

**CHILD CUSTODY AND DOMESTIC VIOLENCE:**  
**A CHAIN OF UNINTENDED CONSEQUENCES**

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<b>Reality of Battered Woman &amp; Children</b>	<b>Belief of Uninformed System</b>	<b>Unintended Consequences</b>
The climate of fear and violence in the home affects the whole family and how they live their life. The batterer is able to terrorize and intimidate family members without laying a hand on them.	Domestic violence is between the parents and doesn't involve the children. Mediators, lawyers and judges assume that if the children have not been struck or beaten, they won't be afraid of their father, and won't suffer under his care.	The fears of battered women and their children are trivialized and dismissed. As the system ignores the pleas of family members, the batterer feels more powerful, and the victim and her children trust the system less and less.
When a battered woman chooses to leave the relationship, it is usually after she has tried numerous measures to keep the family together. The abuse has typically gone on for quite some time.	Women make up allegations of domestic violence to try to gain advantage in a divorce. Even if it has occurred, domestic violence is a form of divorce "conflict" which will diminish as time passes.	Danger and risk to the woman and children are not taken seriously, and subsequent court orders and directives do not address safety measures. The fact that risk for women is increased after leaving the relationship is ignored.
Batterers often instruct the family in not trusting others, and the family has often seen him persuade and manipulate anyone who has tried to intervene in the abuse. The family sees him as very powerful and his threats as real.	I will be able to identify a dangerous abuser based on my own impressions, not his history of behavior. I know how to tell when someone is lying.	Batterers are often very charming, manipulative and successfully blame their victims for the problems in the relationship. They are likely to come across confident and self-Assured while their family may seem withdrawn and uncooperative.

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Victims can often predict how their partner will respond in certain situations because of their past encounters.	Past bad behavior of an abuser does not mean future bad behavior. His abuse was probably an isolated situation.	When a batterer is not held accountable for his abusive conduct, he is likely to make promises of changed behavior that he doesn't keep, and becomes even more empowered by the systems failure.
Battered women and their children are intimidated and punished by the abuser if they don't do things his way. They greatly fear challenging or confronting him.	The court order shouldn't deal with too many specifics; it's better to let the parties work it out between themselves.	Victims are put in the position of having to negotiate about their children with a person they fear who often has threatened, assaulted and raped them.
Battered women and their children realize that the abusive behaviors are capable of interrupting every aspect of their lives.	Discussing past acts of domestic violence really "rock the boat" in a divorce action, and makes it too adversarial	The court orders leave the parameters of the family interactions very vague and general, and do not address key issues of safety for children and their mothers.
Most battered women minimize their past abuse, feel it's their fault and tell their stories reluctantly to police officers and advocates.	Women who make up domestic violence allegations hugely exaggerate circumstances in order to win the sympathy of advocates.	Batterers use this belief to blame their victims, to avoid responsibility and the system uses it to discount victims and advocates.
As the family experiences time away from the abuser, and feel safer, they become more secure in telling about abuse that has occurred or is occurring.	The majority of allegations that children make about abuse during a divorce and custody action are false and suggested by the other parent.	Many social workers and law enforcement officers don't do thorough investigations of allegations raised during a divorce or custody battle.

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Battered women realize that money is a control issue that may escalate his rage, but are conflicted because they need the child support.	The only issue important in making and enforcing child support orders is the financial one related to wages and garnishment.	Many homicides and felony assaults occur when child support orders are pursued and garnishment established. The safety of the children and their mother needs to be a key consideration in these hearings.
Battering their child's mother is a parenting decision on the part of the abuser that interferes with the mother's relationship with her child.	Regardless of what a parent has done to the other parent, they still deserve unsupervised contact with their child.	Without treatment, monitoring and accountability, an abuser is likely to turn every encounter surrounding the child as a way to control and harass his former partner.
Battered women fear their abusers, and may be relieved that at last the criminal system is holding him accountable for his violence.	Criminal court, family court and child protection workers all work independently and don't collaborate to protect the child from one system to the next.	Since victims don't have the funds to hire an attorney to pursue a modification in family court, the child who was the victim of the abuse is likely to continue to have unsupervised visits with the man just convicted of assaulting them.
Battered women are often told by social workers "if you don't leave, we will take your children," yet don't offer how she and the children will be protected if they do leave, and in fact, they often aren't. If the children end up in situations that aren't safe, she feels she and the children are in a worse position than before she left.	Systems professionals wonder why the mother of the children doesn't get her children out of that situation. Maybe the fact that she "lets" it happen is in itself an indication that she isn't a good mother.	When the woman leaves, the social workers close the case file because she has complied. The woman then goes to family court, but without witnesses that can substantiate the abuse, (the social worker won't be involved) the batterer receives unsupervised access OR primary placement of the children.

