

June 22, 2019, marks the 20th anniversary of the publication of Effective Intervention in Domestic Violence & Child Maltreatment Cases: Guidelines for Policy and Practice aka the Greenbook.

For more than 20 years, it has been the policy of the **National Council of Juvenile and Family Court Judges** (NCJFCJ) to encourage child protection services, domestic violence agencies, juvenile courts, and community-based services to design interventions for families with co-occurring domestic violence and child maltreatment to achieve three outcomes: to create safety, enhance well-being, and provide stability for children and families.²

For our 2019 Domestic Violence Awareness Month Fact Sheet, the **Resource Center on Domestic Violence: Child Protection and Custody** (a project of the NCJFCJ) seeks to honor survivors and their children who are experiencing co-occurring domestic violence and child maltreatment while attempting to navigate child custody and child welfare systems.

If you have any questions

about these facts or domestic violence, please visit our website at **rcdvcpc.org** or call us at **1-800-52-PEACE**.

On behalf of the staff of the Resource Center on Resource Center on Domestic Violence: Child Protection and Custody, and all of the members of the NCJFCJ, we hope this fact sheet is helpful to your ongoing work with survivors and their families.





RCDV:CPC
Resource Center on Domestic Violence:
Child Protection and Custody



Co-occurrence of **Domestic Violence** and Child Maltreatment

According to statistics from 2015, one out of every four women and one out of every ten men in the United States experience "sexual violence, physical violence, and/ or stalking by an intimate partner and reported an intimate partner violence-related impact during their lifetime "

Studies using nationally representative 02 data have been conducted to provide an estimate of the co-occurrence of domestic violence and child maltreatment. More than a third (33.9%) of children who witnessed partner violence also were victims of maltreatment in the past year. Over half (56.8%) of children exposed to partner violence also had been maltreated at some point in their lives.

Two studies led by Centers for Disease 03 Control researchers found long-term negative effects on people who had adverse childhood experiences such as exposure to domestic violence and child maltreatment. The first study found a greater likelihood of adolescent alcohol use, and the second study found a greater risk of depression among adults who reported witnessing their mother being physically abused as children.

Adverse childhood experiences have 04 been associated with health concerns and lower life satisfaction, more frequent symptoms of depression and anxiety, tobacco product use, increased alcohol use, behaviors that place adults at risk for HIV infection, disabilities caused by health problems, as well as diabetes, stroke, and heart disease.



Childhood exposure to domestic violence 05 is associated with intergenerational transmission of domestic violence as the child grows into adulthood and has a family of his or her own. A study done by a researcher at the University of North Texas found that males who witness domestic violence and/or experience abuse in childhood are more likely to commit domestic violence later on in their lives than those who had neither witnessed domestic violence nor been abused as children. Similarly, offenders of dating violence tend to have a history of witnessing parental violence.

In a mega-analysis combining data from 15 studies to examine child functioning across four groups of children (including maltreated children, children exposed to domestic violence, children maltreated and exposed to domestic violence, and a no-violence comparison group), researchers found that children experiencing a co-occurrence of maltreatment and exposure to domestic violence were 1.9 times more likely to have internalizing behavior problems (such as anxiety and depression) and 1.5 times more likely to have externalizing behavior problems (such as aggression and delinquency) than were children who experienced only one form of violence.



Although children exposed to domestic violence or maltreatment are at greater risk of developing emotional, behavioral, cognitive, health, and mental health problems, not all exposed children display such problems. Research has shown that almost 40% of children who have been exposed to domestic violence or maltreatment do just as well as, if not better than, children not exposed, suggesting that protective factors may be promoting resilience in children exposed to domestic violence or maltreatment.

Having a stable, nurturing adult 80 relationship can be an important protective factor for a child exposed to the toxic stress of domestic violence or maltreatment. In one study of mothers who experienced intimate partner violence in the past year, researchers found that resilient children (with high competency and low adjustment problems) aged 6-12 witnessed less violence, had fewer fears and worries, and had mothers with better mental health and parenting skills than children with severe adjustment problems, who were struggling, or had

depression.

Child Custody and Domestic Violence

Despite the potential harm it may cause, 09 it has been estimated that 58,000 children in the U.S. each year are court ordered into unsupervised contact with physically or sexually abusive parents following divorce.

Survivors of domestic violence often 10 are not believed or are viewed as being alienating rather than protective of their children. In a national study of 238 custody cases published online in which alienation was alleged, fathers who were accused of abuse and who accused the mother of alienating the children won their custody cases the majority of the time (72 percent). When child sexual abuse allegations were made against the father and the mother was alleged to have alienated the children, the fathers' likelihood of winning the custody case increased to 81 percent.



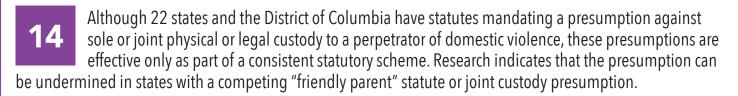
In a study of 364 Wisconsin divorce actions in which one of the parents was convicted beyond a reasonable doubt of a domestic abuse crime, researchers observed that joint legal custody was the most common custody outcome and primary physical custody was given to the domestic abuse victim in only 60 percent of cases. There were no explicit provisions for the safety of the victim or children (such as ordering that exchange occur in a protected setting) in 70 percent of the cases reviewed. Researchers further noted that fewer than 10 percent of cases included a formal finding of domestic abuse.



The amount of domestic violence training and education that custody evaluators receive is related to their beliefs about whether allegations of domestic violence are commonly fabricated. Evaluators reporting extensive domestic violence-focused training reported believing that spousal abuse is highly relevant to child custody, false allegations of domestic violence are rare (10 percent or lower), and that custody recommendations should differ based on type of violence. Evaluators reporting little domestic violence-focused training reported believing that spousal abuse is not relevant to child custody, false allegations of domestic violence are common (40 to 80 percent), and custody recommendations should prioritize co-parenting and father-child relationships.

Professionals involved in making custody-related decisions must be better educated about the **13** effects of exposure to domestic violence on children and how granting custody to abusive parents can potentially cause serious long-term harm to children. Common misconceptions in addressing domestic violence in child custody disputes include beliefs that:

- domestic violence is typically not an issue for divorcing couples involved in a child custody dispute;
- domestic violence results in eventual separation for abused women;
- children exposed to domestic violence are not harmed so long as they are not directly injured;
- domestic violence is not relevant for the determination of child custody since it is behavior between adults;
- assessment of the needs of abused women and their children, and the effects cause by the perpetrator, can be conducted satisfactorily by family courts, attorneys, and mediation or other court services;
- legal and mental health services for female victims and their children are readily available; and
- solutions and community assistance are limited for the complex dilemmas posed by abused women and their children separating from batterers.



Child Welfare and Domestic Violence

Since the mid-1990s, 25 states have enacted punitive legislation for individuals perpetrating domestic violence in the presence of children, with penalties ranging from community services, external supervision of parenting time, and financial penalty, to incarceration. Research indicates that enactment of these punitive laws leads to statistically significant drops in the total homicide victimization rate by 0.30 per 100,000 inhabitants and the child homicide victimization rate by 0.12 per 100,00 inhabitants. These drops equate to 11 percent (total homicide) and 20.4 percent (child homicide), with respect to the means of these outcomes. With respect to marital homicides, however, the researchers did not find any significant relationship between enactment of these state laws and homicide rates, suggesting that the deterrent impact of the laws is possibly offset by the risk of reprisal in marital relationships.



Having a caregiver who is the perpetrator, victim, or observer of domestic violence is a risk factor that increases a child's likelihood of maltreatment. Specifically, more than one-quarter (27.2 percent) of child victims in the United States have a domestic violence caregiver risk factor, compared to 9.1 percent of non-victims with the same risk factor. Additionally, 10.4 percent of child fatalities reported to be the result of child maltreatment had a caregiver who was exposed to domestic violence.

A growing body of child welfare literature suggests that children who come to the attention of child protective authorities are more likely to experience out-of-home placement if their families are affected by domestic violence. For example, in a study of a nationally representative sample of children investigated for a report of maltreatment, researchers found in a 30-month follow-up interview that the presence of intimate partner violence increased the likelihood of out-of-home placement. Results seem to vary, however, depending on the type of sample used, suggesting that substance use may supersede intimate partner violence as the primary reason for caseworkers' placement decisions.

Studies examining the impact of domestic violence on family reunification outcomes suggest that domestic violence either negatively influences family reunification or has no relationship to family reunification outcomes. For example, in a study of mothers of abused and neglected infants and toddlers participating in an intensive intervention program, researchers found that partner violence as an individual risk factor did not predict decisions by the juvenile court with regard to permanency planning.

by child welfare workers is a recurrent theme in the research literature. One study found a 15-17% domestic violence identification rate without a specialized intake questionnaire compared to a 48.9% rate with the questionnaire. Another study found that in a sample of caregivers and child welfare workers, 31% of caregivers reported experiencing domestic violence in the past year, but child welfare workers only

identified this victimization history in 12% of families.

Multiple studies show that the degree

Under-identification of domestic violence

20 and quality of domestic violence training for child welfare workers is highly varied. A study of two urban counties in Southern California found that only 45.8% of child welfare workers reported receiving any initial domestic violence training upon employment. A national study found that 75.3% of child welfare agencies reported mandatory domestic violence training for some staff but that only 17.8% reported mandatory training for all child welfare staff. Although more limited in scope, research also points to a need to train domestic violence advocates on how to respond to co-occurring child maltreatment and domestic violence.



- Schechter, S., & Edleson, J.L. (1999). Effective intervention in domestic violence & child maltreatment cases: Guidelines for policy and practice. Reno, NV: National Council of Juvenile and Family Court Judges.
- Id. at 14, 17-19.

Citations by Fact

Smith, S.G., Zhang, X., Basile, K.C., Merrick, M.T., Wang, J., Kresnow, M., & Chen, J. (2018). National Intimate Partner and Sexual Violence Survey: 2015 data brief-update release. Atlanta, GA: Centers for Disease Control & Prevention. Retrieved from https://www.cdc.gov/violenceprevention/ pdf/2015data-brief508.pdf. This report details findings from the National Intimate Partner and Sexual Violence Survey (NISVS) obtained from 10,081 completed random-digit-dial telephone surveys conducted in 2015.

Hamby, S., Finkelhor, D., Turner, H., & Ormrod, R. (2010). The overlap of witnessing partner violence with child maltreatment and other victimizations in a nationally representative survey of youth. Child Abuse & Neglect, 34(10), 734-741. This study reports data from the National Survey of Children's Exposure to Violence, a nationally representative telephone survey of the victimizations experiences of 4,549 youth aged 0-17.

Dube, S. R., Miller, J. W., Brown, D. W., Giles, 03 W. H., Felitti, V. J., Dong, M., & Anda, R. F. (2006). Adverse childhood experiences and the association with ever using alcohol and initiating alcohol use during adolescence. The Journal of Adolescent Health: Official Publication of the Society for Adolescent Medicine, 38(4), 444. e1. This was a retrospective cohort study of 8,417 adult health maintenance organization members in California who completed a survey about adverse childhood experiences, which included childhood abuse and neglect, growing up with various other forms of household dysfunction, and alcohol use in

adolescence and adulthood.

Chapman, D. P., Whitfield, C. L., Felitti, V. J., Dube, S. R., Edwards, V. J., & Anda, R. F. (2004). Adverse childhood experiences and the risk of depressive disorders in adulthood. Journal of Affective Disorders, 82(2), 217-225. This study examined a retrospective self-report cohort-study of 9,508 adults in California and found an increased risk of depressive disorders among those who mothers had been battered.

Mersky, J. P., Topitzes, J., & Reynolds, A. J. (2013). Impacts of adverse childhood experiences on health, mental health, and substance use in early adulthood: A cohort study of an urban, minority sample in the U.S. Child Abuse & Neglect, 37(11), 917-925. This study reviewed adult survey data obtained from 1,142 participants (74.2% of all participants) from the Chicago Longitudinal Study, which tracks development of a cohort of individuals from low-income, urban families, born between 1979-1980.

Campbell, J.A., Walker, R.J., & Egede, L.E. (2016). Associations between adverse childhood experiences, high-risk behaviors, and morbidity in adulthood. American Journal of Preventive Medicine, 50(3), 344-352. This study analyzed data from the Behavioral Risk Factor Surveillance System, a telephone survey of 48,526 adults across five states, conducted by the CDC.

Stith, S. M., Rosen, K. H., Middleton, K. A., Busch, A. L., Lundeberg, K., & Carlton, R. P. (2000). The intergenerational transmission of spouse abuse: A meta-analysis. Journal of Marriage and Family, 62(3), 640-654. This meta-analysis of 39 studies, totaling 12,981 individuals, examined the relationship between growing up in a home with violence and becoming part of a violent heterosexual marital relationship as an adult.

Murrell, A. R., Christoff, K. A., & Henning, K. R. (2007). Characteristics of domestic violence offenders: Associations with childhood exposure to violence. Journal of Family Violence, 22(7), 523-532. This study details survey results of 1,099 adult males



arrested for batterering and ordered for assessment at a center for domestic violence. The study assessed the correlation between type, severity, frequency of violent behavior perpetrated, and the amount of exposure to violence experiences during childhood measure through retrospective self-report.

Chapple, C.L. (2003). Examining intergenerational violence: Violent role modeling or weak parental controls? Violence and Victims, 18(2), 143-162. This study examined data from a 200-question self-report survey of 980 students in grades nine through eleven in Southerntown, Arkansas, who reported prior dating experience.

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See, e.g., Vu, N. L., Jouriles, E. N., McDonald, R., & Rosenfield, D. (2016). Children's exposure to intimate partner violence: A meta-analysis of longitudinal associations with child adjustment problems. Clinical Psychology Review, 46, 25-33. This meta-analysis reviewed 74 studies that examined longitudinal associations between children's exposure to intimate partner violence and their adjustment problems. Wolfe, D. A., Crooks, C. V., Lee, V., McIntyre-Smith, A., & Jaffe, P. G. (2003). The effects of children's exposure to domestic violence: A meta-analysis and critique. Clinical Child and Family Psychology Review, 6(3), 171-187. This meta-analysis identified 41 studies examining the relationship of children's exposure to domestic violence and emotional and behavioral problems.

See, e.g., Kitzmann, K. M., Gaylord, N. K., Holt, A. R., & Kenny, E. D. (2003). Child witnesses to domestic violence: A meta-analytic review. Journal of Consulting and Clinical Psychology, 71(2), 339-352. This meta-analysis examined 118 studies of the psychosocial outcomes of children exposed to interparental violence.

See Shonkoff, J. P., Garner, A. S., & The 80 Committee on Psychosocial Aspects of Child and Family Health, Committee on Early Childhood, Adoption, and Dependent Care, and Section on Developmental and Behavioral Pediatrics (2012). The lifelong effects of early childhood adversity and toxic stress. *Pediatrics*, 129(1), e232-e246. Retrieved from http:// pediatrics.aappublications.org/content/pediatrics/ early/2011/12/21/peds.2011-2663.full.pdf. This literature review draws conclusions from 99 sources regarding the long-term consequences of stress on psychological and physiological wellbeing.

Graham-Bermann, S. A., Gruber, G., Howell, K. H., & Girz, L. (2009). Factors discriminating among profiles of resilience and psychopathology in children exposed to intimate partner violence (IPV). Child Abuse & Neglect, 33(9), 648-660. This study presents findings from a multivariate cluster analysis of scores obtained from a sample of 219 children exposed to varying levels of intimate partner violence within the last year.

How many children are court-ordered into unsupervised contact with an abusive parent after divorce? (2008, Sept. 22). Retrieved August 13, 2019, from Leadership Council on Child Abuse & Interpersonal Violence: http://www. <u>leadershipcouncil.org/1/med/PR3.html</u> This report uses a formula of estimations including the number of children affected by divorce each year, the number of families with allegations of child abuse and/or severe domestic violence, the percentage of cases found or suspected to be valid, and the percentage of children who remain in the unprotected care of an abuser.

Meier, J.S., & Dickson, S. (2017). Mapping gender: Shedding light on family courts' treatment of cases involving abuse and alienation. Law & Inequality: A Journal of Theory and Practice, 35(2), 311-334. This article reports on a pilot study of 238 published online opinions from all states and the District of Columbia in cases involving



custody litigation in which alienation was claimed.

Wilkin-Gibart, T. (2018, June). Wisconsin Family Law and Domestic Abuse: Summary of Research Findings. Coalition Chronicles, A *Newsletter of End Domestic Abuse WI, 37*(1), 10-11. Retrieved from http://www.endabusewi.org/wp- content/uploads/2018/11/Chronicles-37-1.pdf

Haselschwerdt, M.L., Hardesty, J.L., & Hans, J.D. (2011). Custody evaluators' beliefs about domestic violence allegations during divorce: Feminist and family violence perspectives. Journal of Interpersonal Violence 26(8), 1694-1719. In this study, 23 custody evaluators were interviewed and grounded theory methods were used to examine how custody evaluators' perspectives on domestic violence and their beliefs about custody disputes in the context of domestic violence are related to their evaluation process and recommendations.

See, e.g., Jaffe, P.G., Crooks, C.V., & Poisson, S.E. (2003). Common misconceptions in addressing domestic violence child custody disputes. Juvenile and Family Court Journal, 54(4), 57-67. This article presents qualitative case studies of 62 adult female victims and 95 child victims of domestic violence who navigated the justice system after separation from an abuser. Davis, M.S., O'Sullivan, C.S., Susser, K., & Fields, M.D. (2011). Custody evaluations when there are allegations of domestic violence: Practices, beliefs, and recommendations of professional evaluators (Document No.: 234465). Retrieved from National Criminal Justice Reference Service: https://www. ncirs.gov/pdffiles1/nij/grants/234465.pdf This study presents analysis of case files, reports of custody evaluators, and case outcomes of 69 contested cases in New York City Family and Supreme Courts involving domestic violence allegations, and interviews with 15 custody evaluators. Saunders, D.G., Faller, K.C., & Tolman, R.M. (2012). Child custody evaluators' beliefs about domestic abuse allegations: Their relationship to evaluator demographics, background, domestic violence knowledge and

custody-visitation recommendations. (Document No.: 238891). Retrieved from National Criminal Justice Reference Service: https://www.ncjrs.gov/ pdffiles1/nij/grants/238891.pdf. This was a two-part study, which included multivariate analysis of surveys of 1,187 professionals in fields related to custody, e.g., judges, attorneys, and custody evaluators, and qualitative, semi-structured case-study interviews of 24 domestic violence survivors. Pence, E., Davis, G., Gamache, D., & Beardslee, C. (2012). Mind the gap: Accounting for domestic abuse in child custody evaluations. Minneapolis, MN: Battered Women's Justice Project. Retrieved from https://www.bwjp. org/resource-center/resource-results/mind-the-gapaccounting-for-domestic-abuse-in-child-custodyevaluations.html. This study reports results from a qualitative case analysis of 18 domestic violencerelated custody evaluation reports from five states.

See American Bar Association Commission on Domestic & Sexual Violence. (2014, August). Joint custody presumptions and domestic violence exceptions. Retrieved from https://www. americanbar.org/content/dam/aba/administrative/ domestic violence1/Charts/migrated charts/2014 Joint Custody Chart.pdf.

Morrill, A. C., Dai, J., Dunn, S., Sung, I., & Smith, K. (2005). Child custody and visitation decisions when the father has perpetrated violence against the mother. Violence Against Women, 11(8), 1076-1107. In this study, the authors examined 393 custody and/ or visitation orders across six states where the father perpetrated domestic violence against the mother. The authors also surveyed 60 judges who entered those orders.

Dasgupta, K., & Pacheco, G. (2018). The impact of child welfare legislation on domestic violence-related homicide rates. Health Economics, 27(5), 908-915. This study drew on victim-offender relationships and victims' ages in the Uniform Crime Reports' Supplementary Homicide Reports to create five outcomes of domestic violencerelated homicides (child homicides, family homicides,



child family homicides, marital homicides, and total homicides) and used regression analysis to estimate the impact of child witness to domestic violence laws on the different domestic violence-related homicide rates.

U.S. Department of Health & Human 16 Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau. (2019). Child maltreatment 2017. Retrieved from https://www. acf.hhs.gov/cb/research-data-technology/ statisticsresearch/child-maltreatment. The data for this report come from all 50 states, the Commonwealth of Puerto Rico, and the District of Columbia, through a national data collection and analysis program known as the National Child Abuse and Neglect Data System (NCANDS). NCANDS collects case-level data on children who receive an investigation response or an alternative response after a child abuse and neglect referral is screened-in by a child protection services agency. Case-level data for children who are "victims" or "nonvictims" include information about caregiver risk factors, including the domestic violence caregiver risk factor. For purposes of this report, the definition of domestic violence is "any abusive, violent, coercive, forceful, or threatening act or word inflicted by one member of a family or household on another." In NCANDS, the caregiver may be the perpetrator or the victim of the domestic violence.

See, e.g., Ogbonnaya, I.J., & Pohle, C. (2013). Case outcomes of child welfare-involved families affected by domestic violence: A review of the literature. Children and Youth Services Review, 35(9), 1400-1407. This literature review examined and rated 16 articles that met the study's inclusion criteria regarding CPS-involved families affected by domestic violence, out-of-home placement, and family reunification.

Horwitz, S. M., Hurlburt, M. S., Cohen, S. D., Zhang, J., & Landsverk, J. (2011). Predictors of placement for children who initially remained in their homes after an investigation for abuse or neglect. Child Abuse &

Neglect, 35(3), 188-198. This study included a sample of 3,129 children ages 0-14 in families investigated for child maltreatment. Data were collected via faceto-face interviews with children, caregivers, and CPS workers using the Conflict Tactics Scale-1 Physical Violence scale to measure domestic violence. Elevated domestic violence scores were found to increase the likelihood of out-of-home placement at 30-month follow-up period.

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See, e.g., Kohl, P. L., Barth, R. P., Hazen, A. L., & Landsverk, J. A. (2005). Child welfare as a gateway to domestic violence services. Children and Youth Services Review, 27(11), 1203-1221. This study used data from the National Survey of Child and Adolescent Well Being to sample 3,135 female caregivers of children remaining in the home following maltreatment investigation by child welfare workers. Indicators of domestic violence used in this study came from child welfare worker and caregiver interviews. Magen, R. H., Conroy, K., & Del Tufo, A. (2000). Domestic violence in child welfare preventative services: Results from an intake screening questionnaire. Children and Youth Services Review, 22(3-4), 251-274. This study reports results from implementation of a domestic violence screening questionnaire with 540 families in neighborhood-based child welfare agencies. Researchers examined monthly reports for the year prior to implementing the project to establish a baseline for identifying domestic violence in each of the participating agencies. Rates of domestic violence



identification were compared before and after implementation of the intake questionnaire.

See, e.g., Mills, L. G., Friend, C., Conroy, K., Fleck-Henderson, A., Krug, S., Magen, R. H., ... & Trudeau, J. H. (2000). Child protection and domestic violence: Training, practice, and policy issues. Children and Youth Services Review, 22(5), 315-332. This article traced the experiences of four Department of Health and Human Services grant recipients who were funded to provide domestic violence training to child welfare agencies in four areas of the United States. Mills, L. G., & Yoshihama, M. (2002). Training children's services workers in domestic violence assessment and intervention: Research findings and implications for practice. Children and Youth Services Review, 24(8), 561-581. This study reported results from a training evaluation conducted with 179 social workers in Los Angeles and Orange Counties using a pre-and post-test design. Nuszkowski, M. A., Coben, J. H., Kelleher,

K. J., Goldcamp, J. C., Hazen, A. L., & Connelly, C.D. (2007). Training, co-training, and cross-training of domestic violence and child welfare agencies. Families in Society, 88(1), 35-41. This study involved structured telephone interviews with 73 child welfare and 76 domestic violence agencies describing the training reported by these agencies on the topic of co-occurring abuse.

Malik, N. M., Ward, K., & Janczewski, C. (2008). Coordinated community response to family violence: The role of domestic violence service organizations. *Journal of Interpersonal Violence, 23*(7), 933-955. This study reported data from a participatory field study conducted with 167 domestic violence staff members and 101 stakeholders participating in a multisite national demonstration project on family violence funded by the Departments of Health and Human Services and Justice.



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Resource Center on Domestic Violence: Child Protection and Custody

