



Why Custody Courts Fail Children

**FAILURE TO INTEGRATE CURRENT SCIENTIFIC
RESEARCH**

ACE Research

What Courts Are Missing

- ▶ DV and Child Abuse far more harmful than previously understood.
- ▶ Fear and Stress Cause most of the harm.
- ▶ One-quarter of US children sexually abused by age 18.

Common Mistakes from ignorance of ACE

- ▶ Exclusive or primary focus on physical abuse.
- ▶ Assumption older abuse doesn't matter.
- ▶ Approaches that require victims to "get over it."
- ▶ High conflict approaches

Common Mistakes from ignorance of ACE

- ▶ Use of co-parenting in abuse cases.
- ▶ Reliance on court professionals who are not trauma-informed.
- ▶ Minimizing the significance of DV and child abuse.
- ▶ Failure to recognize the significance of fear.

Harm from failure to integrate ACE

- ▶ Failure to recognize true reports of abuse.
- ▶ Fundamental mishandling of child sexual abuse cases.
- ▶ Children die early from murder, suicide, substance abuse and stress.

Harm from failure to integrate ACE

- ▶ Children more likely to suffer cancer, heart disease, mental illness and other health and social problems.
- ▶ Children silenced, isolated and suffering.
- ▶ Children do not receive the treatment that could help them.

Needed Remedies

- ▶ Use of trauma-informed professionals.
- ▶ Calculating the ACE score of all children involved in abuse cases.
- ▶ Focus on actions needed to save children from ACE consequences.
- ▶ Treating abuse cases as a matter of life and death.

Needed Remedies

- ▶ Emphasizing the importance that safe parent makes health care decisions.
- ▶ Focusing on how to reduce fear and stress in children and safe parent.
- ▶ Require abusers to change behavior if they want unsupervised visitation.

Saunders Study

What courts are missing.

- ▶ There is now a specialized body of domestic violence knowledge.
- ▶ Court professionals need training about specific DV subjects.
- ▶ Most evaluators and other professionals do not have the specific DV knowledge needed.

What courts are missing.

- ▶ Professionals without the necessary knowledge tend to focus on the myth that mothers frequently make false reports and unscientific alienation theories.
- ▶ Professionals without the needed knowledge make recommendations that harm children.
- ▶ Domestic violence advocates have the most DV information courts need.

What courts are missing.

- ▶ A multi-disciplinary approach including DV and child sexual abuse experts works best for children.
- ▶ Co-parenting is harmful in DV cases.
- ▶ Harmful outcome cases are always wrong and caused by flawed practices.

What courts are missing.

- ▶ A mother's anger or emotion is overemphasized in DV cases.
- ▶ Use of psychological tests causes more harm than good.

Common Mistakes from ignorance of Saunders

- ▶ Limiting experts to mental health professionals.
- ▶ Relying on professionals without the specific DV expertise needed.
- ▶ Continuing to impose harmful outcome cases.
- ▶ Allowing co-parenting in DV cases.

Common Mistakes from ignorance of Saunders

- ▶ Relying on professionals who don't know how to recognize DV.
- ▶ Failure to use risk assessment in DV cases.
- ▶ Assuming the end of a relationship ends the risk.
- ▶ Failure to consider the importance of fear.

Common Mistakes from ignorance of Saunders

- ▶ Failure to focus on the impact of DV on children.
- ▶ Assuming children benefit from an abusive parent in their lives.

Harm from failing to integrate Saunders

- ▶ True reports of abuse routinely disbelieved.
- ▶ Children are placed at risk.
- ▶ The risk to children is minimized.
- ▶ Benefit of having both parents in children's lives exaggerated.

Harm from failing to integrate Saunders

- ▶ Judges spend their entire careers receiving misinformation from a small group of unqualified professionals.
- ▶ The myth that mothers frequently make false reports is promoted.
- ▶ The alienation scam is perpetuated.

Needed Reforms

- ▶ Courts need to use a multi-disciplinary approach that includes experts in DV and child sexual abuse.
- ▶ Professionals without the specific knowledge recommended by Saunders are unqualified to handle potential DV cases.
- ▶ Courts must stop creating harmful outcome cases and existing orders vacated.
- ▶ Judges must accept training from professionals who are not judges.



Frequent Catastrophic Mistakes

Frequent Catastrophic Mistakes

- ▶ **Over 700 children involved in contested custody murdered in last ten years.**
 - ▶ Most murders committed by abusive fathers.
 - ▶ Courts repeatedly provide the access the killers need.
 - ▶ Many murders permitted because of the myth that mothers frequently lie.

Frequent Catastrophic Mistakes

- ▶ **Bartlow's Study explains why courts fail to reform dangerous practices.**
 - ▶ Judges assume local tragedy was an exception.
 - ▶ Courts fail to look for patterns within and between cases.
 - ▶ Court professionals extremely defensive about their mistakes.
 - ▶ No effective process to review tragedies or create needed reforms.

Frequent Catastrophic Mistakes

- ▶ 58,000 children sent for custody or unprotected visitation every year.
- ▶ Strong anecdotal evidence connects co-parenting with preventable deaths.
- ▶ 85% of child sexual abuse cases result in custody to alleged abuser.

Frequent Catastrophic Mistakes

- ▶ Mothers make deliberate false reports less than 2% of the time.
- ▶ Lawyers routinely counsel mothers not to raise sexual abuse concerns.
- ▶ Courts often rely on professionals without specialized knowledge of child sexual abuse.

More Evidence Custody Courts get High Percentage of Abuse Cases Wrong

- ▶ **Meier Study Reviewed Published Cases Involving Claims of DV, Child Abuse and Alienation.**
 - ▶ Gender bias continues to be widespread.
 - ▶ Alienation theories have more influence than DV or child abuse.
 - ▶ Most child sexual abuse allegations disbelieved.
 - ▶ Court practices tilt abuse cases in favor of alleged abusers and against protecting children.

More Evidence Custody Courts get High Percentage of Abuse Cases Wrong

- ▶ **Meier Study Reviewed Appellate Cases Involving Claims of DV, Child Abuse and Alienation.**
 - ▶ Mothers reporting abuse believed 41% of time and 23% when alienation claimed.
 - ▶ For child sexual abuse cases mothers believed 15% of time but only 2% when alienation claimed.
 - ▶ Mothers lose custody 26% of time when reporting abuse, 44% when alienation claimed and 73% when alienation believed.
 - ▶ Other research proves mothers disbelieved and punished far more than the actual circumstances warrant.



Safe Child Act is Solution to Urgent Problem

Health and Safety of Children First Priority in all custody and visitation decisions

- ▶ Courts routinely focus on less important issues
- ▶ Courts are not trauma-informed.
- ▶ Courts frequently fail to recognize health and safety issues.

Courts must Integrate Current Scientific Research like ACE and Saunders

- ▶ Courts have failed to create reforms based on scientific research
- ▶ Courts have failed to abandon outdated and discredited practices
- ▶ Failure to use current scientific research leads directly to avoidable tragedies

Courts must use a multi-disciplinary approach.

- ▶ Mental health professionals rarely have the necessary DV expertise
- ▶ There is a specialized body of DV knowledge that can be used to recognize and respond to DV and child abuse.
- ▶ When professionals fail to recognize abuse, they focus on less important issues.
- ▶ Use of the same small group of professionals has created an insular atmosphere where new ideas and research are discouraged.

In DV and Child Abuse Cases Courts should hold early hearing limited to abuse issues.

- ▶ Lack of distractions helps courts focus on most important issues.
- ▶ Cases that now take years can be resolved in a few hours.
- ▶ Requirement applies to small group of the most dangerous cases.

Court Professionals Need Training and Retraining about DV

- ▶ Courts need to learn about current scientific research
- ▶ Courts need multi-disciplinary training that includes experts in DV and child sexual abuse.
- ▶ Professionals need to unlearn misinformation they have heard their entire careers.

States must provide additional funding to DV Agencies so advocates can participate in DV Custody Cases.

- ▶ Saunders found DV advocates have more of the specific DV knowledge courts need than the professionals now used.
- ▶ DV advocates should help train court professionals.
- ▶ DV advocates should be trained to serve as expert witnesses.

QUESTIONS

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