

## Sources

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If you believe your client is a victim of domestic violence...

Let her know that your conversation with her about the violence is confidential and that it is not her fault.

You do not and should not provide her with counseling or tell her what you think she should do about the situation. Instead, provide information about resources for herself and her children.

For safety planning, advocacy and referrals 24 hours a day in York County provide her information about Caring Unlimited (24-Hour Hotline: 1-800-239-7298). Explain that she will reach an advocate who can talk with her about her situation, her safety, and the options available to her. All conversations with Caring Unlimited are strictly confidential.

More information available at:  
[www.abanet.org/domviol/screeningtoolcdv.pdf](http://www.abanet.org/domviol/screeningtoolcdv.pdf)

Adapted from the American Bar Association  
Commission on Domestic Violence  
[www.abanet.org/domviol/custody\\_myths.pdf](http://www.abanet.org/domviol/custody_myths.pdf)

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American Bar Association  
Commission on Domestic Violence

## TEN MYTHS ABOUT CUSTODY AND DOMESTIC VIOLENCE



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Attorneys who represent victims of domestic abuse in custody matters often encounter the following false claims. To assist with overcoming these myths, the ABA Commission on Domestic Violence provides these facts and statistics for use in litigation.

### **MYTH 1**

*Domestic Violence is rare among custody litigants.*

➔ **FACT** Studies show that 25-50% of disputed custody cases involve domestic violence.<sup>1</sup>

### **MYTH 2**

*Any ill effects of Domestic Violence on children are minimal and short-term.*

➔ **FACT** “Children who are exposed to domestic violence may show comparable levels of emotional and behavioral problems to children who were the direct victims of physical or sexual abuse.”<sup>2a</sup>

➔ **FACT** Adverse effects to children who witness DV are well-documented, including aggressive behavior, depression, and/or cognitive deficiencies.<sup>2b</sup>

➔ **FACT** A continuing study by the CDC has shown a significant relationship between exposure to “adverse childhood experiences” (including witnessing domestic violence ) and development of adult health problems, including pulmonary disease, heart disease, hepatitis, fractures, obesity, and diabetes (not to mention IV drug use, alcoholism, sexually transmitted diseases and depression).<sup>2c</sup>

### **MYTH 3**

*Mothers frequently invent allegations of child sexual abuse to win custody.*

➔ **FACT** Child sexual abuse allegations in custody cases are rare (about 6%), and the majority of allegations are substantiated (about 66%).<sup>3a</sup>

➔ **FACT** False allegations are no more common in divorce or custody disputes than at any other time.<sup>3b</sup>

➔ **FACT** Among false allegations, fathers are far more likely than mothers to make intentionally false accusations (21% compared to 1.3%).<sup>3c</sup>

### **MYTH 4**

*Domestic Violence has nothing to do with child abuse.*

➔ **FACT** A wide array of studies reveal a significant overlap between domestic violence and child abuse, with most finding that both forms of abuse occur in 30—60% of violent families.<sup>4a</sup>

➔ **FACT** Other studies have shown intimate partner violence (“IPV”) to be a strong predictor of child abuse, increasing the risk from 5% after one act of IPV to 100% after 50 acts of IPV.<sup>4b</sup>



### **MYTH 5**

*Children are in less danger from a batterer parent once the parents separate.*

➔ **FACT** Many batterers’ motivation to intimidate and control their victims through the children increases after separation, due to the loss of other methods of exerting control.<sup>5</sup>

### **MYTH 6**

*Fit mothers don’t lose custody.*

➔ **FACT** Mothers who are victims of domestic abuse are often depressed and suffering from post-traumatic stress disorder, and as a result, can present poorly in court and to best-interest attorneys and/or custody evaluators.<sup>6</sup>

### **MYTH 7**

*Abusive fathers don’t get custody.*

➔ **FACT** Abusive parents are more likely to seek sole custody than nonviolent ones and they are successful about 70% of the time.<sup>7a</sup>

➔ **FACT** Allegations of domestic violence has no demonstrated effect on the rate at which fathers are awarded custody of their children, nor do such allegations affect the rate at which fathers are ordered into supervised visitation. (i.e. abusers win unsupervised custody and visitation at the same rate as non-abusers).<sup>7b</sup>

### **MYTH 8**

*Parental Alienation Syndrome (“PAS”) is a scientifically sound phenomenon.*

➔ **FACT** The American Psychological Association has noted the lack of data to support so-called “parental alienation syndrome,” and raised concern about the term’s use.<sup>8</sup>

### **MYTH 9**

*Parents who batter are mentally ill, OR Parent with no evidence of mental illness cannot be batterers.*

➔ **FACT** Mental illness is found only in a minority of batterers.<sup>9a</sup>

➔ **FACT** Psychological testing is not a good predictor of parenting capacity.<sup>9b</sup>

➔ **FACT** Mental health testing cannot distinguish a batterer from a non-batterer.<sup>9c</sup>

### **MYTH 10**

*If a child demonstrates no fear or aversion to a parent, then there is no reason not to award unsupervised contact or custody.*

➔ **FACT** Children can experience “traumatic bonding” with a parent who abuses the child or their other parent, forming unusually strong but unhealthy ties to a batterer as a survival technique (often referred to as “Stockholm Syndrome”).<sup>10</sup>