IPV and Custody Evaluation: A Review of the AFCC Guidelines

Robert A. Simon, Ph.D..

www.dr-simon.com

rsimon@dr-simon.com

August 20, 2017

Perth, Australia

- AFCC Guidelines for Intimate Partner Violence – A Supplement to the AFCC Model Standards of Practice for Child Custody Evaluation

- Approved by AFCC Board of Directors on April 9, 2016

- AFCC Guidelines for Intimate Partner Violence – A Supplement to the AFCC Model Standards of Practice for Child Custody Evaluation

- The IPV Guidelines are intended to provide best practice guidance for assessing IPV within the context of child custody evaluation.

- Model Standard 5.11 requires evaluators to obtain specialized knowledge if they are to assess allegations of IPV.

The Guidelines Do Not

- Endorse a specific protocol, models or tools

- Constitute a training curriculum on IPV

Guiding Principles

- The safety and well-being of children and parents is a priority
  - No safety = high degree of risk to all parties

- Ensure an informed, fair and accountable process
  - Transparency is critical as are the limits of confidentiality

- Focus on the individual family
  - No two families are alike. We aspire to respond to the needs of the individual family without preconceived ideas about what has or has not taken place

Problematic Behaviors

- Physically Aggressive Behaviors
  - Potential for injury, harm, disability, death

- Sexually Aggressive Behaviors
  - Sex without consent through use of force, threats, deception, exploitation

- Economically Aggressive Behaviors
  - Intentional diminishing or deprivation of economic security, stability, standing, self-sufficiency

- Psychologically Aggressive Behaviors
  - Intentional harm to emotional safety, security or well-being

- Coercively Controlling Behaviors
  - Harmful conduct that subordinates the will of another through violence, intimidation, intrusiveness, isolation and/or control

Modifiers

- Frequency

- Recency

- Severity

- Directionality

- Pattern

- Intention

- Circumstance

- Consequence

Unique Impact

- The types of IPV BEHAVIORS in combination with the MODIFIERS results in a unique impact within each family and/or with regard to each individual in the family

- Thus, the presence or absence of a particular form or context of aggression, does not, by itself, predict a particular parenting outcome.

- Deeper individualized analysis is important.

Prioritize the Safety and Wellbeing of Children and Parents

- Safety First: The safety of the children and parties is the highest priority
  - Know indicators of risk, danger, potential lethality
    - High levels of violence, injury, increasing violence
    - Threats, willingness and means for lethal violence
    - Excessive control, jealousy, jealousy, stalking
    - Unwillingness to accept responsibility or willingness to evade the law
    - Major mental illness/substance use and/or abuse
    - Other factors such as recent separation, unemployment, children in the home who are not biologically related to a partner who uses IPV

Universal and Ongoing Screening

- Use an IPV screening protocol in every custody case including those where there are no allegations of IPV
  - Screening is not an event, is is a process. IPV can take some time to reveal itself
  - Remain aware for the potential for violence by new partners, extended family, child, sibling or other third party

Systematic Approach

- Using a systematic approach is key to all forensic work

- Distinguish between the purpose of screening and the purpose of formal assessment of IPV

- Recommendations should link the effect of IPV on the children/parents/parenting in each specific case

- The analysis if IPV is separate from assessment of other issues/allegations in a case

Challenges in Information Collection

- Evaluator uses multi-modal/multi-method protocol

- Those who perpetrate and those who are victims of IPV may deny this

- Victims deny for many reasons

- Delayed disclosure does not suggest lack of credibility

- Traumatized individuals may react unexpectedly to inquiries by evaluator

- Lack of documentation doesn't mean it did not happen

- Coercive/controlling behaviors can exist in the absence of physical violence

- Psychological testing is not helpful in determining whether IPV has taken place

Information Collection: IPV

- Collect information concerning
  - Nature of aggression
  - Frequency, severity and context of aggression
  - Whether one or both parties are responsible for aggression
  - Risk factors for lethality, future violence, stalking, abduction

Information Collection: The Child

- Use Developmentally Appropriate Methods of Interview

- Account for Impact of Previous Interviews

- Clearly Disclose Limits of Confidentiality

- Collect information regarding
  - The child's experiences of past and current IPV
  - If there are past experiences, the impact of IPV on
    - Child's health
    - Child's safety
    - Child's well being

Information Collection: Parenting and Co-Parenting

- The evaluator collects information related to the potential impact of IPV on parenting and co-parenting

- The evaluator strives to ascertain whether and how IPV influences each parent's capacity to parent and co-parent

Coparenting

- Evaluator wants to gather and analyze information with regard to the impact of IPV on coparenting
  - Safe involvement between parents
  - Healthy parent-child relationships
  - Direct constructive communication between the parents
  - Clear boundaries between parent's role as parent and as co-parent
  - Learning healthier methods of co-parenting

Analysis of Information

- List information collected

- Summarize information collected

- Identify missing or incomplete information

- Identify limits of the data collected

- Formulate and assess plausibility of alternative hypotheses

- Review assumptions made (make few, if any)

- Review how information regarding IPV was gathered

- Consult with peers as needed

Synthesis of Information

- This involves the explicit linking or IPV related information with parenting recommendations
  - Decision making authority
  - Structure for communication
  - Limits of physical access
  - Are neutral exchanges required
  - Is supervision required
  - Should access be suspended