

INTRODUCTION

Guest editors' introduction to the 2024 special issue on family violence and parenting

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Welcome to the special issue of the Family Court Review, focusing on family violence and its effects on parenting and coparenting. The Association of Family and Conciliation Courts (AFCC) has been at the forefront of considering the impact of family violence on families engaged in the family courts for the past four decades. In 2007, after much discussion, the AFCC and National Council of Juvenile and Family Courts (NCJFCJ) brought together an interdisciplinary group of professionals at Wingspread (USA) to explore the tensions that existed among different communities and to find common ground on how to meet the needs of families experiencing family violence most effectively (Ver Steegh & Dalton, 2008). Since then, many presentations have been given at AFCC conferences, articles published in the Family Court Review, and collaborative efforts among AFCC, NCJFCJ, and other organizations to develop best practices to screen, assess, and evaluate families about the risk of violence. The focus has been to develop guidelines based on the best available social science research to assist those at risk of family violence.

The Guidelines for Examining Intimate Partner Violence: A Supplement to the AFCC Model Standards of Practice for Child Custody Evaluation (AFCC, 2016), for example, was a joint project between AFCC and NCJFCJ that directed practitioners how to screen for, assess, and make appropriate recommendations in cases that identified the risk of intimate partner violence (IPV) to the children and parents involved in a family law case. These Guidelines provide factors to consider when parenting plan evaluators make parenting and coparenting recommendations that address the paramount focus of safety.

We invited authors to write about the relationships among violence, parenting, and coparenting in this special issue. It became clear that we needed to define violence to advance dialogue, debate, and discussions about the definitions, measurement, and interventions related to violence within family systems. To create a general framework, we framed family violence as the hypernym of violence/abuse within families with potential hyponyms including intimate partner violence, coercive control violence, cyber abuse, legal abuse, elder abuse, domestic violence/abuse, pet abuse, and child maltreatment (abuse/neglect) (see Figure 1).

By including a variety of concepts related to family violence, not all should be treated equally. Some concepts, such as IPV, domestic violence/abuse, child maltreatment, and sexual abuse, have long and extensive histories in family law. In contrast, others, such as coercive control, cyber abuse, and legal abuse, have more recently been introduced.

We acknowledge the debate about including parental alienating behaviors, with some advocating (including one of the articles included in this special issue) for inclusion, if severe, while others vehemently oppose it. Engaging in these debates rather than avoiding them is essential. However, given the many types, forms, severity, and contexts

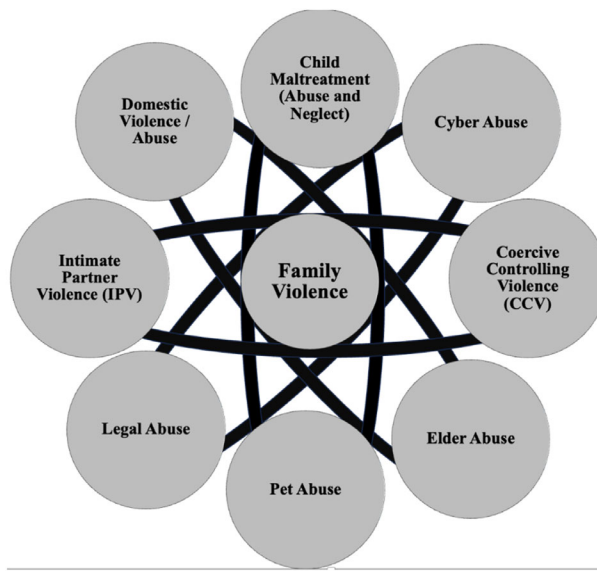


FIGURE 1 Family violence as a hypernym.

of parental alienating behaviors, not all would be considered violence and/or abuse. We have not placed parental alienating behaviors in the hypernym of family violence. However, if the behavior pattern, frequency, and severity cause harm, it could be situated in child maltreatment, specifically emotional/psychological abuse. Making this distinction provides needed clarity and helps getting mired in debates over polarizing labels.

This special issue aims to consider the research, practices, and interventions related to parenting plans and coparenting as these intersect with family violence concerns and challenges. Topics were chosen to represent the diversity of issues faced within complex family law cases. We attempted to be inclusive in selecting topics to incorporate into this special issue, focusing on various populations, communities, and perspectives. It has been our privilege to work with this list of esteemed authors, and we appreciate the work they have done to contribute to this issue. We hope these articles will increase awareness of the debates and issues related to the complexity of family violence and identify best practices in managing and intervening with families that have experienced various forms of violence and abuse while promoting further awareness of the complexity of violence and abusive concerns within family systems.

Another purpose of this special issue has been to explore the definitional tensions and confusion related to family violence, specifically IPV and parenting. Definitions pertaining to IPV have changed dramatically in the past few decades. These changes have reflected more nuanced understandings of IPV within the family system and changing perspectives about violence, including context, causes, impact, and consequences of the various forms of violence. Over the past several decades, these expansions of the definition of violence and abuse require us to consider the various terms used by multiple authors, often with different intent.

In this special issue, we were also cognizant of conditions of “concept creep” in family law. We purposely set out to ensure terms were used consistently within an article while acknowledging jurisdictional, geographical, and cultural differences in how words were expressed and defined. Authors were asked to explain the terms used in their articles to address this diversity of terms. In addition, we also included a summary paper in this special issue to address the presence and consequences of concept creep within the context of family violence and parenting.

The first paper in this special issue, by Jennifer Hardesty, Brian Ogolsky and Tanitoluwa Akinbode from the University of Illinois Urbana-Champaign, introduces us to the implications of parenting and coparenting in the context of IPV. They discuss how the type of violence differentially affects parenting and coparenting and how the legal system does not always safely address cases when IPV is present. They present helpful recommendations for clinical

and legal interventions grounded in IPV-informed education and training focusing on identifying coercive control to control the legal process.

In the following paper, by Fernanda Rossi from Veterans Affairs Palo Alto Health Care System and Amy Applegate, Claire Tomlinson, and Amy Holtzworth-Munroe from Indiana University, the authors describe how the short form of the Mediator's Assessment of Safety Issues and Concerns (MASIC-S) addresses limitations of other IPV screens including length of instrument, reliability, and validity. The MASIC-S can be used not only by mediators to screen for potential violence to make safe decisions about dispute resolution services but also by family court practitioners as a first step to consider when creating safe parenting arrangements for families with a history of IPV. By its nature, this screening instrument raises awareness about the features of IPV that, if found, may need to be further assessed.

Daniel O'Leary, of Stony Brook University, discusses the overlap of IPV, child abuse, and substance misuse and their impact on parenting. He reviews the research on subtypes of IPV in parenting, distinguishing severe IPV and coercive control in dysfunctional parenting, as well as the link between substance misuse and dysfunctional parenting. Professor O'Leary ties these issues to the need for forensic evaluators to purposefully assess the risk of substance misuse within the context of IPV concerns.

Exploring IPV within the LGBTQ+ community, Lindsey Davis and Emily Crain, of William James College, address essential gaps in our understanding of IPV within LGBTQ+ communities. The authors note that, while individuals in these groups have unique risk factors for experiencing and using IPV, the presence of IPV in these partnerships should be viewed as both bidirectional and within the current understanding of coercive control. The authors further note the importance of exploring IPV within these partnerships and exploring both common and unique features of violence and its impact on parenting. Recommendations for practitioners focus on understanding the lived experiences of members of these communities.

Psychologists Matthew Sullivan and Professor Marsha Kline Pruett (Smith College) and sociologist Janet Johnston (Professor Emeritus, San Jose State University) argue for a careful distinction between Parent-Child Contact Problems (PCCP) to include Family Violence (which may involve IPV and/or Child Maltreatment) and/or Parent Alienating Behaviors and other factors that may impact parent-child relationships to assess and intervene in these cases effectively. They argue that severe parental alienating behaviors are harmful parenting practices that negatively affect children, and the distinction between these types of PCCP is essential to protect children.

The last group of articles focuses on court reforms and interventions for family members to better address the complexity of violence by finding creative ways to intervene to reduce the risk of IPV in families post-separation and divorce. These articles focus on considering family violence within parenting plan arrangements to ensure safety for all family members.

Alicia Davis, Sarah Vandenberg Van Zee and Conor Geiger, of the National Center for State Courts, write about the impact of remote access to courts on IPV and case processing challenges by considering e-filing and virtual hearings. They explore these issues by presenting the experiences of family law stakeholders in three US states. They specifically explored the challenges of using virtual technology to ensure due process, prioritizing safety for parents and children, and supporting appropriate parenting time arrangements. As family courts increasingly grapple with the use of virtual filings and hearings, the authors provide recommendations for best practices derived from their evaluations in these states.

Interventions for fathers who commit family violence are discussed by Robert Nonomura, Dan Zamfir, Katreena Scott, Peter Jaffe, Shaz Bukhari and Lisa Heslop of Western University in London, Ontario. The authors provide an overview of how an evidence-informed intervention with fathers, who have used family violence, can enhance the safety and well-being of mothers and children, and provide the necessary skills to form safer, healthier relationships with their children. This intervention focuses fathers on the effects of violence on all family members, including the children, and to become better fathers, as opposed to many batterers' intervention programs focusing exclusively on adult intimate relationships.

Carolyn Ponting, Rachel Tomlinson, Ann Chu, and Alicia Lieberman of the University of California, San Francisco, discuss the risk factors associated with exposure to IPV in early childhood and describe an evidence-based relational therapeutic intervention (Child-Parent Psychotherapy) for children under age of five who have been exposed to violence between their parents. Further, they identify the treatment components that advance safety in parent-child relationships following family violence and consider expanding the treatment to children and both parents.

In this last article in the special issue of family violence and its effects on parenting and coparenting, we highlight the definitional points and transformative turns offered by the esteemed group of authors who have contributed to this special issue. We emphasize the complex landscape of violence in parenting plan disputes and provide considerations for definitional clarity based on the precision of terms offered in this special issue. By examining the nuanced shifts and expansions in the definitions of violence, we aim to unravel the complexity inherent in understanding and addressing violence. By framing these contributions within an ecological framework, we encourage the family law field to move beyond the simple binary analysis of violence (e.g., present or absent) and instead embrace the multifaceted issues and dynamics that can influence the complexity of promoting safety, resilience, and well-being for all members of the family system.

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