

Beliefs and Recommendations Regarding Child Custody and Visitation in Cases Involving Domestic Violence: A Comparison of Professionals in Different Roles

Violence Against Women

1–23

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DOI: 10.1177/1077801215608845

vaw.sagepub.com



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Abstract

Research is lacking on differing perspectives regarding custody cases involving domestic violence (DV). In a survey of judges, legal aid attorneys, private attorneys, DV program workers, and child custody evaluators ($n = 1,187$), judges, private attorneys, and evaluators were more likely to believe that mothers make false DV allegations and alienate their children. In response to a vignette, evaluators and private attorneys were most likely to recommend joint custody and least likely to recommend sole custody to the survivor. Legal aid attorneys and DV workers were similar on many variables. Gender, DV knowledge, and knowing victims explained many group differences.

Keywords

child custody, professional differences, domestic violence, intimate partner violence

Professionals involved in determining the best interests of the child in custody and visitation disputes are often at odds over perceptions of family dynamics and the weight various factors should be given. This seems especially true in cases involving domestic violence (DV). Professionals often differ over whether all DV is the same

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and whether mediation and shared parenting should be allowed in some cases (Salem & Dunford-Jackson, 2008). A debate continues over the extent to which DV is best described as predominantly violence against women or as “bidirectional.” For some, evidence that different patterns of DV (bidirectional vs. male-to-female violence) exist in different types of samples (Johnson, 2008) has resolved this question. Others insist that when evaluators are taught that women are the primary victims, they may produce biased evaluation outcomes (Dutton, 2006). There is evidence that practitioners who work directly with violent men are more open to maintaining the father–child relationship than those who work with victims, and misperceptions about the roles of other practitioners often impede collaboration (Lessard et al., 2010). Research on differing perspectives and their underlying causes may foster understanding among professionals and build the consensus needed for improved decision-making.

Care in decision-making is crucial because outcomes in DV cases can be extremely harmful. For example, sole or joint custody of children may be granted to an abusive parent, endangering children through violence directly or through violence exposure (Neustein & Leshner, 2005; Radford & Hester, 2006; Saunders, 2007). Moreover, lack of custody to an offender does not ensure safety as parent–child visitation arrangements may not be safe for children or parents (Jaffe & Crooks, 2007). The purpose of this study is to further our understanding of the beliefs and recommendations of various professional groups regarding custody and visitation in cases of DV and to uncover the reasons for any differences. Knowing group differences and the reasons for them can lead to improved selection and training of the professionals involved in these custody–visitation determinations.

Among concerns raised by past research are that professionals often fail to detect DV (e.g., Araj & Bosek, 2010; Davis, O’Sullivan, Fields, & Susser, 2010; Johnson, Saccuzzo, & Koen, 2005; Kernic, Monary-Ernsdorff, Koepsell, & Holt, 2005). Also, several studies show little or no difference between DV and non-DV cases in custody and visitation outcomes (Kernic et al., 2005; Logan, Walker, Jordan, & Horvath, 2002; O’Sullivan, 2000; O’Sullivan, King, Levin-Russell, & Horowitz, 2006; Pranzo, 2013). Professionals may simply be unaware of indicators of actual or potential harm. For example, they may be unaware that half of men who batter also physically abuse their children (Straus, 1983) and that stalking, harassment, and emotional abuse often continue and may increase after separation (e.g., Bachman & Saltzman, 1995; DeKeseredy & Schwartz, 2009; Tjaden & Thoennes, 2000; Watson & Ancis, 2013).

Some forms of bias may also explain professionals’ behavior. Gender bias is frequently shown to exist in custody disputes (Dragiewicz, 2010; Rosen & Etlin, 1996). This bias is tied to mistrust of women, in particular to the belief that they often make false allegations of child abuse and DV. Studies show that rates of false allegations of child abuse are quite low in divorce cases (e.g., Faller, 2005; Trocme & Bala, 2005), yet in a 1997 study, nearly half of the abuse allegations (physical, sexual, emotional abuse of any family member) were viewed by evaluators as false or inflated (LaFortune & Carpenter, 1998). Male evaluators believed allegations to be false to a greater extent than female evaluators (57% and 34%, respectively). The actual rate of false allegations of DV has not been studied, but two studies show that mothers are *more* likely

than fathers to have their abuse allegations substantiated (Davis, O'Sullivan, Fields, & Susser, 2010; Johnston, Lee, Olesen, & Walters, 2005). In general, women are less likely than men to blame victims of DV and sexual assault for their victimization (e.g., Saunders, Lynch, Grayson, & Linz, 1987). Female family court judges in one study showed more knowledge of DV and greater support for victim protections (Morrill, Dai, Dunn, Sung, & Smith, 2005). In another study, women evaluators were more likely to believe DV arose from "power and control" by the offender, as opposed to holding a "family systems" perspective in which both partners are believed to contribute to the violence. Those with a "power and control" orientation in turn were more likely to recommend parenting plans with higher levels of safety (Davis et al., 2010). Other traits and background factors may also be related to beliefs and behaviors. For example, a professional with a history of being abused may be more supportive of victims (Yoshihama & Mills, 2003) and personally knowing a survivor can be related to an increased likelihood of uncovering abuse (Saunders & Kindy, 1993).

The belief that parents in custody disputes, especially mothers, commonly make false allegations of DV and child abuse is related to the use of "parent-alienation syndrome" (PAS; Gardner, 1998) or "parental-alienation disorder" (Bernet, 2008). The original formulation of the syndrome assumes that such allegations are intended to alienate children from the other parent (Brown, Frederico, Hewitt, & Sheehan, 2001; Meier, 2009). Battered mothers are vulnerable to these labels when they raise concerns about the possible abuse of the children by an ex-partner (Meier, 2009; Meier, 2013; Pranzo, 2013). Many child abuse professionals believe that mothers coach their children to make false allegations in contested custody disputes (Faller, 2007). However, research indicates that, although false allegations may occur more frequently in divorce-access disputes, the non-custodial parent (usually the father), not the custodial parent (usually the mother), tends to make more false reports (Trocme & Bala, 2005). The "friendly parent" legal factor for determining the child's best interests is also likely to place battered parents in a no-win situation (Zorza, 2007). Although survivors have a reasonable reluctance to co-parent out of fear of harm (Hardesty & Ganong, 2006), they are still expected to facilitate a good relationship between the child and the other parent. Survivors may end up being labeled "unfriendly" or "uncooperative," thereby increasing the risk of losing their children (American Psychological Association, 1996).

Evaluators appear to have become somewhat more cognizant of the importance of abuse and violence over time. In a 1996 survey, Ackerman and Ackerman (1996) found that 38% of psychologists who conducted child custody evaluations listed evidence of physical or sexual abuse as a major reason for sole custody, compared with 64% in 2008 (Ackerman & Pritzel, 2011). In a 2001 survey of psychologist evaluators, the three most important criteria for custody recommendations were parent-child emotional ties, willingness and ability of parents to encourage a close relationship with the other parent, and DV (Bow & Quinnell, 2001; 8.1-8.4 on a 9-point scale with 9 = *extremely important*). In 2003, Bow and Boxer reported that nearly all evaluators had some DV knowledge acquisition (median of 4 seminars and 18 books/articles) and appeared to follow established standards for custody evaluations when evaluating DV

cases. For many, a history of DV weighed heavily in their recommendations: 76% listed it as “greatly” or “extremely” important.

Increased training is likely to be associated with the increased focus on DV. In a study of judges, those with DV education were more likely to grant sole custody to abused mothers (Morrill et al., 2005). In another evaluation of judicial DV training, most of the judges saw specific behavior changes in their focus on victim safety, batterer accountability, and judicial leadership 6 months after the training (Jaffe, 2010). In a qualitative study of evaluators, DV training was related to (a) use of a power-and-control conceptualization of DV, (b) the belief that DV is highly relevant in custody evaluation, (c) the belief that false allegations are rare, and (d) the belief that recommendations should emphasize safety rather than co-parenting (Haselschwerdt, Hardesty, & Hans, 2011). In a survey of 465 evaluators, we found that acquisition of DV knowledge, in particular workshops and lectures on post-separation violence and DV screening, was related to attitudes supporting victims and the recommendation that a victim mother receive custody in a case vignette (Saunders, Tolman, & Faller, 2013). Despite increased education to help distinguish types of violence (conflict-based vs. control-based), another study found evaluators' recommendations for a DV vignette did not result in differential outcomes and most evaluators recommended joint custody (Hans, Hardesty, Haselschwerdt, & Frey, 2014).

In this study, we explored differences in beliefs and custody–visitation recommendations across five professional groups: custody evaluators, private attorneys, legal aid attorneys, judges, and DV program workers. We expected the DV workers to differ the most from the other groups. We predicted that some variables would help to explain group differences, specifically gender, knowing DV victims, and knowledge of DV.

Method¹

Recruitment Procedures and Response to Invitations

Prior to participant recruitment, the study's human subjects procedures were approved by a university's Institutional Review Board.

Evaluators. We generated invitation lists from several sources: (a) members of the Association of Family and Conciliation Courts (AFCC) who were psychologists, because they are likely to conduct custody evaluations; (b) web searches for evaluators; (c) a list from another researcher based primarily on web searches; and (d) email and telephone contact with the directors of court-based custody evaluation units. Our final sample included 54% who worked in private settings, 29% in court settings, and 14% in both. A small percentage (3%) worked in other settings.²

We sent 4,017 email invitations after removing from the list 7 of our project consultants or potential consultants and 5 staff of an organization we knew were not evaluators. The email invitations were sent in 35 separate waves from May 31, 2009, through March 29, 2010. There were 302 emails with “undeliverable” notices sent back to us: 196 who reported they were not custody evaluators, and 24 who said they did not want to participate. We suspect there were many more non-evaluators on the invitation list

who did not contact us to say they were not evaluators. We sent 1,665 invitation letters to people with no email addresses on our list.³ We used a modified Dillman (2005) procedure, sending an initial letter with a link to the web survey, followed by a copy of the survey in the mail 7-10 days later and then a postcard reminder 10 days after that. There were 196 undeliverable mailings with no forwarding address. We forwarded any mail that had a forwarding address. Two incentives were offered for completion: a US\$5 donation on their behalf to one of four child abuse/child trauma organizations and a chance to win a US\$100 Amazon gift card.⁴

Judges. Several organization lists and listservs were used for recruiting judges: (a) the National Council of Juvenile and Family Court Judges (NCJFCJ) sent an email invitation to its 15-member Family Violence Committee (14 judges and 1 judicial educator) with a request to forward the invitation to their colleagues. (b) The NCJFCJ Family Violence Department sent an email invitation to 522 judges who had received training through their National Judicial Institute on Domestic Violence. (c) Web searches for evaluators located 98 judges. (d) The list of AFCC members who were judges, and (e) State judicial education program directors in Texas, Georgia, and Michigan sent emails to their lists. (f) The National Coalition Against Domestic Violence (NCADV) posted an invitation for several months on its home web page. (g) The Juvenile and Family Law Department of NCJFCJ sent an email invitation; 1,443 of its members received the email (328 were not judges).⁵

Legal aid and private attorneys. We developed invitation lists from web searches and the membership list of AFCC and sent 895 invitation emails from these lists. In addition, the state training coordinators for legal aid attorneys in Ohio and Michigan sent an email invitation to their listservs. Finally, the NCADV posted an invitation on its website for several months and included a notice in its email newsletter. Twelve private attorneys and 7 legal aid attorneys responded to the NCADV invitation. A total of 366 attorneys responded to all of the invitations.

DV program workers. Most of the DV program workers (159 out of 193) were recruited from an invitation posted on the website of NCADV from December 2009 until May 2010 and from a notice in the monthly NCADV email newsletter sent to approximately 11,000 individuals. These DV workers included advocates, counselors, crisis workers, and other frontline workers; attorneys who worked at DV programs; the directors of local programs; and state coalition directors and resource coordinators.⁶ No letters or surveys were sent by mail to judges, attorneys, or DV workers. Judges and attorneys were offered the opportunity at the end of the survey to send a message and a link to the survey to their colleagues.

Sample Characteristics

There were 1,246 professionals who responded to either the web-based or mailed survey, and 1,187 had enough responses to be included in analyses: 465 evaluators, 200 judges, 131 legal aid attorneys, 119 private attorneys, and 193 DV survivor program workers.

These five groups were used in the analyses. Other respondents not included in the analysis were: 4 attorney educators, 12 attorneys who could not be classified, 28 from other professions (e.g., law enforcement, probation, therapist, mediator, rehabilitation counselor, abuser intervention worker), and 34 with professional role information missing.

Almost all of the DV program workers were women (97%), as were the majority of custody evaluators and attorneys (60-75%); 43% of the judges were women. The majority of judges, evaluators, and private attorneys were above 50 years old. All professionals had advanced degrees except for 5% of the evaluators and 52% of the DV program workers. Among those with advanced degrees, half of the DV workers had master's degrees as the highest degree (52%), compared with 42% of the evaluators; 6% of the DV workers with an advanced degree had a doctorate compared with 40% of the evaluators with PhDs, 6% with PsyDs, 1% with MDs, and fewer than 1% with JDs. Evaluators were further categorized by their professional affiliation: 52% were psychologists, 24% social workers, 7% counselors, 6% marriage and family therapists, 3% lawyers, 2% psychiatrists, and 6% "other or multiple" (e.g., criminal justice, human development, divinity, education, public administration).

The judges had the most experience with custody cases, with 69% having more than 500 cases. They were followed by the two attorney groups (28-35%), then by the evaluators (20%), with the DV program workers having the least amount of experience (13%). However, in the past year, the evaluators and DV workers did not differ in the number of cases with which they were involved. Overall, the two attorney groups showed the most similarity, with no significant differences on gender, education, type of advanced degree, and the total number of custody case involvement.

Measures

Beliefs about family violence, custody, and visitation. Some of these items were taken or modified from other studies (Morrill et al., 2005; our pilot study of supervised visitation programs). Five subscales were formed based on the results of principal components factor analysis (varimax rotation, with eigenvalues greater than 1): (a) DV Survivors Make False DV Allegations (three-item scale with alpha internal reliability coefficient of .80). A factor score was used to standardize the items because they used different response options. (b) DV Survivors Alienate Child (four-item scale with alpha internal reliability coefficient of .75), (c) DV Offenders Make False DV and Child Abuse Allegations (two-item scale with alpha internal reliability coefficient of .79), (d) DV Survivors' Resistance to Co-Parenting Hurts Child (two-item scale with alpha internal reliability coefficient of .70; victims of DV "are often reluctant to share parenting roles with ex-partners because they fear further abuse" and victims "who are reluctant to work out ways to co-parent with their ex-partners are hurting their children"), (e) DV Not Relevant in Custody-Visitation Decisions (two-item scale with alpha internal reliability coefficient of .70).

Background and practice measures. Questions similar to those used in other studies of custody evaluators asked about the approximate number of custody evaluations

conducted over entire careers and the past year, the setting in which they practiced, and gender, age, educational level, and type of advanced degree (Bow & Boxer, 2003; LaFortune, 1997). A question from Bow and Boxer's study (2003) asked respondents to "estimate the percentage of your child custody cases that involve allegations of domestic violence." Questions modified from their study asked for estimates of the percentage of the alleged DV cases in which the allegations by the father and mother were false and for estimates of the percentage of cases in which both fathers and mothers were domestically violent ("not in self-defense") and the percentage of cases in which only the father and only the mother were violent.

Knowledge acquired on DV. Respondents were asked the approximate number of times they used various sources to acquire knowledge about DV: workshops, lectures, consultations, articles, books, videos, radio, and web pages.⁷

Areas of knowledge acquired. Respondents checked whether they had acquired knowledge of the (a) prevalence of DV, (b) causes of DV, (c) types of perpetrators, (d) post-separation violence, (e) screening for DV, (f) assessing dangerousness in DV cases, and (g) children's exposure to DV.

Knowledge of victims. We used a checklist for respondents to indicate whether they had personally known a victim of DV: "father," "mother," "sibling," "other relative," "friend," "coworker," "acquaintance," or "neighbor." There was also an option to check "myself."

Vignette responses. A vignette modified from one published by Dalton, Carbon, and Olsen (2003) assessed respondents' propensity for making various recommendations for custody and visitation, as well as views about the parents (included in Appendix A in Saunders, Faller, & Tolman, 2011). It included incidents of severe violence, reports of controlling behavior, and psychological test results for each parent. A set of questions asked the likelihood, from 0-100%, that either parent would cause psychological harm to the child in the future, the mother was exaggerating, the father was minimizing, mediation would be beneficial, and various custody and visitation arrangements would be in the best interest of the child. Five response options were presented: sole legal/physical custody to mother; sole legal/physical custody to father; joint legal and physical custody (shared parenting) in every area; joint legal custody, primary physical custody to mother; and joint legal custody, primary physical custody to father. These five items were made into a weighted scale based on the assumption that custody awarded to the father was the most negative outcome for the mother. It was assigned a weight of 5, whereas custody to the mother was assigned a weight of -5. Intermediate weights were 2 for joint legal custody with primary physical custody to the mother, 3 for joint legal and physical custody, and 4 for joint legal custody with primary physical custody to the father. The main options of recommending complete custody to the mother, to the father, and to both parents corresponded to the loadings on a factor analysis (-.66, .50, and .22, respectively; principal component). Respondents were then asked to assume the mother had custody and asked the likelihood they would recommend no supervision of visits, supervision by a friend or

relative, and supervision by a professional or paraprofessional at a program. A weighted scale assigned 3 for no supervision, -2 for supervision by a friend/relative, and -3 for supervision by a professional/paraprofessional. Factor loadings (principal component) corresponded proportionately to a large degree to the three options (.86, -.40, and -.90, respectively).⁸ A single item measured the propensity to use mediation: "What do you think is the likelihood that the parties would benefit from mediation or another form of alternative dispute resolution?" (from 0-100%). The measures and more information on the methods are available in Saunders et al. (2011).

Analysis

Chi-square and one-way ANOVA were used to compare the five groups. Pair-wise chi-square tests and Tukey post hoc analyses were used to obtain more detailed comparisons between groups. ANCOVA was used to attempt to explain group differences, using several control variables: gender, age, knowledge of DV (frequency of methods and number of areas), and knowing DV victims. An outlier analysis resulted in the removal of one case. A multivariate statistical power analysis revealed that the sample size was more than adequate for the analyses.

Results

Personal and Professional Knowledge of DV

More than 90% in each group reported they had acquired knowledge on children's exposure to DV (see Table 1). In addition, approximately 90% in most groups had acquired knowledge on the prevalence and causes of DV. Most groups had lower rates of knowledge of post-separation violence, screening, and assessing dangerousness, in particular judges and private attorneys (62-77%, respectively). Ninety percent or more of DV workers reported acquiring every area of knowledge, significantly higher than all other groups for "assessing dangerousness" and significantly higher than three of the groups for "prevalence" and "screening." DV workers' total number of areas ($M = 6.6$; $SD = 0.8$) was significantly higher than all other groups. Custody evaluators and legal aid attorneys did not differ from each other ($M = 6.1$ each; $SD = 1.6$ and 1.5 , respectively), but they differed from judges and private attorneys (who did not differ from each other: $M = 5.6$, $SD = 1.6$ and $M = 5.5$, $SD = 1.9$, respectively; one-way ANOVA, Tukey post hoc comparisons, $F = 48.7$).

Regarding the frequency of using different methods to acquire DV knowledge, DV workers used all of the methods significantly more often than the other groups (see Table 2). Across the other four groups, there were no differences in the frequency of acquiring knowledge through radio programs, workshops, or lectures. Custody evaluators were significantly more likely than attorneys and judges to use books, more likely than the attorneys to use films/videos, and more likely than judges to use articles, professional consultations, and websites.

Groups differed significantly on whether someone they knew had been victimized by DV, with one exception: Groups reported no significant differences for the

Table 1. Areas of DV Knowledge Acquired by Professional Role.

Area of knowledge	Professional role					χ^2
	Judges (n = 200)	Legal aid attorneys (n = 131)	Private attorneys (n = 119)	DV workers (n = 193)	Custody evaluators (n = 457)	
Prevalence of domestic violence	87.5% _a	90.1% _{ab}	77.3% _a	96.9% _b	86.2% _a	28.9***
Causes of domestic violence	90.5% _{ab}	89.3% _{ab}	84.9% _b	96.9% _a	91.0% _{ab}	14.3**
Types of perpetrators	84.5% _a	82.4% _a	79.8% _a	89.6% _a	88.0% _a	9.1*
Post-separation violence	75.0% _a	87.8% _{bc}	73.9% _{ac}	90.7% _b	83.8% _{abc}	26.1***
Screening for domestic violence	62.0% _a	87.8% _{bcd}	77.3% _d	94.8% _c	84.2% _{bd}	81.0***
Assessing dangerousness in DV cases	73.0% _{abc}	84.7% _c	66.4% _b	96.4% _d	78.8% _{ac}	54.9***
Children's exposure to DV	92.0% _a	91.6% _a	91.6% _a	96.4% _a	94.5% _a	5.7

Note. When there are different subscripts, the groups with different subscripts are significantly different from each other. DV = domestic violence.

* $p < .05$. ** $p < .01$. *** $p < .001$.

percentage of fathers who were victims (4-6% in each group; see Table 3). Nearly half of the DV workers knew a relative who had been victimized. They had higher rates than judges and evaluators of having mothers who had been DV victims, and they also had higher rates than judges, legal aid attorneys, and evaluators of having siblings who had been victims. On average, DV workers knew 1.1 family members as victims ($SD = 1.1$), compared with a significantly lower 0.6-0.7 for the other groups ($SD = 0.9-1.0$; $F = 11.9$; $p < .001$; Tukey post hoc test). DV workers knew non-family member victims (friends, acquaintances, coworkers, neighbors) at significantly higher rates than the other groups ($M = 2.6$, [$SD = 1.3$] vs. 1.5-1.7 [$SD = 1.3$]; $F = 24.0$, $p < .001$). They also reported a significantly higher rate of being a victim/survivor of DV than the other groups (44% vs. 18% across the other groups).

Domestic Violence in Professionals' Custody Cases

Judges and private attorneys estimated that 29-32% of their custody cases involved DV allegations, lower than the 40% estimated by custody evaluators, and much lower than the estimates by legal aid attorneys and DV workers (81-87%; see Table 4). DV

Table 2. Methods of DV Knowledge Acquisition by Professional Group: Means and (Standard Deviations).

Method of knowledge acquisition	Professional role					F test
	Judges (n = 200)	Legal aid attorneys (n = 131)	Private attorneys (n = 119)	DV workers (n = 193)	Custody evaluators (n = 457)	
Books [†]	2.9 (1.2) _a	2.9 (1.2) _a	3.1 (1.3) _a	4.1 (1.2) _b	3.6 (1.3) _c	28.5***
Radio programs [†]	1.5 (0.9) _a	1.5 (0.8) _a	1.7 (1.0) _a	2.3 1.8 _b	1.8 (1.1) _a	14.0***
Films or videos [†]	2.4 (1.0) _{ab}	2.2 (1.0) _a	2.2 (1.0) _a	3.7 (1.3) _c	2.6 (1.2) _b	47.9***
Workshops [†]	3.6 (1.1) _{ab}	3.7 (1.1) _b	3.4 (1.2) _a	4.4 (1.0) _c	3.6 (1.1) _{ab}	20.9***
Articles ^{††}	3.4 (1.3) _a	3.7 (1.3) _{ab}	3.5 (1.3) _{ab}	4.7 (1.4) _c	3.9 (1.3) _b	27.0***
Lectures ^{††}	3.3 (1.2) _a	3.2 (1.2) _a	3.1 (1.3) _a	4.0 (1.4) _b	3.3 (1.2) _a	15.7***
Professional consultations ^{††}	2.5 (1.4) _a	3.1 (1.6) _b	2.9 (1.3) _{ab}	3.9 (1.4) _c	3.2 (1.4) _b	22.5***
Websites read ^{††}	2.3 (1.2) _a	3.0 (1.4) _b	2.8 (1.4) _b	4.4 (1.5) _c	2.9 (1.4) _b	58.6***
Average frequency of all methods	2.8 _a (0.9)	3.0 _{ab} (0.8)	2.8 _a (0.9)	3.9 _c (1.1)	3.1 _b (0.9)	48.7***

Note. When there are different subscripts, the groups with different subscripts are significantly different from each other. Tukey post hoc comparisons. DV = domestic violence.

Response options: [†]1 = 0, 2 = 1-5, 3 = 6-10, 4 = 11-20, 5 = over 20. ^{††}1 = 0, 2 = 1-10, 3 = 11-25, 4 = 26-50, 5 = 51-100, 6 = over 100.

***p < .001.

workers gave the highest estimates of false DV allegations by fathers in their caseloads (47%), followed by legal aid attorneys (25%), private attorneys and custody evaluators (15-17%), and judges (9%). Custody evaluators gave the highest estimates of false DV allegations by mothers (22%), followed by judges and private attorneys (13-16%), and then legal aid attorneys and DV workers (7-8%). Groups also differed significantly in their estimates of the use of non-defensive DV by fathers, mothers, or both parents. DV workers gave the highest estimates of “father only” DV (88%) followed by legal aid attorneys (79%), with judges, private attorneys, and evaluators giving much lower rates (40-50%). DV workers and evaluators were furthest apart on estimates of “mother only” DV (5% vs. 13%, respectively) and estimates of both parents being violent (10% vs. 28%, respectively). The other groups were between these two.

Table 3. Personal Knowledge of Victims/Survivors of DV by Professional Role.

Variable	Primary role					χ^2
	Judges (n = 200)	Legal aid attorneys (n = 131)	Private attorneys (n = 119)	DV program workers (n = 193)	Custody evaluators (n = 457)	
Father	5.0% _a	3.8% _a	5.0% _a	5.7% _a	4.6% _a	0.1
Mother	15.0% _a	16.8% _{ab}	16.8% _{ab}	28.0% _b	11.2% _a	28.7***
Sibling	12.5% _a	14.5% _a	16.8% _{ab}	30.6% _b	15.8% _a	27.9***
Other relative	31.5% _a	29.0% _a	28.6% _a	49.2% _b	28.9% _a	28.7***
Friend	51.5% _a	68.7% _{bc}	53.8% _{ac}	81.3% _b	52.7% _a	58.4***
Acquaintance	50.0% _a	45.0% _a	49.6% _a	67.4% _b	52.3% _a	20.6***
Coworker	37.5% _a	41.2% _a	27.7% _a	73.1% _b	35.4% _a	95.9***
Neighbor	21.5% _a	20.6% _a	22.7% _a	42.5% _b	22.1% _a	35.9***
Myself	6.5% _a	16.0% _{ab}	17.6% _b	44.0% _c	13.8% _{ab}	110.1***

Note. When there are different subscripts, the groups with different subscripts are significantly different from each other. DV = domestic violence.

*** $p < .001$.

Beliefs About DV and Custody Visitation

Groups differed significantly regarding their beliefs about DV and custody visitation. For all groups combined, the estimated rate of false DV allegations (in general, not in their caseloads) by mothers was 18%. Groups differed significantly from a high of 23-26% for private attorneys and custody evaluators to a low of 9-10% for legal aid attorneys and DV workers (see Table 5). On the factor score scale of mothers' false DV allegations, custody evaluators and private attorneys were highest, followed by judges, and then by legal aid attorneys and DV workers. Simultaneously controlling for gender, age, DV knowledge, and knowing victims resulted in greater similarity between judges and DV workers in estimates of false allegations. For the belief in false DV allegations by fathers, DV program workers and legal aid attorneys gave the highest estimates (54-59%), and they differed significantly from judges, evaluators, and private attorneys, who ranged in their estimates from 29-37%. On the multi-item scale of beliefs in false allegations by fathers, DV workers and legal aid attorneys were the highest, followed by private attorneys and evaluators and then by judges and evaluators. On general estimates of the percentage of survivors who try to alienate the child from the other parent, judges, evaluators, and private attorneys gave the highest (29-36%), and DV workers and legal aid attorneys gave the lowest (19-20%). The pattern of significant differences was identical using the multi-item scale of parental alienation by the mother. When statistically controlling for gender, DV knowledge, and knowing victims, the judges moved closer to the legal aid attorneys in their estimates, resulting in no significant difference.

For parental alienation by DV perpetrators, DV workers and legal aid attorneys gave the highest estimates (70-76%), followed by private attorneys (58%), and then by

Table 4. Estimated DV in Professionals' Practice.

	M (SD)					F test
	Judges	Legal aid attorneys	Private attorneys	Domestic violence workers	Custody evaluators	
	n = 181-195	n = 120-130	n = 105-117	n = 59-60	n = 466-479	
Estimated % of custody cases involving allegations of DV	28.6 _a (20.1)	80.5 _b (24.9)	31.8 _a (24.9)	86.6 _b (22.6)	39.9 _c (22.9)	170.4***
Of alleged DV cases, estimated % of false DV allegations by father	9.0 _a (14.0)	24.6 _b (26.6)	15.5 _c (23.2)	46.8 _d (31.3)	17.0 _c (20.0)	39.3***
Of alleged DV cases, estimated % of false DV allegations by mother	13.3 _{ab} (13.7)	8.0 _b (9.6)	16.2 _{ac} (16.1)	7.1 _b (8.6)	22.0 _c (21.2)	25.1***
Of alleged DV cases, estimated % only father used DV	50.3 _a (30.9)	78.9 _b (22.0)	45.4 _{ac} (32.8)	87.6 _d (14.7)	39.9 _c (28.2)	77.1***
Of alleged DV cases, estimated % only mother used DV	8.8 _{ab} (7.6)	6.1 _{ab} (9.1)	10.6 _{ac} (13.8)	5.3 _b (6.8)	12.8 _{ac} (13.5)	12.6***
Of alleged DV cases, estimated % both used DV	20.6 _a (16.7)	14.6 _{ab} (16.7)	20.5 _a (20.6)	9.9 _b (14.0)	28.9 _c (23.0)	22.1***

Note. When there are different subscripts, the groups with different subscripts are significantly different from each other. Tukey post hoc comparisons. Sample size for DV workers is lower in this table because they were asked not to complete this section. Sample sizes ranged in size due to some missing values in the practice history variables. DV = domestic violence.

* $p < .05$. ** $p < .01$. *** $p < .001$.

judges and evaluators (49-51%). On the scale reflecting the belief that DV is not important in custody decisions, judges, private attorneys, and evaluators scored the highest and DV workers the lowest, with legal aid attorneys in between. After controlling for age and number of victims known, differences no longer existed between legal aid attorneys and private attorneys and evaluators. Legal aid attorneys' difference with DV workers disappeared after controlling for DV knowledge; the difference between judges and DV workers disappeared with all covariates entered.

For the belief that DV victims hurt the child if they are reluctant to co-parent, judges, private attorneys, and evaluators were significantly higher than DV workers and legal aid attorneys on this scale. Similarly, evaluators, judges, and private attorneys believed more strongly than legal aid attorneys and DV workers that "It is a myth

Table 5. Comparison of Professional Role Groups on Beliefs About DV and Custody.

	<i>M (SD)</i>					<i>F</i> test
	Judges	Legal aid attorneys	Private attorneys	DV program worker	Custody evaluators	
	<i>n</i> = 179-200	<i>n</i> = 121-131	<i>n</i> = 98-119	<i>n</i> = 178-193	<i>n</i> = 368-459	
Estimated % of mothers make false DV allegation	15.2 _a 11.1	10.4 _b 7.5	22.6 _c 16.6	9.5 _b 8.4	25.6 _c 17.0	63.1***
False domestic violence allegations by mother (3-item factor score scale)	-0.1 _a 0.8	-0.6 _b 0.7	0.3 _c 1.0	-0.7 _b 0.6	0.5 _c 1.0	87.9***
Estimated % of fathers make false DV allegations	29.3 _a 27.1	54.1 _b 32.3	36.7 _c 30.4	59.1 _b 32.3	31.2 _a 24.1	45.8***
Belief in false DV and child physical abuse allegations by father	6.5 _a 4.5	10.5 _b 5.7	8.0 _c 5.1	11.6 _b 6.0	6.9 _{ac} 4.1	42.6***
Estimated % DV survivors try to alienate the child	29.4 _a 23.4	19.1 _b 20.0	32.8 _a 24.7	20.3 _b 22.9	35.9 _a 25.4	20.6***
Parental alienation by mother (4-item scale)	3.9 _a 1.7	2.7 _b 1.5	4.1 _a 2.0	2.6 _b 1.5	4.3 _a 1.9	45.4***
Estimated % DV perpetrators try to alienate the child	49.1 _a 26.5	70.2 _b 25.3	57.7 _c 26.5	76.2 _b 23.2	50.9 _{ac} 25.2	45.1***
DV not important in custody	5.7 _{ab} 2.4	5.2 _b 2.6	6.1 _a 2.5	4.0 _c 2.0	5.9 _a 2.6	23.9***
Victim hurts child when reluctant to co-parent (scale)	7.3 _a 3.3	5.0 _b 2.7	7.2 _a 3.2	4.7 _b 2.8	7.3 _a 3.2	34.8***
Myth that women are less violent than men	3.4 _a 1.7	2.4 _b 1.6	3.4 _{ac} 1.8	2.7 _b 2.1	3.9 _c 1.8	25.0***

Note. When there are different subscripts, the groups with different subscripts are significantly different from each other. Tukey post hoc comparisons. Sample sizes ranged in size due to some missing values in the belief variables. DV = domestic violence.

****p* < .001.

that women are less violent than men.” Controlling for other variables did not change these results.

Responses to DV Case Vignette

Custody evaluators and private attorneys were the most likely to believe that the mother in the vignette was exaggerating the extent of violence, followed in order by judges, legal aid attorneys, and DV program workers (see Table 6). The belief the

Table 6. Comparison of Professional Role Groups on DV Vignette Responses.

	M (SD)					F test
	Judges	Legal aid attorneys	Private attorneys	DV program workers	Custody evaluators	
	n = 184-191	n = 123-129	n = 100-115	n = 182-188	n = 383-426	
Likelihood mother is exaggerating extent of violence	23.0 _a (21.3)	13.8 _b (18.1)	30.1 _c (25.2)	7.2 _d (10.9)	33.1 _c (22.9)	61.1***
Likelihood father is minimizing extent of violence	71.1 _a (23.3)	86.6 _a (16.7)	68.7 _a (23.4)	89.4 _b (16.2)	65.0 _a (22.4)	57.9***
Likelihood parties would benefit from mediation (ADR)	42.8 _a (32.7)	23.1 _b (28.6)	52.8 _c (35.1)	15.6 _b (24.6)	41.0 _a (30.9)	40.1***
Sole legal/physical custody to mother	49.4 _a (35.7)	65.3 _b (32.6)	39.6 _a (34.5)	73.4 _b (31.3)	39.5 _a (32.8)	41.0***
Sole legal/physical custody to father	12.0 _{ac} (14.1)	7.0 _b (10.5)	11.3 _{ab} (14.3)	9.2 _{bc} (13.8)	13.7 _a (16.5)	6.3***
Joint legal custody, primary physical custody to mother	54.6 _a (32.7)	57.1 _a (32.8)	56.1 _a (28.2)	55.8 _a (34.5)	46.1 _b (26.8)	6.0***
Joint legal custody, primary physical custody to father	17.1 _a (19.4)	9.2 _b (12.7)	20.8 _a (21.4)	11.4 _b (16.7)	20.9 _a (19.9)	15.0***
Joint legal and physical custody	18.7 _a (26.4)	13.1 _a (21.6)	28.6 _b (30.7)	15.4 _a (22.9)	29.4 _b (29.3)	15.1***
Composite weighted custody scale	17.9 _a (61.4)	-12.5 _b (54.0)	34.9 _a (60.4)	-15.1 _b (54.7)	35.0 _a (60.4)	32.0***
No supervision of the visits	54.8 _a (33.6)	52.9 _a (33.1)	67.6 _b (30.6)	23.6 _c (28.9)	47.3 _a (32.4)	40.4***
Visits supervised by a friend or relative	33.5 _a (28.6)	37.1 _a (28.3)	23.4 _b (25.0)	34.3 _a (29.0)	34.4 _a (24.9)	4.5***
Visits supervised by a professional or paraprofessional	36.4 _a (35.2)	43.9 _a (35.2)	21.5 _b (25.9)	70.9 _c (30.8)	38.6 _a (32.6)	50.2***
Composite weighted visitation scale	-4.0 _a (42.7)	-11.0 _a (41.8)	16.3 _b (34.2)	-44.5 _c (31.6)	-10.3 _a (37.8)	51.3***

Note. When there are different subscripts, the groups with different subscripts are significantly different from each other. Tukey post hoc comparisons. Sample sizes ranged in size due to some missing values in the variables. DV = domestic violence. ADR = alternative dispute resolution.

*** $p < .001$.

father in the vignette was minimizing his violence was stronger for DV workers and legal aid attorneys compared with the other three groups. There were significant group differences regarding recommendations for custody. Custody evaluators, judges, and private attorneys were the least likely to report that sole legal and physical custody to

the mother would be best, with legal aid attorneys and DV workers much more likely to recommend it. Adding belief variables or DV knowledge as covariates made the difference between judges and legal aid attorneys disappear.

Custody evaluators, judges, and private attorneys were more likely than the other groups to believe that sole legal and physical custody should be with the father. For the belief that the couple should have joint legal custody, with primary physical custody going to the mother, custody evaluators were less likely than the other groups to hold this belief. For the belief that it would be best for the couple to have joint legal custody, with primary physical custody going to the father, legal aid attorneys and DV workers were less likely than the other three groups to hold this belief. Finally, for the belief that both legal and physical custody should be shared by the parents, custody evaluators and private attorneys were most likely to hold this belief. Differences in age and beliefs explained the difference between judges and private attorneys, and all of the demographic and DV knowledge covariates explained the difference between judges and evaluators. On the composite scale with a high score indicating sole/joint custody for the father, private attorneys and evaluators were the highest, followed in order by judges, and then legal aid attorneys and DV workers.

Respondents were asked to imagine that the mother in the vignette was awarded custody, with visitation awarded to the father. DV workers were more likely than the other groups to believe the best interests of the child and family safety would be served through professionally supervised visits. Private attorneys were the least likely to choose visits supervised by professionals/paraprofessionals or friends/relatives. The above findings did not change when controlling for other variables. On the composite scale of "unsafe supervision," private attorneys were highest, followed by judges, legal aid attorneys, and evaluators, and then by DV workers.

Private attorneys were the most likely to believe that the parties would benefit from mediation or another form of alternative dispute resolution, followed by evaluators and judges and then by legal aid attorneys and DV workers. The difference between legal aid attorneys and DV workers did not exist after controlling statistically for age, DV knowledge and knowing DV victims. The difference between judges and legal aid attorneys disappeared when controlling for beliefs about false allegations, the importance of DV, alienation by the mother, and co-parenting.

Discussion

A high proportion of professionals reported knowledge on a variety of DV topics (80-93%), similar to the findings of Bow and Boxer (2003) for evaluators. Children's exposure to DV and the prevalence of DV were the most common areas. The least common areas, especially among judges and private attorneys, were post-separation violence, screening, and assessing dangerousness (although the majority nonetheless reported knowledge in these areas). A greater variety of DV knowledge topics acquired and the frequency of knowledge acquisition helped explain 6 of 10 group differences in beliefs. These variables also helped explain 3 of 5 group differences in vignette custody recommendations.

Professionals often knew a friend, acquaintance, or coworker who had been victimized, a rate especially high for DV workers. Nearly half the DV workers knew a relative who had been victimized, and 44% had been victimized themselves. The number of victims known helped explain 6 of 10 group differences in beliefs and 3 of 5 differences in vignette custody recommendations. Other research shows that firsthand acquaintance with survivors can increase DV detection rates (Saunders & Kindy, 1993) and implies that trainings using firsthand accounts of survivors might increase sensitivity to victims.

The differences found across groups in caseload estimates of false DV allegations and sources of perpetration (mother, father or both) might be explained partly by setting, given that DV workers and perhaps legal aid attorneys tend to work with different types of abuse cases. However, differences among judges, private attorneys, and evaluators seem less likely due to setting. It is difficult to explain, for example, evaluators' higher estimated rates of false allegations by mothers and violence by both parents, compared with judges and private attorneys. Their estimates of violence rates by mothers, fathers, and both parents appear similar to those of evaluators studied by Bow and Boxer (2003), although their study used somewhat different categories.

The above caseload estimates were similar to estimates on general, single items and to the multi-item scales for false allegations and alienation. On the general items of false allegations, respondents were more likely to estimate that fathers' allegations of DV were false compared with those of mothers (35% vs. 18%). However, differences existed depending on professional role. Custody evaluators, sometimes in alignment with judges and private attorneys, tended to view mothers as most likely to make false allegations and alienate the children, and fathers least likely to do so. DV workers, often in alignment with legal aid attorneys, tended to hold the opposite views. Legal aid attorneys and DV workers were also more likely to believe that a reluctance to co-parent does not hurt the child and that DV is important in custody determinations. Gender, age, DV knowledge, and knowing victims were significant factors in explaining group differences in the importance of DV for custody decisions, false allegations, and alienation. Such beliefs seem important in explaining custody–visitation recommendations as well. Findings from a separate analysis of the judges and evaluators showed that several beliefs — that victims try to alienate the child, make false DV allegations and similar beliefs — were strongly related to the recommendation of sole or joint custody to the perpetrator in the vignette (Saunders et al., 2011; Saunders et al., 2013).

Major differences found across the five groups in response to the vignette were similar to the above findings. Evaluators and private attorneys were most likely to believe the mother survivor was exaggerating her reports of violence and least likely to believe the father was minimizing. In turn, these two groups were least likely to recommend sole legal and physical custody to the victim and most likely to recommend joint custody. Although recommending physical custody to the perpetrator was recommended least, judges, private attorneys, and evaluators recommended this option with an average likelihood of 17-21%, a cause for concern. Also of concern was that all groups gave a fairly high likelihood (46-57%) they would recommend joint

legal custody, with physical custody to the victim. Many abusers will use this arrangement to continue their harassment and manipulation of the child and ex-partner, including abuse through litigation (Bancroft & Silverman, 2002; Elizabeth, Gavey & Tolmie, 2012; Hayes, 2012, 2015; Watson & Ancis, 2013; Zorza, 2010). Recommending mediation for the couple ranged from a high 53% likelihood by private attorneys, to a low of 16% likelihood by DV workers. Several group differences on the above recommendations did not exist after controlling for gender, age, DV knowledge, knowing victims, and beliefs; thus, personal factors played a part in explaining differences. Evidence for more victim-supportive attitudes and recommendations by women is consistent with gender bias findings reviewed in the introduction. Considering all of the belief and vignette variables, the most similar groupings were (a) private attorneys and evaluators, (b) judges and evaluators, and (c) DV workers and legal aid attorneys. Greater similarity occurred between judges and legal aid attorneys and between DV workers and legal aid attorneys when adding the control variables.

When interpreting the results of this study, several limitations need to be kept in mind: (a) It is not known how well respondents in each professional group represent their group as there are no representative lists available for any groups and invitations were sent to both eligible and ineligible professionals (e.g., psychologists who never conducted a custody evaluation). (b) Reports of beliefs about controversial topics, even on anonymous surveys, may be influenced by social desirability response bias or demand characteristics. The construct and concurrent validity found in the results attest to the variability in responses and may indicate that response bias was not a significant factor. (c) Although measures created for this study showed good construct validity, some of the internal reliabilities were at the low end of acceptability and thus may have produced some null findings. (d) Some aspects of the study focused on all forms of DV to build on prior research. However, evaluators' responses are likely to vary depending on the type and severity of DV. (e) The design was cross-sectional, thus making it impossible to state whether one variable preceded another. Future research can strive to overcome these weaknesses and use the recommendations of other custody researchers (Bow, 2006; Hardesty & Chung, 2006).

Despite the above limitations, this study has important implications for practice. Although the majority of professionals reported knowing about post-separation violence, screening, and assessing dangerousness, judges and private attorneys reported the lowest rates of such knowledge. More training on these specific topics is especially desirable because this knowledge is related to a decreased tendency for evaluators to believe that victims make false allegations or alienate the children (Saunders et al., 2013).⁹ Increasingly, states require initial and/or continuing DV education for judges, attorneys, mediators, and custody evaluators. Recent trainings apply research findings on different types of DV, leading to more individualized guidelines for custody, mediation, and visitation (e.g., Jaffe & Crooks, 2007. Saunders, 2015; see also special issues of *Family Court Review*, Issue 3, Vol. 46, 2008 and *Journal of Child Custody*, Issue 3, Vol. 6, 2009).

Practice can also be improved through the application of standards and guidelines (e.g., AFCC, 2006; for a review see Saunders, 2015). The American Law Institute offers

a guide for judges and advocates to bring greater justice to DV cases (Sussman, 2010). Guidebooks of the National Council of Family and Conciliation Courts emphasize that extensive training and experience in DV are essential because DV is its own specialty (Bowles, Christian, Drew, & Yetter, 2008; Dalton, Drozd, & Wong, 2006). These guidebooks also emphasize the limits of psychological testing and the reasons that “Parental Alienation Syndrome” should not be used. States have increasingly adopted factors for considering the best interests of the child that give extra weight to DV and give exemptions in DV cases to the “friendly parent” standard. Some states also stipulate that if parents make allegations of DV or child abuse in good faith, such allegations cannot be used against them in custody decisions. Further implementation of such guidelines, policies, and training, along with research to refine them, is likely to lead to custody–visitation determinations that will prevent further harm to family members.

Declaration of Conflicting Interests

The author(s) declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

Funding

The author(s) disclosed receipt of the following financial support for the research, authorship, and/or publication of this article: This research was supported by a grant from the National Institute of Justice, 2007-WG-BX-0013.

Notes

1. We conducted a pilot study to test survey implementation and conduct psychometric analyses of measures. Through our analysis of 62 surveys, we substantially reduced the number of survey items by eliminating those that did not add to scale reliability.
2. Some of those reporting both “private” and “court” settings might have meant they worked privately but received court referrals, because it is unlikely someone could be employed by county government while in private practice. The question was, “In what settings do you conduct evaluations?” rather than asking the source of employment.
3. We used both email and mail invitations because some sampling bias can occur if only one method is used (Dillman, 2005). Those who responded by mail were significantly older, had conducted custody evaluations for a greater number of years, and had less DV knowledge than those who responded by email.
4. We obtained some information on likely non-responders by comparing characteristics of those who completed a small portion of the survey with those who completed all or almost all of the survey. Non-completers reported a significantly lower percentage of DV cases in their caseload, indicating that non-completers viewed the survey as less relevant.
5. This department uses software that can track responses to emails. Only 24% opened the email, and only one third of those opening it clicked on the link to look at the survey. Thus, only 8% of those who were sent emails opened the survey.
6. Some of the program workers completed surveys after receiving invitations that were sent primarily to judge ($n = 2$) and attorney groups ($n = 32$). This was not a problem because the survey forms were identical except for one question about their primary role. Some domestic violence (DV) program workers who were not attorneys ($n = 31$) completed the form

- meant for attorneys after the link for the attorney version was circulated on an advocacy listserv.
7. The frequency options for four of the knowledge acquisition activities (books, radio programs, films and videos, workshops: 0, 1-5, 6-10, 11-20, over 20 times) differed from the other four options (articles, lectures, professional consultations, websites read: 0, 1-10, 11-25, 26-50, 50-100, over 100 times) based on frequencies found in the pilot study.
 8. Validity evidence for these measures is shown because evaluators' actual recommendations and the vignette custody recommendations correlated (r) across the same items from .22-.52 and averaged .36. Two weighted scales for actual and vignette custody recommendations had a correlation of .52. The correlations for actual and vignette visitation recommendations averaged .40, and the two weighted scales correlated .50 with each other.
 9. Among DV workshops and institutes are those offered by the National Judicial Institute on Domestic Violence (<http://www.njidv.org>); National Judicial Education Program of Legal Momentum (<http://www.legalmomentum.org/our-work/vaw/njep.html>); Association of Family and Conciliation Courts; and the Affiliated Trainings of the Institute on Violence, Abuse and Trauma.

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Richard M. Tolman, PhD, is a professor at the University of Michigan, School of Social Work. His work focuses on the effectiveness of interventions designed to change violent and abusive behavior, and the impact of violence on the physical, psychological, and economic well-being of victims. His current projects include research on prevention of abuse during pregnancy and involvement of men and boys as allies to end men's violence against women. He is currently co-director of the Global Research Program on Mobilizing Men for Violence Prevention.