The Battered Mother’s Dilemma: Reframing Child Maltreatment in the Context of Coercive Control.

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Goals

- UNDERSTAND THE CHANGING CPS RESPONSE TO DOMESTIC VIOLENCE
- APPRECIATE THE NEED TO LOOK BEYOND VIOLENCE
- RECOGNIZE THE DYNAMICS OF COERCIVE CONTROL
- RECOGNIZE HOW EXPOSURE TO COERCIVE CONTROL HARMS CHILDREN
- TRANSLATE NEW KNOWLEDGE INTO IMPROVED ASSESSMENT, CASE MANAGEMENT AND SAFETY/SERVICE PLANNING
CONTEXT FOR Nicholson

- Research on overlap of DV and CA
- Political Pressure on CPS to respond
- Case law that applies “failure to protect” doctrine to non-offending parents
- Funding for DV response
New York City Child Protection

- Child’s exposure per se neglectful
- Danger so high, no court order before removal
- Abused mothers “engaged” in DV
- When there is “ambiguity,” REMOVE

Gender/Race and Class Bias

Leverage with mothers

- Removal as coercive; “because usually battered mothers will agree to whatever services are demanded of them if their children are removed from them.” (CPS Manager)
- Interventions we wouldn’t tolerate
- Women as conveyers not actors
Judge Jack Weinstein

- It is unconstitutional for CPS to charge a non-offending parent with neglect and remove a child solely because she was a victim of domestic violence or refused services due to DV.

APPELLATE DECISION

- DOMESTIC VIOLENCE IS NOT PRESUMATIVELY NEGLECTFUL
- DEMONSTRATING RISK IS NOT ENOUGH
  - BALANCE RISK OF STAYING AGAINST TRAUMA OF REMOVAL
  - PARTICULARIZED EVIDENCE OF HARM
  - CAN RISK FROM NON-REMOVAL BE OTHERWISE AMELIORATED?
  - Mother may be acting reasonably even if she fails to take certain
1890’s
“immigrant brutes”

1920’s
“Neglectful moms”

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1960’s

- CSA
- CA
- Neglect

1980’s: Rediscovery of DV

- Woman Battering
- Child Abuse

Overlap 30% - 70%

DV Referrals to DFYS: 3%
The Domestic Violence Revolution

THE DOMESTIC VIOLENCE REVOLUTION IS STALLED

WHAT DO BATTERERS DO?
THE VIOLENCE MODEL

Violence Focused
Incident Based
Calculus of Harms
Intimate/Stranger Relationships
Home

- Not what women and children experience -

across the lifespan....

% of injuries due to domestic violence

age groups of women

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....a discrete event?

- “repeated” 60-85%
- 89% of victims suffered previous assaults; 35% abused daily (Memphis)
- Women who charged husbands average 35 prior assaults (Canada)
- NCVS 25-30% serial abuse (more than 1/wk)
- 7.1 assaults/yr (London survey)

Severe injury

- 70% choked or strangled
- 60% beaten in their sleep
- 24% cut or stabbed
- 26.5% “beaten unconscious”
- 10% tied up.”
- 60% sex against their will & 27% forced to engage in sex “often” or “all the time
- 24% reported being forced to engage in anal sex at least once.
- 38% suffered “permanent damage”
IS DV ABOUT SEVERE INJURY?

Health Consequences

- Alcohol Abuse
- Drug Abuse
- Suicide Attempts
- Mental Illness
- Child Abuse
- Homelessness
- HIV
Is “domestic violence” domestic?

- National/Medical Data
  - 75-80% of victims are single, separated or divorced (NVCS; Stark et al. etc.)

- Mass.
  - In a majority of DV arrests, men not living with victim

- NYC ACS:
  - 31.5% of victims living in the same household (Magen, et al.)
Duration

– If abused ever, 72% still at risk (Stark & Flitcraft, 1996)
– av. 7.3 yrs. In hospital
– Av. In population 5.5 years (Campbell)

Women and Children’s Reality

- “Ongoing”
- Rape and DV fall on continuum
- Cumulative effect
- Crosses Social Space
- “Violence isn’t the worst part.”
When Abuse is Viewed through the Violence Framework:

- No one goes to jail
- No injury, no crime, no ID
- Other forms of Coercion/Control invisible
- Victim’s Reports Appear Exaggerated
- Emergent vs. “Chronic”
- Reactive vs. Proactive
- Intervention often Makes Things Worse

Abuse and Sexual Coercion are TRIVIALIZED & NORMALIZED
Life on Three Planets

Coercively Controlling Male Partner

Planet 1

Domestic Violence: Criminal Charges; TRO-
CRIMINAL COURT

Mother Failing to Protect

Planet 3

Child Protection

Planet 2

Contact & Custody
FAMILY COURT

‘Good Enough’ Father

Adapted from Radford & Hester, 2006

COERCIVE CONTROL
TYPOLOGY OF ABUSE

- FIGHTS
- PARTNER ASSAULT
- COERCIVE CONTROL

Partner Assault

- 40% of women’s help-seeking
- Motive: to hurt or control
- Repeated, but “episodic”
- Women initiate as well as men
- Women more likely to be injured & seek help
- “Sometimes you have to take a beating”
- Remains choice in immigrant, fundamentalist and other communities where public controls still in place?
COERCIVE CONTROL

- Coercive Control is a strategic course of conduct designed to retain privilege and establish domination in personal life based on fear, dependence and the deprivation of basic rights and liberties.

- Assault
- Intimidation
- Isolation
- Control
ASSAULT

- Repeated, minor routine
- Little or no “conflict”
- May not exist
- Aim is to Subjugate

INTIMIDATION

- Threats of violence
- Violence against others
- Destruction of property
- Harassment through the network
- “The silent treatment”
What is sexual coercion?

- Forcing someone to engage in sexual behavior against their will.
- Wide range of behaviors.
- Touchstone = lack of choice not to engage without severe consequences.

How often does it occur?

- 34% reported sexual coercion by spouse/partner.
  - Basile (2002).
- 40% to 50% of abused women reported rape.
  - Bergen, R.K. (1996) – 20% of whom were raped post-divorce/separation
  - Campbell & Soeken (1999).
- 68% of women seeking protection orders reported rape.
  - McFarlane, Malecha, Watson, Gist, Batten, Hall, & Smith (2005).
- 86% of women reporting forced sex left/tried to leave rel’p.
Consider Coerced Sex

“Have sex with me or…."

I’ll take the kids.

You’ll never see the kids again.

I’ll kill you or the kids.

INTIMIDATION

- STALKING
- Use of the Children
- Surveillance
- Use of legal system
- Witness intimidation – recantation
- INVISIBLE THREATS
DEGRADATION

- Ritual enactments associated with sex, bodily functions or obedience

- TARGET AREAS OF GENDER IDENTITY FROM WHICH PARTNERS GET THEIR SELF-RESPECT, ESTEEM AND POWER

- Link to Ownership

The Continuum of Degradation

- Anal sex
- Pornography
- Marking
- Digital Inspections
- Punishment
- Shaming

- Toileting
- Personal Hygiene
- Treated like an animal
- Use of Children to Enforce Sexual Compliance
ISOLATION

- Family and friends
- School, work, church
- Communication/Transportation
- Helping Professionals
- Private Life

Control
- Exploitation
- Micro-Management
- Deprivation

Constraints on Autonomy
- No Independent decision-making
- Inability to protect self/others
- Can’t Escape

Entrapment
- Risk of Injury/Fatality
- Refocus on Survival
Targets Women’s Default Roles

- Homemaker
- Sexual Partner
- Mother
- “Wife”

Control Prevalence US/GB

- Took her Money (.54)
- Monitored Time (.85) (.66)
- Kept from Medical Care (.29) (.22)
- Did Not Allow to Go to School (.62) (.52)
- No Socializing with Friends (.79) (.71)
- Kept from Seeing Family (.60) (.50)
- Restricted Car Use (.54) (.31)
- Can’t Leave House (.62) (.47)
- Threatened to Take Children (.44) (.40)
- Did Not Allow to Work (.34) (.40)
- Tried to Make Crazy (.89) (.75)

Sources: Tolman, 1989; Rees, Agnew-Davies & Barkham, 2006; Buzawa et al. 1999
What makes a battered woman is her socially constructed inability to effectively resist or escape

SAFETY ZONES

SEARCH & DESTROY
MISSIONS
Abusers & Victims

Assumptions about alleged abusers ….

- Are all the same
- Are dangerous all the time
- Don’t love their children
- Are mentally ill
- Are really “out of control.”
- Will never respond to consequences
- Can never change their behavior
Coercive control is typically rational, instrumental behavior designed to secure and extend privileges in personal life.

Why does HE Stay?

- Privileges & Ownership
- Exploitation (work, money, sex)
- Dependency
- Fear of being alone (‘abandonment anxiety)
- Ownership – she/children are mine
- Religious/cultural beliefs
- Love
- “Doing Masculinity.”
  - BECAUSE HE CAN
Understanding batterer behavior

- Factors contributing to abusive behavior
  - Entitlement
  - Learned behavior
  - Trauma history
  - Insecure attachment
  - Substance abuse
  - Mental illness
- Readiness to change?

Why does abuser do this?

- Enjoy privileges and power
- Exploitation works
- “Doing Masculinity”
- EVIL, MEAN…..
- ……BECAUSE HE CAN
Why does victim stay?

- May leave, several times
  - Leaving is a long process
- No resources; believes no resources
- Love
- Thinks children need father/mother
- Separation is dangerous

Batterer Intervention

- Little short-term improvement
- Does lower frequency = less abuse?
- Re-framing “success” from a victim’s standpoint---

- PART OF FAMILY PLAN FOR SAFETY
WHAT ABOUT THE CHILDREN?

edvard munch
the dead mother
Woman battering is the single most common context in which child abuse occurs.

Start with Child Abuse

- 45%-50% of mothers of Abused Children are battered women (Stark & Flitcraft)
- 50% abused by father; 35% by mother
- If mother is battered, father 3x more likely to abuse child than if not
If we start with battering….

- **Population Studies:** 77% of children in highest violence families had been abused (NFVS)

- **Shelter studies** – 40-70% report child involvement

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**CPS STUDIES**

- **Rates of Domestic Violence**
  - 30% (Mass., 1990)
  - 48% (Mass., 1994, after training)
  - 55% (Wash.)
  - NJ- 3%???

Rates of identification are a function of asking and being seen as ‘friendly.’
Who commits child abuse?

- **Reported child welfare cases:** men 20-55% (NCCAN; Am. Humane Society)

- **When men are present:** 2/3rds of reported incidents (Gil)

Pathways to harm

**Abuse by perpetrator**
- Towards non-offending parent
- Direct abuse or neglect of child
- Abuse of siblings

**Effect on partner’s parenting**
- Depression/PTSD/anxiety/substance abuse
- Loss of authority
- Energy goes to addressing perpetrator instead of children
- Interference with day to day routine and basic care

**Effects on family ecology**
- Loss of income
- Housing instability
- Loss of contact with extended family
- Educational and social disruptions

**Harm to child**
What do we know?

- Exposure
- Knowledge
- Involvement
- Harms

Consequences for children

- Injury
- Psychological problems
- Behavioral problems
- Neglect
- Modeling
- Identification with aggressor
Other Exposures with similar “effects”

- Parental alcohol/drug abuse
- Divorce
- Violent media and video games
- School and neighborhood violence exposure

Most children exposed to domestic violence remain physically and psychologically intact
Child’s Resiliency

- Shelter population – 50-83% few or no problems (Sullivan)
  - Exposure (type, frequency)
  - Child-parent(s) relationship
  - Environmental supports/stressors
  - Personality

Children injured in 17.6% of incidents... But

- Only 1 child in 40 requires medical attention or merits charge of risk of injury
- Overall risk of child abuse:
  - 2-3% in general population
  - 3-6% among battered women
  - 5% in foster care
Risk of Exposure vs. Risk of trauma of Removal

- Wide range of possible effects
- Children from dv homes may be more vulnerable to removal trauma
- Foster care system has risk of abuse and disruption of contacts (5% v. 2%)
- Woman is isolated: battering may escalate

Mothering thru DV

- “Ordinary magic” – competence in the face of adversity
- 98% Emotionally available to children
- 91% …..Appropriate Discipline
ABUSE vs. NEGLECT

Battered Mother
- Few Problems in Childhood
- Few Secondary Problems

Not Battered
- Multi-Problem Childhood
- “Overwhelmed” with problems

Within the CPS caseload
- Compared to Non-battered Women, battered women are:
  - Less likely to abuse drugs (20% v. 11%)
  - Less likely to abuse Alcohol & drugs
  - 84% no mental health problems
Some ways that victims protect their children

- By sending them to another room/neighbor/family member or by keeping them in sight at all times
- By talking to them/not talking to them about the violence
- By attempting to leave/not attempting to leave
- By going back/not going back
- By disclosing the abuse to family, teachers, faith leaders/keeping the secret
- By trying to control when the violence happens
- By resisting the violence or control/submitting to the violence or control (especially sexual violence)
- By taking charge of the children, so he won’t
- By comforting them and assuring that they have supports

Children’s Risk

- Developmental Stage
- Type of Abuse
- Types/LENGTH of Exposure
- Resilience and Support
How Batterers Harm Children

Choosing to expose them to their abusive behavior

Direct physical/sexual/emotional abuse or neglect of children

Indirect harm from CC of non-offending parent

Child abuse as Tangential Spouse Abuse

Undermining parenting efforts

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Child Abuse as Tangential Wife Abuse

**Individual =**
- When the batterer hurts, intimidates, isolates or controls the child to hurt/control/isolate or intimidate the mother

**System =**
- When the court, police, health or child welfare system use the child as a way to harm or control the parent
Sabotage

- Sabotage of Contact (PAS) vs. Sabotage of Compliance, Care-taking & Safety Plans
  - Grilling Child
  - Sabotage relationship with child
  - Constraints that undermine relationship
  - Use child to spy
  - Blackmail
  - Deprivation/withdrawal (money/information)

The battered mother’s dilemma

- When the offending partner forces the victim to choose between her own and her child’s safety
- If I do what the CPS/court wants, I put myself and my child at risk.
  - “If I don’t do what the court/CPS want, I put myself and my child at risk.”
When Battered Women Hurt Their Children

- Victims can be abusive and neglectful mothers
- Scapegoating as a response to the BW Dilemma
- Control in the Context of No Control

Improving the Child Welfare Response
Safe and Together™ Principles

1. Keeping child Safe and Together™ with non-offending parent
   - Safety
   - Healing from trauma
   - Stability and nurturance

2. Partnering with non-offending parent as default position
   - Efficient
   - Effective
   - Child-centered

3. Intervening with perpetrator to reduce risk and harm to child
   - Engagement
   - Accountability
   - Courts

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Strengths Based Approach to Non-offending Parent

Full spectrum of the survivor’s efforts to promote the safety and well being of the children
- Goes beyond “yardstick” of LE, Injunction, Leave
- Avoids double standard around mothers and fathers

Assess survivor’s strengths as they relate to the children
- Prior traditional and non-traditional safety planning
- Day to day care of the children
- Positive impact on children

Develop case plan based on the strengths
- Validating her strengths builds partnership
- Does not mandate unnecessary services
Safe Contact

- Independent Assessment of Risk
  - Past violence best predictor of future abuse
  - Frequency as well as severity
  - Level of Control
  - Fear of contact
  - Level of autonomy (is she free to make decisions?)
  - Support
  - Level of resources

ASSESSMENT

FEAR
INJURY
ENTRAPMENT
CONTROL IN THE CONTEXT OF NO CONTROL

<table>
<thead>
<tr>
<th></th>
<th>“Invisible”</th>
<th>“Good Guy”</th>
<th>“Bad Guy”</th>
</tr>
</thead>
<tbody>
<tr>
<td>What we do</td>
<td>Ignore</td>
<td>Welcome/ Reward</td>
<td>Punish</td>
</tr>
<tr>
<td>Practice Implications</td>
<td>Do nothing with him</td>
<td>No assessment</td>
<td>Send him away</td>
</tr>
<tr>
<td>Implications for work with mothers and children</td>
<td>All the focus is on mom</td>
<td>Her efforts are valued less</td>
<td>All the focus is on mom</td>
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Perpetrator’s pattern of coercive control

Role of substance abuse, mental health, culture and other socio-economic factors

Actions taken by the perpetrator to harm the child

Adverse impact of the perpetrator’s behavior on the mother & child

Full spectrum of the non-offending parent’s efforts to promote the safety and well being of the child

Case-Specific (to the batterer’s past behaviors and survivor’s past efforts)

Unconventional at times

Collaborative Safety Plan

Documented

Always assume the survivor is safety planning

May include traditional safety planning (ex. TRO)

Change over time based on batterers’ behaviors and risk

Enhance safety of children and adult survivor

Enhance safety of children and adult survivor

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Recommended Alternative to “Failure to Protect” Language

Use language that focuses on the perpetrator’s role in creating harm or risk to the children.

Example:

“Despite the mother’s efforts to protect the children, the perpetrator is creating conditions injurious and harmful to the children.” (CT Collaborative)

RESPOND TO DYNAMICS

- VIOLENCE
- INTIMIDATION
- ISOLATION
- CONTROL
- LIAISON WITH POLICE AND COURTS
- RECONNECT TO INFORMAL AND FORMAL SUPPORTS
- DECISIONS/
- RESOURCES
Remember

- The harm to children of exposure to domestic violence varies widely
- Offenders must be held accountable for the harm they do to their children—focus on perpetrators

Keeping women safe helps greatly to keep their children safe
- Exposure to dv should not be defined as maltreatment under the law
- Removal of children from their primary caregiver exposes them to harm that often outweighs the risks associated with child witnessing

SAFETY PLANNING

“my job is not to make decisions about your relationship my job is to make sure that if you are going to work on your relationship it is done in a safe environment”