

## **CHILDREN OF DOMESTIC VIOLENCE: RISKS AND REMEDIES**

**By Barbara J. Hart, Esq.**

This paper will examine two issues - the risk to children posed by domestic violence and strategies for intervention to protect children from violent homes and their battered parents. It is imperative that the legal, medical and child abuse prevention communities join together to identify children at risk and to employ strategies that will both protect and heal the innocent victims of domestic violence, especially those most powerless, the children from violent homes.

### **Risks posed to children from violent homes.**

**1. Child abuse.** Men who batter their wives are likely to assault their children. The battering of women who are mothers usually predates the infliction of child abuse (Stark & Flitcraft, 1988). At least half of all battering husbands also batter their children (Pagelow, 1989). The more severe the abuse of the mother, the worse the child abuse (Bowker, Arbitell, and McFerron, 1988).

Abuse of children by a batterer is more likely when the marriage is dissolving, the couple has separated, and the husband/father is highly committed to continued dominance and control of the mother and children (Bowker, Arbitell, and McFerron, 1988). Since woman and child abuse by husbands and fathers is instrumental, directing at subjugating, controlling, and isolating, when a woman has separated from her batterer and is seeking to establish autonomy and independence from him, his struggle to control and dominate her may increase and he may turn to abuse and subjugation of the children as a tactic of dominance and control of their mother (Stark and Flitcraft, 1988; Bowker, Arbitell, and McFerron, 1988). Older children are frequently assaulted when they intervene to defend or protect their mothers (Hilberman and Munson, 1977-78). Daughters are more likely than sons to become victims of the battering husband (Dobash and Dobash, 1979). Woman abuse is also the context for sexual abuse of female children. Where the mother is assaulted by the father, daughters are exposed to a risk of sexual abuse 6.51 times greater than girls in nonabusive families (Bowker, Arbitell, and McFerron, 1988). Where a male is the perpetrator of child abuse, one study demonstrated that there is a 70 percent chance that any injury to the child will be severe and 80 percent of child fatalities within the family are attributable to fathers or father surrogates. (Bergman, Larsen, and Mueller, 1986). Data gleaned by PCADV from newspaper clippings in 1990 reveal that every three days a woman or child is killed in the Commonwealth by a batterer/father (Yupcavage, 1991).

Mothers who are battered may be more likely to physically abuse their children than are non-battered women (Walker, 1984; Roy, 1977; Gayford, 1975).

**2. Child abduction.** Battering men use custodial access to the children as a tool to terrorize battered women or to retaliate for separation. Custodial interference is one of the few battering tactics available to an abuser after separation; thus, it is not surprising that it is used extensively.

Each year more than 350,000 children are abducted by parents in this country; that is, 40.4 children are abducted per hour. Fifty four percent of these abductions are short-term manipulations around custody orders, but 46 percent involve concealing the whereabouts of the child or taking the child out of state. Most of these abductions are perpetrated by fathers or their agents. Fully 41 percent occur between the separation of the parents and the divorce. Yet another 41 percent happen after the parents are separated or divorced for more than two years. Three of ten of the abducted children will suffer mild to severe mental harm as result of the abductions (Finkelhor, Hotaling, and Sedlak, 1990). More than half of these abductions occur in the context of domestic violence (Greif and Heger, 1992).

**3. Observation of violence against mothers.** The majority of the children from violent homes observe the violence inflicted by their fathers upon their mothers; most research suggests as many as 90 percent of

children from violent homes witness their fathers battering their mothers (Pagelow, 1990; Walker, 1984). One study demonstrated that some fathers deliberately arrange for the children to witness the violence (Dobash and Dobash, 1979), and other empirical work suggests that the violence occurs only when the children are present (Wallerstein and Kelly, 1980). Children witnessing the violence inflicted on their mothers evidence behavioral, somatic, or emotional problems similar to those experienced by physically abused children (Jaffe, Wolfe, and Wilson, 1990). Boys become aggressive, fighting with siblings and schoolmates and having temper tantrums. Girls are more likely to become passive, clinging, and withdrawn (Hilberman and Munson, 1977-78). Male children who witness the abuse of mothers by fathers are more likely to become men who batter in adulthood than those male children from homes free of violence (Rosenbaum and O'Leary, 1981).

Research has only begun to examine the relative effects on children of witnessing parental violence as contrasted to being a victim of child abuse. It appears that children who are both witnesses of their fathers' violence toward their mothers and victims of child abuse experience the most profound adverse effects. But the children who only observe the violence perpetrated on their mothers manifest similar behavioral and emotional sequelae (Hughes et al., 1985). In comparing children not exposed to violence as contrasted to children who witness violence and children who both witness and are abused, data suggest that the latter two groups are most comparable and have heightened behavioral and emotional distress as compared to the former (Hughes et al., 1989).

**4. Separation violence.** Many professionals believe that the most effective thing that a battered mother can do to protect her children is to leave the battering husband. As a culture, we believe that if women leave, they will be safe, as will their children. Leave-taking alone does not protect battered women and children. Safety is only assured by strong legal and community protections.

Research confirms that battering men often escalate violence to re-capture battered women and children who have sought safety in separation. Battered women seek medical attention for injuries sustained as a consequence of domestic violence significantly more often after separation than during cohabitation; as many as 75 percent of the visits to emergency rooms by battered women occur after separation (Stark and Flitcraft, 1988). One investigation demonstrated that about 75 percent of the calls to law enforcement for intervention and assistance in domestic violence occur after separation from batterers (Langen & Innes, 1986). Another study revealed that half of the homicides of female spouses and partners were committed by men after separation or divorce (Barnard, et al., 1982). A study in Philadelphia showed that one quarter of the women killed by their partners were killed after separation and a significant number were killed while trying to separate from the assailant (Casanave & Zahn, 1986).

The following recent Pennsylvania tragedies highlight the experience of battered women and their children after separation and in their attempts to be free from life-imperiling violence. Last year on Father's Day three children were murdered by their father as he exercised unsupervised visitation rights; rights which the surviving and grieving mother strongly resisted to no avail. The court in central Pennsylvania awarded unsupervised visitation to the father in an apparently sentimental gesture so that he could be with the children on Father's Day. He had just returned from a drug and alcohol treatment program. An order of protection had been entered against him. The father had attempted to reclaim his wife, to recapture her and bring her back into relationship. When she resisted, he took the ultimate revenge and killed their children.

In May of 1990 in Montgomery County, a man, against whom a protection order had been entered in favor of his wife and children, killed his son and stepdaughter after kidnapping them and holding them hostage the day after he learned of his wife's intention to file for divorce.

In 1992 a battered woman, her children and her mother were killed in Pennsylvania as they attempted to escape from a batterer husband. The battered woman had packed her car with the personal items of those fleeing. All were killed in or nearby the car.

The risk to children in the context of domestic violence is substantial. Yet, the risk is virtually invisible. For example, the most recent edition of the journal of the Family Law Section of the American Bar Association, which contains an annual survey of family case law across the country, is silent about the risk that domestic violence poses to children. The editors chose not to include the cases and commentary which address this issue. Similarly, medical publications, while identifying the danger of domestic violence to women, have not squarely addressed the nexus between domestic violence and child maltreatment. While the impact of domestic violence on women has "come out of the closet" over the course of the last fifteen years, the impact and risk of domestic violence for children remains a closely held secret.\*

### **Strategies to protection children from violent homes.**

Having identified the jeopardy to which children may be exposed in the context of domestic violence, it is imperative that professionals identify strategies to safeguard against these risks.

**1. Risk identification and safety planning.** A critical strategy for child protection is protocol development by the medical, legal and social service communities to help women recognize that they may be battered and that their children may be at risk for abuse. Once battered women have identified the abuse inflicted on them and the risk for child abuse, they can then design strategic plans to avert violence whether they elect to remain in residence with the batterer or separate from him. To accomplish this, professionals must consistently identify domestic violence and talk about safety planning with battered women clients/patients.\*\* Informed battered women who are engaged with professionals in evaluating strategies to safeguard themselves and their children will best be able to make decisions that protect their children. In fact, there is strong evidence that battered women's efforts to utilize community resources to end the violence are greater when child abuse is present, demonstrating that battered women may be most motivated to change their circumstances when they conclude that it is critical to protect their children from the risks of abuse (Bowker, 1988). Research further reveals that child abuse, whether by fathers or mothers, is likely to diminish once the battered mother has been able to access safety services and achieve separation from the violent father (Giles-Sims, 1985; Walker, 1984).

**2. Supervised visitation centers.** The second strategy is a very practical and feasible solution -- supervised visitation centers. Much of separation violence is an attempt to coerce reconciliation. Since battering husbands/fathers have limited access to battered wives to attempt to compel reconciliation, they often choose the visitation arena as a place in which to attempt coerced reconciliation or to penalize the battered partner for refusal to reconcile. As a consequence, visitation must be a very protected circumstance both for the children from violent homes and battered women.

Supervised visitation centers must be available at no cost to children from violent homes in every county in this Commonwealth. We have to look outside of Pennsylvania for a model; the Domestic Abuse Intervention Project of Duluth, Minnesota began a supervised visitation center project several years ago. The facility offers supervised exchange, on-site visits and monitored visits, as well as education and counseling for fathers on parenting and the impact of domestic violence on children. Services and education are accommodated in a spacious and attractive, but secure, environment. Participants in the program are referred by the courts or child protective services. The center is open twice a week, one weekend day and one day and evening during the week. The program safeguards battered women and children from violence and child abduction, while providing fathers access to their children in an environment where they can begin to learn and practice appropriate parenting.

**3. Safety planning for unsupervised visits.** Planning for unsupervised visits can help children not only manage fear and anxiety, but can also enable them to develop safety skills and realistic safety plans to minimize the risk of violence during visitation. The process of safety planning further allows children of battered women to understand and manage the multitude of conflicting feelings they may be experiencing associated with visiting their fathers. It is critical that professionals help children identify safety issues and build problem-solving, safety skills. Safety planning for unsupervised visits may be initiated by professionals but should always be undertaken in consultation with the non-abusing parent. Any safety plan must be realistic. The plan should be simple. It must be age-appropriate. The child must be competent to undertake the strategies designed. Perhaps only children above 8 years of age can be active participants in safety strategies.\*

### **Conclusion.**

Too often professionals do not identify domestic violence in the lives of female clients and are uncertain about remedial strategies even if abuse is identified (Hansen & Harway, 1992). Other professionals seek to penalize and blame battered women for failing to protect their children (Erickson, 1991). The inadequacy of these professional endeavors endangers and isolates mothers and often interrupts the potential for strong alliance between mothers and children in the pursuit of safety. Professional initiatives to empower women so that they can seek lives free of violence and achieve the legal authority to protect their children and themselves from recurrent violence are preferred. Early intervention by professionals can avert the risks posed to children and their mothers in the context of domestic violence and can assist women in establishing stable and secure households independent of battering men. Prevention efforts may offer children the best hope for violence-free and loving families.

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