

## **Kent, Washington Safe Havens Demonstration Site Safety & Accountability Audit: Final Report**

Exploring the question: How does a victim of battering who might benefit from supervised visitation find out about it, decide whether or not to use it, effectively communicate that decision to the court, and locate an appropriate visitation program?

*A project funded by*

Office on Violence Against Women  
U.S. Department of Justice

Safe Havens: Supervised Visitation and Safe Exchange Grant  
Program

*Prepared by*  
Praxis International, Inc.

*In consultation with*

The City of Kent, Washington's Safe Havens Visitation Center

January 2007

*This project was supported by Grant #2003-CW-BX-K002, awarded by the Office on Violence Against Women, U.S. Department of Justice. Points of view in this product are those of the authors and do not necessarily represent the official position of the U.S. Department of Justice.*

## ***Acknowledgements***

A Praxis Safety and Accountability Audit (Safety Audit) brings together people from different community systems in a process of questioning and reflection about how their work strengthens or diminishes safety for battered women and their children. It is a courageous step for participating agencies to be involved and open their practices to the scrutiny of community partners and other practitioners, as well as individuals from outside their community.

The following agencies provided valuable support to the Kent Safe Havens Demonstration Site Safety Audit. Without them this project would not have been possible. They contributed members to the Safety Audit team, agreed to interviews and observations of work practices, helped organize and participated in a series of survivor focus groups, and provided relevant documents and helpful information to the team. Our thanks and appreciation to:

Judicial Officers and Staff of the King County Superior Court  
King County Family Court Services  
King County Prosecutor's Protection Order Advocacy Program (POAP)  
Domestic Abuse Women's Network (DAWN)  
YWCA of King and Snohomish Counties  
Chaya  
Refugee Women's Alliance (ReWA)  
Northwest Justice Project

A Safety Audit also needs a willing and capable multi-disciplinary team to talk with people, observe work processes, read case files and other records, and make sense of all the resulting information. It is an opportunity for practitioners in different systems to step back from the day-to-day constraints and challenges of providing services and try to see those practices from the perspectives of battered women and their children. It also means finding time within those busy days to attend yet more meetings and to gather and analyze the data. The local team members were Jorene Moore, Megan Petchel, Theresa LaLanne, Meghan Collins, Kellie Rogers, and Tracee Parker. They were joined by representatives from Praxis International and the National Council of Juvenile and Family Court Judges, national technical assistance providers for the Safe Havens: Supervised Visitation and Safe Exchange Grant Program. The out-of-town team members included: Ellen Pence, Maren Hansen, Jane Sadusky, Hon.(Ret) William Jones, and Anneliese Brown.

The lives and experiences of victims of battering are at the center of the Safety Audit. Our thanks to all of the focus group participants for their generosity of time and their essential help in grounding us in the realities, perspectives, and insights that only women who have experienced battering can bring to the discussion.

Whenever a community takes on a major project like the Safety Audit there is the worrisome question of who will document the work. Who will write the final report?

Because of her experience with Safety Audits, the Safe Haven's Visitation Center and Praxis both agreed to enlist the help of Jane Sadusky for this task. The entire team extends their appreciation for her respectful and gracious pursuit of our information and her skill at organizing our many discussions into this report.

Finally, thank you to all of the families using the Kent Safe Havens Visitation Center for challenging the visitation center staff and the Safety Audit team to question how communities can best protect them from and undo the harm caused by battering.

## **Marie, Lila, and Robert: Everyday lives, everyday questions<sup>1</sup>**

It's 9:15 am and the hallway outside the courtroom is still crowded. The benches inside have filled quickly and several people are standing along the wall just inside the doorway.

Marie's stomach is in knots. She planned on arriving at 8:30 when the building opened, but two-week-old Lila was fussy and hungry and she left her mother's house forty minutes later than she had planned. By the time Marie found a parking space, secured the car seat to the stroller, went through the courthouse security, and met her friend it was almost nine. She tried to nurse Lila, hoping it would last the couple of hours that she expected to be in the courtroom, but by the time they found a vacant seat down the hall towards the restrooms Marie was too distracted and anxious. She knows she can't bring Lila into the courtroom and she crosses her fingers that her friend can handle things, that Lila won't cry too much, and that she'll be out of court before the need to feed her daughter gets too urgent.

When Marie enters the courtroom she sees that they've started calling cases. She hopes that she didn't misunderstand the order and that her case has not already been called. She sees one open seat and has to walk across the front of the room to reach it. Only when she's sitting down does she realize that Robert is in the row just ahead of her. He has watched her walk to her seat and now turns around to stare at her.

The last time Marie was in the same room with Robert, Lila was three days old. That morning Marie discovered that the \$500 she'd saved to help cover expenses while she was on unpaid maternity leave was gone. She was angry and wanted to know what Robert had done with the money. "Was it gambling again, a—hole? Were you high?" She described his response in her protection order petition.

He got in my face and yelled, "you're a f----- b----!" and threatened, "you wanna raise your voice at me again?" His face was touching mine and then he threw a blanket at my head, then another unknown object. He began to continually hit me in the back of the head with a pillow.

Later that day Marie asked him to watch Lila while she took a shower. When she got out she heard her daughter crying and heard Robert say, "Be quiet you little b----!"

Robert is a large man, over a foot taller than Marie and outweighing her by nearly one hundred pounds. Two months prior, while she was pregnant, he grabbed her by the arm and forced her out of the house. When his mother brought Marie back into the house he pushed her and again grabbed Marie and forced her out of the house. He has never hit Marie, but he backs her up against a wall with his chest while shoving his finger in her face and yelling. He has thrown a lamp across the room and will pick up objects in the house and say things like, "you're lucky I'm not going to throw this at your head." Marie does not feel safe with Robert and she does not want to leave Lila alone with him.

Who is at risk if Robert has contact with his daughter? What safeguards should be in place to support Marie and Lila's safety and well-being? What should Marie ask for in her protection order petition? How should she ask for it? Who should help her construct and communicate her request? What words and details will the court be listening for? What would need to happen for Robert to be a safer person with Marie and with Lila? How is it in the best interests of Lila for Robert to have access to her? How should that access account for his use of coercion and violence? How would these questions be answered if Lila were two or six or ten or sixteen years old? What knowledge and tools must practitioners have to make decisions that maximize safety? Whose safety?

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<sup>1</sup> This scenario is drawn on actual cases encountered during the Safety Audit and observations of protection order proceedings; the names have been changed.

## ***Background***

As part of its participation as a demonstration site for the Safe Havens: Supervised Visitation and Safe Exchange Grant Program,<sup>2</sup> the City of Kent Safe Havens Visitation Center (Safe Havens Center) applied the methods of the Praxis Safety and Accountability Audit<sup>3</sup> (Safety Audit) to this question:

How does a victim of battering who might benefit from supervised visitation 1) find out about it; 2) decide whether or not to use it; 3) effectively communicate that decision to the court; and, 4) locate and select an appropriate supervisor or program?

Kent assembled a local team to work alongside Praxis and National Council of Juvenile and Family Court Judges consultants from four other states. Between October 2005 and April 2006 we conducted eighteen interviews with practitioners in the courts and advocacy agencies. We observed in courtrooms and with protection order advocates and family law facilitators. Team members reviewed eighteen redacted visitation case files and electronic court records in eight protection order cases, along with a variety of court forms and advocacy materials. We held three focus groups with victims of battering and one with community advocates. Local team members met three times with the national partners, as well as on their own.

Kent is a city of approximately 84,000, located in King County, mid-way between Seattle and Tacoma. It is a fast-growing community whose population doubled between 1990 and 2000. This growth contributed to the county's location of expanded court facilities in Kent and construction of the Regional Justice Center. The 2000 census reports this racial composition: white (70.8%), African-American (8.2%), American Indian or Alaska Native (1%), Asian (9.4%), Native Hawaiian and Other Pacific Islander (0.8%), other race (4.4%), and two or more races (5.4%). Almost 22% of the city's census population speaks a language other than English at home. At 8.7%, the percentage of families below the official poverty level is slightly lower than the national average (9.2%), but higher than that of Seattle (6.9%) and all of King County (5.3%).

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<sup>2</sup> The Safe Havens: Supervised Visitation and Safe Exchange Grant Program, established by the Violence Against Women Act of 2000, provides an opportunity for communities to support supervised visitation and safe exchange of children, by and between parents, in situations involving domestic violence and related child abuse, sexual assault, or stalking. The four Demonstration Sites (encompassing Kent and three California centers, three in Chicago, and four in Michigan) have paid close attention to visitation and exchange in the context of domestic violence, and to collaboration between visitation centers, domestic violence advocacy organizations, and the courts. In contrast to the other sites, Kent did not begin with an operating center, but designed and opened one as the focus of its grant. The Kent Safe Havens center is expanding to safe exchanges, beginning with families that have transitioned from supervised visits with the center and moving to exchanges under orders for protection.

<sup>3</sup> The Safety & Accountability Audit is a method of assessment and analysis for exploring institutional response to domestic violence: how workers within agencies and systems are organized and coordinated to think and act on cases. This approach has been developed by Praxis International, an OVW-designated technical assistance provider for the Safe Havens: Supervised Visitation and Safe Exchange Grant Program: [www.praxisinternational.org](http://www.praxisinternational.org); 651-699-8000.

## *Supervised visitation and the distinctiveness of Safe Havens*

King County has at least a dozen individuals and agencies that identify themselves as providing supervised visitation services. In Washington there is no state oversight, statute, or rule governing supervised visitation. There are no formal standards of practice or training required to provide visitation and exchange services of any kind and none that account for visitation and exchange in the context of domestic violence and battering. While some providers have agreed to the voluntary standards for practice published by the Supervised Visitation Network,<sup>4</sup> there is no systematic requirement, expectation, or accountability for doing so.

The Safe Havens Center, in keeping with the purpose of the Safe Havens: Supervised Visitation and Safe Exchange Grant Program, is distinctive in its attention to the ways in which batterers often use visitation and exchange of children as an opportunity after separation to inflict additional emotional, physical, and/or psychological abuse on victims and their children. The Center only provides services to families impacted by domestic violence, with the criteria for service being that one parent needs protection from the other.

### *Why this question?*

The Safety Audit got underway seven months after the Safe Havens Center opened its doors. It soon became apparent that battered women were finding their way to Safe Havens and other visitation providers in rather haphazard ways. Some victims of battering clearly did not want to be there and saw the center as an arm of a court that was forcing their children into a relationship with a father whom they feared. Others were confused as to how the court could order contact with someone they believed to be dangerous to themselves or their children. Some saw supervised visitation as another avenue for their abuser to extend that pattern of coercion and control over a longer period of time or to continue using parental rights as a means of ongoing battering. Many were relieved to learn that Safe Havens was organized to account for domestic violence and appreciated that staff specifically inquired about their fears and well-being. But how were they getting here? How did some women get orders for Safe Havens while others were sent elsewhere or given no consideration for restricted access? While most seemed to be ordered by the court during a protection order hearing, others found their way to Safe Havens via an attorney or from the recommendation of a community advocate. What we did not know, however, was how battered women learned about supervised visitation in the first place. What kind of information did they receive to help them make an informed decision to request or challenge visitation? To what extent did the courts recognize cases where supervised visitation or exchange, and Safe Havens in particular, might be an important aspect of safety for an adult victim of domestic violence? How did women consider and communicate options about supervised visitation to those involved?

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<sup>4</sup> The Supervised Visitation Network (SVN) is a voluntary, non-profit membership organization of individuals and agencies that provide “child access related services.” The SVN *Standards and Guidelines for Supervised Visitation Practice* are posted at: <http://www.svnetwork.net/StandardsAndGuidelines.html>.

### ***The Safety Audit: A framework for inquiry and change***

Institutions use eight key methods to standardize practitioners' thinking and actions across disciplines, agencies, levels of government and job function in order to direct and influence workers into acting in authorized and acceptable ways. For example, a protection order advocate or court commissioner or supervised visitation monitor does not get to make up his or her job, but operates within a framework shaped by these means of organizing and coordinating their work.

None of the primary systems that intervene to protect victims of battering were designed with the unique characteristics of this social problem in mind. Instead, they have adjusted and adapted existing case management routines and long-standing practices, which often can create a gap between the realities and risks in victims' lives and the institutional response.

Discovering and understanding these methods of organizing and coordinating work is a key feature of the Safety Audit and a helpful framework for identifying gaps in responsiveness and safety, as well as ways to close those gaps.<sup>5</sup> Data collection and analysis occur with the following "Audit trails" in mind.

- **Rules and Regulations:** any directive that practitioners are required to follow, such as policies, laws, memorandum of understanding, and insurance regulations.
- **Administrative Practices:** any case management procedure, protocols, forms, documentary practices, intake processes, screening tools.
- **Resources:** practitioner case load, technology, staffing levels, availability of support services, and resources available to those whose cases are being processed.
- **Concepts and Theories:** language, categories, theories, assumptions, philosophical frameworks.
- **Linkages:** links to previous, subsequent, and parallel interveners.
- **Mission, Purpose, and Function:** mission of the *overall process*, such as criminal law, or child protection; purpose of a *specific process*, such as setting bail or establishing service plans; and, function of a worker in a *specific context*, such as the judge or a prosecutor in a bail hearing.

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<sup>5</sup> Adapted from *The Praxis Safety and Accountability Audit Tool Kit*, Ellen Pence and Jane M. Sadusky, Praxis International, Inc., 2005.

- **Accountability:** each of the ways that processes and practitioners are organized to a) hold abusers accountable for their abuse; b) be accountable to victims; and, c) be accountable to other intervening practitioners.
- **Education and Training:** professional, academic, in-service, informal and formal.

The purpose of this particular Safety Audit was to make visible the gaps between what victims of battering need and what institutions in Kent and King County are currently organized to provide, and in doing so uncover ways to close those gaps. We set out to better understand practices from the standpoint of battered women, not to criticize or attack the work of any individual practitioner or agency. As we explored the ways in which battered women encounter supervised visitation, the audit trails helped keep us focused on institutional rather than individual actions.

Our primary methods of investigation included focus groups with battered women and community advocates, individual interviews with practitioners in advocacy and legal systems, observations in offices and courtrooms, and analysis of forms, case files, and other documents. In our interviews with practitioners we followed up on issues raised in the focus groups. We put our observations together with what we saw when we read and followed case files. No single piece of information stood alone. This intertwined process of listening, watching, and reading helped us develop a multi-dimensional picture of what was happening to whom, in the context of our question, and with what implications for safety. This report presents what we learned through this process of inquiry.

### ***Building on strengths***

The Safety Audit team made particular note of the awareness of and court resources devoted to domestic violence in this community. King County is distinctive for its level of attention to and visibility of the issue and related services. For example, if a battered woman in King County turns to the Internet for information she will quickly get to the King County Domestic Violence Information Pages site. One member from another state commented: *this community and its court system have wonderful strengths*. The community has a good foundation from which to recognize and pay attention to battering in custody and visitation decisions. Two especially impressive and essential resources are the Protection Order Advocacy Program of the King County Prosecutor’s Office and Family Court Services of the King County Superior Court Family Court Operations

The Protection Order Advocacy Program (POAP) in Seattle and Kent provides on-site assistance to victims of domestic violence through the protection order process. The service is free and the advocates provide assistance in filing emergency orders, crisis intervention, information and referrals to social service agencies, education and preparation prior to court hearings, and support during and after court hearings.

Family Court Services (FCS) provides assistance to the court and parties involved in



parenting related actions. Services are provided by trained social workers, offered on a sliding fee scale, and include oversight of the mandatory Parenting Seminar, mediation (in non-domestic violence cases), parenting evaluations, and domestic violence assessments of “risk factors associated with domestic violence, and how those risk factors may impact the children.”

We spoke with long-time workers in the Protection Order Advocacy Program and at Family Court Services who clearly had passion about issues of protection and safety for victims of battering. Many of those we interviewed spoke with sophistication about recognizing *a pattern of abuse* and being alert to *patterns of manipulation and control*. We talked with court personnel who take pride in being aware of those tactics and how they are used. While not directly involved in domestic violence cases, the Family Law Information Center, located within the courthouse, provides free legal forms, instruction packets, and referrals to other legal resources, including the POAP. Advocates in many settings, both community-based and within public agencies such as the prosecutor’s office, have developed important expertise in helping prepare battered women to obtain a protection order. As one team member reported: *In the interview we had this morning with the prosecution-based advocate, if we had had that conversation with an advocate eight years ago, that [attention to the history of abuse] wouldn’t have been able to happen in a DV protection order. She wouldn’t have had the sense that women need to bring a whole story and picture of violence to the front. Now the advocate helps them prepare.*

There is also some support for the many people who come through the protection order and family court process pro se. For example, the Family Law Information Center and the Family Law Facilitators, both programs of the King County Superior Court, provide information on how to start family law actions, necessary legal forms, written instructions for many family law actions, review of paperwork for completeness, information on court rules and procedures, information on court and community resources, and referrals to attorneys for low-income clients, all at no cost. In addition, the Regional Justice Center also provides drop-in child care for children ages four weeks to twelve years of age while parents and guardians complete their business in the courthouse. It is an important, low cost resource: “\$5 per family, per day (regardless of number of children in care...no child is turned away due to parents’ inability to pay.”

Focus group participants described multiple ways in which advocates, attorneys, and others helped them through various legal processes and made referrals to Safe Havens and other resources. *For \$100 [the attorney] took my paperwork in and looked it over, printed out final copies, put sticky notes where things needed to be signed or there were deadlines, and helped me get papers served. She’d heard about Safe Havens and suggested I ask for it.*<sup>6</sup> Many women spoke to the importance of finding the Protection Order Advocacy Program and the many ways that its advocates helped them to understand the forms and related court processes. *[The advocate] was terrific and worked really hard for me to get the permanent protection order.*

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<sup>6</sup> Throughout this report, quotations in *italics* are from focus group participants and victims of battering who we heard in our court observations. Unless otherwise noted, the comments of audit team members, court personnel, and other practitioners, appear in quotation marks.

## ***Learning from the focus groups: Many paths and much confusion***

*I don't have the time, resources, or strength, but I want to protect my son and myself.*

*I've gone four days with no sleep because now I'm scared. I've been maneuvering to keep myself safe, but I just don't feel safe today. If I could, I would run away...but Hurricane Katrina came and tore up my safety net...*

*When you're in a desperate situation, you take desperate measures. I got here [from Georgia to Washington] and went to a friend's ...he has no idea where I am ...I'm still legally married to him. I've been trying to seek some sort of help with the divorce and I don't know how to go about it ...they said I had to have a permanent address, so I stopped.*

*I didn't know I was going to leave that day ...I went to the library and made phone calls and got to the shelter that night with my daughter [one year old].*

*I haven't applied for a protection order ...I've never heard of a parenting plan before...I need to make sure he doesn't know where I am. I'm afraid to sign anything legal, that he'll know where I am.*

*I did my research! My ex-husband is real scary and I knew I couldn't make a move unless I was sure that he could see the kids. I had to have all my ducks in a row and for my safety I knew he had to see his kids. There's no family or friends I can trust to deal with him. I got the Safe Havens number off the King County Sheriff's Office information sheet [she pulled out a copy of the KCSO brochure].*

*Once you get the ball rolling in court, there's no way to stop all of this. There needs to be a big red emergency stop button so that you can take back ownership of the process.*

*No one has talked to me about supervised visitation.*

- Kent focus group participants: survivors

The survivor focus groups spoke to the realities of battered women's lives and their ongoing efforts to keep themselves and their children safe.<sup>7</sup> Whether attempting to leave a relationship or negotiating the criminal and civil legal systems, they articulated the complexity and confusion involved. As one team member put it, "I got how incredibly difficult it all is for these women to manage all of this – **the escape, safety planning, legal issues, custody.**" The focus groups provided important guidance in the team's

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<sup>7</sup> *Safety* is the protection of children and victims of battering from continued physical, sexual, and emotional harm, coercion, and threats over the span of time.

effort to keep battered women's experiences at the center of our inquiry. We saw, for example, that there were women who arrived from other states in their efforts to keep themselves and their children safe and who now face enormous issues around divorce and custody, but with little help available to figure it out. We also saw women's resistance and resiliency at work: "I appreciated the diversity, humor, and spirit of the group."

The survivor focus groups also provided some direction in thinking about what interveners and policy makers should understand about a battering father's access to the children.<sup>8</sup> Uppermost is that women feel pressured to find the balance between safety (theirs and their children's), the needs and wants of children around relationships with their fathers, and the legal parameters and mandates governing custody and visitation. Often they cannot speak freely, because of the risk to their own safety and the ways that using the systems in place (e.g., welfare, child support, legal) opens up avenues for battering<sup>9</sup> to continue.

*First, safety; always...the person who has not been abusive should be the primary decision maker...it needs to start with the person who was not abusive.*

*If I sat in court and said what I wanted, that would cause harm to me...[Another woman added] ... Yes, it needs to be said outside the court setting.*

[A woman whose son's father had been accused of molesting his daughters from another relationship was ordered by child protective services to keep her son away from his father. Her son has taken out his anger at not seeing his father on her.] *[CPS told me] 'if you let your son go unsupervised with his father, we will take him away from you.' He was eleven...now he's fifteen and he thinks I'm the reason why he didn't get to see his dad. As a parent, I did what I was supposed to and I didn't have to go to jail or lose him. I listened to what the State of Washington said and I'm really paying for it...I'm getting it from both of them.*

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<sup>8</sup> This paper generally refers to victims of battering as women and to the battering parent as father and the battered parent as mother, while acknowledging that there may be individual exceptions. In this the authors concur with Bancroft and Silverman: "We find this gender ascription to be accurate for most cases in which a professional is required to evaluate a batterer's parenting, and it is reflected both in our clinical experience and in most published research...our gendered language does not apply to lesbian and gay male relationships, but recent literature addressing the prevalence, causes, and dynamics of same-sex domestic violence suggests considerable parallel to heterosexual battering...but professionals should be aware of their need for further education about the particular dynamics of domestic violence in these communities..." Lundy Bancroft and Jay G. Silverman, *The Batterer as Parent: Addressing the Impact of Domestic Violence on Family Dynamics*, Sage Publications, 2002.

<sup>9</sup> *Battering* describes a pattern of physical, sexual, and emotional violence, intimidation, and coercion used to establish or maintain control over an intimate partner. While a wide range of behavior is often lumped under the category of "domestic violence," battering is distinctive for the variety of coercive tactics used by batterers and the level of fear it produces for adult victims and their children, as well as its potential lethality. For a brief discussion of the distinction between battering and other acts of domestic violence, see "Effective Interventions in Domestic Violence Cases: Context is Everything," Loretta Frederick and Julie Tilly, 2001; available at <http://www.bwjp.org>. Of particular importance for supervised visitation and exchange is the discussion of battering in *The Batterer As Parent: Addressing the Impact of Domestic Violence on Family Dynamics*, Lundy Bancroft and Jay G. Silverman, Sage Publications, 2002.

*When I left I had to be nice about it. Once it's out that I want to be separated, it's going to blow up. When I asked before to be divorced, things got bad. My plan was that I would let him know that we would get back together...then I would leave the state...I've been at a point for a long time that I don't want any contact with him because I'm scared. It's why I didn't leave at first...He has been asking for visitation since all this started. He's doing everything that he is supposed to, doing all of these services; that's why they're giving him visitation.*

*How do you go about fighting it if you don't want him to have visitation? He uses the children to get to me...[What about supervised visitation?] I would love that. I would love to have it where he can't ask any questions about Mom. I put my guard down and let them see him and he smacked me down every time...If they do allow him visitation, [he should be] scripted to certain conversation, and nothing about Momma – if they can do it that way, I don't care if he sees the kids.*

We learned that mothers often want a relationship between a father and his children, unless the children were directly hurt, witnessed extreme violence, or the children do not want it. What they want is a safe relationship, both for their children and themselves.

Advocates from the Refugee Women's Alliance (ReWa) provided additional perspectives. Among a broad range of community programs, ReWA provides victim support and advocacy services in fifteen languages and support groups for refugee and immigrant women.<sup>10</sup>

The advocates described women's experiences with fathers taking the children and not returning them or sending them to family members in other states or countries. In many of their communities, women do not start out seeking supervised visitation, but come to ReWA because their husband has threatened to take the children. *Very rarely does someone come and ask for [supervised visitation]...in my community, not a lot of people are willing to be the third party...there's hesitance in stepping up to supervise the visitation.*

Women in the communities served by ReWA have many concerns about a battering father and his relatives *bad-mouthing the mother in the community*, as well as to the children. One ReWA advocate offered that most of her clients *want supervised visitation because when there's not supervised visitation, the husband will talk badly to the kids about her.*

We started to map the various paths that a victim of battering might take to supervised visitation, whether or not of her own choosing, and ended up with five main points of departure (Figure 1). For any one of these paths we could lay out a detailed series of steps and sub-steps involved at each point, along with the many forms that drive the process. Any one mother could be caught up in two or more processes simultaneously, each with its own essential set of documents. We saw this clearly in our court observations as one

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<sup>10</sup> <http://www.rewa.org>

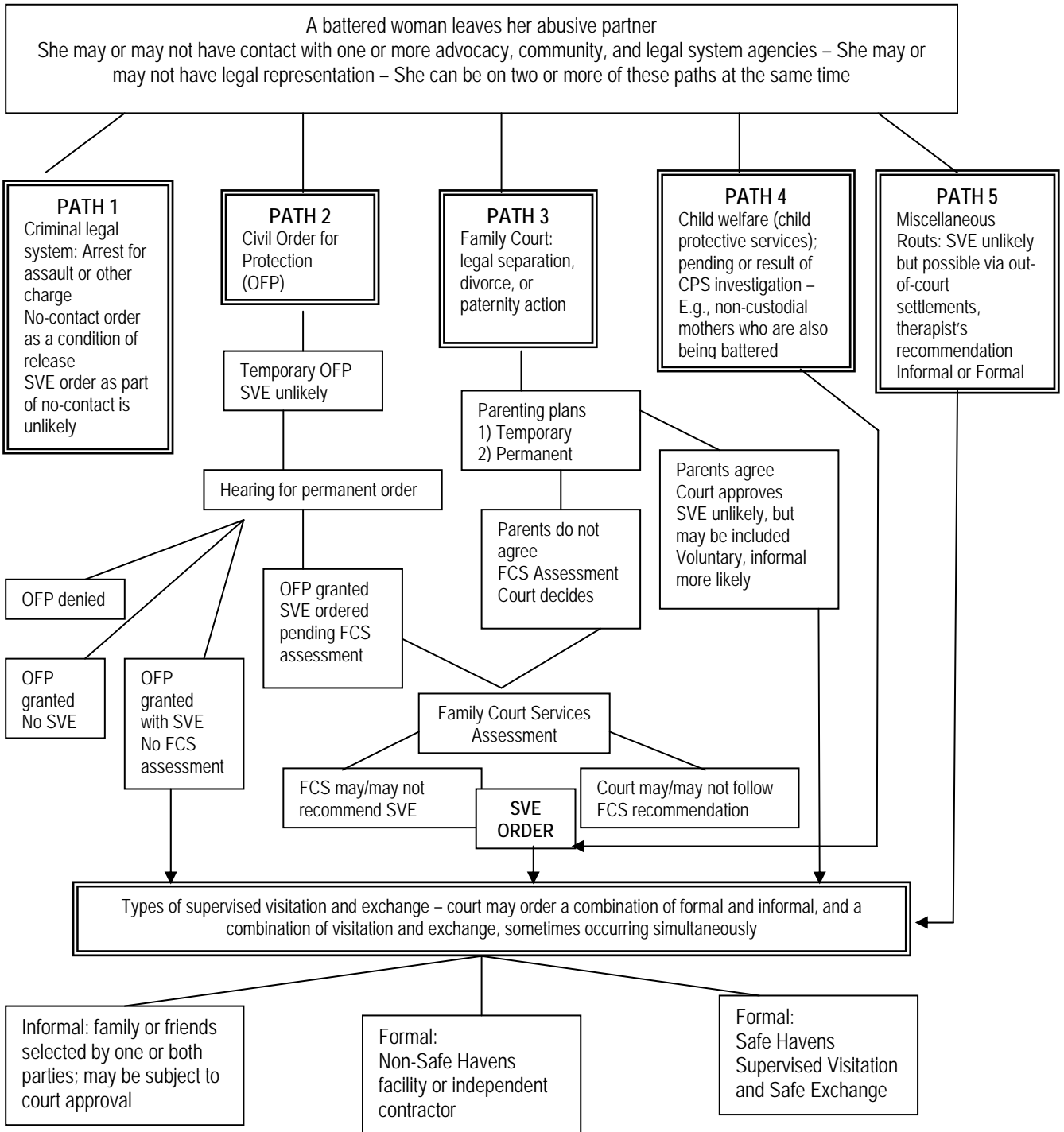
of the parties, or an attorney, or the commissioner, or all involved would try to find their way through six or eight-inch stacks of paper.

Figure 1 further reinforces the lessons from the focus groups: finding out about supervised visitation, let alone making and communicating an informed decision about whether and how to use it, and finding a program that accounts for battering, is a complicated, confusing, and haphazard path. Drawing this map even more accurately would require including the **23 different entry points** to supervised visitation and exchange that the audit team identified in the advocacy, community, and legal system agencies that are involved in battered women’s lives in Kent and King County.<sup>11</sup>

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<sup>11</sup> Here is a sample of the advocacy, community, and legal system agencies: Family Law Facilitators, King County Bar Association “Self-Help Plus” program, Family Court Services, DAWN, YWCA, Jewish Family Services, Chaya, ReWa, Consejo, Catholic Community Services Family Centers, Protection Order Advocacy Program, DSHS Division of Child Support, Domestic Violence Family Law Clinic, “How to Finish Your Divorce” class, Northwest Justice Project, private attorneys, law enforcement officers, and numerous Web sites.

**Figure 1: Main Paths to Supervised Visitation and Exchange (SVE) in King County Domestic Violence Cases<sup>12</sup>**



<sup>12</sup> This figure illustrates the broad sweep of actions that lead to supervised visitation or exchange in domestic violence related cases. Each path involves many steps and sub-steps, some of which are illustrated for Paths 2 and 3. Each battered woman's experience is different and can include several intertwining paths.

### ***Recognizing gaps:***

Our information gathering and analysis led to identifying several gaps in how victims of battering learn about supervised visitation as an option for themselves and their children, how they express their concerns to the court, and how they find visitation and exchange services that are organized to recognize and account for battering.

1. Victims of battering need stronger advocacy and more complete information about legal processes after they have separated from their partners.
  - a. Victims of battering are confused about who is an “advocate” and what the various practitioners with that title can and cannot do for them.
  - b. Domestic violence advocates, both community-based and system-based, do not have a systematic way of talking with battered women about options for visitation.
  - c. Restrictions on the Protection Order Advocate’s role in the courtroom impede a victim of battering in requesting or questioning supervised visitation and other relief or orders.
2. Intervening systems – i.e., courts, advocacy, supervised visitation – are disconnected and fragmented in their response and understanding of battering.
  - a. Interveners are unprepared to talk with a victim of battering about how her children are used as part of battering, and how that affects her safety and well-being, and her children’s safety and well-being.
  - b. The courts do not share a clear, consistent understanding of supervised visitation in the context of battering, as distinct from supervised visitation in child abuse and neglect cases.
  - c. Across the courts, there is tension between the priorities of safety for victims of battering and their children, and parental rights to have access to their children.
3. Victims of battering hear many messages about “autonomy and self-determination” and “empowerment,” but systems and resources are not adequately set up to promote those values and to structure their practices accordingly.
4. Communication processes between the courts and supervised visitation providers have not been well-defined.
5. Courtroom security does not fully account for the multiple ways in which a batterer might encounter and threaten or intimidate a victim. Victims may not feel safe to freely express their concerns regarding visitation in such a setting.

Each gap is discussed in detail, followed by recommendations and next steps.

## **1) Victims of battering need stronger advocacy and more complete information about legal processes post-separation.**

As one team member put it: “I was shocked at how little information the women in the focus groups had considering all had multiple advocates involved in their cases. There’s a HUGE gap in information regarding the legal issues surrounding children, custody, and visitation.”

*My five year-old daughter was hit during the beating and she was taken from me. I’ve been in and out of shelter for over a year...The court wants me to file for separation. I’m scared; he doesn’t know where I am...I’m nervous he’ll steal the kids and flee to Mexico...they won’t sign off on the dependency until there’s a parenting plan and they can’t do a parenting plan unless I’m legally separated...*

In the focus groups we heard from women who had been working with advocates for some time, but had no idea about what a parenting plan was or its significance for them and their children. In the court observations we saw battered women who were attempting to move through the protection order process or family law system alone or with limited assistance. Some appeared in court without having ever spoken with a Protection Order Advocacy Program Advocate (POA). This is more likely if a petitioner does not have contact with the program during the initial process of obtaining the temporary order. Others had someone at their side, but the POA was not permitted to provide any direction or clarification to the court during the hearing.

The majority of petitioners at the Regional Justice Center (RJC) in Kent have some level of contact with the POA. However, our observations in the courtroom and at the program’s office in the RJC suggested that their availability was frequently stretched thin. The number of people who walked in when the office opened and the volume of cases on the docket often restricted the time they could spend with any one person. We saw, for example, that in the courtroom cases were sometimes called within five or ten minutes of one another, leaving a limited window in which to explain the format for the hearing, help a petitioner draft her proposed order, discuss visitation, answer questions, and determine whether she understands the process and the information she has received. If a victim of battering has had one or more appointments with the Protection Order Advocacy Program prior to the hearing, she may be relatively well-prepared. If this is her first link with the program, however, or her prior contact was on a particularly busy day, with a line of people ahead of her waiting to talk with a Protection Order Advocate, her understanding of the process and what she can and cannot request, and how to communicate with the court, will be more limited. Once in the courtroom, the POA’s role is constrained by court rules against non-attorneys speaking to the court on behalf of a party in a civil case.

We found that women are not well-prepared to bring their experiences, fears, and concerns for safety forward in court. Focus group participants spoke of legal representation that was often sporadic, changeable, or limited in scope, as well as costly.



One team member described a particularly troubling case that she observed in a courtroom. “Everything about it suggested that here was a battered woman who was being treated like a batterer. She’d been arrested after her husband called the police and he immediately filed for a protection order, but there was no way in that family court setting to account for how she appeared to be trying to defend herself. Her attorney didn’t seem very prepared. She seemed in shock, with her head down through most of the proceeding and crying when the court left the children with their father.”

One of the team members from the Safe Havens staff happened to observe a hearing involving a family that was familiar to the center: “her story wasn’t told at all. She got four minutes and her lawyer didn’t even seem very familiar with the case. He didn’t present any of the concerns she had about the father’s effort to get supervised visitation changed from Safe Havens.” In our interviews with community-based advocates they noted that even when a woman has an attorney she is often trying to save money and may not get the expertise and representation she truly needs. She may also not have a clear sense of what she can expect from her attorney or she fears being perceived as pushy or demanding. Advocates also reported women’s frustrations with attorneys who seem to be reluctant to deal with the batterer, and sometimes seem to be afraid of and intimidated by him.

Via the advocates we interviewed and the focus group participants we also saw aspects of child support enforcement that impact women’s safety and have implications for visitation. For a variety of reasons, including the ways in which it draws them into an ongoing relationship with the battering parent, some victims of battering do not want to pursue child support.

In the focus groups we heard concerns about the child support process being neither safe nor confidential for mothers who receive public assistance. *If they go after him for child support it will make him more hostile* was one woman’s comment. Another was able to stop the collection under the “Good Cause” provision<sup>13</sup> and she described that option as a *safe embrace*, as one of the few official actions that left her feeling more secure. Women are afraid that the child support agency will release their names, however, perhaps inadvertently through the court or another intervening agency. They also spoke of being pressured to drop the Good Cause exemption or changing caseworkers and finding it disappear.

Many women do want child support, but the Washington protection order statute does not provide for child support as a form of relief. Other than filing a dissolution action and parenting plan, there is no ready alternative to secure a support and wage withholding order in tandem with a protection order.

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<sup>13</sup> “Good Cause” is the process by which the Department of Social and Health Services grants a custodial parent who is receiving public assistance permission not to pursue child support, “when a child or custodian are in danger.” The public assistance office makes the decision and the exemption “must be renewed if the danger to you or your children remains.” *Family Violence and Child Support: Your Options*, Washington State Child Support Enforcement Program brochure.

In our interviews across court and community agencies we found a common assumption that battered women appearing for a protection order had access to an advocate, along with an assumption that a legal advocate provides the necessary information about court processes and the decisions she needs to make. Through the focus groups and court observations, however, we saw battered women trying to travel the legal terrain on their own. In addition, the 18 Safe Havens' cases that the team read were split over access to advocacy services: only half of the mothers had a clear connection with any advocacy, usually via a community/shelter advocate or POA.

*I left California for my safety and my son's safety. I'm starting from ground zero and it's a challenge to cope with that...I'm here now with family, trying to start over...he knows the area, as far as Seattle, but not my exact location...I don't want visitation right now.*

Legal proceedings move quickly and parties must be prepared to respond quickly, with an appropriate understanding of procedures and readiness to respond to the court's instructions and questions. In this setting we saw individuals who were on their own flounder. There are certain ways to request a protection order, specific words and information that need to be heard by the court; there is similar specificity around parenting plans and requests for supervised visitation and exchange. Without skilled, ongoing advocacy that takes into account the totality of safety considerations for her and her children, it can be extremely difficult for a battered woman to navigate this system. Add to this the realities of peoples' lives and such circumstances as language, literacy, cognitive abilities, or mental illness and it is understandable that, as different focus group participants described, many women give up or try to avoid legal systems altogether. While we observed several cases where the judicial officer took additional time to explain a procedure or direct someone to the correct form, we also saw the demands on the bench to move cases along, as well as avoid sliding into an advocate role. For example, in one case a woman who was obviously confused by the process was sent away in less than four minutes under the following admonition:

Court: Did you serve a copy of your proposed temporary custody order? ... Did you file a petition? [Her husband is in jail and was apparently was served in jail.] ... You're going to do this order. You need to file a proper petition. I don't know what kind of relief you're requesting ... go to Family Law Facilitator's Office and get a proper packet and get someone to help you do it right. Next case.

We saw women who did not know what the court needed to hear and see. Rather, they wanted to tell the whole story of their lives and fears within the four minutes allotted – *I want to start from the very beginning* – and who were unprepared to know what the court needed to hear and see. As one judicial officer explained, “you have to submit something in writing before the court will allow you to say anything, to testify to anything.”

The court is an institution whose procedures are designed around the assumption of professional representation that is knowledgeable about the proper filing of official documents, familiar with legal terminology and arguments, and authorized to practice

law. While the volume of pro se or self-represented cases has forced the court to adapt somewhat, primarily by such programs as Protection Order Advocacy, the Family Law Information Center, and Family Law Facilitators, it is still organized with the expectation that attorneys steeped in the discourse of the law will speak for the persons involved.

**1a) Victims of battering are confused about who is an “advocate,” and what the various practitioners with that title can and cannot do for them.**

Safe Havens’ staff reported that women coming to the center often tell them that they “have an advocate” when they have had contact only with one of the Protection Order Advocates affiliated with the prosecutor’s office. In the focus groups as well there was confusion over who fit under that broad term of advocate. The Seattle-King County Protection Order internet site<sup>14</sup> includes five different definitions for advocates:

1. Advocate: A Domestic Violence Advocate provides information and support to victims of domestic violence. Advocates may work in specialized offices or in community agencies.
2. Community Advocate: Usually works for a community agency and provides long term support to victims.
3. Community Legal Advocate: Works for a community agency and assists victims with support through various legal processes.
4. Court Based Legal Advocate: Works for an agency with the legal system, such as prosecutor’s office or law enforcement agencies to assist victims as the case goes through the criminal justice system.
5. Protection Order Advocate: Works for the Prosecutor’s Office located in the courthouse to help victims throughout the Protection Order process, including filling out forms and going to court.

There is both a richness of resources here and a fragmentation, with great potential that a battered woman will be left without anyone arguing on her behalf over the long, ongoing period of post-separation, whether in making decisions about supervised visitation and safe exchange or other aspects of safety and well-being for herself and her children. This is a particular risk for victims of battering who have been drawn into the criminal legal system as defendants.

The definitions also raise a question for further discussion about the extent to which advocacy is conducted in its active meaning of “to advocate,” namely to “to speak, plead, or argue in favor of,”<sup>15</sup> which suggests something more than information and support.

Across all contacts with advocates, team members repeatedly noted the multiple expectations, roles, and demands that “left [us] wondering how an advocate could possibly provide all the resources or support a client might need.” Each woman’s

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<sup>14</sup> [http://www.protectionorder.org/protection\\_orders.htm](http://www.protectionorder.org/protection_orders.htm)

<sup>15</sup> *The American Heritage Dictionary of the English Language: Fourth Edition*, Houghton Mifflin Company, 2000.

situation is unique and complex, with many issues and systems to consider. The specialization reflected in the multiple kinds of advocates is in part an effort to respond to this complexity. At the same time, it introduces fragmentation and confusion for those seeking help. Conversations with advocates working in diverse communities suggested another issue of resources and roles. “Each advocate is expected to serve multiple roles, to serve as a children’s advocate, legal advocate, and victim advocate for her entire community! They’re stretched so thin.”

**1b) Domestic violence advocates, both community-based and system-based, do not have a systematic way of talking with battered women about options for visitation.**

Our interviews across different community agencies suggested that there is confusion about whose role it is to talk with battered women about options for visitation, at the same time there is a wide assumption that most women get supervised visitation if they ask for it and that they get information about it from multiple sources. For example, one advocate thought that it was the job of the legal advocate, yet the path to supervised visitation is not always through the kinds of criminal legal system or protection order processes that might involve a legal advocate. In addition, the availability of community-based legal advocacy is limited. “The only clear path to information about supervised visitation is through community-based legal advocates and there’s only two in all of South King County.” With this limitation, the role of Protection Order Advocates become increasingly important as an avenue for women to learn about domestic violence-specific options for visitation, as the Safe Havens’ Center has found. Most of its cases – around 89% - are coming via protection orders.

Community domestic violence services are organized primarily within a crisis orientation framework, with its emphasis on food, diapers, shelter, and very immediate, observable kinds of help. While these are essential aspects of good advocacy, women with children also must deal with the issues of the other parent’s right to the child. As one team member noted, “supervised visitation isn’t even on the table in most interactions between women and advocates.” It is clear that the concept of domestic violence-specific options for visitation is new and we saw an overall lack of understanding of how it might be an important element in safety planning and ongoing post-separation support for many women. We heard a certain resistance to supervised visitation, within an atmosphere of stretched advocacy resources, negative experiences, and skepticism that it was a good use of resources. Yet the value of Safe Havens-oriented visitation was reinforced in these terms by one of the focus group participants: *my ex-husband is real scary and I knew I couldn’t make a move unless I was sure that he could see the kids.*

Observing the focus group discussions, team members repeatedly commented on how little information the women had about the legal issues surrounding children, custody, and visitation, “considering all had multiple advocates involved in their cases,” or “how much misinformation women had, and the advocate couldn’t or didn’t correct it.” From training to intake forms to program brochures, we found that advocates and other practitioners located in either a community or governmental setting are not well-

organized to understand supervised visitation/exchange and have ongoing discussions with women about whether to request it or challenge it as part of their ongoing safety planning. Our interviews with attorneys who routinely represent battered women suggested that they are often guided by notions of reasonable expectations of the court; i.e., what the court is likely to order, which may or may not fully account for a victim’s safety. They assume that visitation would be ordered, for example, and are not prepared to oppose it or insist on domestic violence-specific visitation. This fragmentation also emphasized the need for a stronger coordinated community response that includes domestic violence advocates, supervised visitation providers, family law attorneys, and the court. Each of these service providers should have a clearer understanding of the goals and constraints of the others in order to better assist battered women and children.

We reviewed 41 publications that a battered woman might encounter in attempting to leave a relationship and deal with post-separation safety, divorce, and custody issues, including orders for protection and parenting plans. This is information available via Web sites or printed material that someone could find in the Family Law Information Center, Protection Order Advocates’ office, Family Court Services offices, or in a domestic violence advocacy agency. Only eight of the sources made any reference to visitation or parental access. There was little that provided substantive information for a victim of battering who was trying to make decisions about her and her children’s safety and well-being. For example:

<u>Document</u>	<u>Attention to supervised visitation/exchange</u>
King County Bar Association brochure, “Self-Help Plus Program”	<ul style="list-style-type: none"> <li>▪ “The program is available for those who want to initiate...minor changes to visitation schedule only...”</li> </ul>
Grid describing Family Court Services programs, time frames, and cost	<ul style="list-style-type: none"> <li>▪ Under the description for the Domestic Violence Assessment: “Focuses on temporary orders for residential schedule...Recommendations include temporary access plan for parents.”</li> </ul>
Protection Order Advocacy Program description, “What a Protection Order Can/Cannot Accomplish,” and grid, “Court Orders Available for Victims of Domestic Violence”	<ul style="list-style-type: none"> <li>▪ “Can...establish visitation (if applicable)”</li> <li>▪ “Cannot...modify a parenting plan (stop visitation, change custody)”</li> <li>▪ A full Order for Protection can provide “custody &amp; visitation schedule”</li> <li>▪ A Restraining Civil Order can provide “custody and visitation directives”</li> </ul>
Seattle-King County Domestic Violence Protection Order Web site <sup>16</sup>	<ul style="list-style-type: none"> <li>▪ The Protection Order “can...say who your children can live with for now and</li> </ul>

<sup>16</sup> [http://www.protectionorder.org/protection\\_orders.htm](http://www.protectionorder.org/protection_orders.htm)

Document

Attention to supervised visitation/exchange

Protection Order Advocacy Program:  
“How to Prepare for Your Hearing in Two Weeks”

- when the respondent can visit them.”
- The Protection Order “cannot...say where your children should live permanently, or who can live in your home.”
- “VISITATION CONCERNS: Visitation is rarely addressed at Protection Order hearings. The issue of visitation must be addressed in a Parenting Plan. Let the advocates know if you have immediate concerns about visitation.”

One handout included in parent sessions as part of the DAWN’s Kids’ Club Curriculum provided several examples related to visitation in general and using children as a tactic of control after separation: “using the child(ren) as an excuse to call frequently or visit...changing child(ren)’s plans (for visitation, etc.) frequently...altering visitation agreements...withholding cultural or dietary foods on visits.” It did not provide guidance, however, on whether and how to consider requesting supervised visitation, or how to determine whether a visitation provider was prepared to deal with cases involving domestic violence.

The curriculum that the handout was adapted from was the only document we saw that provided any guidance on asking the court to set conditions on visitation or requesting supervised visitation, as well as safety planning considerations around visitation, for both children and their mother.<sup>17</sup> For example, while not included in the handout, the curriculum includes the following suggestions under the heading, “Planning for Yourself When Your Children Visit Their Dad.”

If you are afraid that your child's father may be abusive during visitation exchanges, try to arrange for supervised visitation. Ask a legal advocate at one of the programs for victims of domestic violence to tell you ways to do this. (see Resource List)

- Have the visitation rules clearly written in the legal documents, and follow them yourself. They should include very specific details about location, time, days, and arrangements for the safe transfer of the child.

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<sup>17</sup> *Helping Children Who Witness Domestic Violence: A Guide for Parents*, Meg Crager and Lily Anderson, 1997. The instructor’s manual is available at the Minnesota Center Against Violence and Abuse, <http://www.mincava.umn.edu/documents/materials/instructor.html>. Unless a facilitator and class get as far as session five, however, the subject of visitation may not come up: “If you are unable to teach the entire curriculum, the authors recommend that you always include the first two sessions. (*What is Domestic Violence and Effects of DV on Kids.*)”

- Be consistent with your visitation/parenting plan. Don't be manipulated or threatened into changing it.
- Don't get into arguments with your child's father about visitation. If he wants to argue about it with you, hang up the phone, or leave the situation.
- If you don't have supervised visitation, arrange for him to pick up the kids at someone else's house. Ideally, this person knows your situation and understands the risk to you.
- Have as little contact with him as possible over the phone and in person.
- Try to make your child's experience as positive as possible, even though this can be extremely difficult. (We will talk more about this later).

Whether this information reaches a battered woman who might benefit from it, however, depends upon whether she happens to attend a class conducted by a facilitator who is faithful to the topics and sequence of the whole curriculum.

There was nothing in anything we read that said: "For information about safe visitation and exchange in cases of domestic violence, go here..." We saw instead the paradox of many links and information sources, but little guidance or advocacy support on how to best sort them out and use them. For example, the Legal Resource List from the Family Law Information Center includes 21 agencies, eleven Web sites, and ten locations to obtain forms for family law actions. How does a woman who is being battered make sense of all of this if she's trying to do things pro se, deal with a battering partner, and figure out whether leaving or staying is the path to safety and how a father's access to his children figures into it all?

*You don't wake up and find yourself in a domestic violence situation. It creeps up on you, slow, and it's so hard to get out of a bad situation. It takes a strategy to get out of it. People who haven't experienced such hardship, they don't have a clue.*

Throughout the focus groups we heard how women feel intense pressure to find a balance between safety for themselves and their children, their children's desires to see their fathers, and legal mandates around parental access. Most mothers wanted some kind of father/child relationship, unless it put them in danger or the children had been directly hurt, witnessed extreme violence, or the children did not want it. These are complicated waters to navigate, requiring advocacy that matches its complexity, i.e., advocacy with the necessary time, resources, training, and understanding of the issues.

**1c) Restrictions on the Protection Order Advocate’s role in the courtroom impede a victim of battering in requesting or questioning supervised visitation and other relief or orders.**

Protection order advocates can provide a critical link for victims of battering who seek civil legal protection. Their role shifts at the courtroom door, however. Because of court rules they cannot advocate for a petitioner in the active sense of advocate: to speak, plead, or argue in favor of. Part of the POA’s role at the hearing is to draft a proposed protection order based on what the petitioner has asked for and what the court has granted. As we saw in numerous observations of protection order hearings, once in the courtroom POAs have limited direct interaction with victims. They cannot write notes or talk with them during the actual hearing. A victim is largely on her own if she does not remember what she wants in the order or does not understand what the court is asking for or becomes confused or flustered. The POA cannot address the court on her behalf or suggest that she bring certain information forward or ask questions of the court. This isolation within the courtroom can diminish her ability to ask persuasively for relief and protection. Due to the limitations on the Protection Order Advocate’s role, a battered woman can be at a distinct disadvantage if she is nervous or scared during the hearing or has difficulty describing the legal basis for the entry of her order or a rationale for restricted access to the children,

There are two to three POAs in court at the Regional Justice Center who assist anywhere from five to twenty petitioners each day. Through our interviews and court observations we recognized that POAs are often caught between the limitations on their time and their commitment to providing emotional support, information, referrals, and preliminary safety planning. They recognize that victims of battering need more of their time and expertise, but they are not always able to provide it. One Safety Audit team member offered this comment: “The Protection Order Advocates as individuals are excellent, well-trained, and a great resource for survivors; it’s the system within which they practice that minimizes their impact.”

Team members repeatedly commented on the confusing setting of the courtroom. “The system is so complex and difficult to navigate!” Many individuals attempt to represent themselves, often without the proper papers completed or a clear understanding of the process. In talking with protection order petitioners who were waiting to be called it was evident that some appear without having had any contact with an advocate, whether POA or community-based. Dockets were full and commissioners varied in the level of assistance they were able to offer. In our observations we saw commissioners try to provide essential procedural information and definitions, but they were quickly taxed to balance the boundaries of their judicial role with the complicated needs of those before them.

Similarly, protection order advocates “are really great and really specific in what form needs to go where, but there’s so much paperwork and so many places to go; it’s overwhelming!” They are limited in the courtroom and conditions within the offices – a small physical space, the lack of privacy, the activity of people coming and going, and



rushed pace – raised questions for the team about the extent to which a battered woman can really tell her story and feel safe in that environment. During one of the observations a team member saw an example of why a woman might not feel free to disclose information pertinent to her safety under such conditions: a woman who had been raped by her partner was reluctant to discuss it herself and left it to a friend who had accompanied her to provide the information.

**2) Intervening systems – i.e., courts, advocacy, supervised visitation – are disconnected and fragmented in their response and understanding of battering.**

These intervening systems are powerful and influential in the lives of battered women and their children. Where the understanding of battering is uneven and disconnected, institutional action can inadvertently contribute to ongoing harm, coercion, and threats. While team members found individual practitioners who paid careful attention to battering, they did not see a uniform understanding of battering carried consistently across workers, agencies, and practices. “It depends on who you get at every level!” was how one team member summed up this finding. Practitioners were well-versed in their specific role, but fragmented in understanding the processes and experiences of battered women in the larger picture. For example, we heard assumptions among court-related practitioners that almost all clients or protection order petitioners had access to an advocate or other service provider, and assumptions from advocates that most women who ask for supervised visitation receive it.

One observation provided an example of the importance of judicial decision-makers being alert to how their responses might be heard and used to reinforce tactics of battering. It included the following exchange in a protection order hearing that lasted approximately three minutes. The respondent appeared pro se and the petitioner did not show up.

Respondent: What can I do? My ex-wife does this about every six months to get me in trouble with my employer... Is there any way the court can sanction her for not being here today?

Court: No, I can't do that. What I would be willing to do is write in the dismissal order that there have been allegations that this is a pattern of behavior and that the Court needs to take an especially close look at the veracity of the allegations being made because of the history of false petitions being filed. That's all I can do.

Respondent: There are all those outrageous claims at the back of the petition that I have to clear. This is the third time this has happened.

Court: I suppose you could think about filing an anti-harassment order, because it does sound like it would constitute harassment if you can document that pattern.

In this case, the court gives credence to the respondent's claim that there is a frequent pattern of false petitions. Now there will be an official dismissal order questioning "the veracity of the allegations" in any future action, putting the petitioner at a disadvantage and reinforcing the respondent's assertion that she and her "outrageous claims" are the problem, not any action that he has taken. There are many reasons why a petitioner might not appear at a scheduled hearing, from getting the date wrong to being caught in traffic to being drunk to fear of a batterer and misgivings about the actions she has set in motion with a separation or protection order.<sup>18</sup> While we do not know the reason in this particular case, the available records did not support the respondent's claim that the petitioner "does this about every six months." There was no record of a protection order petition within the previous nine months. The petition filed three weeks prior to the hearing included this statement:

*He told me I had to sign quick deed on house because I might get killed...He had told me that if I divorce him he'd kill me...I'm scared because he returned January from deployment in [overseas military zone].*

In our interviews with court personnel, more than one practitioner told us "I go with my gut" or "use my clinical intuition" in deciding what to recommend about custody and visitation. While intuition can be a valuable aspect in leading an intervener to ask certain questions, it is also highly individual and does not provide a sturdy framework for decisions than account for the complexities of risk and safety that different victims of battering bring to legal and social welfare systems. It does not provide a consistent framework for knowing how, when, and where to ask questions and gather information that accounts for this complexity.

At repeated points in our inquiry, our interviews, observations, and case reviews suggested that parental access can trump safety regardless of the battering that has occurred and that an official recommendation regarding visitation is more influential than a battered woman's request for the same.

## **2a) Interveners are unprepared to talk with a victim of battering about how her children are used as part of battering, and how that affects her safety and well-being, and her children's safety and well-being.**

The period after separation, whether or not marked by the official action of a protection order or divorce action, can be very dangerous for battered women and their children. It is when victims of abuse are most vulnerable to a sudden increase in violence and a shift in or intensification of abusive tactics. The likelihood of an abuser shifting his attention to the children in order to use them tactically in his battering increases greatly after

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<sup>18</sup> We saw several cases where the petitioner did not appear. There is no organized practice of following up to determine whether a petitioner is safe, i.e., that a woman has not been beaten or injured. We also saw that the parties involved in a case have a very short window of time in which to respond when the case is called. Someone who was experiencing common physiological reactions to fear – nausea, diarrhea, feeling faint – and had to leave the courtroom could easily miss the announcement.

separation. Batterers use a variety of tactics to instill fear and control mothers and their children, such as smashing and throwing things, destroying favorite toys, harming or killing family pets, threatening to harm the mother, and threatening to abduct the children or seek custody of children. They use a variety of tactics to harm the mother-child relationship, including belittling her, encouraging divided loyalties, and treating her with disrespect.<sup>19</sup> Without clear ways of talking with battered women about what is happening, these tactics remain largely invisible to interveners who have significant authority in making decisions about custody and visitation. Battered women are also left ill-prepared to articulate how supervised visitation or exchange might enhance or diminish safety in this context.

Through the Safety Audit, we recognized that no one was consistently helping battered women prepare for domestic violence assessments or for protection or visitation orders in ways that would help them readily articulate how their children are used as a tactic of battering. For any one court proceeding we observed or case file we read, beyond information about how a father was battering a mother, attention was limited to whether children saw their mother being hit or had been targets themselves. The wider range of tactics of battering involving children, such as undermining a mother's relationship with her children or encouraging children to use abusive language and behavior toward their mother, went unexamined. Women in the focus groups clearly did not understand whether or how they could bring this information to the attention of the courts and other decision-makers. We recognized that practitioners often have clear ways of talking about physical abuse and its affect on children, but are less prepared to talk about and convey how children are used in other ways.

We saw an emphasis on the concept of the best interests of the child, without extending equal regard to the safety of the adult victim or avenues for women to articulate how their children are used as a part of the battering that they experience. What about a battering father's access to children makes it unsafe for their mother? How is a mother encouraged or restricted in talking with her children about what is happening? If a mother is not in the best place to 'get out and stay out,' how can her relationship with her children be strengthened in a way that does not cause more harm?

## **2b) The courts do not share a clear, consistent understanding of supervised visitation in the context of battering, as distinct from supervised visitation in child abuse and neglect cases**

The Safe Havens model – supervised visitation and exchange specific to domestic violence – is still relatively new. Across the courts and other interveners we saw a lack of recognition of this specific approach as an element in ongoing safety planning. We saw cases referred for “professional supervision” without consideration of whether or how

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<sup>19</sup> See Lundy Bancroft and Jay G. Silverman, *The Batterer as Parent: Addressing the Impact of Domestic Violence on Family Dynamics*, Sage Publications, 2002. Also, the work of Jeffrey L. Edleson, including *Parenting by Men Who Batter*, Jeffrey L Edleson and Oliver J. Williams, eds., Oxford University Press, forthcoming November 2006.

that provider would be prepared to recognize and account for battering. In the state of Washington, anyone can advertise as providing supervised visitation services without demonstrating knowledge of battering and its intersection with child custody and visitation. The special conditions that characterize Safe Havens supervised visitation<sup>20</sup> are not uniformly available in domestic violence cases, whether in the broader pool of child abuse and neglect-oriented visitation services or in visitation managed by family members.

In our interviews and court observations we sometimes saw visitation decisions driven more by considerations of cost and accommodation of a father's work schedule than by the nature and extent of battering involved in the case. Courts do not have ready tools to assist in sorting out where and how supervised visitation should occur. Should it be a family member or professional supervisor or a domestic-violence specific center such as Safe Havens? What is the best decision, taking into account the potential harm to children and adult victims? What leads the decision? The absence of such tools perhaps contributed to cases that team members observed where the parent who was the subject of a visitation order was permitted to choose the supervising party.

The language and structure of visitation and exchange orders varies widely. What seems to be the constant is providing an avenue for a parent to have access to children, with little or no specific reference to the order as a means of protecting an adult or child victim. Here are several examples to illustrate the construction of visitation orders.

“Father shall have 4 hours supervised visitation per week. Father's visits to be professionally supervised at father's cost. Parents are to arrange the times of visitation.”

“...when criminal no-contact order is lifted, father may have supervised (professionally) 2 hours/week as arranged by professional supervisor.”

“Sat 12-2 every week at Safe Havens or similar facility.”

“The father's visitation shall be professionally supervised, and the supervisor shall provide written reports to the court.”

“Visitation is to be arranged by the parties.”

“Respondent may have residential time w/minor each Friday from 8 pm to each Sunday at 8pm. [Name] or another party approved by petitioner will transport minor to and from each visit.”

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<sup>20</sup> These include: “*increasing* safety for victims of domestic violence and *decreasing* opportunities for further abuse...*regardless* of which parent is designated the visiting party (Kent Safe Havens Visitation Center, Philosophy of Service); staggered arrival and departure times; separate parking lots and entries; short (one-hour) periods of visitation; and, intervention or redirection for behaviors that reinforce battering and abuse, such as asking the child for information about the other parent, trying to find out where the child is living or attending school, sending messages to the other parent through the child, or acting aggressively.

“All weekend visits, transportation provided by mother, meeting father at [City] Police Department. Weekday visit: Mother drops child at [police department] at 6:00 pm; father drops baby with babysitter by 8:00 am.”

“Once per week of minors at Safe Havens Visitation Center in Kent, WA.”

Most of the supervised visitation orders that we read were a sentence or two in an order for protection or parenting plan. This brief language, as illustrated above, does not put visitation providers on notice that their practices must account for the safety considerations related to domestic violence. Nor does it provide a battered parent with a framework from which to gauge whether the visitation supervisor is paying particular attention to the safety of all involved.

**2c) Across the courts, there is a tension between the priorities of safety for victims of battering and their children, and parental rights to children.**

There is a stereotype that battered women never want fathers to have access to their children. The Kent focus group participants and several women we saw in court observations challenged that characterization. We repeatedly heard about mothers’ struggles to balance their own safety, and their children’s safety, with their children’s desires to be with their fathers. Mothers generally wanted fathers to be in their children’s lives, but in a safe way that did not hurt them, hurt the children, or continue *using the children to get to me*.

*My goal is to get him involved in his children’s lives in a healthy way*, one woman told the court in seeking an Order for Protection. She requested that her children’s father not be permitted to see them at that time because a long history of emotional abuse had shifted to physical violence and he had been in and out of prison. The court referred the case to Family Court Services for a risk assessment and ordered one hour per week of supervised visitation at Safe Havens, to be initiated by the mother within one week.

Via our case file reviews, interviews, and court observations, we found a strong conviction that fathers are entitled to be with their children, but we often could find no corresponding regard in those decisions around parental access for the safety of a mother who was being battered. The statutory framework for visitation [RCW 26.20.160] provides that “a parent not granted custody of the child is entitled to reasonable visitation rights.” Visitation “shall be limited” under certain circumstances, including a history of domestic violence.<sup>21</sup> If limitations on visitation “will not adequately protect the child (emphasis added),” the court shall “restrain the person seeking visitation from all contact

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<sup>21</sup> RCW 26.10.160 (1)(2)(a): “Visitation with the child shall be limited if it is found that the parent seeking visitation has engaged in any of the following conduct: (i) Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; (ii) physical, sexual, or a pattern of emotional abuse of a child; (iii) a history of acts of domestic violence as defined in RCW 26.50.010(1) or an assault or sexual assault which causes grievous bodily harm or the fear of such harm; or (iv) the parent has been convicted as an adult of a sex offense under...” Similar language applies to situations where the parent resides with a person who has engaged in any of the listed conduct.

with the child” [RCW 26.10.160(2)(m)(i)]. There is no similar provision for restricting or prohibiting contact because of harm to or abuse of an adult parent.

Practitioners are anchored in a conceptual legal framework that emphasizes “physical harm, bodily injury, assault” (the definition of domestic violence under RCW 25.50.010) rather than the more complex qualities of coercion and control that constitute battering.<sup>22</sup> By framing decisions around physical violence, there is little room to account for the many ways in which children can be used as a tactic of battering and an avenue to compromising the safety of an adult victim. The default expectation is shared parenting and we found that the women we talked with in the focus groups and saw in our court observations faced significant barriers in trying to communicate how it might be dangerous for their children or, particularly, dangerous for themselves.<sup>23</sup> A mother who questions the assumption of shared parenting is likely to be seen as resistant and alienating rather than protective.

Some decision-makers expressed concern about this broader question of equal regard for safety and articulated that concern more directly than their colleagues, but the cases that have reached Safe Havens illustrate the power of parental access under almost any circumstances. The 18 redacted cases that the team analyzed showed patterns of threats and attempts to kill, stalking, threats of abduction, persistent physical and emotional violence, and non-compliance with court orders, including protection orders and batterer intervention. One woman had been in two different shelters in two different states, but the battering parent tracked her down; the children did not want to see their father. Another woman described how her former partner *threatened to beat me up...drag me out into the trunk of his car and dump me at my parents...kill me, our children, then he was going to shoot himself.*

The prevailing influence of broad parental access is visible in the way in which supervised visitation is ordered. With the exception of a specific order to Safe Havens or recommendation in a Family Court Services assessment, orders are generic: “professionally supervised visits.” There is no direction as to what professional supervision in the context of battering should consist of, or provisions that address the circumstances of any specific case. Whether a person is the visiting or residential parent, the parent charged with finding ‘professional supervision’ is on his or her own, in a system that provides no criteria or standards for those professionals. Parents may or may not have access to a brochure we found in the Family Law Information Center that lists

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<sup>22</sup> See the definition of battering in Note 9.

<sup>23</sup> For example, any parent involved in an action requiring a parenting plan or required to participate in Family Court Services evaluation or mediation must attend a seminar, “What About the Children?” Each participant receives a copy of a publication prepared by the Massachusetts Chapter of the Association of Family and Conciliation Courts: *Planning for Shared Parenting: A Guide for Parents Living Apart*. Other than a general statement to modify time-sharing plans “when there are safety issues resulting from domestic violence,” there is little in the publication that accounts for how children are used as tactics of battering and how battering is a significant barrier to shared parenting.

eleven King County area visitation providers.<sup>24</sup> Among the eleven, membership in the Supervised Visitation Network appeared to fluctuate over the period of the Safety Audit, going from four to two in a year's time.<sup>25</sup> Without an individual survey of each provider, a battered parent would have no basis from which to trust that someone listed in the brochure would have the knowledge to recognize and respond to the tactics of coercion and control that characterize battering.

The experience of the Safe Havens Center suggests that battering parents are most interested in visitation that does not have a specific orientation toward safety in the context of battering. The center is increasingly encountering fathers who attempt to shift visitation away from Safe Havens as they recognize its commitment to safety for adult victims and children. For example, one father tried to persuade the court that the center was dirty and a poor environment for children. The center was brand new, with new carpeting, paint, and furniture. Another failed to show up multiple times for scheduled orientation appointments and then appeared unannounced one afternoon. He tried to convince the court to change the visitation order, claiming that he could not start at Safe Havens because they had a mandatory class he had to take that did not fit with his work schedule. The center does not have any kind of mandatory class.<sup>26</sup>

### **3) Victims of battering hear many messages about “autonomy and self-determination” and “empowerment,” but systems and resources are not adequately set up to promote those values and to structure their practices accordingly.**

The language of autonomy, empowerment, and self-determination is part of Washington's legal framework for domestic violence-related services.

‘Advocacy-based counseling’ means that the client is involved with an advocate counselor in individual, family, or group sessions with the primary focus on safety planning, empowerment, and education of the client through reinforcing the client's autonomy and self-determination.<sup>27</sup>

The Washington Administrative Code goes on to list seven “nonvictim blaming problem-solving methods” for advocacy-based counseling.<sup>28</sup>

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<sup>24</sup> The Safe Havens Center was not included. It has developed a brochure that states its mission and philosophy: “All services are designed with the objective of increasing safety for victims of domestic violence and decreasing opportunities for further abuse.”

<sup>25</sup> While not specific to visitation in the context of battering, the Supervised Visitation Network provides a general framework of voluntary standards for supervised visitation. Its mission is “to facilitate opportunities for children to have safe and conflict-free access to both parents through a continuum of child access services delivered by competent providers.” <http://www.svnetwork.net/wa/>, September 22, 2006.

<sup>26</sup> The Kent Safe Havens Center's philosophy of safety includes an emphasis on fair and respectful treatment of battering parents. It is also a participant in the Fathering After Violence national initiative: [www.endabuse.org](http://www.endabuse.org).

<sup>27</sup> WAC 388-61-A-0025.

<sup>28</sup> WAC 388-61A-0145

1. Identifying the barriers to safety;
2. Developing safety checking and planning skills;
3. Clarifying issues;
4. Providing options;
5. Solving problems;
6. Increasing self-esteem and self-awareness; and
7. Improving and implementing skills in decision making, parenting, self-help, and self-care.

This is a significant concept in shaping expectations about the kinds of services and support available to battered women across the state and in Kent, and in shaping expectations about what that support consists of and produces, i.e., advocacy-based counseling that reinforces empowerment, autonomy, and self-determination. The concept of advocacy-based support is an ever-present backdrop in the systems that battered women encounter. If interveners and decision-makers assume that most victims of battering have access to advocacy, as we found in the Safety Audit, that carries an assumption about their experiences: namely, that any one battered woman who appears for a domestic violence assessment intake or completes a protection order petition or files a parenting plan has identified the barriers to safety for her and her children, developed safety planning skills, clarified issues, discovered options, solved problems, increased her self-esteem and self-awareness, and improved her decision-making, parenting, self-help, and self-care skills. Or, if she has not accomplished all of this, she has had an opportunity to do so.

However, we found little indication of advocacy-based counseling around questions of safe visitation and exchange. What emerged from the focus groups, in particular, and interviews with individual practitioners, were stories of women who struggled daily with ongoing threats and coercion, both physical and emotional; fragmented advocacy services; limited or no legal representation skilled in addressing battering and custody issues; and, precarious health, housing, employment, and transportation. For example, autonomy and self-determination are rather false expectations for a mother living at a domestic violence shelter who must be with her children one-hundred per cent of the time they are in the building, must register them in school within twenty-four hours of arriving, cannot have a car, must travel five miles to reach a taxi, and has no idea what a parenting plan is or its significance for her and her children. How do autonomy and self-determination look when a woman who is being battered cannot speak or read English or is an undocumented immigrant? How do they look to women who are marginalized by drug or alcohol use or their own entanglement in the criminal legal system?

*I've been to so many shelters. It gets really daunting. You call a crisis number and it gets answered, but they give you numbers and you just get passed around. You're doing flight or fight. You might not even be able to stay by a phone to make calls.*

Expectations of empowerment, autonomy, and self-determination suggest that a victim of battering must have a certain assertiveness and forcefulness in seeking what she needs to



craft safety, clarify issues, and solve problems, particularly in any attempt to move major institutions such as the courts to assist in this process. What level of knowledge and action can she truly exercise in preparing for court processes without becoming off-putting to court personnel and other practitioners? How does she walk the tightrope of presenting herself as a ‘deserving victim’ without falling into the category of ‘difficult (and discounted) victim’? As women attempt to exercise this expectation of autonomy and empowerment they may be less compliant with institutional directives and seen increasingly by practitioners as a problem client. The very process of separating from and leaving a batterer requires great resistance, which is not necessarily action welcomed by intervening systems when it is applied to them.

Women and children’s lives post-separation are not static. The level and type of protection that a woman and her children need immediately upon filing a protection order or divorce action may be different than what they need ten years later when the children are no longer toddlers, but well into their teens. For one woman it might be the first two months that are the most dangerous; for another it might be two years later when the divorce action is final. Court processes are oriented toward making a decision and sticking to it, however, and once drawn into the processes governing supervised visitation and exchange it is both hard to step out and hard to shape what that supervision should look like. For example, in interviews with community-based advocates who work with immigrant women, they described women who initially do not object to a father’s contact with their children, which may be open-ended or come via an exchange involving his mother or another family member. As their lives become safer and more stable, however, they feel more secure in questioning that access and wanting it to occur in a supervised setting that is beyond the reach of his family, who may have supported or participated in the abuse.

Without civil legal representation that is readily available, affordable, and skilled in bringing the reality and impact of battering forward, notions of autonomy and self-determination remain hollow. In custody and visitation decisions, self-esteem and self-awareness may be worth little without a good lawyer. It is difficult for any individual battered woman on her own to know how to ask for supervised visitation in the first place, and even more difficult to challenge a court’s decision or request a change. If she misses her chance with the parenting plan, it is unlikely that she will have a second chance without well-prepared and costly legal assistance. Re-introducing issues of custody and visitation always runs the risk of a decision that is more dangerous to her and her children. It may be an order for unsupervised time instead of supervised visitation. How does she protest if it is a decision that she believes will cause further harm for her and her children?

#### **4) Communication processes between the courts and supervised visitation providers have not been well-defined.**

The Safe Havens Center, like the grant program that funds it, promotes a new approach to supervised visitation and safe exchange and its relationships with advocacy organizations

and the courts is evolving. In the course of the Safety Audit we recognized that judicial officers are not uniformly aware of Safe Havens' philosophy and services, or how to determine for which domestic violence cases it would be the best fit. The center, in turn, has had to think about what, how, and whether to receive and share information from the court, both as a matter of policy and in specific cases.

There has been confusion for parents and the center in court orders that require "four hours per week" or "up to two hours" or "Saturday 12-2 every week," when the center currently limits visits to one hour<sup>29</sup> and the demands of accommodating all of the families using the center requires maximum flexibility in setting the day and time of visitation. An order requiring that "the supervisor shall provide written reports to the court" is contrary to the center's practice of restricting the release of case file information to clients or in response to a subpoena.<sup>30</sup> The only routine written documents that the center provides to the court are the Service Acceptance/Rejection Form and the Service Termination Form that notifies the court of the termination of visitation or exchange services and the reason.

The team identified a range of questions to address in defining communication processes that account for the respective roles of the visitation center and courts in the community fabric of victim safety and batterer accountability.

- How should the center communicate with the court when it receives a referral for supervised visitation or exchange and determines that it would be too dangerous to proceed?
- How should the center respond to court referrals that are contrary to center policies and practices or carry expectations that are contrary to the center's policies or philosophy of service?
- What should be included in information to the court if the case was rejected or services have been terminated? How much detail (such as one or both parties dropped out, illness of a parent or child, children are traumatized, fees have not been paid, increased level of threat, etc.)?
- How and what should the center communicate to the court when children refuse or resist visitation?

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<sup>29</sup> The Safe Havens Visitation Center provides one-hour weekly visits to each family and up to two hours per week in some instances. Many of the children who come to the center are afraid of the visiting parent and a limited visit helps ease that fear. In addition, the on-site nature of the visit requires a parent to provide concentrated attention to the children and the center has found that most children are ready to leave at the one-hour mark.

<sup>30</sup> "5.15 Clients may receive a copy of their own 'Family Case File' by providing a request in writing to the Safe Havens Visitation Center staff. If such a request is made, both parents will receive a copy of the file. The written request and a 'Disclosure of Released Information' form will be added to the Family Case File. A subpoena will be required for all other records." *City of Kent Safe Havens Visitation Center Policies*, June 2006.

- How should judicial decision-makers become familiar with and acknowledge Safe Havens' policies and practices in crafting visitation and exchange orders?
- What should be the center's role in establishing whether and how to transition to less restrictive visitation, safe exchange, or unsupervised exchange, and under what conditions? How can this occur with a maximum of accountability by the battering parent and minimal demands on the battered parent to return repeatedly to court?

**5) Courtroom security does not fully account for the multiple ways in which a batterer might encounter and threaten or intimidate a victim. Victims may not feel safe to freely express their concerns regarding visitation in such a setting.**

Audit team members observed protection order hearings on eight different occasions, along with numerous motions related to divorce and custody cases. The following comment from a team member captures our concern about the atmosphere and security in the protection order courtroom: "It feels very unsafe! The abuser is too near the victim, glaring at her and often standing with an attorney who speaks for him while she's standing with an advocate who cannot speak to or for her. It feels disempowering. Safety in and around the courtroom is a BIG concern."

The hallway is frequently crowded with people waiting and coming in and out of the room. The benches are often packed, with people sitting very close to one another. During one observation a team member counted sixty people in the room, in addition to court personnel. Protection orders and their limitations on contact (e.g., "Respondent is restrained from coming near and from having any contact whatsoever...directly or indirectly...with petitioner") seem to have little meaning within this setting. A respondent may be sitting at the opposite end of the same bench, or directly in front or in back of the petitioner. He can readily follow her out of the courtroom, into the hallway, and out of the building. Additionally, during court proceedings a victim's contact with the Protection Order Advocates occurs at an open table within several feet of the batterer.

In one case involving a protection order petition, a criminal no-contact order was already in place. The woman's petition described a pattern of cruelty toward her and her children, including threats that "if I don't have them, you won't have them either," and she announced her plan to file a divorce petition the following morning. The parties were sent away with a protection order in place, an order for a Family Court Services investigation, and an order for weekly visits at Safe Havens: all directives with a potentially volatile impact on a batterer. He stayed near her as she waited while the POA wrote out the orders and followed within a few feet as she left the room.

Parties remain near one another while waiting for POAs and other court personnel to process court orders for them to sign. All this occurs after a batterer may have spent the entire proceeding staring at the woman as she describes the details of her petition, or after the court has made a decision contrary to his request, such as refusing to lift a visitation

order, or ordering supervised visitation. The size and layout of the room allow a batterer to stay within close, intimidating distance before, during, and after the hearing, up to staying within a couple of feet of her when she leaves. The bailiff does not appear to have responsibility for protecting against intimidation. The expectation that a battered woman should be articulate, calm, and fully present under such conditions is unrealistic.

### ***Recommendations and next steps***

How does a victim of battering who might benefit from supervised visitation 1) find out about it; 2) decide whether or not to use it; 3) effectively communicate that decision to the court; and, 4) locate and select an appropriate supervisor or program?

Our experience with the Safety Audit revealed that victims of battering in Kent and King County find out about supervised visitation in scattered, haphazard ways, if at all, before the subject comes up in a protection order hearing or when drafting a parenting plan or responding to recommendations made by the other parent or court personnel. Battered women are not well-prepared to weigh whether and how supervised visitation or safe exchange will contribute to their and their children's safety, or whether and how it might put them at further risk. They have few tools to help them evaluate the benefits and concerns and effectively communicate that information to the court. Most victims of battering have a weak or nonexistent connection with the kind of long-term post-separation advocacy that can help them make these critical decisions. When supervised visitation or exchange is ordered, they have little information by which to evaluate how well it is likely to protect them.

Focus group participants clearly had ideas about what a protective, monitored visit should look like and many of the elements they listed mirror the domestic-violence-specific practices that characterize the Safe Havens grant program and the Safe Havens Center. Safety was at the top of their list. The rules would be clear up front: *If I don't feel safe they'll call off the visit.* They would get a detailed tour with an explanation of the center's security features, including what is in the room and how staff members communicate with each other. Threats would be taken seriously: *they don't blow it off when he's angry, but call me.* If anything, *sometimes they seem more concerned for our safety than we are!*

Our inquiry led to several ideas for how court and community practices around supervised visitation could be organized and coordinated to more fully support information and safe decision-making for victims of battering.

- Develop a video and/or print guide for battered women about what to know about supervised visitation and exchange, how to request it or object to it, and how to effectively communicate their concerns. This might include some kind of reference card or other guide that they can find and pick up at every agency they have contact with.

- Develop a similar guide for practitioners who routinely work with battered women, such as community advocates, Protection Order Advocates, and attorneys
- Develop an informational video about the Safe Havens Center, including a demonstration of a supervised visit, and make it available in waiting areas of the courthouse and Family Law Information Center.
- Explore options for structuring a more pro-active role for Protection Order Advocates during court hearings. This might include studying models where non-lawyers offer information to the court in specific kinds of cases. Additionally, explore options for enhancing the Protection Order Advocacy Program by having more POAs available to allow more comprehensive support and preparation for victims while petitioning for temporary orders and at the full hearing.
- Develop a judicial bench book to guide decisions around visitation and exchange and increase the court's understanding of how supervised visitation can be used as a battering tactic.
- Strengthen courtroom security and safety in domestic violence cases.
- Establish a supervised visitation and exchange order that is specific to domestic violence and sets expectations for supervision in such cases.
- Strengthen the role of the Safe Havens' Center and other supervised visitation services in the broader community collaboration that is acting on behalf of battered women.
- Develop a coordinated community response for practitioners from courts, advocacy services, legal services, and supervised visitation programs to share information and strategize how to best serve battered women and children post-separation.
- Conduct further exploration of how batterer intervention programs, the mandatory divorce seminars, and family law clinics shape decisions and practices around supervised visitation and safe exchange.

This inquiry started from and was made possible by the willingness of the community and its court system to step back and wonder about the lives and experiences of those who come through their doors. It is that very foundation that will make the next steps possible.

## **Postscript: Marie, Lila, and Robert**

In her first petition for a protection order, filed when Lila was three days old, Marie requested the following restrictions on Robert's contact with their daughter.

I want to make sure Robert is not allowed to take our daughter without supervised visitation, preferably a court liaison, until I am positive that he is drug free and hasn't had any violent outbursts and has paid child support.

The order for protection was granted, with no provision for visitation.

Two months later, Marie filed a motion to dismiss the protection order. She had been moving back and forth between her mother's house and her father's house. She was being treated for post-partum depression and the infection she'd had since Lila's birth had finally cleared up. Robert had been staying with her and Lila at her father's house, which was getting crowded, but they were soon to move to their own place. She'd had to go back to her job or lose it. She missed being with Lila during the day and childcare was tough to arrange, but her mother helped out and Robert could fill in two afternoons a week. He kept telling her how much his family meant to him and that he had really changed for the better. He cried and swore he was going to quit drinking and quit smoking pot for his daughter's sake.

The order for protection was dismissed.

Four months passed. When Lila was nearly seven months old Marie filed a second order for protection. The promised move to their own place kept getting pushed back, then Robert told her to pack and move with two days' notice. She expected him to come to her father's house to pick her and Lila up. When he arrived five hours later than promised, it was not to help them move, but to tell her that she could "forget about moving in" and that if she tried he'd throw her belongings out in the rain. He opened her car door and tried to take Lila from her car seat, telling Marie that it was his right to take his daughter and that he wished Marie was dead. She described these events in her petition: "when I got out of the car he grabbed both of my arms and began to shake me, saying 'Hit me! Hit me! I know you want to, just take a swing!' ...I was very scared and shaken...I finally got my door shut and locked and he continued to beat on the window leaving a bloody handprint...our daughter was in the vehicle and crying and I fear for hers and my safety."

Marie's petition was granted, with no provision for visitation. It was subsequently modified to include recommendations from a Family Court Services evaluation. Robert was directed to participate in a domestic violence treatment program and drug/alcohol evaluation and any resulting treatment recommendations. Marie requested "more visitation rights with our daughter; we're trying to make a parenting plan for our daughter." The court asked how they were going to handle the actual drop off and pick up since Robert was restrained from coming within 500 feet of Marie: "Do you have a mutually agreed upon drop-off place like a police station?"

No alternative for supervised visitation or exchange specific to domestic violence was offered. The language in Marie's first petition – "I want to make sure he is not allowed to take our daughter without supervised visitation, preferably a court liaison" – disappeared. The order provided that "parties will be allowed contact at the paternal grandmother's home solely for visitation drop-off and pick-up. All of the exchanges need to occur at the paternal grandmother's." The paternal grandmother is the person who could not stop her son from grabbing Marie by her arms forcibly removing her from the house, and then pushing his mother as she tried to intervene.