



Spring 2016 – Newsletter of the NOW Foundation Family Law Ad Hoc Advisory Committee

Dear Friends,

The purpose of the NOW Foundation Family Law Ad Hoc Advisory Committee Newsletter is to provide continuing education on family court issues to the general public and supporters of NOW Foundation. The newsletter contains current news and information regarding the ongoing crisis for mothers and children in family courts. As many of our readers are aware, protective parents – primarily mothers – are losing custody of minor children in court proceedings that often ignore evidence of battering or child abuse and grant custody or unsupervised visitation to the abusive parent.

This issue is devoted to illustrating the harm that is done when attorneys and judges accept allegations of the discredited “Parental Alienation Syndrome” and act upon them. Unfortunately, the use of this allegation is widespread in family courts and often leads to custody switching from a protective parent (usually, the mother) to the other parent (usually, the father) – who in many instances is an abusive parent and wishes to continue controlling the ex-spouse from a distance, or to avoid making child support payments or to have exclusive access to the children with no accountability. There are cases involving parental alienation allegations when custody of minor children was granted to an abusive parent even when there was documentation of domestic violence or child abuse on his part.

Judges, attorneys and other court personnel, as well as mental health personnel used in custody cases need to be made aware of the lack of any scientific credibility for Parental Alienation “Syndrome” and respected professional associations’ recommendations against its use in court.

General Information

A clearinghouse of materials the committee has compiled can be found at the NOW Foundation web site at this link, <http://now.org/now-foundation/crisis-in-family-courts/>. There are additional materials on the NOW Leaders page on the NOW, Inc. website.

Family Law Advisory Committee Brochure available at this link: <http://now.org/wp-content/uploads/2015/02/familylawbrochure7-08final.pdf>

An Extreme Example of a Judge Referring to Parental Alienation and Removing Children from a Protective Parent

An Oakland County Michigan Family was thrown onto the world stage by the actions of a family court judge. The judge, Lisa Gorcyca, became angry at three children who refused to have lunch with their father, had them removed from court in handcuffs and sent them to Children’s Village. The judge had also

accused the mother of alienating the children from their father who at that time lived in Israel.

The mother was the custodial parent, however, since the children were taken from the courtroom in handcuffs in June of 2015, as of this writing, the mother and children have not seen each other.

The links below offer you:

- A local newspaper article, plus articles on several websites
- Transcripts of the hearing where the children were ordered to children's village
- The order sending them from children's village after much public outcry to a local Jewish summer camp
- Order to a Reunification program called Highroad to Reunification

Local newspaper story. <http://www.fox2detroit.com/news/2864198-story>

Transcripts of June 24, 2015, hearing when Judge Gorcyca "jailed" the three children in this case.

https://www.dropbox.com/sh/4jy2q37q3axx62a/AABfvGZPS-nL42-IX0eZhP_ba/2016/2016-04-07?dl=0

After the story went viral, the judge ordered the children moved from Children's Village to a Jewish Summer Camp, but not back home with their mother. The mother was the custodial parent.

https://www.dropbox.com/sh/4jy2q37q3axx62a/AAD_6x9zP9zJcsENN_72js9na/2015/2015-07-10/20150710_ORDER_FLD_AFTER_HEARING_064098548.pdf?dl=0

Kids taken from Children's Village were then sent to Jewish Summer Camp.

<http://www.freep.com/story/news/local/michigan/oakland/2015/07/10/jailed-kids/29964437/>

A recommendation from the children's Guardian ad Litem (GAL) led the way for the children to be sent directly from camp to a parental alienation program called Highroad to Reunification. The owner of this program is Dorcy Pruters. According to the GAL recommendation, "the owner of this for profit program is not a licensed therapist/psychologist and maintains what she does is 'Intervention' not Therapeutic." Dorcy Pruters reveals her education as High Conflict Institute.

<http://www.consciouscoparentinginstitute.com/reunification/>

https://www.dropbox.com/sh/4jy2q37q3axx62a/AAAlDengwAsAiVnUjqQBsvza/2015/2015-08-03/8-03-2015-Gal-recommendations-pa-counselin_wm2701160932034.pdf?dl=0

Order for children to attend the parental alienation program and for the children to reside with their father until further order of the court.

[https://www.dropbox.com/sh/4jy2q37q3axx62a/AACLLcbQ3Eg7jNs6hE10lICNa/2015/2015-08-13/20150813_ORDER_FLD_RE_ADOPT_THE_GAL_REC-CUSTODY_064212903%20\(1\)-2.pdf?dl=0](https://www.dropbox.com/sh/4jy2q37q3axx62a/AACLLcbQ3Eg7jNs6hE10lICNa/2015/2015-08-13/20150813_ORDER_FLD_RE_ADOPT_THE_GAL_REC-CUSTODY_064212903%20(1)-2.pdf?dl=0)

Additional order to prevent mom from access to the children and Temporary Order Change of Custody:

https://www.dropbox.com/sh/4jy2q37q3axx62a/AABv0j4_50fANFoaLShHMmq0a/2015/2015-09-02/20150902_MOTION_FLD_FOR_PROT_SEPARATION-ABATE_SUPPT-DFT_064294564.pdf?dl=0

The Michigan Judicial Tenure Commission has filed its own Complaint against Judge Gorcyca detailing her treatment of the children in her courtroom, her scheduling parenting time with the father in her jury room, appointing attorneys for the children who then had only thirty minutes with their child clients to prepare for court, and finding that she originally replied to the Commission falsely, among other things. <http://jtc.courts.mi.gov/docs/FC98.Complaint.pdf> This matter is scheduled to be heard in May 2016.

A new judge, The Honorable Joan Young, was assigned to the case after Judge Gorcyca was removed.

The case is now in the Appeals Court, which is moving slowly. The family law case continues where father has petitioned for custody, indicating he wants to put one child in foster care, put one in a wilderness program and to keep one himself.

On April 1, 2016, the current judge, after more than 266 days without mother and children seeing each other, ordered visitation for mom and the children. You can view this order here.

https://www.dropbox.com/sh/4jy2q37q3axx62a/AABfvGZPS-nL42-IX0eZhP_ba/2016/2016-04-07?dl=0

Latest news article on mother and children having visitation after almost a year.

<http://www.commdiginews.com/life/mother-reunited-with-children-after-judge-gorcyca-nightmare-61269/>

Several articles about this judge have appeared on HuffPost Crime and other websites, including, *Judge Gorcyca Disqualified from Tsimhoni case: Injustice Persists*, by Hope Loudon, Activist and Writer (12/30/15), http://www.huffingtonpost.com/hope-loudon/judge-gorcyca-disqualifie_b_8887004.html and *The Tsimhoni Case: When Courts Hurt Children*, by Barry Goldstein, 4/16/16), The Stop Abuse Campaign website, <http://stopabusecampaign.com/the-tsimhoni-case-when-courts-hurt-children/>

On April 14, 2016, in an unpublished ruling the Michigan Court of Appeals reversed and remanded the *Tsimhoni v. Tsimhoni* case to the lower court. Reversing and remanding, but not returning the children to their mother, the Appeals Court stated, "While we reverse the trial court's procedurally defective

orders, we note that nothing that this Court can do will change the reality of the children's situation. On remand, the trial court shall conduct an evidentiary hearing on the children's custody as soon as possible to determine whether, considering the myriad disruptions in this case, the children have an established custodial environment. The trial court shall then use the appropriate standard to determine what custody arrangement is in the children's best interests." This mother won due to faulty court rulings that stripped her children from her, however, now she and the children must wait for a custody trial.

https://www.dropbox.com/sh/4jy2q37q3axx62a/AABnqxxA2Z8vWngTZFNqA-H5a/2016-04-14/20160414_c329406_70_329406.opn.pdf?dl=0

Respected Institutions Recommend against the use of Parental Alienation Syndrome in Determining Custody:

ABA, Judges' Association Say PAS Inadmissible in Court

Importantly, the American Bar Association's Spring 2006 journal article, *Evidentiary Admissibility of Parental Alienation Syndrome: Science, Law and Policy* concluded that the supposed disorder is inadmissible in court "given its lack of scientific validity and reliability."

National Council of Juvenile and Family Court Judges

Similarly, the National Council of Juvenile and Family Court Judges (NCJFCJ) rejects the "syndrome" and recommends that "under relevant evidentiary standards, the court should not accept this testimony." Their publication, *Navigating Custody & Visitation Evaluations in Cases with Domestic Violence: A Judges Guide* (2nd edition) finds that:

"The theory positing the existence of "PAS" has been discredited by the scientific community." The guide notes that that Supreme Court ruled that even expert testimony based on the "soft sciences" must meet the standard set in the *Daubert* [54] case. *Daubert*, in which the Court re-examined the standard it had earlier articulated in the *Frye* [55] case, requires application of a multi-factor test, including peer review, publication, testability, rate of error, and general acceptance. Any testimony that a party to a custody case suffers from the syndrome or "parental alienation" should therefore be ruled inadmissible and/or stricken from the evaluation report under both the standard established under *Daubert* and the earlier *Frye* standard [56].

Update from the NCJFCJ

In July 2009 the National Council of Juvenile and Family Court Judges (NCJFCJ) issued a statement on Parental Alienation Syndrome (PAS) from its Family Violence Dept. publication A Judicial Guide to Child Safety in Custody Cases, which points out that PAS has been scientifically discredited and that allegations of PAS or "parental alienation" may inappropriately divert attention of away from the behaviors of the abusive parent. You may want to use this guide in fighting PAS and "parental alienation" claims in your child custody cases. (See cautionary statement about PAS on pages 12-13.)

http://www.ncjfcj.org/sites/default/files/judicial%20guide_0_0.pdf

Why the Official Rejection of PAS Matters

by Barry Goldstein

There have been a lot of stories recently about the release of the DSM-V (Diagnostic and Statistical Manual of Mental Disorders) which contains all of the officially recognized mental health diagnoses. The "fathers' rights" groups that were created to support male supremacy and the cottage industry of lawyers and mental health professionals that make their living supporting abusive fathers aggressively lobbied the American Psychiatric Association to pressure them to include PAS, Parental Alienation Syndrome, in their new DSM. Their demands were denied or should I say again denied for a very important reason. **There is no valid scientific research that would support or justify the use of PAS.**

On the surface, not much has changed in that PAS was rejected for the DSM-IV and is also missing from the DSM-V. Nevertheless, I believe this latest rejection has very important implications. There has now been a substantial period of time since Richard Gardner concocted PAS and self-published numerous books promoting it as part of his business. Many courts have been manipulated into allowing the use of PAS despite the lack of scientific basis. Many other professionals have sought to use PAS as a way that they can support their abuser clients. We have seen the enormous harm the use of this unscientific theory has done to children. The earlier rejection could have been chalked up to the relative newness of PAS and lack of a chance to determine its validity. I would not support that assumption as it never had any valid basis and was really the product of circular reasoning and bias. Now that all this time has passed, and the proponents have had the opportunity to make whatever case they have, the rejection of PAS by the official professional organization that oversees mental health issues should be devastating to any attempt to continue relying on PAS.

No doubt those trying to preserve this vital tool for helping abusers maintain control over their victims will seek to minimize the importance of the latest rejection. Some have even sought to claim that PAS is supported by the DSM-V even though this is obviously a lie. One of the problems we have seen in custody courts is that court professionals do not closely follow current scientific research and developments so it is important for those who seek to prevent the abuse of children make the courts aware of this important development.

Regardless of the Nomenclature When Is It PAS?

PAS has quite properly received substantial criticism and many official professional organizations have condemned its use because it has no scientific basis and is commonly used to hurt children. This has led proponents to call it by other names in an attempt to avoid its notoriety. Many judges who would not admit evidence of PAS routinely accept claims of parental alienation or alienation without considering the basis of these allegations.

Regardless of the term used, if it is used to discredit or avoid investigation of domestic violence or child abuse allegations, it is in fact PAS. If it is used to justify the kind of extreme outcomes referred to by Dr. Daniel Saunders as “harmful outcomes,” in which the alleged abuser received custody and the safe, protective mothers who is the primary attachment figure is limited to supervised or no visitation, it is in fact PAS. If it is used to suggest that the child’s hostility or fear of a parent can only be explained by the mother’s alienating behavior, it is in fact PAS.

Fundamental to PAS is the assumption that most allegations of domestic violence and child abuse are false. This is the justification to avoid an investigation of the allegations and instead assume they are false. In reality, less than 2% of abuse allegations made by mothers are deliberately false. The Saunders’ study found that inadequately trained professionals tend to believe the myth that mothers often make false allegations and believe unscientific alienation theories. Significantly this misinformation leads to recommendations and outcomes that hurt children. Accordingly when professionals rely on this type of misinformation they are being influenced and really biased by PAS.

I have heard many judges and other court professionals ask someone who seeks to challenge PAS if they would admit that parents sometimes alienate children. Certainly, even in intact families parents make negative statements about the other parent. This can be even more personal and offensive when the parents are separated. This is a topic that needs clarity of thought and PAS encourages just the opposite. If this topic has any validity in the context of custody disputes, it must be limited to its impact on children. Furthermore, the impact must be based on scientific research rather than speculation and assumption which is all that PAS provides.

In one notorious case, the mother was criticized for “alienating the children” because she told them that they should eat healthy foods, dress appropriately for the weather and avoid adult oriented television programs. This is really good advice that any caring parent would be expected to provide their children. It was treated as if it was alienation because the father engaged in all of these harmful parenting practices so the good advice was considered critical of the father. Alienation is frequently applied in a gender biased manner and this case provided a good example. When the court suddenly removed the children from their mother and gave the abusive father custody, he told them that they would no longer see their mother because she moved to another city. This lie came out during a supervised visitation. This was a statement that greatly upset the children and caused tremendous harm but the biased judge had no concerns about genuine alienating behavior.

In many cases the mother’s alienating behavior involves her discussion of the father’s abuse that the children had witnessed. It is important for children to know that this kind of behavior is not acceptable in our society. It is also important for children’s reality to be supported which would be undermined if what they witnessed was denied. Nevertheless many court professionals treat anything critical of the father as if it were alienation.

When we discuss issues like domestic violence and child sexual abuse there is substantial scientific research of the enormous lifetime harm that these heinous behaviors cause to children. It is this enormous harmful impact on children that ought to require courts to take these allegations seriously. Although many court professionals take alienation claims at least as seriously as abuse complaints, there is no equivalent research in terms of the harm caused to children. When a parent tells the children false stories about the other parent, the most likely result is to undermine the relationship with the parent telling the lies. Even when the lies undermine the relationship with the other parent, the effect is usually short term. In most of the cases in which PAS is used the problem in the relationship is not some false statements but significant abuse and bad parenting that damaged the relationship. The purpose of PAS is to conflate the causes of the alienation. Not only does this encourage faulty analysis, but discourages the necessary response which is for the abuser to acknowledge his mistreatment of the mother and children and change his behavior.

We constantly see domestic violence cases in which courts grant custody to the abusive father based on the prediction that he is the parent more likely to promote the relationship between the mother and children. Once he gains custody, he uses this control to destroy the mother’s relationship with the children. This is completely predictable as The Batterer as Parent found that all batterers engage in harmful parenting practices that include undermining the relationship with the mother. Courts that aggressively pressure and punish mothers for protective behavior that is interpreted as alienation rarely take effective measures in response to fathers’ real alienation.

Many mothers, seeing the effectiveness of alienation claims made by fathers and watching their children alienated from them, make their own alienation claims. Some may even seek to use PAS. We think this is a bad idea because it provides a false sense of credibility to alienation claims that usually are just abuser tactics. A better approach is to refer to these behaviors as Domestic Violence by Proxy. These alienating and undermining tactics should really be seen as a continuation of the pattern of coercive and controlling tactics used by batterers. They are hurting the children in order to hurt the mother.

What Does it Now Mean if Litigants Seek to Claim PAS?

In the context of contested custody cases which are overwhelmingly domestic violence cases, most claims of alienation, particularly in response to abuse allegations are false and part of standard abuser litigation tactics. Of course courts are required to consider each case separately so they cannot automatically dismiss alienation claims. At the same time it is useful to consider the context and know that abuser rights groups and the cottage industry encourage fathers to make alienation claims.

Courts would be wise to evaluate alienation claims based on the impact on children. The Saunders' study found that the extreme outcomes in which children are denied a normal relationship with their safe protective mother who has provided most of the child care during the first few years of the child's life are always harmful to children. This is because the harm of separating children from their primary attachment figure, a harm that includes increased risk of depression, low self-esteem and suicide when older is greater than any possible benefit. Accordingly if a claim of alienation is used to advocate for one of these harmful outcomes, the father is acting in his interest unconcerned about the very real harm it would do to the child.

PAS is commonly used in cases involving sexual abuse allegations. The purpose is to prevent a full investigation of the allegations and just assume it is a deliberate falsehood. Since mothers make deliberate false allegations less than 2% of the time this means PAS is used to encourage mistaken conclusions most of the time. Presumably the alleged abuser knows what he did or did not do, although he may define his actions as appropriate. In most cases the mother did not witness the alleged abuse for obvious reasons so she is expressing her concern based on what the child told her or the child's behavior. One of the common causes of sexual abuse allegations are where the father violated the child's boundaries but did not abuse the child. This could happen where the father sleeps in the same bed or lies next to the child in putting her to sleep. The father does not realize he did anything harmful and there would be no need to restrict his access. He just needs to understand that his behavior made the child uncomfortable and must be stopped. The child might also be acting out because someone else abused her. By preventing a full investigation, a father claiming

alienation makes it impossible to learn what disturbed the child. A father concerned about the well being of his child would want to know the cause even if he believes the mother is lying.

If there was a legitimate alienation claim, there would be specific evidence of what actions the alleged alienating parent took and how it impacts the children. There would also be valid scientific research about the long term harm to the children. Otherwise the court is being asked to not only consider speculation but to ignore more important issues in order to do so.

This analysis of the purpose of making the alienation claims is important because if it was done as a tactic to avoid a full investigation of the abuse complaint or to seek outcomes that would be harmful to the child, it should be treated as additional proof that the party making the alienation claims is actually an abuser seeking to use the alienation tactic to reestablish control over his victim.

What Does it Mean if Court Professionals Seek to Use PAS?

Court professionals should know that PAS is bogus and unscientific. This means that when they promote claims based on PAS they are either deliberately trying to help abusers or do not possess the training necessary to understand the harm of PAS or anything else having to do with domestic violence. It really does not matter what the reason is for their mistakes, they should not be involved in domestic violence cases.

In the case of evaluators or other mental health professionals, they should be familiar with the DSM-V. This would make them aware of the rejection of PAS because there is no scientific research to support it. Accordingly, they would be guilty of malpractice if they diagnose a condition that does not exist in the DSM. Already some psychologists have lost their licenses for this improper practice and with the latest rejection of PAS, this consequence should occur more frequently. Indeed it is only the tendency of professionals to protect fellow professionals that have discouraged investigations of these obvious violations.

The Saunders' study found that professionals with inadequate training tended to rely on unscientific alienation theories. This in turn led to outcomes that harm children. This finding alone would demand that courts refuse to rely on mental health professionals with these biased and baseless beliefs. Although lawyers are not mental health professionals, a belief in PAS confirms inadequate training and thus should disqualify them from working on domestic violence cases. Certainly courts should immediately dismiss any "neutral" professional who seeks to make decisions based on a PAS analysis. This is true even if they seek to obscure their mistake by calling it something else.

Preventing Judges from Making a Decision Based on PAS

PAS is not used in other types of courts or for any purpose other than to interfere with investigations of abuse allegations and to help abusers regain control over their victims. Other courts follow evidentiary laws and require scientific proof which was never available. In fairness to custody court judges, many of the cases and particularly the early cases that permitted the use of PAS were based on the failure of attorneys for protective mothers from challenging PAS. This was compounded by the widespread reliance on evaluators who are part of the cottage industry that earns its living by supporting abusive fathers. These biased professionals were treated as if they were neutral and this made it more difficult to challenge their use of PAS. As time passed and PAS became all too common, the response to the lack of scientific support is often to use PAS by another name like alienation or parental alienation. Many judges reason that parents do say negative things about each other and so the concept of alienation does not require scientific support. This has permitted courts to assume that there are serious consequences to children from alienating behaviors without requiring scientific proof.

In the United Kingdom, Lord Justice Nicholas Wall, who is a leading family law judge gave a speech to Families Need Fathers in which he said the worst thing that can be done to a child is for the mother to speak badly about the father. Many U. S. judges have made similar statements. I really don't think that most judges believe that a mother calling a father an offensive name is more harmful than raping or beating a child or witnessing the father's assault of the mother, but these statements illustrate the bias that PAS has caused. There is enormous scientific research about the catastrophic harm caused to children from witnessing domestic violence, being directly abused or being separated from their primary attachment figure. There is no valid research that would support anything close to this level of harm from alienation, but courts routinely treat these allegations as relatively equivalent and are much more believing of alienation allegations even though they are frequently false.

I believe it is important for attorneys to place these issues in context for the court. The decision by the American Psychiatric Association to reject PAS because of a lack of scientific support ought to be used to reconsider our standard judicial responses to alienation claims. This will not happen unless protective mothers raise these issues and the research aggressively. One of the fundamental problems with the court's response to domestic violence and child abuse is that they rarely weigh the impact of these problems on children to whatever the impact would be of other far less important issues. That is one of the reasons that primary attachment and domestic violence are so often minimized by custody courts. This creates a disconnect between the courts and the best interests of children. The result is to make the best interests standard to be purely subjective and hard to appeal.

I believe many judges who allow “evidence” of PAS or alienation are not fully familiar with its origins. It is not just that it was concocted by Richard Gardner based on no research but just his personal beliefs and biases. Because it was based on his beliefs it is important for judges to know what those beliefs were. Gardner made many public statements to the effect that sex between adults and children can be acceptable. I do not think many judges would want to be associated with those beliefs. Any attempt to claim that alienation or parental alienation is different from PAS is fatally undermined if it is used to prevent a full and open investigation of the abuse allegations or to justify the extreme outcomes that Saunders and others found to always be harmful to children.

Furthermore, with the latest rejection of PAS by the American Psychiatric Association, any “expert” relying on PAS or its progeny is really telling the court that they are neither experts nor neutral. Any evaluator who is part of the cottage industry or supports PAS should be eliminated as a potential evaluator or any other neutral position.

Judges also need to be concerned about the appearances the use of PAS would cause. When the American Psychiatric Association and every other credible professional organization, including judicial organizations rejects the use of PAS, a judge would be creating an appearance of bias, ignorance or worse by permitting evidence based on PAS. Furthermore, the use of PAS frequently results in outrageous outcomes that are not based on valid evidence or the well being of children. Again this creates at least the appearance of bias or a conflict of interest. This is particularly so when the court creates an outcome current research including a study released by the U. S. Department of Justice found to always be against the best interests of children. In these circumstances that most favorable interpretation is that the judge was unqualified to handle a domestic violence case. All of these circumstances raise serious ethical concerns because judges are required to avoid even the appearance of impropriety.

Conclusion

There was never any valid justification to permit the use of PAS by any name in the custody courts. The fraudulent use of PAS has been responsible for destroying the lives of hundreds of thousands of children. This never should have been permitted by the courts, but at the same time the courts are extremely defensive to criticism of their errors and are unlikely to acknowledge past mistakes.

Accordingly, the publication of the DSM-V should be treated as a great opportunity to ask courts to reconsider the misuse of alienation theories. The other side will not make judges aware that their favorite toy has been completely discredited. The attorneys for protective mothers must make the courts aware of this decision and start a discussion of what this means to standard court practices. Courts are not permitted to accept evidence about scientific theories

that are not based on authoritative and accepted scientific research. The decision on the DSM is fundamentally incompatible with the continued use of alienation theories. This is particularly true when the theories are used to deny the primary attachment figure a normal relationship with the child or to prevent a full investigation of abuse complaints. We need to tell the courts about this and file complaints against any professionals who continue to support PAS by any name now that it has been officially discredited.

Barry Goldstein is a nationally recognized domestic violence expert speaker, writer and consultant. He is the co-editor with Mo Therese Hannah of DOMESTIC VIOLENCE, ABUSE and CHILD CUSTODY. Representing the Domestic Violence Survivor, co-authored with Elizabeth Liu is designed to train attorneys to present domestic violence cases and was released in April of 2013. Barry can be reached by email from their web site www.Domesticviolenceabuseandchildcustody.com

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Editor's Note:

1 - More on Richard Gardner, especially see section on Criticism, https://en.wikipedia.org/wiki/Richard_A._Gardner

2 - Child Custody Evaluators' Beliefs About Domestic Abuse Allegations: Their Relationship to Evaluator Demographics, Background, Domestic Violence Knowledge and Custody-Visitation Recommendations, by Daniel G. Saunders, Ph.D., Kathleen C. Faller, Ph.D., Richard M. Tolman, Ph.D, (June, 2012), <https://www.ncjrs.gov/pdffiles1/nij/grants/238891.pdf>

3 – The Batterer as Parent: Addressing Family Dynamics/Second Edition by R. Lundy Bancroft, Jay G. Silverman, Daniel Ritchie, Nook Book, Sage Publications (9/4/11), <http://www.barnesandnoble.com/w/the-batterer-as-parent-r-lundy-bancroft/1119455524?ean=9781412972055>

One State's Progress in Contested Custody Cases

The New York Assembly is currently considering Bill No. A00290, which can be viewed at this link:

http://assembly.state.ny.us/leg/?default_fld=&bn=A00290&term=2015&Summary=Y&Memo=Y&Text=Y

The bill provides that when a custody evaluation is ordered in a case, each party (usually the parents), their attorneys, and the children's attorneys have a right to a copy of the custody evaluation.

Other provisions insert transparency and due process into the custody evaluation process. For example, under the proposed bill, the testimony and findings of experts in custody proceedings would be subject to the rules of evidence and to cross-examination.

States vary widely on the rules and practices surrounding custody evaluations and other professionals involved in these cases.

A Call to Action

Become aware of cases harmful to mothers and children in your state. If you have friends who have experience with cases such as these or who are judges or family law attorneys, ask them about their experience with these cases. Look also for legislation and bills harmful to women and children. Send information on cases and legislation on these topics to the NOW Family Law Committee at reneebeeker@aol.com.