



Summer 2020 – Newsletter of the NOW Foundation Family Law Advisory Committee

A WORD FROM THE COMMITTEE

We hope people are remaining safe and staying healthy in this unprecedented time. Now is the time that we should watch our state legislatures for family law related actions. Some families were not able to get into court during this time, and abusive parents took advantage of that fact, perhaps removing children, when there was no recourse available to the other parent.

At this time domestic violence has risen and custody situations have become problematic. Many non-custodial parents report they were not getting to see their children at all. This is a dangerous time for domestic violence victims who are also suffering from the effects of the pandemic.

The National DV Hotline is 800-799-7233. You can call them from anywhere in the United States.

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From USA Today: The Toll of Witnessing Domestic Violence on Children

Summary and Discussion by Michael R. Smalz

New research shows that witnessing domestic abuse causes some of the same harm to children's mental health and learning as if the children had been abused directly. Researchers estimate that between 4.5 million and 15 million children

are exposed to physical violence in the home each year. Many more witness verbal and emotional abuse of a parent or other family member. The risk of Post Traumatic Stress Disorder (PTSD) from witnessing domestic violence is high, and the “toxic stress” on children can harm their lifelong learning and mental and physical health. There is also a high correlation between spousal abuse and child abuse.

A global study of more than 128,000 people from all socioeconomic backgrounds found that children who witness domestic violence had the same risk and incidents of PTSD as soldiers returning from war. Other research by neuroscientists has linked children’s exposure to domestic violence – especially at an early age – to brain damage and abnormalities, including:

- a smaller hippocampus – the brain area related to learning and memory formation;
- research showing that the amygdala – the part of the brain that processes emotions, memory and fear – reacts more strongly in children who have been exposed to violence than children who haven’t; and
- a heightened responsiveness to threatening faces during brain imaging in the parts of the brain that detect threats and anticipate pain – the anterior insula and amygdala – in children exposed to domestic violence.

Moreover, domestic violence and other adverse childhood experiences (ACEs) are linked to a wide range of mental and physical health consequences throughout life, including anxiety disorders and other mental illnesses, impaired learning and judgment, obesity, suicide and early death. Exposure to domestic violence reduces the potential of babies and toddlers to learn because the “most damaging time” for brain development is during pregnancy and the first three years of life. For people of color, especially African-Americans, Latinos and Native Americans, the effects of such trauma are often magnified because they are more likely to suffer from systemic racism, discrimination and micro-aggressions.

Detecting, treating and preventing domestic violence are the keys to reducing it. That includes fair and just treatment by the legal system. Family courts in child custody cases should consider the impact of domestic violence on children and the abused parent in custody cases involving a spousal or parental history of domestic violence. Judges should be well-informed regarding the dynamics of domestic violence and the traumatic impact on children of witnessing domestic abuse. Unfortunately, that is often not the case.

Judges frequently discount allegations or evidence of domestic violence or give greater weight to the abuser’s allegations of parental alienation. Domestic violence perpetrators too often gain sole or joint custody of their children.

An equally disturbing trend is that of courts ordering the parents and children to undergo “family reunification therapy” in these cases. Domestic and child abuse victims ordered to undergo “family reunification therapy” have sometimes experienced punitive, abusive, cult-like treatment in isolated family reunification camps. Such orders are rarely if ever appropriate, but are especially dangerous in cases involving a history of serious domestic violence.

In short, healthcare providers and family courts should focus on the children’s needs and whether the community has the resources to respond to those needs in cases where children have experienced or witnessed domestic violence. There should be adequate networks of services and referral practices to prevent, detect and treat childhood trauma. Often the support of parents, friends, family and school could help alleviate the effects of stress and trauma in children.

In addition, family courts should not reward abusers and exacerbate childhood trauma by issuing punitive and inappropriate court orders that award custody to abusers or mandate family reunification therapy.

Stronger domestic violence laws, mandatory judicial training for all judges handling cases involving domestic violence, and improved guidelines for child custody determinations in cases involving domestic violence are essential to protecting children who have witnessed the violence.

https://www.usatoday.com/story/news/health/2019/01/29/domestic-violence-research-children-abuse-mental-health-learning-aces/2227218002/?fbclid=IwAR176uQzwhTbrudVblCysIZvA91n0t-y-fA46gKt8qxvb_6WDxUzWKYU1PI

Memo of Concern to the World Health Organization

One hundred and seventy-three experts and organizations wrote this memo to the World Health Organization urging them to not include “Parental Alienation” in the International Classification of Diseases as a “Caregiver-Child Relationship Problem.”

The section related to reunification therapy mentions that many of those who support the inclusion of “parental alienation” into the formal disease classification document, offer or have in the past offered “alienation ‘reunification therapy’ for economic gain or who are expert witnesses paid to testify in custody cases.”

These writers note that if a child’s relationship with a protective parent who was also a victim of domestic violence has been undermined by the violent parent, a reunification therapy program may help the child redevelop a relationship with the protective parent. They say, however, that very little research has been done and that the short and long-term effects on children of “reunification therapy” is largely unknown.

The writers mention anecdotal reports from children who now have safety to report what happened to them during or after reunification therapy, suggest that formal research should be required before children are subjected to these activities.

<http://www.learningtoendabuse.ca/WHO.22April-1.pdf>

Reunification Therapy

Reunification is usually thought of as when children are removed due to allegations of abuse and neglect. These actions are generally taken within the confines of the juvenile court or foster care system.

Another form of reunification is through family court. In these cases, courts require children to undergo reunification therapy with the abusive parent. Especially when allegations are made of 'parental alienation', a phony psychological condition that is used against women. As if the break in the relationship is from coaching or brain-washing when it is due to fear of or abuse by that parent.

Reunification therapy is mostly used against mothers. Children are being asked to "reunify" with the one who abused them and/or their mothers.

Courts are skeptical of claims of domestic violence and child abuse. Accused parents are more likely to win contested custody cases. Protective parents are more likely to lose contested custody cases.

Stories of forced reunification therapies have started coming to the Committee's attention. The details may vary, but overall, the methods used are similar. Those who own or organize reunification therapy businesses often have no professional credentials. Some may call themselves certified life coaches.

Some reunification centers also say they offer "education" or "workshops," to avoid having to be licensed or certified by any state or professional agencies.

Reunification relates to parental alienation in that courts wants to force reunification. Judges think parental alienation is more harmful to children than domestic violence and actual abuse of the child. These attitudes often motivate judges to order reunification and other forms of therapy.

A Child Refusing to Visit one Parent may be Quite Reasonable Under the Circumstances

Judge Richard Dollinger Brings Common Sense to Parental Alienation Arguments

"Advocates of PA appear to have overgeneralized from a rare although genuine family problem to common, even healthy, reactions of parents and children to changes in family structure." Full article here, 3/16/19, <http://childmyths.blogspot.com/2019/03/judge-richard-dollinger-brings-common.html>

Refusing to Visit a Divorced Parent: Reasons Other Than "Parental Alienation"

"The parental alienation view has been that there are only two categories of children who resist or refuse contact with one parent. One group has been physically abused by that parent, and the abuse has been documented, so their reluctance is seen as rational. The other group, with no documented history of physical abuse, have only "irrational" explanations for their aversion to one parent, and therefore must have been intentionally alienated by the parent they prefer. A range of bad consequences for the children are predicted if they remain with the preferred parent, and a complete change of custody is demanded." Full article here, 8/24/18 <http://childmyths.blogspot.com/2018/08/refusing-to-visit-divorced-parent.html>

One Mother's Story

The reunification program was a camp, "it was horrific!!"

A psychologist is behind all of this, and that is who did our custody evaluation.

There was one other mother with a connection to this psychologist who was also involved in their case.

There were five other mothers and fathers, plus all our kids. These families were from all over the country, from five different states. Our kids were taken from us the minute we arrived, and we were not allowed to speak to them or be near them the entire week.

We slept in cabins in the woods that had no electricity or lights. They made us share a bathhouse with our children's fathers! It was horrific. We were followed by program employees wearing identifying "shirts" the entire week. They slept in our cabins with us too.

All the moms were considered the "favored" parents. All the men/fathers were deemed abusive.

These programs are dangerous and cause many women and children trauma.

Women are losing their children due to them.

Since my child and I have been back, my child who was a victim of abuse was ordered to go to another state (first time in almost 2 yrs.) with his dad, unsupervised for 5 days, NO CONTACT with me at all.

This resulted in losing custody of my child. The judge made an order that I am not allowed to use social media or text anything about my case. He keeps threatening me.

I do have representation, but the judge keeps denying everything we do.

The judge will not allow anyone in the courtroom, and that is scary.

These places are corrupt!!

[End of that mother's story.]

From the Washington Post: They were taken from their mom to rebound with their dad. It didn't go well.

A Virginia judge ordered temporary custody to the children's father so he could take them to a four-day workshop in California to repair their relationship. The children could tell something was wrong with their mother, so one of them called their mother's attorney and said she and her brothers were suicidal. The father brought local police to the hospital, which released the children to him.

The children were kept in their father's home for two weeks, with child protection services staff and their father's church members coming in and out. After two weeks, the children were separated, taken by strangers to hotels for the night, then taken to California. Their father met them in California, they were taken to a reunification program north of San Francisco, Family Bridges, and they did not see their mother for almost a year.

Before Family Bridges would accept the family, they required a court-ordered custody change and \$29,000. Eight other families' cases were reviewed for this article and all the children went at least 90 days without seeing their preferred parent and none of those custody orders have been reversed back to the original custodial parent.

[Read the full story at the link below]

One daughter, the day after her 18th birthday, left her father and went back to her mother. The son, upon turning 18, decided to stop seeing his father and lives with his mother. He said, "I spent my whole childhood waiting for it to be over."

https://www.washingtonpost.com/lifestyle/magazine/a-divorced-father-his-estranged-kids-and-a-controversial-program-to-bring-them-together/2017/05/09/b50ac6f6-204c-11e7-ad74-3a742a6e93a7_story.html

Hannah's Story

Hannah Mills was 15 when two strangers woke her in a hotel room, threatened her with handcuffs, drove her to the Detroit airport where they held a towel over her head and escorted her to an airplane. She later landed in California where she joined her father and younger brother at a Family Bridges-operated "reunification therapy" program designed to address her "parental alienation" from her allegedly abusive father. Afterwards, She was required to live in her father's home and had very limited contact with her mother (her preferred parent), but she later fled her father's home (at the age of 17) and arranged to live with a family she met at her church until she turned 18.

<https://www.livingstondaily.com/story/news/local/community/livingston-county/2017/09/04/parent-alienation-bill/589157001/>

Arianna, Samantha & Leo's Story

In other cases, three children— Arianna, Samantha, and Leo — who were caught up in contentious custody cases were forced by court order to attend Family Bridges workshops in California and were then cut off from all contact with their preferred parent for a long period of time. They all said the program was manipulative and unsuccessful. Samantha — who was 17 at the time — said the program used "literal fear tactics" and that "I haven't been the same since that program. They all called for the elimination of forced, involuntary family reunification therapy programs such as the Family Bridges program as a means of resolving parental child custody disputes.

<https://www.nbcbayarea.com/news/local/no-oversight-for-programs-advertising-they-reconnect-children-with-alienated-parents/64105/>

Purpose of this Newsletter

The purpose of this 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.

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.

We hope you find the information we share with you of value as you go about your work advocating for women and their children.

Please see the Call to Action below.

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 at the Chapters only web site on the NOW, Inc. website.

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

To reach the Family Law Advisory Committee, send an email message to famlaw@now.org

A Call to Action

We have great concern about how traumatizing reunification programs are for children. Courts should re-examine their use. Generally courts don't evaluate the reunification programs. We encourage you to insist that your courts evaluate them before they are used again in your jurisdiction. Share the links to these news stories with your judges and your legislators.

We urge you to find out if these practices are going on in your community. Check your state statutes for mentions of these practices. Ask questions of your elected judges and other court professionals. Contact your legislators, county commissioners or other decision-makers and let them know you oppose these practices

Link with others in your community working on these issues. Consider developing actions your NOW Chapter can take to have an impact.