women seek shelter and outside support following separation. When there has been physical violence as a coercive tactic it often results in more severe types of physical violence and injury. The psychological dynamics are manifested as control and domination, intimidation, restricting access to others, intrusiveness into private aspects of the partner’s life, isolation, and continuing harassment. There may be sexual coercion, entrapment, or “coercive rules” (Frederick, 2008). This type has also been described recently by P. G. Jaffe et al. (2008) as “abusive-controlling violent” (ACV). The psychological aspect of control and coercion in this severe form of IPV is consistent with definitions of domestic violence found in statutes: “when used as a method of coercion, control, punishment, intimidation, or revenge directed against a person with whom the actor is or has been involved in an intimate relationship” (Colorado Revised Statutes, §18-6-800.3(1); also see California Family Code §§ 3044(d); 6203).

#### CONFLICT-INSTIGATED, SITUATION-SPECIFIC VIOLENCE (CISS)

There is a degree of control in every violent encounter, but this broad category represents an overall IPV pattern where there is not the quality of relationship control that is described in the literature on the severe form of IPV with elements of psychological control. It typically will involve minor incidents and be mutual in instigation with respect to both verbal and physical aggression. The level of severity and injury is usually minor or not at all, but it could be substantial and severe. Research shows it is equally distributed by gender in terms of instigation and participation (Kwong et al., 1999). This category is by far the most common type of IPV included in community or representative survey studies and will also be the most frequent type encountered by custody evaluators. It has been previously labeled common couple violence (Johnson, 1995; Zibbell, 2005) and ordinary violence (Straus & Gelles, 1990). Kelly and Johnson (2008) as well as P. G. Jaffe et al. (2008)

called this kind of violence conflict-instigated violence. In this category, situational conflict can escalate into varying degrees of IPV severity. The level of severity of CISS is expected to be lower, mainly with behaviors such as pushing and shoving, grabbing a phone, holding in response to a push, and so forth. Often there are isolated incidents, for example, three or fewer over a long time period, but the pattern could be chronic and intermittent. The important point in distinguishing this subtype from coercive control is that it would be expected that there would be less psychological aggression present, though there is always some psychological aggression in violent incidents. In CISS, one does not expect to see psychological control, intrusiveness, and domination to the extent that one sees these elements with CCIA.

Okuda et al. (2011) report IPV behaviors in a large survey study using the Conflict Tactics Scale. Women were more likely to have been cut, bruised, or forced to have sex. Men were more likely to have been slapped, kicked, bitten, or hit. "Men and women were equally likely to have been pushed, grabbed, shoved, threatened with a weapon, or injured enough to seek medical help in the past 12 months" (p. 961). Women are, though, injured more severely (Ansara & Hindin, 2010; Frye, Manganello, Campbell, Walton-Moss, & Wilt, 2006; Graham-Kevan & Archer, 2003; Johnson, 2006; Johnson & Leone, 2005; Johnson, Leone, & Xu, 2008; Laroche, 2005; Leone, Johnson, & Cohan, 2007).

#### SEPARATION-ASSOCIATED VIOLENCE (SA)

SA is a subset of CISS and refers to violence that occurs around the time of separation, and it is postulated to be an outgrowth of the transition and rejection associated with separation. It will be the most frequent type of IPV that evaluators encounter (Bow & Boxer, 2003), but there may be other IPV behaviors in the history of the relationship. It is possible that violence associated with separation could escalate into a horrendous, horrific situation, even homicide in a post-divorce fit of narcissistic rage. More typically, though, it will be a minor incident that has great psychological significance for the couple and will be a final commentary on a failed intimate relationship (e.g., an incident that results in a separation rather than violence being instigated by the partners separating). Most authorities and domestic violence organizations emphasize the volatility of the time of separation, especially if there has been a previous history of a severe form of IPV (National Resource Center on Domestic Violence, 2002). Custody evaluators need to keep in mind that the time period following finalization of a parenting plan or the end of a custody trial can be a very destabilizing and potentially dangerous time for the family.

#### SUBSTANCE ABUSE ASSOCIATED VIOLENCE (SAA)

Research has established that substance abuse, including alcohol abuse, is a major risk factor for violence and IPV (Lidz et al., 1993, 2007; Monahan et al.,

2001). Research results show that the likelihood of violence is greater on days of and following substance use within a population of individuals with mental illness (Mulvey et al., 2006). Evaluators need to keep in mind the short-term destabilizing effect of sobriety and potential withdrawal symptoms on the substance-dependent individual. The severity index of IPV (e.g., past pattern and recent behaviors of concern) and substance abuse (SA) are the two main “red flags” for an evaluator. They are research-based risk factors that hold a high degree of predictive value when they are active-potent from recent aggressive behaviors and substance use. When substance use is raised as an issue, the evaluator needs to make sure a careful assessment is conducted to determine if there is an *active concern* and to address interventions of monitoring and treatment to manage the risk. The evaluator needs to assess the active-potency aspect to the SA issue. A history of alcohol-related violence is different from allegations of occasional alcohol or marijuana use. A specialized substance use evaluation is necessary that includes investigation with urine sample drug testing and collateral interviews. Evaluators should treat this as a continuous variable on the degree of concern, relevancy, or potency.

#### MAJOR MENTAL DISORDER-ASSOCIATED (MMDA)

Extensive research has been conducted on the population of psychiatric patients and violence following their release from inpatient care to suggest their disorder, in combination with past violence and substance abuse, creates higher risk for future violence (Lidz et al., 1993; Monahan et al., 2001). Research also shows the efficient prediction of subsequent violence based on recent anger episodes (Skeem et al., 2006). This literature shows a general violence risk across situations and relationships associated with a major mental illness.

A separate research literature establishes that affective psychiatric illness or psychopathology creates a heightened risk for IPV (Ehrensaft, Cohen, & Johnson, 2006), but this concerns relationship-specific violence. The literature has not separated out very well the effects on DV within a relationship due to affective illness versus psychopathology stemming from personality disturbance.

It is assumed that perpetrators of a severe form of IPV with coercive control are personality disordered with more post-separation violence risk and risk for harsh parenting (Bancroft & Silverman, 2002; P. G. Jaffe, Lemon, & Poisson 2003). Researchers have attempted to differentiate personality disorder subtypes within violent patterns of IPV (Holtzworth-Munroe & Stuart, 1994; Holtzworth-Munroe et al., 2000; Jacobson & Gottman, 1998).

While major affective disorders such as depression, bipolar disorder, or schizoaffective disorder correlate with IPV (Bourget, Grace, & Whitehurst, 2007) and are sometimes part and parcel of violent relationships, it is theoretically sound to expect that severe character disorder combined with a

history of physical aggression creates more risk for future, post-separation violence, and problematic co-parenting behaviors. Affective disorders (e.g., anxiety, depressive disorders) are both cause and effect of IPV in intact relationships (see Anderson, 2008 for a review) and also correlated with child abuse (see Dutton, 2005 for a review).

A complicating issue is that IPV creates symptoms at a higher rate with females, apparently even at lower levels of violence severity, showing that females experience more psychological harm from IPV (Anderson, 2002; Swan, Gambone, Caldwell, Sullivan, & Snow, 2008). Other research shows both genders experience depressive symptomatology when there has been IPV, which suggests IPV causes depression and vice versa (Zlotnick, Kohn, Peterson, & Pearlstein, 1998). When there is a severe form of IPV and a demonstrated MMD, then the potency is heightened for psychological effects on the female partner. There thus appears to be an indirect or mediating causal pathway from IPV to negative effects on mothers to quality of parenting. The lesson for evaluators is to anticipate how quality of post-separation parenting is expected to improve for either parent after they are removed from IPV and coercive behaviors (e.g., psychological aggression), which is established in the case of female partners (Hardesty et al., 2012) and should also be true from male partners who have been the subject to high levels of emotional abuse.

### Hybrid Fact Patterns

Many IPV cases and fact patterns, probably the majority, will have characteristics of more than one subtype. For example, a prototypical pattern of coercive controlling violence may have alcohol abuse by one or both partners involved. CCIA (coercive control) and MMDA (mental disorder) subtypes are overlapping if one accepts that most coercive controlling partners with substantial physical violence also will have a major mental disorder, though often of the Axis II variety. It is also important to keep in mind that a severe level of IPV could have occurred in the past in cases involving any of the subtypes, if an angry confrontation escalated.

### Retrospective and Prospective IPV Analysis

The schematic chart (Chart 1) portrays the evaluator's task of both looking backwards and forwards on the IPV issue. The evaluator's forensic process takes him or her into the past with each parent and the family's IPV experience. The evaluator needs to conduct a retrospective assessment of the history of IPV with a goal of achieving behavioral specificity in describing the data. We suggest using the 10 behavioral dimensions and behavioral grid approach and perspective to gathering and interpreting data. Our model also encourages the evaluator to gather data on antecedent conditions, or

historical risk factors, that are relevant and could become active risk factors to consider when there has been substantial IPV. For example, if the partner had been exposed to substantial DV or harsh parenting practices as a child, or had a child-onset conduct disorder with violence, or it is known he or she engaged in violence in other relationships, then it creates substantial risk when there have been IPV behaviors in the current intimate relationship. The evaluator then needs to apply the data and analysis of the retrospective assessment to making assessment and predictions of the relevancy for future violence risk, parenting, co-parenting, and offer opinions on the child's adjustment. This is a prospective assessment where the evaluator attempts to visualize how future parenting, co-parenting, and child adjustment will play out in parenting plan options based on the IPV analysis.

### Continuous Versus Categorical Assessment

The description and prediction functions of the custody evaluator become conspicuously intertwined in IPV-CC. Since the publication of the new IPV typologies, many evaluators are describing the data from their investigation in terms of the subtype or mixture of subtypes in a given case (e.g., coercive control vs. situational, conflict-instigated IPV). This will be helpful to the court in terms of letting the judge know about the general psychological dynamics and severity of past IPV. The subtype analysis will have some utility for predicting future violence and the quality of future parenting and co-parenting behaviors. The contribution of a subtype analysis will be on the richness of its *description* of IPV that occurred in the family. However, there are issues with expecting or achieving *predictive accuracy* based on using the IPV subtypes. Using specific behavioral variables are expected to be more accurate as predictor variables compared to using a subtype or categorical variable because of the inherent advantages of assessing the degree of potency and the combination of continuous variables that may have a demonstrated research base (Hage, 1972).

Using IPV subtypes allows the evaluator to place the context of IPV “in the ballpark” on the typical behavioral scenario and relationship dynamics so the court understands the significance of IPV on severity, risk, and implications for parenting. This first, or descriptive, function provides a *categorical description and differentiation* (i.e., distinguishing subtypes).

A conceptual and forensic conceptual *tour de force* is for the evaluator to present data and analysis on predictive factors for the purposes of the parenting plan that also provide accurate behavioral descriptions. Using the behavioral dimensions and continuous variables in the forensic model allows for more *specific behavioral differentiation*. When the evaluator provides data on predictive risk factors, for example, there is both a descriptive and predictive function provided to the court on behaviors that occurred in the past and that may predict future behaviors of parenting and

child adjustment. The risk factors of past parent violence (frequency, severity, and pattern), parent psychopathology (major mental disorder), and substance abuse/alcohol coupled with the accompanying data/facts serve to define the behavioral context, or descriptive function, and to predict the important relevant outcomes on the custody-parenting issues. This blending of description and behavioral analysis for the ultimate evaluator function of predicting child outcomes, best interests and detriment for the court, is essential in the IPV-custody case.

### Risk and Threat Factors

Lists of proposed risk factors in the IPV literature that lack scientific research support may have utility in the clinical or “art” side of forensic assessment. Some of these are best viewed as threat factors that can be combined with violence risk factors to provide a more comprehensive assessment. Some of these factors can be gleaned from the threat and targeted violence literature (Meloy, 2000; Turner & Gelles, 2003), which is a pragmatic approach and based on some research from the U.S. Secret Service (Fein, Vossekuil, & Holden, 1995). The professional literature on workplace violence (Bush & O’Shea, 1996; Nicoletti & Spooner, 1996) and school violence (Halikias, 2004; Mohandie, 2000; Mulvey & Cauffman, 2001) has utility for forensic psychologists working in the IPV-CC context. Many of these risk and threat factors are actuarial and historical in nature.

One group of threat factors concerns problematic and maladaptive personality traits to be mindful of when there has been violence in the relationship or coercion with threats. Tau (2012) provides a list of these problematic traits, such as lack of empathy, no accountability, lack of emotional control, rigid and dichotomous thinking, and devaluing others. Tau reminds us that the presence of such traits does not equate to violence, but they stand as risk factors. Such problematic behaviors are often found among perpetrators in the CCIA (coercive control) category. Custody evaluators can benefit from Tau’s recommendation to identify the type of threat: direct, veiled, and unrealistic (e.g., not likely to have any significance). A common problem in evaluations is how to corroborate the threat because the potential target (e.g., ex-partner), may be the only one who heard the statement or observed the behavior. For example, in a recent case, at the time of a curbside exchange of the child, the father would often point his hand and finger in a gun shape at the mother and act as if he was shooting her. He then would pretend to blow smoke away from the pretend gun barrel to try to intimidate and evoke fear in the mother.

There are inherent problems with corroborating allegations of IPV-related behaviors, including actual physical aggression. Careful investigation is essential and it is necessary to use a systematic approach to assessing credibility of allegations as part of the investigation (Austin, 2000; see Part II).

P. G. Jaffe et al. (2003) recommend that courts err on the side of believing the accounts of the alleged victim. In the case above, the mother's credibility on many other issues and the father's lack of credibility on those issues served to lend credibility on the IPV allegation issue.

The presence of proposed threat and risk factors can be viewed as "red flags" or potency factors in the presence of recent, active IPV behaviors (e.g., a threat, suicide statement). Stalking and active harassment with threats in particular are activating threat factors of great concern or potency (Meloy, 2001). They give rise to an "imminent risk rating" for IPV (Williams & Houghton, 2004).

### Special Considerations in Assessing for Lethality Risk

Custody evaluators need to always be mindful of the risk for potential lethality, or the possibility of and homicide of an ex-partner and/or children and/or suicide. There may be red flags even if the case does not involve a severe form or coercive control. Suicide threats are a prime red flag in a lethality assessment (Campbell et al., 2003). Clinical depression is a risk factor for homicide in the domestic violence–divorce context where there may develop a lethal combination of rejection, melancholy, despair, anger, and hopelessness (Bourget et al., 2007). There may be specific risk factors for child domestic homicide (P. G. Jaffe, et al., 2012). The assessment of anticipating the "worst case scenario" is discussed in more detail in Part III.

### Identifying 10 Key Behavioral Dimensions

We recommend that evaluators consider assessing the following ten behavioral dimensions of IPV. Each dimension can be described in qualitative terms, but we recommend evaluators interpret the data as continuous variables so that description and predictions can be presented to the court in combinations of degrees on the behavioral dimensions. The qualitative assessment on a dimension (e.g., alcohol use is out of control; verbal aggression is harassing and intrusive) can serve to make an interpretation on how active-potent the continuous variable currently is. The idea of proposing the use of behavioral dimensions builds on the "predictive typology" proposed by Austin (2001) with six dimensions of temporal pattern, pattern of instigation, severity of physical aggression, physical versus verbal aggression, presence of major risk factors, and exposure of children.

#### EXPOSURE OF CHILDREN TO VIOLENCE

This dimension can be presented to the court either qualitatively in a dichotomous way as several variables: exposed or not exposed; direct versus indirect exposure (i.e., witnessing the violence or not); the age of exposure; and

how recent the exposure was. It is recommended the evaluator also estimate the *intensity of exposure* for an estimate of potency on predicting the child's future adjustment and risk for harm if the child is exposed to parent conflict and psychological aggression in the future. The court will want to know about the children's exposure to IPV. Evaluators should be mindful of the potential negative effects on children from indirect as well as direct exposure to parental interpersonal violence (Gerwartz & Medhanie, 2008). The level of risk for children's adjustment is highlighted since custody evaluators are likely to encounter severe forms of IPV with some frequency (Bow & Boxer, 2003; Hardesty et al., 2012).

The short- and long-term risk to children's adjustment and development is well established by a voluminous research literature (see for reviews, Hardesty et al., 2012; Holden, Geffner, & Jouriles, 1998; McIntosh, 2003; for original research, see Anda et al., 2006; Friedland, Campbell, & Han, 2008; Gerwartz & Medhanie, 2008; for a bibliography, see National Resource Center on Domestic Violence, 2002). Evaluators will want to inform the court of the extent of exposure and reported adjustment problems. Research shows that siblings have differential experiences in violent families and show different patterns of symptoms, and that maternal warmth serves a buffering effect to adverse experiences (Piotrowski, 2011). How mothers respond to children's questions about conflict and violence is also important for children's adjustment (McDonald, Jouriles, Rosenfeld, & Leahy, 2012).

The effects of exposure to DV and child outcomes are complicated. Indeed, studies have shown that 26% to 37% of youth exposed to DV are asymptomatic, at least in the short term (Grych, Jouriles, Swank, McDonald, & Norwood, 2000). In a sample of youth residing in DV shelters, those who were functioning within or above average on measures of adjustment were exposed to lower levels of self-reported DV than their peers who scored significantly lower on the measures of adjustment (Grych et al.). These youth also had less fear that their father would do something harmful to their mother or to them and reported greater family problem-solving ability (Grych et al.). This highlights the importance of youth's perception as well as the other factors (e.g., severity and frequency of violence) on their adaptation.

#### DEGREE OF THREAT FACTORS PRESENT: ACTIVE-POTENCY

As described previously, the evaluator needs to work from a list of threat factors that will help define the active-potency aspect to the IPV issue and be relevant to immediate and long-term co-parenting considerations. If there have been threats, stalking, suicidal statements, intrusive actions, and so forth, then there are red flags that need attention. Evaluators need to be especially attuned to any indications of imminent risk and to consider the "worst case scenario" of suicide or homicide and screen for specific factors known to be associated with spousal homicide (Campbell, 2004).



## SUBSTANCE AND ALCOHOL ABUSE

Research documents that substance abuse, including alcohol abuse, is a potent risk and predictive factor of future violence, especially if combined with an existing history of violence (Lidz et al., 1993; Monahan et al., 2001) or a history of mental illness (Mulvey et al., 2006). This generalization applies to the IPV context as well for alcohol abuse (Campbell et al., 2003; Chermack & Blow, 2002; Fals-Stewart, Golden, & Schumacher, 2003; Gelles, 1997; Kantor & Straus, 1990; Magdol, Moffit, Caspi, Newman, Fagan, & Silva, 1997; Miczek, Debold, Haney, Tidey, Vivian, & Weerts, 1994; Straus & Gelles, 1990), cocaine use (Chermack & Blow; Fals-Stewart et al.), and methamphetamine use (Cohen et al., 2003). The combination of alcohol use variables and anger was predictive of IPV when there had not been previous IPV (Taft et al., 2010). Alcohol or drug use or misuse can be correlated with or related to violence. Alcohol or drug use or misuse does not necessarily cause violence. One does not need to abuse a substance or be addicted to one to be violent. Simply put, drugs including alcohol can be a cerebral disinhibitor that can be associated with violence. Those who treat these populations know that when you see substance misuse, abuse, or dependence, you may very well see violence, and in reverse, when you see violence, you may very well see substance misuse, abuse, or dependence. Thus, when it comes time to lower the risk of future occurrence of either, the two need to be treated concurrently.

## MAJOR MENTAL DISORDER

Research establishes this dimension as one of the three major risk factors for violence. The degrees and levels of violence committed by released psychiatric patients are well-established with high quality research (Monahan, 1992; Monahan et al., 2001). The correlation between psychopathology, especially when there has been early onset in childhood and adolescence, and adult violence and IPV is well established (Edwards, Scott, Yarvis, Paizis, & Panizzon, 2003) and between psychopathology, personality disorder and violence, including IPV (Dutton, 2003; Jacobson & Gottman, 1998; Kessler, Molnar, Feurer, & Appelbaum, 2001; Lidz et al., 2007; Magdol et al., 1997; Silver, Arseneault, Langley, Caspi, & Moffitt, 2005; Skeem et al. 2006).

Violence causes mental disorders and mental disorders are a cause of violence. "One in five respondents reporting intimate partner violence had an incident Axis I psychiatric disorder ... incidents rates were highest for drug abuse and dependence, Bipolar I and II disorders, alcohol dependence, posttraumatic stress disorder, and generalized anxiety disorder" (Okuda et al., 2011, pp. 960–961). Clinical depression has been shown to be a risk factor for spousal homicide (Bourget et al., 2007).

## SEVERITY OF PAST PHYSICAL AGGRESSION AND PATTERN

Violence risk research shows that past violence is the most efficient predictor of future violence (Douglas & Skeem, 2005; Monahan, 2003; Monahan et al., 2001; Skeem et al., 2005). DV research similarly shows degree of severity of violence best predicts severity of effects from violence on a number of measures and better than qualitative categories (Jose et al., 2012) or degree of relationship control (Anderson, 2008). The pattern of IPV behaviors is the qualitative aspect of this dimension. Pattern variables or questions concern how many IPV incidents of physical aggression/violence? If IPV has been episodic over a long time period? If IPV has been repeated incidents, enduring, chronic? The pattern of IPV events along with the temporal dimension on recentness will define potency. Research establishes that IPV decreases over the course of a marriage (e.g., desistance; Capaldi & Kim, 2007; Capaldi et al., 2003; Sutor et al., 1990), but most contested custody cases involve young children and, not infrequently, a relatively short marriage.

## SEVERITY AND PAST PATTERN OF PSYCHOLOGICAL AGGRESSION

These data are conflict data and verbal/symbolic aggression between partners while they were together. They will be confounded with the level of physical aggression (Straus & Gelles, 1990). They are distinct but overlapping with coercive tactics as part of relationship control, which we set apart as a separate dimension. One expects a high level of psychological aggression in an intimate relationship whenever there has been substantial physical aggression (Fritz & O'Leary, 2004). Psychological aggression can be measured by interview data or even by behavioral scales that can be quantified, such as the Conflict Tactics Scale (Straus, Hamby, Boney-McCoy, & Sugarman, 1996). The quantitative approach may have an advantage of measuring the severity index more accurately, and the interview data are likely to reveal the relationship dynamics.

Early large sample survey research found verbal aggression among couples with IPV to occur in about equal amounts, decreasing with age and number of children and increasing with occurrence of alcohol use and other substance abuse (Straus & Sweet, 1992). An Australian study reported that among divorced parents, two thirds of women and over half the men said they had been emotionally abused before or during the separation (Kaspiew, Gray, Maloney, Hand, & Qu, 2009). This dimension represents what often is referred to globally as "emotional abuse" and will be defined quite differently in the research. Use of the Conflict Tactics Scale-Revised is a way for evaluators to be more standardized in the assessment. IPV-CC often includes parents who had coercive, high conflict partnerships, so a high level of psychological aggression/emotional abuse is expected. The pervasiveness of

psychological aggression is well documented in violent families with situational, conflict-instigated, mutual physical aggression (Capaldi et al., 2003; Follingstad, DeHart, & Green, 2004; Follingstad, Rutledge, Berg, House, & Polek, 1990; Magdol, Moffitt, Caspi, & Silva, 1998). It will be useful for evaluators to assess the levels of both physical and psychological aggression in past IPV incidents. To illustrate, if only these two dimensions were used by the evaluator who assessed physical and psychological aggression at 4 levels (i.e., none, mild, moderate, severe) then there would be 16 combinations to describe for the court. The ratings could be derived for both parents and used for a qualitative, clinical description of how IPV incidents had unfolded as well as for serving the basis for concluding about the overall active-potency of IPV in the case.

#### ANTECEDENT CONDITIONS

Research has established correlations between historical life experiences and developmental factors as risk factors for subsequent adult violence, including IPV. Evaluators are encouraged to assess for these research-based antecedent conditions and risk factors that are associated with *male-instigated* partner violence as adults:

- Early antisocial behaviors and social skill deficits (Patterson, 1982)
- Early-onset, childhood conduct problems and violence (Capaldi & Clark, 1998; Ehrensaft, Cohen, Brown, Smailes, & Johnson, 2003)
- Exposure to domestic violence as a child (Ehrensaft et al., 2003; Ehrensaft et al., 2006). Research has established an inter-generational transmission of DV suggesting IPV has a learned behavior aspect to it (Huesmann, Eron, Lefkowitz, & Walder, 1984)
- Aversive family communication during adolescence (Andrews, Foster, Capaldi, & Hops, 2000); coercive co-parenting behaviors (Patterson, 1982); and harsh parenting (Ehrensaft et al., 2003)
- Child abuse/harsh physical punishment causing greater injury to a partner in adult IPV and mediated by parents' substance abuse (Ehrensaft et al., 2003)
- Exposure to unskilled parenting as a child (Capaldi & Clark, 1998)
- Adolescent personality variables (e.g., anxious, dramatic/erratic symptoms; Ehrensaft, Moffitt, & Caspi 2004; Ehrensaft et al., 2006)
- Dropping out of high school, adolescent aggressiveness, parent attachment problems, and substance abuse problems at age 15 (Magdol et al., 1998)
- Adolescent antisocial behavior (Andrews et al., 2000; Woodward, Fergusson, & Horwood, 2002)
- Genetic contributions to adult antisocial behavior and IPV (Moffitt, 2007); cannot be accessed in forensic evaluation

Early-emerging conduct problems are not only risk factors for being involved in IPV as an adult, but they are also for engaging in suboptimal parenting and having children with difficult temperaments (S. R. Jaffe, Belsky, Harrington, Caspi, & Moffitt, 2006).

Research shows the male victimization in partner violence is predicted by antecedent, child and adolescent background factors in the woman that include the following:

- Having a mother with a major mental disorder (Magdol et al., 1998)
- Family conflict during adolescence (Magdol et al., 1998)
- The same research shows that the likelihood of female victimization is increased by antecedent conditions in the female partner's background
- Family conflict, weak parent-child attachment, and harsh discipline during middle childhood (Magdol et al., 1998) or experiencing abusive parenting as a child (Simons, Johnson, Beaman, & Conger, 1993)
- Dropping out of school, adolescent conduct problems, aggressive delinquency, and substance abuse (Magdol et al., 1998)

#### TEMPORAL: ACTIVE VERSUS REMOTE

In this dimension the evaluator can assess the temporal aspect of all of the other dimensions. It will be helpful to know how recent behaviors have occurred within each class of behaviors in the other dimensions. This is especially important for determining how active-potent the dimension is. If there were a couple of significant violent incidents but they occurred early in the marriage and the children are now older, school-age children, then the relevancy to parenting may be limited if there had not been much coercion or psychological aggression in the marriage. The data would not translate to concern about potency. If there was a recent incident involving alcohol that resulted in the separation, then there would be high relevancy and potency.

#### DEGREE OF COERCIVE CONTROL FOR BOTH PARENTS

It is important for the evaluator to assess the extent of coercive actions and relationship control, associated physical violence, and the pattern of psychological aggression that occurred during the course of the relationship. This dimension characterizes the CCIA form of severe IPV. In cases of alleged CCIA, evaluators need to investigate and assess the issue of sexual coercion, as it is often described as part of the domination that is described in this IPV subtype.

Authorities point out how the controlling nature and psychologically coercive actions cause more distress, suffering, and feelings of helplessness compared to the physical violence itself (Johnson, 2008; Kirkwood, 1993; Stark, 2007; Straus, 1999). These same authorities have alerted the field to be

mindful of the coercive controlling scenario, or subtype of CCIA, where there is a high degree of relationship control and psychological coercion but little, or even no, physical violence. Another way to describe this is to visualize a grid of degrees of physical and psychological aggression where there has been a high degree of psychological aggression (including coercive controlling behaviors) but a low amount physical aggression and coercion. Table 2 depicts this scenario. The relevance to future parenting and co-parenting will be just as high as if there had also been more physical aggression.

While we have eliminated female resistant violence as a subtype because it is part of the coercive control category and relationship dynamic, evaluators would be well advised to assess this component. In the severe and coercive control pattern with male instigation, it is to be expected that the dominant aggressor will assert that “she was just as violent as me.”

It is important for the evaluator to be open to the possibility of and assessing for coercive control by both partners. Johnson (2008) and Kelly and Johnson (2008) entertain the possibility of coercive controlling domination by female partners though it is expected there would less and a different pattern of threats and violence. They hypothesized that both partners could be coercive controlling partners.

Research has long studied reciprocal or mutual coercive actions between partners and parents (Patterson, 1982; Tedeschi & Felson, 1994). *Degrees* of relationship control and coercive actions will characterize all violent intimate

**TABLE 2** Level of Physical Aggression vs. Psychological Aggression (color table available online)

		Level of Physical Aggression		
		Low	Medium	High
Level of Psychological Aggression	Low			
	Medium	X		
	High			

partnerships. Ehrensaft et al. (2006) empirically distinguished emotional maltreatment between partners (e.g., psychological aggression; reciprocal emotional abuse) from relationship control as a process of intended influence and domination.

#### PATTERN OF INSTIGATION

Epidemiological survey studies on the incidence of DV have sometimes measured the pattern of instigation as reported by the intimate partners (Kwong et al., 1999), and researchers have sometimes done this with the custody-litigant population (Newmark et al., 1995). This will be a qualitative dimension as the data are presented to the court. The evaluator will be more helpful if he or she can describe the instigation in terms of instigation of both physical and psychological aggression. As conflict-instigated IPV incidents often evolve, they begin with verbal aggression that then may be reciprocated by the other partner and as the verbal aggression and fighting evolves, one partner may instigate the physical aggression, which may or may not be returned.

Austin (2001) proposed that evaluators describe the pattern of instigation in terms of five variations:

- Male instigator
- Female instigator
- Bidirectional, mutual
- Bidirectional, mostly male
- Bidirectional, mostly female

Bow and Boxer (2003) present data on the estimated frequency of occurrence of these patterns in custody evaluations as described by custody evaluators.

#### Locating the IPV Pattern in the Behavioral Grid Approach

The 10 behavioral dimensions can be construed as a multidimensional behavioral grid. We propose that once the evaluator has completed the assessment of the behavioral dimensions and recorded the data, then a detailed description can be presented in terms of a combination of the degrees and quality on each dimension. The Appendix is a data recording form for the IPV behavioral grid. This achieves behavioral specificity in the IPV differentiation. It will help the court visualize the dynamics and the level of concern. The location in the grid provides a fairly specific description of the IPV pattern and identifies the level of active-potency and violence risk for both the prediction of outcomes and types of intervention necessary for risk management.

To illustrate with a case vignette, a recent case showed a pattern of multiple violent incidents, with alcohol always involved, and multiple separations.

The father was always the primary instigator. He had destroyed property on multiple occasions and attacked his mother-in-law, who came to protect the mother. A more violent incident produced the final separation: while intoxicated, he threw the mother to the floor, shoved her face into a pile of whipped cream, and held her down while having their 2-year-old boy participate in the humiliation of the mother. There generally were no other coercive controlling behaviors other than the violent acts themselves, but the last incident was very coercive and degrading. The subtype analysis would indicate a hybrid subtype of CISS, SAA, and SA (e.g., conflict-instigated, alcohol associated, and separation-associated violence). The grid analysis follows:

- Moderate physical aggression with a pattern of episodic and chronic; father as sole instigator.
- High level of mutual psychological aggression with father as instigator.
- High degree of alcohol involvement.
- Anger and impulse control issues related to alcohol and ongoing depression with both parents.
- Antecedent conditions were significant for childhood conduct problems for the father.
- The child was exposed and forced to participate in the one major incident; degree of other exposure was unknown.
- The parents had been separated for an extended time, but conflict remained high; a temporary protective order was in place; the father was participating in anger management classes. A temporal analysis showed that the violence had escalated up to the incident and separation. There had been subtle harassment of the mother in court at the hearing to renew the Temporary Protective Order (TPO) and in the court parking lot, where the father approached the mother aggressively, in violation of the TPO, showing active threat/high potency.
- There were significant controlling behaviors associated with the violence and two post-separation incidents. Emails from the father were aggressive and portraying himself as a victim.
- Threat factors present were ongoing anger by the father—harmdoer, blaming the mother, harassing behaviors and email.
- The conclusion was that there was a significant active-potency concern.<sup>3</sup>
- The evaluator's opinion should have been that the case was not appropriate for shared physical and legal custody and that there should not be any direct exchanges of the child between the parents.

### Relevance to Parenting Time and Decision Making

Hardesty et al. (2012) searched and reviewed research relevant to the issue of parenting and IPV and concluded: "Empirical research on post-separation parenting when there is a history of DV is in its infancy" (p. 442). They

reached a similar conclusion about post-separation relationships, or co-parenting. Reviews of the literature on IPV and quality of post-separation parenting and co-parenting are presented by Hardesty et al. (2012) and Edleson, Mbilinyi, and Shetty (2003). Numerous authorities have asserted that there exists a direct link between personality disorders and dysfunctional parenting (Dutton, Denny-Keys, & Sells, 2011) and between coercive controlling IPV and coercive parenting, though the research literature is limited and largely qualitative (Bancroft & Silverman, 2002; P. G. Jaffe et al., 2003). There are sound theoretical reasons for expecting a strong association between coercive controlling IPV and quality of parenting and co-parenting, but more research is needed. A finding from a recent study with a large sample of low-income parents was that IPV was associated with greater maternal depression, which, in turn, was correlated with harsh and intrusive parenting behaviors (Gustafsson & Cox, 2012). The authors of this study suggested the implications for the need for intervention on depression and parent training were obvious when there is IPV.

#### FORENSIC PROTOCOL FOR THE INTEGRATED FRAMEWORK FOR IPV-CC

The following is a forensic protocol for implementing the Integrated Framework and applying it to both violence risk issues and for crafting a parenting plan in an IPV-CC case. It will be elaborated upon in Part III.

- (1) Screening for IPV is recommended in all cases (Ellis & Stuckless, 2006);
- (2) After thorough investigation, summarize the facts/data relevant to IPV, safety/risk; quality of parent-child relationships; expected future co-parenting; and child adjustment;
- (3) Assess credibility of the allegations (Austin, 2000, or another systematic approach);
- (4) Describe the IPV subtype or hybrid;
- (5) Conduct a violence risk assessment and threat assessment, if indicated;
- (6) Describe the Severity Index and offer a conclusion on the active-potency concern. This component includes a "red flag analysis" on threat factors;
- (7) Present a specific behavioral differentiation by using the 10-dimensional and behavioral grid analysis;
- (8) Screen for red flags for the worst case scenario of lethality (e.g., Campbell, 2004);
- (9) Propose a risk management and safety plan, if needed, for parent and child;
- (10) Propose alternative parenting time schedules that are appropriate in light of the IPV severity, active-potency, and risk-threat assessment;



- (11) Determine if shared decision making (e.g., joint legal custody) is appropriate in light of the data and IPV analysis;
- (12) Consider recommending a reconsideration/review of the parenting time implementation of interventions and after a specified time period.

This 12-step description and analysis points the way for making specific recommendations about parenting time, whether decision making could be shared, and what type of co-parenting arrangements make most sense.

### LEGAL CONTEXT AND FRESH VERSUS STALE DATA

The legal context also is important for translating the IPV analysis into parenting plan recommendations. The legal context in a pre-decree case means the IPV data and incidents are more likely to be more recent (or “fresh”) and therefore relevant. Bow and Boxer (2003) found that evaluators estimated that 46% of their IPV cases were connected with the separation. The evaluator may find there was one violent incident that led to the separation and divorce action. There may be a temporary restraining order still in effect. If the data show it was an isolated incident, or if the subtype analysis points to situational, conflict-instigated violence, then it is important for the evaluator to see the forest through the trees, or to see that the larger picture would indicate that the IPV may not be terribly relevant to parenting, even if it involved a “bad scene” and the children were present. With remote incidents with minor severity and without an enduring pattern of coercion and control, in either pre- or post-decree (e.g., modification case), the IPV issue may not be relevant. With confirmed data indicating coercive control, IPV will always be relevant. With limited or no physical aggression in the history of the relationship, but with ongoing coercive actions with a primary instigator, the relevance to future co-parenting should also be high.

#### Shielding the Children

In making recommendations about a parenting plan, the evaluator needs to consider how children can be shielded from exposure to conflict associated with past violence. Usually, the evaluator can make practical recommendations about parenting time exchanges and the like that will minimize the likelihood of the children being exposed to conflict and violence. Research shows when children can be shielded, even if there is continuing conflict between the parents, then the children’s adjustment can be positive and similar to children in low-conflict families (Hetherington, 1999). It is when the children continue to be caught in the middle that conflict is most damaging (Maccoby, Buchanan, Mnookin, & Dornbusch, 1993). In making recommendations, evaluators should look for ways to

shield children from the risk of exposure to parent conflict and to any post-separation violence.

When the case is post-decree and calling for modification, and a stable parenting plan has been in place for a long time, then the data on violence are likely to be remote in occurrence (or “stale”) and are less likely to be relevant. If there have been continuing, residual behaviors of a harassing, intrusive, and intimidating nature, then the IPV issue will be more relevant. If the data point to coercive control, then even at post-decree the issue is more likely to be relevant. At post-decree the relevancy depends on the facts and whether there have been residual behaviors that have been problematic. Continuing coercive actions can be subtle and require investigation such as refusing to cooperate on decision making (e.g., if there is joint decision making) or the quality of emails or nonverbal behaviors at the child’s activities. It would not be usual to see a chronic high-conflict situation between the parents with one parent as the primary culprit in a process of poor co-parenting when there has been a history of IPV that was substantial.

### Protective Gatekeeping

When substantial IPV has been documented with male instigation, then the mothers often want safeguards put in place for safety reasons or because continuing psychological aggression is expected. A restraining order may be put in place. Limitations on parenting time or even restrictions (e.g., supervised parenting time) may be requested because of concerns about the quality of parenting or about placing the child in the middle of conflict. This is the protective gatekeeping function and merits an exception to the general expectation, or often a statutory best interest factor, that each parent should be supportive of the other parent’s continuing involvement with the child (Austin, 2011; Austin, Dale, & Drozd, 2012; Austin, Drozd, & Olesen, 2012; Ganong, Coleman, & McCalle, 2012). Some mother–victims continue to recognize the value of the father’s involvement with the children after safety issues are addressed and thus are both facilitative and protective in their post-separation gatekeeping behaviors (see Hardesty et al., 2012 for a review).

### Parenting Plan Considerations With the Severe Form of IPV

With the CCIA (e.g., coercive control) subtype, the corroborated IPV should be considered very relevant, and joint decision making likely would be contraindicated. The residual behaviors of control, harassment, and intimidation will probably continue in the post-separation context. The male spouse with this behavioral pattern will be unlikely to acquiesce to the idea for sole decision making by the mother. It would not be unexpected in this subtype

for the male to demand joint or sole decision making, to be a majority time parent, or to insist on equal parenting time, all while denying allegations to the end. P. G. Jaffe et al. (2008) provide a systematic analysis that matches the pattern of IPV behaviors and potency with the type and details of an appropriate co-parenting relationship. For minor IPV cases, it may be reasonable to expect a cooperative co-parenting relationship if the parents have learned to manage their conflict. For more substantial IPV with continuing conflict and fear, parallel parenting would be appropriate with limited direct contact or communication. Supervised parenting time may be needed for a period of time. In severe cases, parenting time may need to be denied entirely.

Feminist writers (Bancroft & Silverman, 2002) addressing this issue often assert it is a common scenario that the “batterer” tries to seek custody as a way to perpetuate control. It has been asserted that the harm-doer is sometimes successful at gaining primary custody (Zorza, 1995). These claims suffer from the omnipresent research problem of not differentiating subtypes or degrees of severity in IPV, thus rendering the research meaningless (Johnson & Leone, 2005) and lending itself to misleading interpretations. There does not seem to be any research to support a conclusion, however, that coercive controlling fathers are often successful in gaining primary custody. It may be more often that CCIA husbands may threaten to use the legal system to gain custody as a way of trying to keep the wife from leaving the marriage or just to be vindictive (Fineman, 2002). Or, it may be the case that the coercive controlling ex-partner will return to court to try to expand his parenting time and gain shared decision making after the family has restabilized.

When all types of IPV are grouped into one category regardless of severity (e.g., “domestic violence”), then it will be the case that a perpetrator parent (male or female) sometimes will be awarded primary custody in the best interests of the children, usually when the IPV subtype was conflict-instigated violence of minor severity. More often, it will be that relatively minor IPV does not preclude a parent from being awarded substantial parenting time share and shared decision making. Often, the victim-parent will not object to the proposal, especially on joint decision making. Often the facts will dictate that a parent who has been convicted of domestic violence will overcome the statutory presumption against joint parental responsibilities/decision making when it has been conflict instigated and mild in severity.

When there are data to support a conclusion of severe form of IPV, especially if there was criminal conviction, then it is probably an easy case for the evaluator on the ultimate issue of decision making and whether there should be equal parenting time. What will be difficult are the violence risk assessment and safety concerns when recommending the parenting time arrangements. Commentators have voiced general concerns that courts

simply do not take the issue of IPV seriously enough even when required to do so by statute (Bartlett, 2002; Fineman, 2002; see Hardesty & Chung, 2006 for a review). Clearly, there is a continuing need to educate the courts about IPV and how to appraise the safety and best interests of children in custody disputes. Recent attempts to scrutinize the quality of custody evaluations in IPV-CC identify the need to carefully investigate allegations even when the first wave of data gathering suggests that there are competing claims and counter-claims, or “he-said/she-said” data (National Custody Project, 2011). The need for careful investigation for corroborating or non-corroborating allegations cannot be stressed too much, even when there may have been a not guilty finding in criminal trial (P. G. Jaffe, personal communication, November 3, 2012).

### High Relevance of Past Psychological Aggression and Coercion

When there has been a CCIA pattern of IPV, evaluators should recommend a parallel parenting form of co-parenting just as this form is recommended for parents trapped in enduring high conflict (Johnston et al., 2009). The authors believe joint decision-making is not likely to be viable or in the best interests of the children when there is enduring, chronic high conflict, as prominent authorities and researchers have recommended (Johnston, 1995; Maccoby & Mnookin, 1992; Pruett & Barker, 2009). It is also unlikely that a parenting coordinator will make joint decision making viable when there has been moderate to severe IPV. Just as evaluators and judges sometimes error in favoring joint custody to address high conflict (Kelly, 2003), one could argue that it is never appropriate when there has been corroboration of allegations of moderate to severe IPV.

### SUMMARY

An integrated conceptual framework and forensic evaluation model is presented to assist custody evaluators in describing IPV patterns and making accurate predictions about future violence risk, parenting and co-parenting behaviors, and future child adjustment and developmental outcomes related to a recommended parenting plan. The integrative framework should be helpful to judges, family law attorneys, parenting coordinators, mediators, and co-parenting educators.

The framework recommends the continued use of the new consensus IPV typology, but proposes that major risk factors be incorporated by evaluators (and other professionals) into the description of the subtype and behavioral pattern. The use of the 10 behavioral dimensions and behavioral grid approach achieves behavioral specificity and differentiation that will

facilitate an easier translation to predictions about violence risk and making specific recommendations for a parenting plan. The model is research-based and scientifically grounded to the extent that is possible, while recognizing the need for sound forensic and clinical judgment.

Successful implementation of the forensic model is dependent upon sound investigation of the facts and attempts to corroborate allegations and denials of past IPV behaviors. Evaluators are encouraged to adopt both a risk x stakes perspective in making risk communications to the court for the purpose of sound risk predictions and to develop a risk management component to the parenting plan. Evaluators are also encouraged to be mindful of the hypothesis of high levels of relationship control with coercion may have been present in the dynamics of the relationship, even when there had been little or no physical violence. Most IPV patterns will involve situational and conflict-instigated patterns, be minor in severity, and be mutual or bi-directional in involvement and instigation. However, custody evaluators are likely to encounter a significant percentage of cases with a severe form of IPV (Box & Boxer, 2003).

The proposed integrative framework can be used in combination with the 5P approach of Johnston (P. G. Jaffe et al., 2008; Johnston et al., 2009) and with established assessment protocols for domestic violence (Drozd, 2007; 2010). Implementation of the forensic model is dependent upon sound forensic investigation (Austin & Kirkpatrick, 2004) and assessment of the credibility of allegations and denials of IPV (Austin, 2000).

## NOTES

1. Intimate Partner Violence seems to be the preferred term in the literature. Domestic violence and family violence are frequently used and appear to be more general and include child abuse within a family.
2. The area within the pie chart should be viewed as a heuristic and not a true, research-based proportion of incidence of subtypes within the general or custody litigant populations. Such data are unknown.
3. In this case, the evaluator used the framework by P. G. Jaffe et al. (2008). Joint legal and physical custody was recommended. The problem was poor investigation and incompetent application of the forensic model.

## REFERENCES

- American Bar Association (ABA). (2008). *Relevant domestic violence statutory citations*. Chicago, IL: Author. Retrieved from [www.americanbar.org/groups/domestic\\_violence/resources](http://www.americanbar.org/groups/domestic_violence/resources)
- Anda, R. F., Felitti, V. J., Bremner, J. D., Walker, J. D., Whitfield, C., Perry, B. D., ... Giles, W. H. (2006). The enduring effects of abuse and related adverse experiences in childhood: A convergence of evidence from neurobiology and epidemiology. *European Archives of Psychiatry and Clinical Neuroscience*, *56*(3), 174–186.

- Anderson, K. L. (2002). Perpetrator or victim? Relationships between intimate partner violence and well-being. *Journal of Marriage and Family*, *64*, 851–863.
- Anderson, K. L. (2008). Is partner violence worse in the context of control? *Journal of Marriage and Family*, *70*, 1157–1168.
- Andrews, J. A., Foster, S. L., Capaldi, D., & Hops, H. (2000). Adolescent and family predictors of physical aggression, communication and satisfaction in young adult couples: A prospective study. *Journal of Consulting and Clinical Psychology*, *68*, 195–208.
- Ansara, D. L., & Hindin, M. J. (2010). Exploring gender differences in the patterns of intimate partner violence in Canada: A latent class approach. *Journal of Epidemiology and Community Health*, *64*, 849–854.
- Archer, J. (2000). Sex differences in aggression between heterosexual partners: A meta-analytic review. *Psychological Bulletin*, *126*, 651–680.
- Association of Family and Conciliation Courts. (2006, May). *Model standards of practice for child custody evaluation*. Madison, WI: Author; Martindale, D. M., Martin, L., Austin, W. G. et al. (2007). Model standards of practice for child custody evaluation. *Family Court Review*, *45*(1), 70–91.
- Austin, W. G. (2000). Assessing credibility in allegations of marital violence in the high-conflict child custody case. *Family and Conciliation Courts Review*, *38*, 462–477.
- Austin, W. G. (2001). Partner violence and risk assessment in child custody evaluations. *Family Court Review*, *39*, 483–496.
- Austin, W. G. (2002). Guidelines for utilizing collateral sources of information in child custody evaluations. *Family Court Review*, *40*, 177–184.
- Austin, W. G. (2011). Parental gatekeeping in custody disputes. *American Journal of Family Law*, *25*(4), 148–153.
- Austin, W. G., Dale, M. D., & Drozd, L. M. (2012, June). Intimate partner violence, relocation, gatekeeping, and child custody evaluation. Association of Family and Conciliation Courts, 49th Annual Conference, Chicago, IL.
- Austin, W. G., Drozd, L. M., & Olesen, N. W. (2012, April 14). *Protective gatekeeping in custody cases involving intimate partner violence or alienation*. Workshop presented at the annual meeting of the Association of Family and Conciliation Courts, Seattle, Washington.
- Austin, W. G., & Kirkpatrick, H. D. (2004). The investigation component in forensic mental health evaluations: Considerations in the case of parenting time evaluations. *Journal of Child Custody*, *1*, 23–43.
- Austin, W. G., Thomas, S., & Arnold, A. (2009). Domestic violence: Assessment of the issue of intimate partner violence by the Child and Family Investigator. In R. M. Smith (Ed.) *The role of the child and family investigator and the child's legal representative in Colorado* (pp. C17-1–C17-27). Denver, CO: Colorado Bar Association.
- Bancroft, L., & Silverman, J. G. (2002). *The batterer as parent: Addressing the impact of domestic violence on family dynamics*. Thousand Oaks, CA: Sage.
- Barefoot v. Estelle, 103 S. Ct. 3383 (1983).
- Bartlett, K. T. (2002). Preference, presumption, predisposition, and common sense: From traditional custody doctrines to the American Law Institute's Family Dissolution Project. *Family Law Quarterly*, *36*(1), 11–25.
- Battered Women's Justice Project. (2012). *Parenting by coercive controlling abusers*. Minneapolis, MN: Author.

- Borum, R. (1996). Improving the clinical practice of violence risk assessment: Technology, guidelines, and training. *American Psychologist, 51*, 945–956.
- Bourget, D. G., Grace, J., & Whitehurst, L. (2007). Filicide, the murder of a child by a parent. *Journal of American Academy of Psychiatry and Law, 35*(1), 74–82.
- Bow, J. N., & Boxer, P. (2003). Assessing allegations of domestic violence in child custody evaluations. *Journal of Interpersonal Violence, 18*(12), 1394–1410.
- Bush, D. F., & O'Shea, P. G. (1996). Workplace violence: Comparative use of prevention practices and policies. In G. R. Vandenbos & E. Q. Bulatao (Eds.) *Violence on the job* (pp. 283–298). Washington, DC: American Psychological Association.
- California Family Code § 3044(d); §6203
- Campbell, J. C. (2004). *Danger assessment*. Baltimore, MD: John Hopkins University, School of Nursing.
- Campbell, J. C. (2007). Prediction of homicide of and by battered women. In J. C. Campbell (Ed.) *Assessing dangerousness* (pp. 85–104). New York, NY: Springer.
- Campbell, J. C., Webster, D., Koziol-Martin, J., Block, C., Curry, M. A., Gary, F., Glass, N., McFarlane, J., Sachs, C., Sharps, P., Ulrich, Y., Wilt, S. A., Manganello, J., Xu, X., Schollenberger, J., Frye, V., & Laughon, K. (2003). Risk factors for femicide in abusive relationships: Results from a multisite case control study. *American Journal of Public Health, 93*(7), 1089–1097.
- Capaldi, D. M., & Clark, S. (1998). Prospective family predictors of aggression toward female partners for at-risk young men. *Developmental Psychology, 34*, 1175–1188.
- Capaldi, D. M., & Kim, H. K. (2007). Typological approaches to violence in couples: A critique and alternative conceptual approach. *Clinical Psychology Review, 27*, 253–265.
- Capaldi, D. M., Shortt, J. W., & Kim, H. K. (2003). Physical and psychological aggression in at-risk young couples: Stability and change in young adulthood. *Merrill-Palmer Quarterly, 49*, 1–27.
- Center for Disease Control. (2009). Understanding intimate partner violence. Fact Sheet. Retrieved from [www.cdc.gov/violenceprevention](http://www.cdc.gov/violenceprevention).
- Chermack, S. T., & Blow, F. C. (2002). Violence among individuals in substance abuse treatment: The role of alcohol and cocaine consumption. *Drug and Alcohol Dependence, 66*, 29–37.
- Cohen, J. B., Dickow, A., Horner, K., Zweben, J. E., Balabis, J., Vandersloot, D., & Reiber, C. (2003). Abuse and violence: History of men and women in treatment for methamphetamine dependence. *The American Journal on Addictions, 12*, 377–385.
- Colorado Revised Statutes, 18-6-800.3(1) Domestic Violence, Definition.
- Dalton, C. (1999). When paradigms collide: Protecting battered parents and their children in the family court system. *Family and Conciliation Courts Review, 37*(3), 273–296.
- Dalton, C., Drozd, L. M., & Wong, F. Q. F. (2006). *Navigating custody and visitation evaluations in cases with domestic violence: A judge's guide*. Reno, NV: National Council of Juvenile and Family Court Judges.
- Douglas, K. S., & Skeem, J. L. (2005). Violence risk assessment: Getting specific about being dynamic. *Psychology, Public Policy and Law, 11*(3), 347–383.
- Drozd, L. M. (2007). DVCC protocol. *Journal of Child Custody, 4*(3/4), 19–32.
- Drozd, L. M. (2010). *Domestic violence (or intimate partner violence) DVCC protocol*. Newport Beach, CA: Author.

- Dutton, D. G. (2003). *The abusive personality*. New York, NY: Guilford.
- Dutton, D. G. (2005). Domestic abuse assessment in child custody disputes: Beware the domestic violence research paradigm. *Journal of Child Custody: Research, Issues, and Practices*, 2(4), 23–42.
- Dutton, D. G., Denny-Keys, M. K., & Sells, J. R. (2011). Parental personality disorder and its effects on children: A review of current literature. *Journal of Child Custody: Research, Issues, and Practices*, 8(4), 268–283. doi: 10.1080/15379418.2011.620928
- Dutton, D. G., Hamel, J., & Aaronson, J. (2010). The gender paradigm in family court processes: Re-balancing the scales of justice from biased social science. *Journal of Child Custody: Research, Issues, and Practices*, 7(1), 1–31.
- Edleson, J. L., Mbilinyi, L. F., & Shetty, S. (2003). *Parenting in the context of domestic violence*. San Francisco, CA: Judicial Council of California/Administrative Office of the Courts.
- Edwards, D. L., Scott, C. L., Yarvis, R. M., Paizis, C. L., & Panizzon, M. S. (2003). Impulsiveness, impulsive aggression, personality disorder, and spousal violence. *Violence & Victims*, 18, 3–14.
- Ehrensaft, M. K., Cohen, P., Brown, J., Smailes, H., & Johnson, J. (2003). Intergenerational transmission of partner violence: A 20-year prospective study. *Journal of Consulting and Clinical Psychology*, 71, 741–753.
- Ehrensaft, M. K., Cohen, P., & Johnson, J. G. (2006). Development of personality disorder symptoms and the risk for partner violence. *Journal of Abnormal Psychology*, 115(3), 474–483.
- Ehrensaft, M. K., Moffitt, T. E., & Caspi, A. (2004). Clinically abusive relationships in an unselected birth cohort: Men's and women's participants and developmental antecedents. *Journal of Abnormal Psychology*, 113(2), 258–271.
- Ellis, D., & Stuckless, N. (2006). Domestic violence, DOVE, and divorce mediation. *Family Court Review*, 44(4), 658–671.
- Elrod, L. D., & Spector, R. G. (2011). A review of the year in family law: Working toward more uniformity in laws related to families. *Family Law Quarterly*, 44(4), 469–518.
- Fals-Stewart, W., Golden, J., & Schumacher, J. A. (2003). Intimate partner violence and substance use: A longitudinal day-to-day examination. *Addictive Behaviors*, 38, 1555–1574.
- Fein, R. A., Vossekuil, B., & Holden, G. A. (1995, September). Threat assessment: An approach to prevent targeted violence. *National Institute of Justice: Research in Action*, 1–7.
- Fineman, M. A. (2002). Domestic violence, custody, and visitation. *Family Law Quarterly*, 36(1), 211–225.
- Follingstad, D. R., DeHart, D. D., & Green, E. P. (2004). Psychologists' judgments of psychologically aggressive actions when perpetrated by a husband versus a wife. *Violence and Victims*, 19(4), 435–452.
- Follingstad, D. R., Rutledge, L. L., Berg, B. J., House, E. S., & Polek, D. S. (1990). The role of emotional abuse in physically abusive relationships. *Journal of Family Violence*, 5, 107–120.
- Frederick, L. (2008). Questions about family court domestic violence screening and assessment. *Family Court Review*, 46(3), 523–530.



- Friedland, N. M., Campell, J. C., & Han, H. (2008). Effect of violence exposure on health outcomes among young urban adolescents. *Nursing Research, 57*(3), 157–165.
- Fritz, P. A., & O'Leary, K. D. (2004). Physical and psychological aggression across a decade: A growth curve analysis. *Violence and Victims, 19*, 3–16.
- Frye, V., Manganello, J., Campbell, J. C., Walton-Moss, B., & Wilt, S. (2006). The distribution of and factors associated with intimate terrorism and situational couple violence among a population-based sample of urban women in the United States. *Journal of Interpersonal Violence, 21*(10), 1286–1313. doi:10.1177/0886260506291658
- Ganong, L., Coleman, M., & McCalle, G. (2012). Gatekeeping after separation and divorce. In L. Drozd & K. Kuehnle (Eds.) *Parenting plan evaluations: Applied research for the family court* (pp. 369–398). New York, NY: Oxford University Press.
- Gelles, R. J. (1997). *Intimate violence in families* (3rd ed.). Thousand Oaks, CA: Sage.
- Gelles, R. J., & Straus, M. J. (1988). *Intimate violence: The definitive study of the causes and consequences of abuse in the American family*. New York, NY: Simon & Schuster.
- Gerwartz, A. H., & Medhanie, A. (2008). Proximity and risk in children's witnessing of intimate partner violence. *Journal of Emotional Abuse, 8*(1/2), 67–82. doi:10.1080/10926790801982436.
- Gould, J. W., & Martindale, D. A. (2007). *The art and science of child custody evaluations*. New York, NY: Guilford.
- Gould, J. W., & Stahl, P. (2000). The art and science of child custody evaluations. *Family and Conciliation Courts Review, 38*, 392–414.
- Graham, A. M., Kim, H. K., & Fisher, P. A. (2012). Partner aggression in high-risk families from birth to age 3 years: Associations with harsh parenting and child maladjustment. *Journal of Family Psychology, 26*(1), 105–114.
- Graham-Kevan, N., & Archer, J. (2003). Intimate terrorism and common couple violence: A test of Johnson's predictions in four British samples. *Journal of Interpersonal Violence, 18*(11), 1247–1270. doi:10.1177/0886260503256656
- Grisso, T., & Appelbaum, P. S. (1992). Is it unethical to offer predictions of future violence? *Law and Human Behavior, 16*, 621–633.
- Grych, J. H., Jouriles, E. N., Swank, P. R., McDonald, R., & Norwood, W. D. (2000). Patterns of adjustment among children of battered women. *Journal of Consulting and Clinical Psychology, 68*(1), 84–94.
- Gustafsson, H. C., & Cox, M. J. (2012). Relations among intimate partner violence, maternal depressive symptoms, and maternal parenting behaviors. *Journal of Marriage and Family, 74*(October), 1005–1020.
- Hage, J. (1972). *Techniques and problems of theory construction in sociology*. New York, NY: John Wiley.
- Halikias, W. (2004). School-based risk assessments: A conceptual framework and model for professional practice. *Professional Psychology: Research and Practice, 35*(6), 598–607.
- Hardesty, J. L. (2002). Separation assault in the context of post divorce parenting: An integrative review of the literature. *Violence Against Women, 8*, 597–625.

- Hardesty, J. L., & Chung, G. H. (2006). Intimate partner violence, parental divorce, and child custody: Directions for intervention and future research. *Family Relations, 55*, 200–210.
- Hardesty, J. L., Haselschwerdt, M. L., & Johnson, M. P. (2012). Domestic violence and child custody. In K. Kuehnle & L. Drozd (Eds.) *Parenting plan evaluations: Applied research for the family court* (pp.442–478). New York, NY: Oxford University Press.
- Hanson, R. K. (1998). What do we know about sex offender risk assessment? *Psychology, Public Policy and Law, 4*, 50–72.
- Hart, S. D., Webster, C. D., & Menzies, R. J. (1993). A note on portraying the accuracy of violence predictions. *Law and Human Behavior, 17*(6), 695–701.
- Harway, M., & Hansen, M. (1994). *Spouse abuse: Assessing and treating battered women, batterers, and their children*. Sarasota, FL: Professional Resources Press.
- Heilbrun, K. (2001). *Principles of forensic mental health assessment*. New York, NY: Kluwer Academic/Plenum Publishers.
- Hetherington, E. M. (1999). Should we stay together for the sake of the children? In E. M. Hetherington (Ed.) *Coping with divorce, single parenting, and remarriage: A risk and resiliency perspective* (pp. 93–116). Mahwah, NJ: Erlbaum.
- Holden, G. W., Geffner, R., & Jouriles, E. N. (Eds.). (1998). *Children exposed to marital violence*. Washington, DC: American Psychological Association.
- Holtzworth-Munroe, A., Meehan, J. C., Herron, K., Rehman, U., & Stuart, G. L. (2000). Testing the Holtzworth-Munroe & Stuart, (1994) batterer typology. *Journal of Consulting and Clinical Psychology, 69*, 1000–1019.
- Holtzworth-Munroe, A., & Stuart, G. L. (1994). Typologies of male batterers: Three subtypes and the differences among them. *Psychological Bulletin, 116*, 476–497.
- Huesmann, L. R., Eron, L. D., Lefkowitz, M. M., & Walder, L. O. (1984). Stability of aggression over time and generations. *Developmental Psychology, 20*, 1120–1134.
- Jacobson, N., & Gottman, J. (1998). *When men batter women: New insights into ending abusive relationships*. New York, NY: Simon & Schuster.
- Jaffe, P. G., Campbell, M., Hamilton, L. H. A., & Juodos, M. (2012). Children in danger of domestic homicide. *Child Abuse & Neglect, 36*, 71–74.
- Jaffe, P. G., Crooks, C. V., & Bala, N. (2009). A framework for addressing allegations of domestic violence in child custody disputes. *Journal of Child Custody, 6*(3–4), 169–188.
- Jaffe, P. G., Johnston, J. R., Crooks, C. V., & Bala, N. (2008). Custody disputes involving allegations of domestic violence: Towards a differentiated approach to parenting plans. *Family Court Review, 46*(3), 500–522.
- Jaffe, P. G., Lemon, N. K. D., & Poisson, S. E. (2003). *Child custody & domestic violence*. Thousand Oaks, CA: Sage.
- Jaffe, S. R., Belsky, J., Harrington, H., Caspi, A., & Moffitt, T. E. (2006). When parents have a history of conduct disorder: How is the caregiving environment affected? *Journal of Abnormal Psychology, 115*(2), 309–319.
- Johnson, M. (2008). *A typology of domestic violence: Intimate terrorism, violent resistant, and situational couple violence*. Boston, MA: Northeastern University Press.

- Johnson, M. P. (1995). Patriarchal terrorism and common couple violence: Two forms of violence against women. *Journal of Marriage and the Family*, 57, 283–294.
- Johnson, M. P. (2005). Apples and oranges in child custody disputes: Intimate terrorism vs. situational couples violence. *Journal of Child Custody: Research, Issues, and Practices*, 2(4), 43–52.
- Johnson, M. P. (2006). Conflict and control: Gender symmetry and asymmetry in domestic violence. *Violence Against Women*, 12(11), 1003–1018. doi:10.1177/1077801206293328
- Johnson, M. P., & Leone, J. M. (2005). The differential effects of intimate terrorism and situational couple violence: Findings from the National Violence Against Women Survey. *Journal of Family Issues*, 26(3), 322–349. doi: 10.1177/0192513X04270345
- Johnson, M. P., Leone, J. M., & Xu, Y. (2008, November). Gender, intimate terrorism, and situational couple violence in general survey data: The gender debate revisited—again. Paper presented at the annual meeting of the National Council on Family Relations, Little Rock, AR.
- Johnston, J. R. (1995). Research update: Children's adjustment in sole custody compared to joint custody families and principles for custody decision making. *Family and Conciliation Courts Review*, 33, 415–425.
- Johnston, J. R., & Campbell, L. E. G. (1993). A clinical typology of interparental violence in disputed custody divorces. *American Journal of Orthopsychiatry*, 63, 190–199.
- Johnston, J. R., Roseby, V., & Kuehnle, K. (2009). *In the name of the child: A developmental approach to understanding and helping children of conflicted and violent divorce* (2nd ed.). New York, NY: Springer.
- Jose, A., Alino, T. M., & O'Leary, K. D. (2012). Item response theory analysis in a community sample. *Journal of Family Psychology*, 26. Advance online publication.
- Kantor, G. K., & Straus, M. A. (1990). The "Drunken Bum" theory of wife beating. In M. A. Straus & R. J. Gelles (Eds.), *Physical violence in American families: Risk factors and adaptations to violence in 8,145 families* (pp. 203–224.). New Brunswick, NJ: Transaction Publishers.
- Kaspiew, R., Gray, M., Maloney, L., Hand, K., & Qu, L. (2009). *Evaluation of the 2006 law reforms: Summary report*. Melbourne: Australian Institute of Family Studies.
- Kelly, J. B. (2003). Parents with enduring child disputes: Multiple pathways to enduring disputes. *Journal of Family Studies*, 9(1), 37–50.
- Kelly, J. B., & Johnson, M. P. (2008). Differentiation among types of intimate partner violence: Research update and implications for interventions. *Family Court Review*, 46(2), 476–499.
- Kessler, R. C., Molnar, R. E., Feurer, I., & Appelbaum, M. (2001). Patterns and mental health predictors of domestic violence in the United States: Results from the National comorbidity survey. *International Journal of Law and Psychiatry*, 24, 487–508.
- Kirkpatrick, H. D., & Austin, W. G. (2005). Response to Amundson, Lux and Hindmarch: Critique of investigative practices article. *Journal of Child Custody: Research, Issues, and Practices*, 2(4), 85–94.
- Kirkwood, C. (1993). *Leaving abusive partners: From scars of survival to the wisdom for change*. Newbury Park, CA: Sage.

- Kwong, M. J., Bartholomew, K., & Dutton, D. G. (1999). Gender differences in patterns of relationships violence in Alberta. *Canadian Journal of Behavioral Science, 31*, 150–160.
- Laroche, D. (2005). *Aspects of the context and consequences of domestic violence: Situational couple violence and intimate terrorism in Canada in 1999*. Government of Quebec: Institut de la statistique du Québec, Quebec. Retrieved from [http://www.stat.gouv.qc.ca/publications/conditions/pdf/AspectViolen\\_an.pdf](http://www.stat.gouv.qc.ca/publications/conditions/pdf/AspectViolen_an.pdf)
- Leone, J. M., Johnson, M. J., & Cohan, C. L. (2007). Victim help-seeking: Differences between intimate terrorism and situational couple violence. *Family Relations, 56*, 427–439. doi:10.1111/j.1741-3729.2007.00471.x
- Lidz, C., Banks, S., Simon, L., & Mulvey, E. (2007). Violence and mental illness: A new analytic approach. *Law and Human Behavior, 31*(1), 23–31.
- Lidz, C., Mulvey, E., & Gardner, W. (1993). The accuracy of predictions of violence to others. *Journal of the American Medical Association, 269*, 1007–1011.
- Maccoby, E. E., Buchanan, C. M., Mnookin, R. H., & Dornbusch, S. M. (1993). Post-divorce roles of mothers and fathers in the lives of their children. *Journal of Family Psychology, 7*, 24–38.
- Maccoby, E. E., & Mnookin, R. H. (1992). *Dividing the child: Social & legal dilemmas of custody*. Cambridge, MA: Harvard University Press.
- Magdol, L., Moffitt, T. E., & Caspi, A., Newman, D. L., Fagan, J., & Silva, P. A. (1997). Gender differences in a birth cohort of 21-year-olds: Bridging the gap between clinical and epidemiological approaches. *Journal of Clinical and Consulting Psychology, 65*(1), 68–78.
- Magdol, L., Moffitt, T. E., Caspi, A., & Silva, P. A. (1998). Developmental antecedents of partner abuse: A prospective-developmental study. *Journal of Abnormal Psychology, 107*, 375–389.
- McDonald, R., Jouriles, E. N., Rosenfeld, D., & Leahy, M. M. (2012). Children's questions about interparent conflict and violence: What's a mother to say? *Journal of Family Psychology, 26*(1), 1–10. doi: 10.1037/a0026122
- McIntosh, J. (2003). Children living with domestic violence: Research foundations for early intervention. *Journal of Family Studies, 9*(2), 219–234.
- Meehl, P. E. (2004). What's in a taxon? *Journal of Abnormal Psychology, 113*(1), 39–43.
- Meloy, J. R. (2000). *Violence risk and threat assessment*. San Diego, CA: Specialized Training Services.
- Meloy, J. R. (2001). Threats, stalking, and criminal harassment. In G. F. Franck & L. Pagani (Eds.) *Clinical assessment of dangerousness: Empirical contributions* (pp. 238–257). New York, NY: Cambridge University Press.
- Meloy, J. R. (2010, March). *The black swan: Threat assessment of low frequency high intensity violence*. Workshop presented at Society of Personality Assessment Annual Meeting, San Jose, CA.
- Miczek, K., Debold, J., Haney, M., Tidey, J., Vivian, J., & Weerts, E. (1994). Understanding and preventing violence. In A. J. Reiss, Jr. & A. Roth (Eds.) *Panel on the understanding and preventing violent behavior* (Vol. 3, pp. 377–570). Washington, D.C.: National Academies Press.
- Milner, J. S., & Campbell, J. C. (2007). Prediction issues for practitioners. In J. C. Campbell (Ed.) *Assessing dangerousness: Violence by batterers and child abusers* (2nd ed., pp. 25–44). New York, NY: Springer.

- Moffitt, T. E. (2007). The new look at behavioral genetics in developmental psychopathology: Gene-environment interplay in antisocial behaviors. *Psychological Bulletin*, 131(4), 533–554.
- Mohandie, K. (2000). *School violence threat management*. San Diego, CA: Specialized Training Services.
- Monahan, J. (1992). Mental disorder and violent behavior: Perceptions and evidence. *American Psychologist*, 47(4), 511–521.
- Monahan, J. (2003). Violence risk assessment. In A. Goldstein (Ed.) *Handbook of psychology, Vol. 11, Forensic psychology* (pp. 527–540). Hoboken, NJ: John Wiley.
- Monahan, J., & Steadman, H. J. (1996). Violent storms and violent people: How meteorology can inform risk communication in mental health law. *American Psychologist*, 51, 931–938.
- Monahan, J., Steadman, H. J., Appelbaum, P., Robbins, P. C., Mulvey, E. P., Roth, L. H., Grisso, T., Banks, S. (2001). *Rethinking violence and risk assessment: The MacArthur Study of Mental Disorder and Violence*. New York, NY: Oxford University Press.
- 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.
- Mulvey, E. P., & Cauffman, E. (2001). The inherent limits of predicting school violence. *American Psychologist*, 56(10), 797–802.
- Mulvey, E. P., Skeem, J., Schubert, C., Odgers, C., Gardner, W., & Lidz, C. (2006). Substance use and community violence: A test of the relation of the daily level. *Journal of Consulting and Clinical Psychology*, 74(2), 743–754.
- National Council of Juvenile and Family Court Judges. (1994). *Model code on domestic and family violence*. Reno, NV: Author.
- National Custody Project (2011, January). *Report of the Henry County, Ohio child custody and domestic violence and safety and accountability audit*. St. Paul, MN: Praxis International.
- National Resource Center on Domestic Violence. (2002). *Children exposed to intimate partner violence: An information packet*. Harrisburg, PA: Author.
- Newmark, L., Harrell, A., & Salem, P. (1995). Domestic violence and empowerment in custody and visitation cases. *Family and Conciliation Court Review*, 33, 30–62.
- Nicoletti, J., & Spooner, K. (1996). Violence in the workplace: Response and intervention strategies. In G. R. Vandenbos & E. Q. Bulatao (Eds.), *Violence on the job* (pp. 267–282). Washington, DC: American Psychological Association.
- Okuda, M., Olfson, M., Hasin, D., Grant, B. F., Lin, K.-H., & Blanco, C. (2011). Mental health victims of intimate partner violence: Results from a national epidemiologic survey. *Psychiatric Services*, 62(8), 959–962.
- Patterson, G. (1982). *Coercive family process*. Eugene, OR: Castalia Publishing Co.
- Pence, E., & Paymar, M. (1993). *Education groups for men who batter: The Duluth model*. New York, NY: Springer.
- Piotrowski, C. C. (2011). Patterns of adjustment among siblings exposed to intimate partner violence. *Journal of Family Psychology*, 25(1), 19–28.
- Pruett, M. K., & Barker, C. (2009). Joint custody: A judicious choice for families—But how, when, and why? In R. M. Galatzer-Levy, L. Kraus, & J. Galatzer-Levy (Eds.)

- The scientific basis for child custody decisions* (pp. 417–462). Hoboken, NJ: John Wiley & Sons.
- Rohrbaugh, J. B. (2006). Domestic violence in same-gender relationships. *Family Court Review*, 44(2), 287–299.
- Salem, P., & Dunford-Jackson, B. L. (2008). Beyond politics and positions: A call for collaboration between family court and domestic violence professionals. *Family Court Review*, 46(3), 437–453.
- Shaffer, M., & Bala, N. (2003). Wife abuse, child custody and access in Canada. *Journal of Emotional Abuse*, 3(3), 253–275.
- Schopp, R. F. (1996). Communicating risk assessments: Accuracy, efficacy, and responsibility. *American Psychologist*, 51(9), 939–944.
- Sheridan, D. J., Glass, N., Limandri, B. J., & Poulos, C. A. (2007). Prediction of interpersonal violence: An introduction. In J. C. Campbell (Ed.) *Assessing dangerousness* (pp. 1–22). New York, NY: Springer.
- Silver, E., Arseneault, L., Langley, J., Caspi, A., & Moffitt, T. E. (2005). Mental disorder and violent victimization in a total birth cohort. *American Journal of Public Health*, 95(11), 2015–2021.
- Simons, R. L., Johnson, C., Beaman, J., & Conger, R. D. (1993). Explaining women's double jeopardy: Factors that mediate the association between harsh parenting as a child and violence by a husband. *Journal of Marriage and the Family*, 55(3), 713–723.
- Skeem, J., Odgers, C., Gardner, W., Schubert, C., Mulvey, E., & Lidz, E. P. (2006). Psychiatric symptoms and community violence among high-risk patients: A test of the relationship at the weekly level. *Journal of Clinical and Consulting Psychology*, 74(5), 967–979.
- Skeem, J., Schubert, C., Stowman, S., Beeson, S., Mulvey, E., Gardner, W., & Lidz, C. (2005). Gender and risk assessment accuracy: Underestimating women's violence potential. *Law and Human Behavior*, 29, 173–186.
- Smith, R., & Coukos, P. (1997). Fairness and accuracy in evaluations of domestic violence and child abuse in custody determinations. *The Judge's Journal*, 38–42, 54–55.
- Spiwak, R., & Brownridge, D. A. (2005). Separated women's risk for violence: Analysis of the Canadian situation. *Journal of Divorce and Remarriage*, 43(3/4), 105–117.
- Stark, E. (2007). *Coercive control: The entrapment of women in personal life*. New York, NY: Oxford University Press.
- Stark, E. (2009). Rethinking custody evaluation in cases involving domestic violence. *Journal of Child Custody: Research, issues, and practices*, 6(3/4), 287–321.
- Straus, M. A. (1999). The controversy over domestic violence by women: A methodological, theoretical, and sociology of science analysis. In X. B. Arriaga & S. Oskamp (Eds.) *Violence in intimate relationships* (pp. 17–44). Thousand Oaks, CA: Sage.
- Straus, M. A., & Gelles, R. J. (1990). *Physical violence in American families: Risk factors and adaptations to violence in 8,145 families*. New Brunswick, NJ: Transaction Publishers.
- Straus, M. A., Hamby, S. L., Boney-McCoy, S., & Sugarman, D. B. (1996). The Revised Conflict Tactics Scales (CTS2). *Journal of Family Studies*, 17, 283–316.

- Straus, M. A., & Sweet, S. (1992). Verbal/symbolic aggression in couples: Incidence rates and relationships to personal characteristics. *Journal of Marriage and the Family*, *54*, 346–357.
- Suitor, J. J., Pillemer, K., & Straus, M. A. (1990). Marital violence in a life course perspective. In M. A. Straus & R. J. Gelles (Eds.) *Physical violence in American families* (pp. 305–313). New Brunswick, NJ: Transaction Publishers.
- Swan, S. C., Gambone, L. J., Caldwell, M. A., Sullivan, T. P., & Snow, D. L. (2008). A review of women's use of violence with male intimate partners. *Violence and Victims*, *23*(3), 301–314.
- Taft, C. T., Doron-LaMarca, S., Suvak, M. K., O'Farrell, T. J., Panuzio, J., & Gagnon, D. R. (2010). Longitudinal risk factors for intimate partner violence among men in treatment for alcohol use disorders. *Journal of Consulting and Clinical Psychology*, *78*(6), 924–935.
- Tau, M. (2012, February). *Risk assessment for family law professionals: Protecting ourselves & others*. Workshop presented at the annual conference of the Association of Family and Conciliation Courts, California Chapter, Santa Monica, CA.
- Tedeschi, J. T., & Felson, R. B. (1994). *Violence, aggression, & coercive actions*. Washington, DC: American Psychological Association.
- Tjaden, P., & Thoennes, N. (2000). Prevalence and consequences of male-to-female and female-to-male intimate partner violence as measured by the National Violence Against Women Survey. *Violence Against Women*, *6*, 142–161.
- Turner, J. T., & Gelles, M. G. (2003). *Threat assessment: A risk management approach*. New York, NY: Haworth.
- Ver Steegh, N. (2005). Differentiating types of domestic violence: Implications for child custody. *Louisiana Law Review*, *65*, 1379–1431.
- Ver Steegh, N., & Dalton, C. (2008). Report from the Wingspread Conference on Domestic Violence and Family Courts. *Family Court Review*, *46*(3), 454–475.
- Walker, L. E. A. (1979). *The battered woman*. New York, NY: Harper and Row.
- Walker, L. E. A. (1984). *The battered woman syndrome*. New York, NY: Springer.
- Williams, K. R., & Houghton, A. B. (2004). Assessing the risk of domestic violence reoffending: A validation study. *Law and Human Behavior*, *28*(4), 437–455.
- Woodward, L. J., Fergusson, D. M., & Horwood, L. J. (2002). Romantic relationships of young people with childhood and adolescent onset of antisocial behavior problems. *Journal of Abnormal Child Psychology*, *30*, 231–243.
- Zibbell, R. A. (2005). Common couple aggression: Frequency and implications for child custody and access evaluations. *Family Court Review*, *43*(3), 454–465.
- Zlotnick, C., Kohn, R., Peterson, J., & Pearlstein, T. (1998). Partner physical victimization in a national sample of American families: Relationship to psychological functioning, psychosocial factors and gender. *Journal of Interpersonal Violence*, *13*, 156–166.
- Zorza, J. (1995). How abused women can use the law to help protect their children. In E. Peled, P. G. Jaffe & J. L. Edelson (Eds.) *Ending the cycle of violence: Community responses to children of battered women* (pp. 147–169). Thousand Oaks, CA: Sage.

## APPENDIX

DATA RECORDING FORM FOR IPV 10 DIMENSIONAL AND BEHAVIORAL GRID ANALYSIS  
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1. <u>Degree of Threat Factors Present:</u>	present _____	not present _____
<u>Active-Potency</u>		
Threats to kill partner or children?	Physical threats _____	Threats recently _____
	Threats in past _____	
Threats involving weapon?	Physical threats _____	Threats recently _____
	Threats in past _____	Threats recently _____
Stalking/Following	Physical threats _____	Threats recently _____
	Threats in past _____	Threats recently _____
Threats to abduct children?	Physical threats _____	Threats recently _____
	Threats in past _____	Threats recently _____
Threats to make life a living hell?	Physical threats _____	Threats recently _____
	Threats in past _____	Threats recently _____
Threats to gain custody of children to get back at ex-partner?	Physical threats _____	Threats recently _____
Other past threats?	Physical threats _____	Threats recently _____
	Threats in past _____	Threats recently _____
Past threats followed through with violence?	Physical threats _____	Threats recently _____
	Threats in past _____	Threats recently _____

Narrative Description

Behavioral DimensionAllegation Corroborated/Not Corroborated

yes \_\_\_\_\_ no \_\_\_\_\_ partial \_\_\_\_\_

2. Physical (and Sexual) AggressionPhysical Aggression

Corroboration for which parent?

Mother?

Father?

Severity of physical aggression

None

Mild

Moderate

Severe

Frequency

Isolated incident(s)

Episodic

Enduring

Pattern

Pre-Separation pattern?

Post-Separation pattern?

Sexual Coercion

Corroboration for which parent?

Mother?

Father?

Sexual coercion present

during marriage or

cohabitation?

Nature of

Rape?

(Continued)



**APPENDIX** Continued

- Frequency
  - Isolated incident(s)
  - Episodic
  - Enduring
- Severity of sexual aggression
  - None
  - Mild
  - Moderate
  - Severe
- Pattern
  - Pre-Separation pattern?
  - Post-Separation pattern?

Narrative Description
-----------------------

3. Psychological Aggression Allegation Corroborated/Not Corroborated  
yes \_\_\_\_\_ no \_\_\_\_\_ partial \_\_\_\_\_

- Frequency
  - Isolated Incident(s)
  - Episodic
  - Enduring
- Severity
  - None
  - Mild
  - Moderate
  - Severe
- Pattern
  - Isolated Incident(s)
  - Episodic
  - Enduring

Narrative Description
-----------------------

4. Substance Use and Alcohol Abuse Allegation Corroborated/Not Corroborated  
yes \_\_\_\_\_ no \_\_\_\_\_ partial \_\_\_\_\_

- Which Parent? Both?
- Description of use, misuse, abuse, dependence
  - Increased tolerance
  - Withdrawal symptoms (Physical? Psychological?)
  - Loss of control within a time of use (e.g., set out to have one glass of wine, have a bottle instead)
  - Loss of control between times of use (can't stop using)
  - Anyone ever been annoyed by your drinking/using?
  - Ever cut back on your drinking/using?
- Frequency
  - On average how many drinks/drugs?
  - How often?

*(Continued)*

**APPENDIX** Continued

- Severity
  - Mild
  - Moderate
  - Severe
- Pattern
  - Episodic
  - Binge
  - Dependent/Regular User?
- Temporal dimension
  - Active problem now?
  - Active problem in the past?
  - Abstinent now? How long?
  - Sober now? How long?

Narrative Description
-----------------------

5. Major Mental Disorder Corroborated/Not Corroborated

yes _____	no _____	partial corroboration _____
-----------	----------	-----------------------------------

- Which Parent? Both? Type of Disorder?
- Medication?
- Response to treatment?
- Symptoms
  - Mild
  - Moderate
  - Severe

Narrative Description
-----------------------

6. Antecedent Conditions as Static Risk Corroborated/Not Corroborated

<u>Factors</u>	yes _____	no _____	partial corroboration _____
----------------	-----------	----------	-----------------------------------

- |  |               |                   |  |
|--|---------------|-------------------|--|
| Exposure to DV as child  | present _____ | not present _____ |  |
| Harsh parenting in family                                      | present _____ | not present _____ |  |
| Mental disorder in mother                                      | present _____ | not present _____ |  |
| Substance abuse/alcohol abuse in family                        | present _____ | not present _____ |  |
| Child/adolescence violence                                     | present _____ | not present _____ |  |
| Childhood conduct problems                                     | present _____ | not present _____ |  |
| Coercive family interactions as child                          | present _____ | not present _____ |  |
| Antisocial behaviors/social skill deficits as child/adolescent | present _____ | not present _____ |  |
| Adolescent drug problems                                       | present _____ | not present _____ |  |
| High school drop-out   | present _____ | not present _____ |  |
| Family problems in the female parent's background              | present _____ | not present _____ |  |

(Continued)

**APPENDIX** Continued

Narrative Description
-----------------------

7. Exposure of Children to Violence Corroborated/Not Corroborated  
 yes \_\_\_\_\_ no \_\_\_\_\_ partial corroboration \_\_\_\_\_

What witnessed?  
 What exposed to?  
 Frequency of witnessing? Exposure?  
 Mild  
 Moderate  
 Severe  
 Severity of witnessing? Exposure?  
 Mild  
 Moderate  
 Severe  
 Temporal dimension  
 Exposed or witnessed: How recently?  
 Age of child at time of witnessing/  
 exposure?  
 Child participate in violence?

Narrative Description
-----------------------

8. Temporal: Active vs. Remote  
 How Recent?  
 If remote, how long ago?  
 Number of incidents & severity of  
 recent? Of remote incidents?  
 Recent mutual or a primary physical  
 instigator?  
 Potency – red flag for concern?

Narrative Description
-----------------------

9. Degree of Coercive Control for Both Corroborated/Not Corroborated  
Parents yes \_\_\_\_\_ no \_\_\_\_\_ partial corroboration \_\_\_\_\_

Present for Father? Relationship Control Active? \_\_\_\_\_ Children exposed? \_\_\_\_\_

If yes, when?  
 During marriage/cohabitation?  
 Coercive actions after separation?  
 Severity of coercive control  
 Mild  
 Moderate  
 Severe

(Continued)

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**APPENDIX** Continued

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Involving the children?  
 Description of coercive control  
   With or without physical violence?  
   With physical threats?  
   With sexual coercion?  
   With isolation?  
   Following?  
   Confrontation?  
   Degrading statements?  
   Attack on sense of self?  
   Behavioral examples?  
     (emails, etc.)  
   Using access to child to control?  
 Present for Mother?  
 If yes, when?  
   During marriage/cohabitation?  
   Coercive actions after separation?  
 Severity of coercive control  
   Mild  
   Moderate  
   Severe  
 Involving the children?  
 Description of coercive control  
   With or without physical violence?  
   With physical threats?  
   With sexual coercion?  
   With isolation?  
   Following?  
   Confrontation?  
   Degrading statements?  
   Attack on sense of self?  
   Behavioral examples?  
     (emails, etc.)  
   Using access to child to control?

Narrative Description
-----------------------

**10. Pattern of Instigation**

Instigation of physical aggression always male \_\_\_\_\_  
 Instigation of physical aggression always female \_\_\_\_\_  
 Instigation of physical aggression mostly male \_\_\_\_\_  
 Instigation of physical aggression mostly female \_\_\_\_\_  
 Instigation of physical aggression usually mutual/bi-directional \_\_\_\_\_  
 Instigation of psychological aggression always male \_\_\_\_\_  
 Instigation of psychological aggression always female \_\_\_\_\_  
 Instigation of psychological aggression mostly male \_\_\_\_\_  
 Instigation of psychological aggression mostly female \_\_\_\_\_  
 Instigation of psychological aggression usually mutual/bi-directional \_\_\_\_\_  
 Instigation part of relationship coercive control? \_\_\_\_\_  
 Instigation part of conflict-instigated, situation-specific IPV? \_\_\_\_\_

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(Continued)

**APPENDIX** Continued

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Physical aggression by one partner mostly resistant IPV \_\_\_\_\_  
(in reaction to instigation by partner)? \_\_\_\_\_

Narrative Description

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