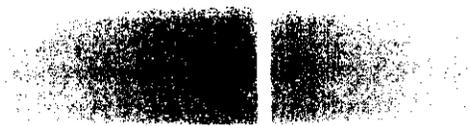


NLWJC - Kagan

Counsel - Box 028 - Folder 007

Domestic Violence [2]



**AMERICAN BAR ASSOCIATION
COMMISSION ON DOMESTIC VIOLENCE**

presents

**"It's Not O.K.:
Let's Talk About Domestic Violence"**

A video for professionals working with children who experience
domestic violence

Produced in partnership with the Walt Disney Company

PLEASE NOTE

This video is intended for use by professionals who are willing to conduct follow-up work -- such as discussion groups, counseling, and referrals -- with the children who view it. It is not intended for stand-alone, home entertainment or broad cast media use.



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*It's Not O.K.: Let's Talk About Domestic Violence
Presenter's Guide*

Millions of children experience the trauma of domestic violence every day in this country. Although all of us have become more aware of the impact that domestic violence has on its adult victims, we have not yet fully acknowledged the impact domestic violence has on children. Victim advocacy and shelter programs have made great strides in developing programs to help children cope with the pain that violence in the home creates. Many other professionals -- like lawyers, judges, police, teachers, counselors, and health care professionals -- also see and work with children who experience domestic violence. Unfortunately, although many of these professionals may be providing services to adults affected by domestic violence, they may not provide help for children who witness domestic violence.

Too many children who come from violent homes will have to continue living with domestic violence, even if they are able to get help from the justice system and the victim services community. Children may call the police for help, may go to shelters, and may end up in court as the non-violent parent seeks relief from the violence inflicted on them by their batterers.¹ The grim reality is that even after these interventions begin, these children will still continue witnessing domestic violence either because the batterer returns home or because he has custody or visitation rights or because he stalks his former victim. One service we can offer these children is a program which will help them find constructive--and safer--ways to respond to the recurring violence. Although no one program can guarantee that any child who has contact with a batterer can be absolutely safe, it is still important to show children how to cope appropriately with some of the most common aspects of domestic violence.

¹ Victims of domestic violence are overwhelmingly female and batterers are overwhelmingly male. Russel Dobash, *The Myth of Sexual Symmetry in Marital Violence*, 39 *SOC. PROBS.* 71, 74-75 (1992); Caroline W. Harlow, U.S. Dep't of Just., *FEMALE VICTIMS OF VIOLENT CRIME 1* (1991); Peter Finn & Sarah Colson, U.S. Dep't of Just., *CIVIL PROTECTION ORDERS: LEGISLATION, CURRENT COURT PRACTICE, AND ENFORCEMENT 4* (1990); Patsy A. Klaus & Michael R. Rand, *FAMILY VIOLENCE: BUREAU OF JUSTICE STATISTICS SPECIAL REPORT* (1984). For this reason, victims are referred to in the feminine and batterers in the masculine.

*It's Not O.K.: Let's Talk About Domestic Violence
Presenter's Guide*

The American Bar Association Commission on Domestic Violence, in partnership with the Walt Disney Company, has developed this video in response to the needs of children living in violent homes. Created in conjunction with experts in the field of domestic violence and children, this video is designed to help professionals who work with children experiencing domestic violence to develop effective safety plans. We hope this video--and the accompanying materials--will become a useful resource in the fight to end domestic violence.

You may be a teacher, a nurse, a victim advocate, a minister, a counselor, or a legal services provider. In your role as a helping professional, you can have a profound impact on the lives of children affected by domestic violence. It is hard for children to talk about what is happening in their homes--and it is even harder for them to find caring adults who can help them find ways to make their lives safer and get help for their families. By showing this video and carrying on a constructive discussion afterwards with the children who view it, you can take the first important step in helping them to feel safer.

Why do children need special help if they are experiencing domestic violence at home?

Children may end up as victims of violence also. Many studies indicate that children who live in homes where domestic violence exists are at a greater risk of being victims of violence than children in non-violent homes. Several studies have found that in homes where severe domestic violence takes place, approximately 70 percent of children in those homes also became victims of abuse or neglect. Even if they are not neglected or direct targets of abuse themselves, children who live in homes where domestic violence takes place may become indirect or secondary targets of the batterer's violence, either because they intervene to help the victim or because they happen to be in the way of the violence directed at the victim.

Witnessing domestic violence can harm children in other ways. It is traumatizing for any child to see or hear a parent being abused by the other parent or an intimate partner. Even if a child living in a violent household is never actually hit, abused, or neglected, that child may still be at risk for increased behavioral,

*It's Not O.K.: Let's Talk About Domestic Violence
Presenter's Guide*

emotional and cognitive problems if he or she witnesses violent behavior. These children may suffer from feelings of guilt because they cannot control the violence, as well as feelings of low self-esteem, depression, and fear. They may "act out," becoming more aggressive or impulsive. They can also become anxious or withdrawn and suffer from psychosomatic problems. Their verbal, cognitive and motor abilities may not be as advanced as those of children from non-violent homes.

Children who experience domestic violence may also grow up to repeat patterns of violence which they witnessed and experienced as children. They may become violent toward their peers. Male children who grow up witnessing domestic violence are at greater risk of directing violence at their partners when they become adults.

Children living in violent homes have special safety needs. Children in violent homes need to develop **safety plans**. This video was specially designed to help children think about the safety issues they face at home. Children should be encouraged to find safe ways to respond to the violence in their homes. The video, for example, shows children that it is not appropriate to break up a fight themselves. Instead, children are encouraged to call 911 or turn to a safe relative or neighbor for immediate help, so long as it is safe to do so.

Children need to know that there are people or places in the community to turn to to help them respond safely to domestic violence. It is important for children to learn that domestic violence is not just a "private family matter" and that they will not be exposed to humiliation if they seek help. In discussions which follow a showing of the video, it is important to explain to children how police and the legal system can make the violence stop -- sometimes by having the abusive parent leave home, and sometimes by ordering alternative remedies, like batterers' intervention programs, to restore the family's safety. It is also important in these discussions to acknowledge that turning to the police or the legal system may not help the first time this strategy is employed; in fact, for some families, neither intervention by the police nor intervention by the courts may help. The narrator and the children in the video demonstrate that although it not always easy to find help, children experiencing

*It's Not O.K.: Let's Talk About Domestic Violence
Presenter's Guide*

domestic violence should keep trying, until they can find a person or program to help them and their families feel safer.

Children need to know that it is not their fault. A child needs to know that he or she is still a good person, even if his or her parent is doing something wrong. Young children often assume that if bad things happen in their families, it is because they did something bad. The batterer is likely to reinforce this assumption. For example, a batterer may externalize the blame, saying, "If you kids hadn't been crying, I wouldn't have lost my temper and hit your mother." We have to get the message across that batterers are the ones responsible whenever they use violence to get what they want, to express anger, or to hurt someone else intentionally. Children need to know that no matter what they do, they are not guilty if an abusive parent becomes violent.

Guidelines for Showing the Video

This video was designed for use by children aged 7 to 11. It can be shown in any of a number of places, such as a shelter, a court, a school, or a counseling program. The group should be of a size that would make discussion easy. It can be a group of children brought together for the first time for the purpose of seeing the video, or it can be a group that has been meeting already for other reasons, such as a peer support group or a class in school.

This video should not be shown without a presenter or group leader, who, in addition to showing the video to the children, is also willing to observe the children as they watch the video and to conduct a discussion afterwards. Ideally, the presenter should be a professional with some experience working with children who have experienced domestic violence. However, if you would like to show this video and do not have a background in this field, you may want to select a co-presenter who has such professional experience.

Questions to ask yourself before showing the video

*It's Not O.K.: Let's Talk About Domestic Violence
Presenter's Guide*

Do you or your co-presenter have any training in domestic violence issues? If not, have you read any articles or books to prepare yourself to understand the children's reactions to the video?

Have you prepared a resource/referral list for use following the video, in case the children need more help? In particular, have you included information about follow-up services, such as counseling, which are available for children in your community? You should be prepared to make calls on behalf of the children. Do not assume they know how to look for services themselves.

Before providing a child with referral information, attempt to assess whether the suggested action can be carried out safely. For example, you might want to arrange a safe and confidential meeting with the non-violent parent prior to sending a child to a counseling center. The non-violent parent may be able to provide important information about safe times to schedule appointments. You want to be sure your intervention efforts will not create any greater danger for the family. However, if an emergency or immediate danger exists, you will want to help the child or non-violent parent call 911, the local police emergency number, or a crisis hotline as soon as possible.

If you cannot find local referral information or if you need to find immediate help for family members suffering from domestic violence, call the toll-free National Domestic Violence Hotline at (800) 799-SAFE. The National Hotline offers bilingual counseling in English and Spanish at all times; they are also able to handle calls in other languages with the use of AT&T's interpreter service. Service for the hearing impaired is available by calling (800) 787-3224. The counselors at the National Hotline can provide information about local domestic violence programs, and in some cases, can transfer calls directly to local service providers.

The referral list you should have available prior to showing the video can include:

- * Contact numbers for crisis lines, local shelters, or victim advocacy programs in your area.

*It's Not O.K.: Let's Talk About Domestic Violence
Presenter's Guide*

- * Names and contact information for specialized domestic violence units that may exist in your local court, police department, or social services agencies.
- * Contact numbers for local counselors or counseling programs which specialize in helping children experiencing domestic violence.
- * Names and contact numbers for local legal service providers.
- * Hospitals and medical providers.
- * Local referrals for emergency and long-term financial assistance.
- * Contact numbers for school psychologists or counselors or other school officials who may be able to offer long-term assistance or support for a child.

Other Considerations

Be sure you give yourself time to watch the video yourself prior to presenting it to any group of children. Take this opportunity to familiarize yourself with the issues and safety planning recommendations contained in the video. If any of these topics seem unfamiliar or uncomfortable to you, take the time to prepare yourself for discussion of these topics.

Consider holding a short introductory discussion prior to the showing of the video with the children to help break the ice. You might do something as simple as have the children introduce themselves to each other if they have never met before. If you are presenting this to a group who may not already be identified as having experienced domestic violence, you may want to discuss what domestic violence is. (A sample definition is offered at the end of this booklet.) You may also want to set ground rules for later discussion -- for example, telling the children they don't have

*It's Not O.K.: Let's Talk About Domestic Violence
Presenter's Guide*

to talk afterwards if they don't want to, or that they can come up to you after the program if they feel they want to share something with you privately.

The video is designed to encourage the children to talk freely after it is shown. The children in the video talk about the many different feelings which arise when children experience domestic violence at home, like fear, shame, guilt, isolation from others, anger, and a sense of confusion. The narrator explains that these feelings are natural, and encourages children to cope with these feelings by talking to caring professionals or safe neighbors and relatives. If you have an appropriate background to guide a discussion about these emotional issues --if, for example, you are a counselor or have professional familiarity with the dynamics of domestic violence -- encourage the children to talk about the feelings and issues which seem most important to them following the showing of the video. Be alert to topics or issues which make them feel uncomfortable. Some children will be more disturbed by certain topics than others. And by all means allow them to raise topics not addressed in the video. Be sure to explain anything they failed to understand in the video. Don't force the children to talk. It may be the first time they have addressed this topic openly.

HELPING CHILDREN FIND SAFE WAYS TO RESPOND TO DOMESTIC VIOLENCE

The video has five messages for the children. As you conduct a discussion following the video, encourage the children to talk about whatever issues come to mind, but also try to reinforce the safety themes below, which provide the framework of the video.

Plan for enough time for the children to complete safety plans. Groups field-testing the video reported that an hour and a half was necessary to show the video, allow for free discussion, and complete a safety plan.

Please Note: If you plan on using the checklist -- or any other written safety-planning process -- in your session, be sure to collect the materials at the end or

*It's Not O.K.: Let's Talk About Domestic Violence
Presenter's Guide*

suggest to the children that they keep their completed checklists in a safe place (at school or at a friend's house, for example). It might not be safe for a child to bring home a checklist outlining their responses to domestic violence if the abusive parent is likely to find it.

Topics For Discussion

Let the children know it's not their fault.

Children sometimes worry that they have caused the violence, believing that had they done something differently, the violence could have been prevented. Like adult victims of violence, children try to control their own behavior, hoping that if they do things "just right" the batterer will not become angry or abusive. Children need to know that their actions are not the cause of domestic violence. They also need to know that no matter what they do to change their own behavior, the abusive parent may still become violent. Reinforce the message that batterers are the ones responsible for the battering. Children should not feel guilty if an abusive parent becomes violent.

Help them figure out how to do things to make themselves feel safer.

Domestic violence creates a climate of fear in the home, and children can feel the stress of it acutely. There are simple things that children can do, however, to make things safer for themselves and the victimized parent. Children should know how to get in and out of their homes safely, should a battering incident begin, and how dangerous it is to intervene physically. They should know who to call in an emergency and what kind of information to give on the phone.

One of the simplest and most effective exercises you can do with children experiencing domestic violence in the home is to help them develop their own **safety plan**. You may have done this before and may have already prepared an outline or worksheet to help children create a safety plan. If you do not have such information

*It's Not O.K.: Let's Talk About Domestic Violence
Presenter's Guide*

prepared, use the checklist provided at the end of this booklet. Use whatever you think will make both you and the children feel most comfortable.

Don't promote the safety plan as the complete solution to the problem of domestic violence, however. A safety plan is one of many tools, resources, and interventions developed to address domestic violence. While a safety plan has strong potential to increase a child's safety, it is no guarantee that no more physical violence will occur. The last outcome you want is for a child to expect that a safety plan will make everything "perfect" again. In that case, should another violent episode occur, a child may believe him- or herself to be a failure because the safety plan didn't work. That will add to the child's burdens, rather than reduce them.

Encourage children to ask for help--and if they don't get a response right away, tell them to keep trying until they find someone to help them.

Children may feel ashamed about admitting that terrible things are happening to them at home. Like adults, children fear that people will think there is something wrong with them or that they are losers. They may also have seen adults respond inappropriately to domestic violence in the past. Family members may have encouraged the abused parent to return home and "make the marriage work." Police officers may have arrived on the scene only to dismiss the problem as unimportant, refusing to arrest the batterer.

Just because some adults have failed to act responsibly does not mean that no help is available. Let children know that helping professionals should not make fun of them or make them feel worse. Come to the showing prepared with a list of people the children might find in their own community who could help them. The list might include teachers, school psychologists, nurses, guidance counselors, police officers, clergy, counselors, and victim advocates. If you are not familiar with professionals in your area who are experienced in handling domestic violence cases or issues, call the National Domestic Violence Hotline [(800) 799-SAFE for phone service; (800) 787-3224 for TDD access] for referrals to persons or groups in your community who are prepared to provide appropriate help.

It's Not O.K.: Let's Talk About Domestic Violence
Presenter's Guide

Discuss how to identify an adult -- such as a relative, neighbor, friend, or teacher -- who is "safe" to talk to. It is important to discuss the potential dangers of talking to the abusive parent directly about these issues. You should also be prepared to talk about the confusion that may be created if the children go to a "safe" adult -- like a beloved grandparent or an authority figure like a police officer -- whose response is to condone domestic violence.

Have the children talk about the kind of people they could realistically trust to help them respond effectively to the violence in their homes. You can start this discussion by asking them who makes them feel safe or who really listens to them. Ask them to name professionals who might be able to help them. Once your group has brainstormed a list of possible "helpers," talk about ways to contact these people safely. Make additional suggestions if necessary.

Above all, emphasize that the children should keep trying to find help. Not all helping professionals are trained to understand or respond to domestic violence. Even those who are experienced in the field may be overwhelmed or may simply be limited in the kind of help they can offer. It's appropriate to acknowledge that the children may have difficulty finding adults who can really help them. However, you should also remind them that, if they keep trying, eventually they will find someone who can make a constructive difference in their lives.

Talk about what it means to have the police intervene or go to court.

From a child's viewpoint, the justice system may be scary. Police officers may take the battering parent away in a patrol car, or worse, may not have really done anything to stop the immediate violence. Some children may have already talked to lawyers because the non-violent parent has sought legal help. The lawyer may have asked difficult questions and talked about sending the abusive parent away, all of which may disturb children who wish their families could remain safely intact. Explain that the justice system is supposed to help stop the violence, and that sometimes the best way to make things safer for the victimized parent and the children is to use the justice system to get the abusive parent out of the house.

*It's Not O.K.: Let's Talk About Domestic Violence
Presenter's Guide*

Some children may have gone to court already. Court can be extremely intimidating. It is also disturbing for children to see their parents fighting in the courtroom. If the children have been asked to testify, they may feel as though they have betrayed the abusive parent -- or they may fear that the abusive parent will retaliate because the children "told" on them. Some children may feel that going to court didn't help at all and instead made things worse. It is important to discuss these issues fully and to acknowledge the bad as well as the good.

Discuss appropriate ways to express anger.

Let the children know that violence is not the way people should express their anger or hurt. Everyone feels angry, but children need a positive model to show them how to work out anger, frustration, and stress. If domestic violence exists in their homes, they are not learning appropriate ways to control negative behaviors. Discuss alternative ways to express these feelings: by talking to each other; by respecting each other's opinions; by taking "time outs" to cool off; and by working with others as a team to solve problems. Above all, children should get the message that you shouldn't try to get your way by using violent, manipulative, or coercive behavior. Let them know that that kind of behavior makes people fear you, not love you.

Develop a safety plan.

It's easy to feel helpless in the face of domestic violence. But we need to convey to children that there are steps they can take to make themselves safer. Ask them to talk about how they would take the following steps to make themselves safer at home:

(1) **Don't try to get in the middle of a fight.** Talk about situations where children may try to intervene to protect the victimized parent. Explain why this is not a safe thing to do, even though they may want to help the victimized parent very badly. Explain that there are ways to help without getting physically involved. Some good examples of other things to do are the following.

*It's Not O.K.: Let's Talk About Domestic Violence
Presenter's Guide*

(2) **If you can get to a phone safely, call 911 for help and stay on the phone.** Talk about finding a phone out of reach or out of sight of the batterer. Discuss options such as going to a neighbor's house to ask to use the phone. Talk about what the children should tell the dispatcher who answers the call and why it's important to stay on the phone until they have been able to give the dispatcher their address and information about what is happening in their home.

(3) **Try not to get trapped in a small room or closet or the kitchen.** Talk about places in the home where the children might be trapped or cornered. Explain why it's important to stay away from places in the house, like the kitchen, where there are sharp objects that can be used as weapons.

(4) **Get to a "safe place."** Find a safe relative or neighbor and ask for their help. Talk about which grownups a child can feel safe turning to. Talk about other people the child might turn to if a relative or neighbor is unable to or refuses to help right away. Emphasize how important it is to keep trying, even if the first people they turn to are not receptive.

Above all, convey to the children in these discussions that it is not their fault and that they shouldn't feel ashamed about asking for help.

Other Issues Which May Come Up In Discussion

What is domestic violence?

Everybody loses their tempers now and again. But there's a difference between someone who gets really angry once in a while and someone who is angry most of the time and takes that anger out on other members of the family. Domestic violence occurs when one parent (or other adult, like a boyfriend) uses physical violence or emotional abuse and the other parent and the children become afraid of

*It's Not O.K.: Let's Talk About Domestic Violence
Presenter's Guide*

the abusive parent. This pattern may occur once, or it may occur over and over again.

Recognizing that domestic violence is taking place in the home is difficult for adults to do, so we should not be surprised if children have a hard time accepting what is going on.

What if both parents seem to be physically violent?

In rare situations, both parents may use physical force or threats to control each other. However, in most cases, one parent is the aggressive one and uses physical force, threats, and other actions to control the behavior of the other parent, even if the non-abusive parent resists the abuse by fighting back.

Some victimized parents may become passive or depressed, but many try to respond to the abuse. Some may ask others to help them, but some may feel compelled to fight back. It may be hard for children to differentiate between violent acts used primarily to hurt another person and violent acts taken in self-defense. It is important to discuss this with the children, if necessary.

This topic, if it comes up, provides a good opportunity for reinforcing the message that physical violence is not the best way to resolve problems. Children should know that they should try not to imitate this behavior as they try to resolve their own problems. Instead, they should think about ways to talk things over or work things out calmly. In all cases, it is useful to emphasize the importance of safety as a first priority. However, it is also important to acknowledge that if someone is in great physical danger, they may have no choice but to act in self-defense.

What if a child still loves an abusive parent and wants that parent to remain at home?

Children, like the non-abusive parent, often love the battering parent and simply want the violence to end. Children should be reassured that it is natural for them to love both of their parents, and that when people from the outside try to help, it is so

*It's Not O.K.: Let's Talk About Domestic Violence
Presenter's Guide*

that the violence can be stopped. Nobody is trying to end a child's relationship with a battering parent. They are just trying to make the home safer for everyone.

In many cases, a violent home will only become safe when the abusive parent lives somewhere else, at least for a while. Children need to understand that violent behavior does not magically disappear and that sometimes changes have to take place to keep everybody safe. Not all children want to have continuing contact with the abusive parent. However, children who do express a wish to do so should be reassured that they may still have contact with both of their parents, and that special visitation arrangements can be made to help them feel safe.

Checklist

Stay out of the fight.

- ✓ You may want to get in the middle of the fight to protect and help your parent, but this is not a safe thing for you to do.
- ✓ Stay out of the room where the fighting is happening.

Avoid getting trapped in a small room or closet or the kitchen.

- ✓ You may feel like hiding, but if you go into a corner or closet, it may be hard to get out again safely.
- ✓ Don't get trapped in the kitchen where there are objects that can be used as weapons.

Find a phone in a safe place. Call 911 for help and stay on the phone.

- ✓ Use a phone out of reach or out of sight of the batterer.
- ✓ If you can't reach a phone safely in your own house, go to a neighbor, relative, or friend you trust and ask if you can use the phone.
- ✓ Call 911, or your local police emergency number, and stay on the phone until someone answers.
- ✓ Tell the dispatcher what is happening in your home and ask for immediate help.
- ✓ Give the dispatcher your address.

Escape to a safe place. Find a relative or neighbor and ask for their help.

- ✓ Think about which grownups you would feel safe talking to.
- ✓ Don't give up if the first person you go to won't help. Try another adult. Keep trying until you find someone to help you.

Above all, remember, it is not your fault!

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Presenter's Guide

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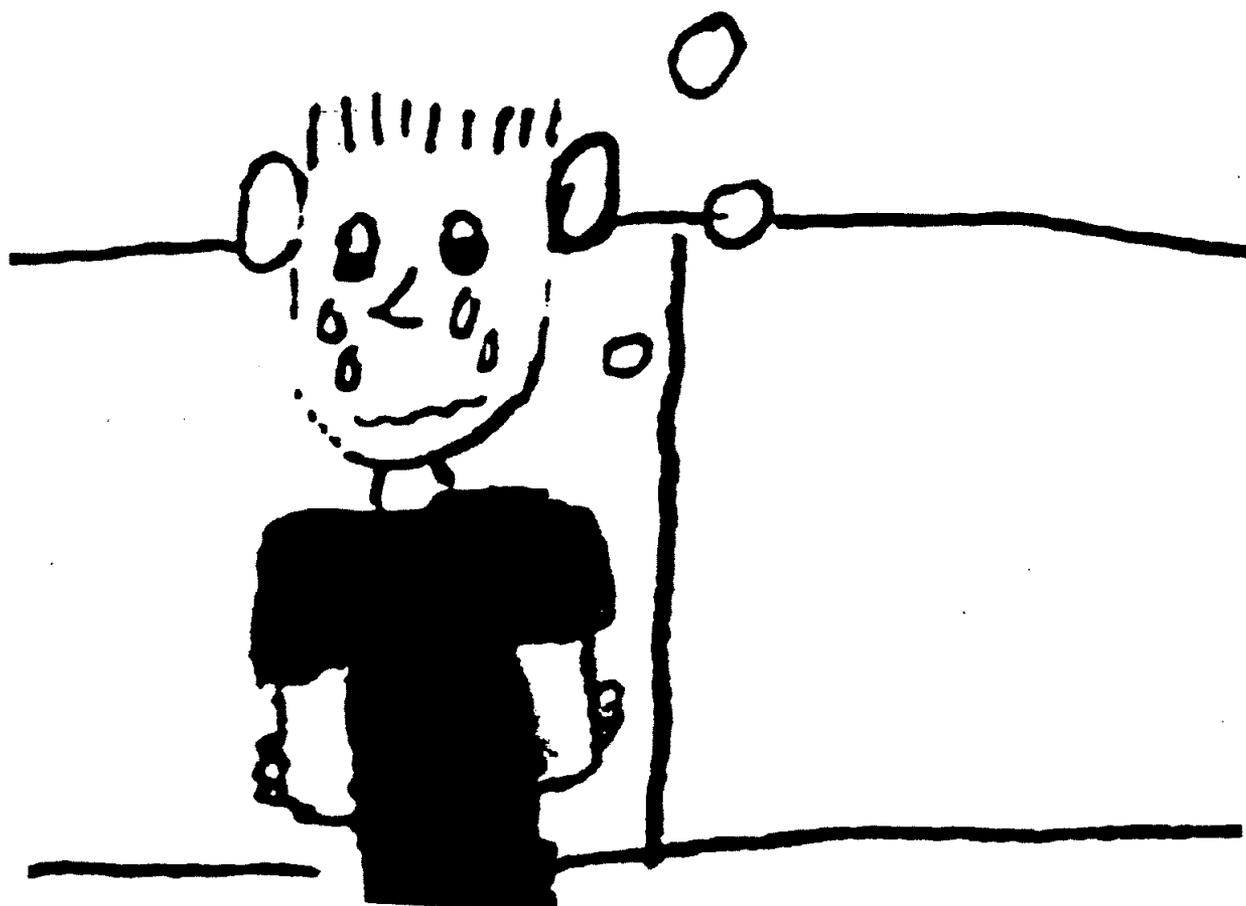
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Special thanks to The Walt Disney Company and its dedicated staff.

FOR HELP AND REFERRALS NATIONWIDE CALL:
THE NATIONAL TOLL-FREE DOMESTIC VIOLENCE HOTLINE AT:
1-800-799-SAFE (7233) OR TDD: 1-800-787-3224

Why Do My
Parents Fight



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E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

27-May-1996 11:20am

TO: Elena Kagan

FROM: Victoria L. Radd
Office of the Counsel

SUBJECT: RE: battered women event

No -- in the absence of dramatic joint announcement, other issues have taken priority. It is still considered a good possibility, just not as strong as other actions for June.

V.



"BOY MEETS WORLD"
Series Description

In the third season of the popular ABC series "Boy Meets World," Cory Matthews (Ben Savage) continues his journey down the tumultuous road known as high school. Cory will try to clear the many hurdles that teenagers confront: Dating, being "cool," and dealing with the flood of emotions that come with adolescence. His family, friends and teachers are there to assist Cory in his growing awareness of what it's like in the real world.

With his freshman year of high school under his belt, Cory should be better equipped to face the daily challenges of high school life. Right?

Wrong! Just as he starts to figure things out, complications arise when he and Topanga (Danielle Fishel) begin dating. Cory now finds that he must adjust to the changing nature of this new relationship.

Changes are in store for those close to Cory, as well. Best friend Shawn Hunter (Rider Strong) faces a slew of his own problems this season, after his father takes off to search for his wife and leaves his son behind. Shawn moves in with his hip, young English teacher Jonathan Turner (Anthony Tyler Quinn) and must quickly adjust to a parent-child relationship with his teacher. A bachelor with no parenting experience, Turner is also trying to find his way with his 15-year old charge. Luckily, Cory's parents Alan (William Russ) and Amy (Betsy Randle) are there to lend a helping hand. Older brother Eric (Will Friedle) is also facing change. Now a high school senior, he has reached the pinnacle of his high school experience.

(more...)

BOY MEETS WORLD - SERIES DESCRIPTION/Page 2

But looming on the horizon is the uncharted territory of college and the uncertainty of entering "adulthood."

New on the scene is Eli Williams (Alex Désert), the straight-shooting Media Arts teacher and college friend of Mr. Turner. After losing his high-paying job as an ad agency executive, Eli reluctantly accepts a teaching position at John Adams High School. At first he is hesitant about the challenge, but soon learns that his students have valid points of view and something to contribute.

And returning as well is Cory's nemesis, George Feeny (William Daniels), the school principal and his next-door neighbor.

"Boy Meets World" is produced by Michael Jacobs Productions in association with Touchstone Television. Michael Jacobs and David Kendall are the executive producers. Kevin Kelton, Mark Blutman and Howard Busgang. The series is produced by Karen MacKain. Jeffrey S. Sherman and Jeff Menell are the executive story editors and Steve Lamar is the associate producer.

Touchstone Television is a part of the Walt Disney Television & Telecommunications group.

###

Contact: Michael Di Pasquale
(818)560-7090

95/8



BEN SAVAGE
Cory Matthews in "Boy Meets World"

Ben Savage plays Cory Matthews, who enters his second year of high school facing all the bumps and curves adolescence can throw at him on "Boy Meets World" currently in its third season.

Born September 13, 1980, Ben hails from Chicago. He followed in the footsteps of his older brother, Fred ("The Wonder Years"), by launching his television career with appearances in commercials.

At the age of 15, Ben is already a television veteran. He received critical recognition for his portrayal of Coty Wyckoff, an angel-faced boy with the soul of a killer, in the ABC Event Series, "Wild Palms;" portrayed the recurring role of Matthew, son of the Judd Hirsch character, on the comedy series, "Dear John," and starred in "A Family For Joe," opposite Robert Mitchum.

Ben also guest-starred on "The Wonder Years," and appeared in the ABC television movie, "She Woke Up." He has also starred with comedian Sinbad in the ABC special "McDonald's Family Theatre Presents: Aliens For Breakfast."

Ben made his film debut in "Little Monsters," and appeared in the feature film, "Big Girls Don't Cry," and "Clifford," the latter starring Martin Short. He made his stage debut in "The Laughter Epidemic" at the Pasadena Playhouse.

(more...)

BOY MEETS WORLD - BEN SAVAGE/Page 2

Now a tenth-grade student, Ben is an avid tennis player and a big fan of basketball, very partial to the Chicago Bulls. He resides in Los Angeles with his parents, Lew and Joanne, his brother, Fred, and his sister, Kala.

###

**Contact: Michael Di Pasquale
818/560-7090**

95/8

it's NOT OK



LET'S TALK ABOUT DOMESTIC VIOLENCE AND CHILDREN



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(over)

Domestic Violence Resource Network

National Resource Center on Domestic Violence	800/537-2238
Battered Women's Justice Project	800/903-0111
Resource Center on Child Protection and Custody	800/527-3223
Health Resource Center on Domestic Violence	800/313-1310

**PHOTOCOPY
PRESERVATION**

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THIS VIDEO IS
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IT'S NOT OK: LET'S TALK ABOUT DOMESTIC VIOLENCE

(A Video for Professionals Working
with Children who Witness Domestic
Violence)

Presented By:
The American Bar
Association
*Commission on
Domestic Violence*

Produced in Partnership with:
The Walt Disney Company

Children face extremely complex psychological, emotional, legal, and safety issues when they experience domestic violence in their lives. Yet their problems are often forgotten as the system attempts to help adult victims of domestic violence. We cannot afford to overlook the impact domestic violence has on the 3 to 10 million children who witness it each year.

"I could always tell when my dad was in a bad mood. He'd come home, he'd just get this look. And me and my brother just knew, you know, stay out of his way. But my mom couldn't always. I just think, if you're feeling bad like that, you should go hit a pillow or something....it's not right to make other people suffer just because you're in a bad mood."

Messages We Need To Send Children About Safety

- 1) **Don't try to get in the middle of a fight.** Intervening is not a safe thing to do, even though children may want to help the victimized parent.
 - 2) **If you can get to a phone safely, call 911 for help and stay on the phone.** Children witnessing domestic violence should find a phone out of reach or sight of the batterer, call 911, and stay on the phone until they've told the dispatcher what is happening and where the police should come.
 - 3) **Try not to get trapped in a small room or closet or the kitchen.** When domestic violence occurs, children can find themselves trapped or cornered. It is important for them to stay away from these places, and plan a safe escape route instead.
 - 4) **Get to a "safe place."** Find a safe relative or neighbor and ask for their help. Children need to identify and get help from grownups they feel safe talking to about what is happening at home.
- * It is extremely important to convey to children that it is *not* their fault.

Unfortunately, too many children who come from violent homes will have to continue living with domestic violence, even if they are able to get help from the justice system and the victim services community. Children may call the police for help, may go to shelters, and may end up in court as their non-violent parents seek relief from the violence inflicted on them by their batterers. The grim reality is that even after these interventions begin, these children will still continue witnessing domestic violence either because the batterer returns home or because he has custody or visitation rights. One service we can offer these children is a program which will help them find constructive--and safe--ways to respond to the recurring violence.

"I was real young when my dad got arrested. I had to go to court. I hated it. I really did. It felt like they were trying to make me say bad things. I didn't want to get my dad into any more trouble..."

NEWS RELEASE

EMBARGOED FOR TUESDAY
MARCH 12, 1996, 12:01 a.m.

Media Calls: JoEllen Zacks
312/988-6141
zacksj@attmail.com

**MEDIA BACKGROUNDER**

"I got really scared when he started hitting my mom."

"I thought it was my fault. I thought I should have stopped him."

"I didn't want to tell anyone 'cause I thought I'd get in trouble."

"It's not right to hurt somebody just 'cause you're mad."

These are the confused and frightened words of children growing up in abusive households. They are the voices of the forgotten victims of domestic violence.

To help the 3 to 10 million children each year who witness violence between their parents, the American Bar Association is launching a national education program, the centerpiece of which is a compelling video titled **"It's Not O.K.: Let's Talk About Domestic Violence."**

Ben Savage, star of ABC's "Boy Meets World" is host and narrator of the video, which was produced in partnership with **The Walt Disney Company**.

What is "It's Not O.K."?

Children are the forgotten victims of domestic violence. "It's Not O.K." is the first national education program of its kind to reach out to these children, who without intervention, are likely to perpetuate the cycle of violence from one generation to the next. The program is based upon an eight-minute video developed for viewers 7 to 12 years of age. The program was developed in consultation with pediatricians, psychologists and domestic violence counselors with expertise in working with children who witness abuse.

In the video, Savage and child actors explore how children feel when violence happens in their homes, and give viewers simple tips for staying safe. The script is based on pre-production interviews with real children who have witnessed domestic violence. Much of the script is based on actual quotes from these victims.

"It's Not O.K." imparts a simple five-part message in language children understand:

- ***"It's not your fault."*** *You did not cause your parent to do a bad thing. And don't be ashamed -- you're not alone. Other kids have the same problem in their homes.*
- ***"Violence is not the way to show anger."*** *Everyone feels angry sometimes, but talking through problems is the way to make things better. Hitting only makes things worse.*
- ***"There are things you can do to be safe."*** *Don't get caught in a fight. Call 911 if you can do so safely.*
- ***"Find a safe grown up who can help."*** *There are people who can help you and your family. Don't give up!*
- ***"Going to court can help stop the violence."*** *Judges and lawyers may ask hard questions, but court is where people go to make things safer.*

"I'm very glad to be involved in this project," said **Ben Savage**, age 15. "I hope this video will help kids who feel bad about themselves, and what's going on in their families, reach out for help."

How does domestic violence impact children?

Even when children are not the direct targets of physical or emotional abuse, they are secondary victims of domestic violence. Children who witness abuse suffer a host of serious problems, which have both immediate and long-term consequences, according to a seminal report on the issue, "The Impact of Domestic Violence on Children," released by the ABA Center on Children and the Law in 1994.

The immediate effects can include low self-esteem, sadness and depression, fear, anxiety, verbal abusiveness, violent behavior and school problems. Without help, these children often establish adult relationships based upon their parents' model, and perpetuate another generation of violence. Boys often grow into violent men, and girls frequently adopt the victim profile, and choose partners who abuse them.

Domestic violence has a profound impact on juvenile crime and violence:

- Domestic violence is found in 20-40 percent of the families of chronically violent adolescents.
- 75 percent of boys who witness domestic violence have been found to have demonstrable behavioral problems.
- 63 percent of American males aged 11-20 who are incarcerated for homicide were convicted of killing their mother's batterer.

How can the "It's Not O.K." project help?

Most of the resources in our current system are geared to adult victims of domestic violence. Very little exists in the legal system, police departments, schools or social service agencies to help children who live in homes where domestic violence takes place. **"It's Not O.K."** fills that void, providing an effective communications tool for professionals to use to reach out to these forgotten victims.

"This powerful video will convey a message that these children must hear: that the violence they witness in their homes is *not their fault*, and that there are people who can help them and their families," said **ABA President Roberta Cooper Ramo** of Albuquerque, who has spearheaded the ABA's domestic violence initiatives. "Through this project, we hope to help break the generational chain of abuse for which we as a society pay dearly via violence, crime and the breakdown of families."

The project is a product of the ABA Commission on Domestic Violence, co-chaired by **Marna Tucker** of Washington, D.C., and **Christopher Griffin** of Tampa.

"Through its unequalled expertise in communicating with children and generous contribution of creative talent, Disney has developed a superb vehicle for reaching these children in crisis," said Ramo, who was appointed by Attorney General Janet Reno to the Attorney General's Advisory Council on Violence Against Women.

Why is Disney involved?

"Domestic violence is everybody's business," explained John F. Cooke, executive vice president of corporate affairs for The Walt Disney Company, who serves on the ABA Domestic Violence Commission. "Business leaders have a responsibility to the community and their employees to address this issue, one which touches all of us."

"The happiness of children has always been a top priority with The Walt Disney Company. We are proud to join with the ABA in this important campaign, which will help build better tomorrows for millions of children and their families," Cooke said.

How will the video be used?

The video will be shown to children in a variety of settings. Several hundred copies will be donated to state domestic violence coalitions and bar associations. It will be available for a modest fee, to cover costs, to police, judges, doctors and medical personnel, social workers, teachers and other professionals, to use as a counseling tool for children whose parents are involved in violence.

.... in shelters

"Children in abusive households are in fact victims, whether or not they are physically harmed, and the effects stay with them for a lifetime without intervention," said **Robert Schroeder, executive director of Safespace**, a nationally-lauded shelter for battered women and their families in Miami. "In our shelter, we often see boys mimic their fathers' behavior by physically assaulting their mothers or shelter staff. But counseling can turn these troubled children around. This video will be a valuable tool for helping us reach these kids," said Schroeder

.... by law enforcement

"Domestic violence is not just a private 'family matter' -- it's a crime that is taken seriously by law enforcement," said **Chicago Police Superintendent Matt Rodriguez**, a member of the ABA Commission on Domestic Violence. Rodriguez, chair of the Major Cities Police Chiefs Association, has been instrumental in changing Chicago police attitudes and responses to domestic violence.

"Prosecuting the abuser and assisting the victim are not enough. We have a duty to help their children, and this video will provide an effective and simple means for police to do that," Rodriguez said.

... by judges

Judith Kaye, chief judge of the State of New York, who has made domestic violence a top priority for the New York court system, agrees. "The pain of children whose parents are in court on a domestic violence issue often goes untreated," said Kaye, who is a member of the ABA Domestic Violence Commission. "This video can help children understand that they are not alone in feeling hurt and confused, and also help them understand that court proceedings may be necessary to protect them and other family members from further violence. In addition, this video will help us educate judges and others in the justice system about domestic violence and its effects on children."

How was the program developed?

The video and materials on domestic violence and children were developed in consultation with leading authorities on domestic violence and children, including **David Chadwick, M.D.**, of the Center for Child Protection in San Diego; **Harriet Gailey**, a clinical social worker with Children of Separation and Divorce in Colombia, Md.; Professor **Jeffrey Edleson** of the University of Minnesota School of Social Work; **Mary Ann Dutton**, of the American Psychological Association; and **Sarah Buel**, a domestic violence survivor who went on to Harvard Law School and is now a prosecutor in Quincy, Mass.

Support materials that explain the dynamics of domestic violence and help facilitators field questions and problems raised by child viewers accompany the video. These discussion guidelines, brochures and other materials are based upon feedback generated at field tests conducted by experts in a variety of settings and geographical locations this January.

How can the public obtain the video?

The purpose of the public announcement of this project is to send a loud and unmistakable message that ***there is no excuse for domestic violence*** and **raise public awareness of the impact of domestic violence on children.**

For information on domestic violence, the public should call 1-800-799-SAFE (or TDD 1-800-787-3224 for the hearing impaired), the national domestic abuse hotline announced by President Clinton on February 21.

The actual video and program materials, which are designed for use in controlled environments, will not be available to the general public, however.

"This video can be compared to a new drug or medical therapy," explained Ramo. "While we want the public to know that this therapeutic resource is available to help them, it can only be 'prescribed' by a professional."

Concern for adult and child victim safety provided the rationale for limiting distribution.

"By viewing the video in their homes, victims and children may jeopardize their safety," explained Ramo. "Experts tells us that if abusers witness their victims or children watching the video, they may become violent. Or, children may act upon the messages contained in the video in an inappropriate manner which could lead to harm."

Ramo added that it is important that trained facilitators be on hand to provide counseling to children who may become distressed by seeing family dramas similar to their own portrayed. "We want to provide appropriate assistance to these children, and not compromise their physical or emotional safety," she emphasized.

Will the video be broadcast on television?

For similar safety concerns, the video, *in its entirety*, will not be disseminated broadly to the news media. *(Note: Excerpts, and review copies not suitable for broadcast, will be provided to bona fide news writers, editors and producers upon request.)*

How can the media help?

"The media can play a leading role in helping change public attitudes towards spousal abuse," said Ramo.

"The general public only recently became aware of the crisis of domestic violence through news coverage of high profile trials and celebrity arrests for spousal assault. We applaud news organizations for pulling back the curtain on this secret of family life for millions of American families. We now urge them to also turn their lenses on the impact of domestic violence on children and educate the public on resources available to help victims and their families."

According to **Barry Ramo, M.D.**, an Albuquerque cardiologist who serves on the ABA Commission, abusers often become violent if they perceive that an "outsider" is challenging the control they have over their families. Ramo, who also is a medical reporter for KOAT-TV (ABC), says that after his Jewel Bergman award-winning one-hour documentary on domestic violence, "Quiet Violence," New Mexico emergency rooms and police departments experienced a sharp increase in calls for victim assistance. The special phone line set up for victims received several thousand calls, not only from victims and their children, but many from abusers seeking help. Some women requested that the special be aired during the day because their abusers would not let them watch.

What else is the ABA doing to stop domestic violence?

The ABA Commission on Domestic Violence was created one year ago, and was charged with the responsibility of bringing together leaders in the spheres of law, medicine, education, domestic violence advocacy, psychology and mental health and business to create interdisciplinary community programs to stop domestic violence, in cities across America. Through its research, the commission has learned that the most successful domestic violence programs exist where all sectors of the community join together to help victims and stop the violence. Police, lawyers, judges, victim advocates or physicians cannot do it on their own.

Led by co-chairs Marna Tucker and Christopher Griffin, members of the commission include: Sarah Buel, prosecutor, Quincy, Mass.; John F. Cooke, The Walt Disney Company; Mary Ann Dutton, American Psychological Association; Alexander Forger, Legal Services Corporation; Keith Geiger, president, National Education Association; Lynne Gold-Bikin, ABA Family Law Section; Judith Kaye, chief judge of the State of New York, ABA Judicial Administration Division; Robert McAfee, M.D., immediate past president, American Medical Association; Anne Menard, National Resource Center on Domestic Violence; Heidi McNeil, ABA Young Lawyers Division; Barry Ramo, M.D.; Matt Rodriguez, superintendent of police, Chicago; Professor Randolph Stone, University of Chicago, ABA Criminal Justice Section; John Meyer, a brigadier general, commanding general of the U.S. Army Community Family Support Center; and Rebecca Westerfield, ABA Section on Individual Rights and Responsibilities.

Upcoming commission projects include:

- A multidisciplinary blueprint outlining model domestic violence programs throughout the country, that will help communities develop coordinated efforts to eradicate domestic violence.
- A lawyer's handbook -- "The Impact of Domestic Violence on Your Legal Practice" -- to inform all lawyers about the information and resources they need to properly address domestic violence issues that arise in their practices.
- Regional conferences to train community leaders to build team responses to domestic violence, put on in California, Illinois and Florida with the American Medical Association.
- Electronic information on domestic violence available through the ABA's Web Site, linked to other domestic violence program information.
- Bringing together a symposium of experts to help develop model programs, curricula, and protocols for teaching domestic violence in graduate and professional educational programs, such as law and medical schools.

How can professionals get a copy of the video?

The video will be provided at no charge to several hundred domestic violence shelters. Police, judges, lawyers, domestic violence advocates, social service workers and other professionals may purchase the video and accompanying materials for \$15, plus \$3.95 shipping and handling. For more information, write the ABA Service Center, 541 North Fairbanks Court, Chicago Ill. 60611

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AMERICAN BAR ASSOCIATION
COMMISSION ON DOMESTIC VIOLENCE

presents

*"It's Not O.K.: Let's Talk About
Domestic Violence"*

*A video for professionals working with children who
experience domestic violence*

Produced in partnership with the Walt Disney Company

PLEASE NOTE!

This video is intended for use by professionals who are willing to conduct follow-up work -- such as discussion groups, counseling, and referrals -- with the children who view it. It is not intended for stand-alone, home entertainment or broadcast media use.

ACKNOWLEDGMENTS

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Presenter's Guide

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ABA Commission on Domestic Violence

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ABA Commission on Domestic Violence

Special thanks to the Walt Disney Company and its dedicated staff.

*It's Not O.K.: Let's Talk About Domestic Violence
Presenter's Guide*

Millions of children experience the trauma of domestic violence every day in this country. Although all of us have become more aware of the impact that domestic violence has on its adult victims, we have not yet fully acknowledged the impact domestic violence has on children. Victim advocacy and shelter programs have made great strides in developing programs to help children cope with the pain that violence in the home creates. Many other professionals, however -- like lawyers, judges, police, teachers, counselors, health care professionals -- see and work with children who experience domestic violence. Unfortunately, although many of these professionals may be providing services to adults affected by domestic violence, they have not yet begun to provide help for children who are abused or who have witness domestic violence.

Too many children who come from violent homes will have to continue living with domestic violence, even if they are able to get help from the justice system and the victim services community. Children may call the police for help, may go to shelters, and may end up in court as their non-violent parents seek relief from the violence inflicted on them by their batterers.¹ The grim reality is that even after these interventions begin, these children will still continue witnessing domestic violence either because the batterer returns home or because he has custody or visitation rights or because he stalks his former victim. One service we can offer these children is a program which will help them find constructive--and safe--ways to respond to the recurring violence.

The American Bar Association's Commission on Domestic Violence, in partnership with the Walt Disney Company, has developed this video in response to

¹ Victims of domestic violence are overwhelmingly female and batterers are overwhelmingly male. Russel Dobash, *The Myth of Sexual Symmetry in Marital Violence*, 39 *SOC. PROBS.* 71, 74-75 (1992); Caroline W. Harlow, U.S. Dep't of Just., *FEMALE VICTIMS OF VIOLENT CRIME 1* (1991); Peter Finn & Sarah Colson, U.S. Dep't of Just., *CIVIL PROTECTION ORDERS: LEGISLATION, CURRENT COURT PRACTICE, AND ENFORCEMENT 4* (1990); Patsy A. Klaus & Michael R. Rand, *FAMILY VIOLENCE: BUREAU OF JUSTICE STATISTICS SPECIAL REPORT* (1984). For this reason, victims are referred to in the feminine and batterers in the masculine.

*It's Not O.K.: Let's Talk About Domestic Violence
Presenter's Guide*

the needs of children living in violent homes. Created in conjunction with experts in the field of domestic violence and children, this video is designed to help professionals who work with children experiencing domestic violence to develop effective safety plans. We hope this video--and the accompanying materials--will become a useful resource in the fight to end domestic violence.

You may be a teacher, a nurse, a victim advocate, a minister, a counselor, or a legal services provider. In your role as a helping professional, you can have a profound impact on the lives of children affected by domestic violence. It is hard for children to talk about what is happening in their homes--and it is even harder for them to find caring adults who can help them find ways to make their lives safer and get help for their families. By showing this video and carrying on a safe and constructive discussion afterwards with the children who view it, you can take the first important step in helping them to restore safety to their lives.

Why do children need special help if they are experiencing domestic violence at home?

Children may end up as victims of violence also. Many studies indicate that children who live in homes where domestic violence exists are at greater risk of being victims of violence than children in non-violent homes. Several studies have found that in homes where severe domestic violence takes place, approximately 70 percent of children in those homes also became victims of abuse or neglect. Some children become indirect or secondary targets of the batterer's violence, because they intervene to help the victim or because they happen to be in the way of the violence directed at the victim.

Witnessing domestic violence can harm children in other ways. It is traumatizing for any child to see or hear a parent being abused by the other parent or an intimate partner. Even if a child living in a violent household is never actually hit, abused, or neglected, that child may still be at risk for increased behavioral, emotional and cognitive problems if he or she witnesses violent behavior. These children may suffer from feelings of guilt because they cannot control the violence, as well as feelings of low self-esteem, depression, and fear. They may "act out,"

*It's Not O.K.: Let's Talk About Domestic Violence
Presenter's Guide*

becoming more aggressive or impulsive. They can also become anxious or withdrawn and suffer from psychosomatic problems. Their verbal, cognitive and motor abilities may not be as advanced as those of children from non-violent homes. They may also grow up to repeat patterns of violence which they witnessed and experienced as children.

Children living in violent homes have special safety needs. Children in violent homes need to develop safety plans. This video was specially designed to help children think about the safety issues they face at home. Children should be encouraged to find safe ways to respond to the violence in their homes. The video, for example, shows children that it is not appropriate to break up a fight themselves. Instead, children are encouraged to call 911 or turn to a safe relative or neighbor for immediate help instead.

Children need to know that there are people or places in the community to turn to to help them respond safely to domestic violence. It is important for children to learn that domestic violence is not just a "private family matter" and that they will not be exposed to humiliation if they seek help. In discussions which follow a showing of the video, it is important to explain to children how police and the legal system can make the violence stop -- sometimes by having the abusive parent leave home, and sometimes by ordering alternative remedies, like batterers' intervention or counseling for the children, to preserve the family's safety. The narrator and the children in the video demonstrate that although it not always easy to find help, children experiencing domestic violence should keep trying, until they can find a person or program which will help them and their families feel safer.

Children need to know that it is not their fault. A child needs to know that he or she is still a good person, even if his or her parent is doing something wrong. Young children often assume that if bad things happen in their families, it is because they did something bad. The batterer is likely to reinforce this assumption. For example, a batterer may externalize the blame, saying, "If you kids hadn't been crying, I wouldn't have lost my temper and hit your mother." We have to get the message across that batterers are the ones responsible for the battering, and that no

matter what children do, they are not guilty if an abusive parent loses control.

Guidelines for Showing the Video

This video was designed for use by children aged 7 to 11. It can be shown in any of a number of places, for example, a shelter setting, a court, a school, or a counseling program. The group should be of a size that would make discussion easy. It can be a group of children brought together for the first time for the purpose of seeing the video, or it can be a group that has been meeting already for other reasons, such as a peer support group or a class in school.

This video should not be shown without a presenter or group leader, who, in addition to showing the video to the children, is also willing to conduct a discussion afterwards. Ideally, the presenter should be a professional with some experience working with children who have experienced domestic violence. However, if you would like to show this video and do not have a background in this field, you may want to select a co-presenter who has such professional experience.

Questions to ask yourself before showing the video.

Do you or your co-presenter have any training in domestic violence issues? If not, have you read any of the articles or books listed in the accompanying bibliography to prepare yourself to understand the children's reaction to the video?

Have you prepared a resource/referral list for use following the video, in case the children need more help? You should be prepared to make calls on behalf of the children. Do not assume they know how to look for services themselves.

Before providing a child with referral information, attempt to assess whether the suggested action can be carried out safely. For example, you might want to arrange a safe and confidential meeting with the non-violent parent prior to sending a child to a counseling center. The non-violent parent may be able to provide important information about safe times to schedule appointments. You want to be sure your

*It's Not O.K.: Let's Talk About Domestic Violence
Presenter's Guide*

intervention efforts will not create any greater danger for the family. However, if an emergency or immediate danger exists, you will want to help the child or non-violent parent call 911, the local police emergency number, or a crisis hotline as soon as possible.

If you cannot find local referral information or you need to find immediate help for family members suffering from domestic violence, call the toll-free National Domestic Violence Hotline at (800) 799-SAFE. The National Hotline offers bilingual counseling in English and Spanish at all times; they are also able to handle calls in other languages with the use of AT&T's interpreter service. Service for the hearing impaired is available by calling (800) 787-3224. The counselors at the National Hotline can provide information about local domestic violence programs, and in some cases, can transfer calls directly to local service providers.

The referral list you should have available prior to showing the video can include:

- * Contact numbers for crisis lines, local shelters, or victim advocacy programs in your area.
- * Names and contact information for specialized domestic violence units that may exist in your local court, police department, or social services agencies.
- * Contact numbers for local counselors or counseling programs which specialize in helping children experiencing domestic violence.
- * Names and contact numbers for local legal service providers.
- * Hospitals and medical providers.
- * Local referrals for emergency and long-term financial assistance.

Domestic Violence

FACTS & STATISTICS

- An estimated 87 percent of children in homes with domestic violence witness that abuse. (Lenore Walker, *The Battered Womens Syndrome*, 1984)
- From 3 to 10 million children each year are witnesses to or secondary targets of domestic violence. (Murray A. Straus, *Children as Witnesses to Marital Violence: A Risk Factor for Lifelong Problems Among Nationally Representative Sample of American men and Women*, unpublished paper, 1991; *Ending the Cycle of Violence: Community Responses to Children of Battered Women* 3-4, Emat Peled et al. eds., 1995)
- Children from homes with domestic violence identify with the aggressor and lose respect for the victim. (Laura Crites and Donna Coker, *What Therapists See That Judges May Miss: A Unique Guide to Custody Decisions When Spouse Abuse is Charged*, Spring 1988)
- Some children who witness domestic violence react by losing respect for the victim and becoming angry at the victim. (Mildred Pagelow, *The Effects of Domestic Violence on Children and Their Consequences for Custody and Visitation Agreements*, *Mediation Quarterly*, vol. 7, no. 4, Summer 1990.)
- Domestic violence is found in the families of 20-40 percent of chronically violent adolescents. (Jeffrey Fagan and Sandra Wexler, *Family Origins of Violent Delinquents* 1987)
- Seventy-five percent of boys who witness domestic violence have been found to have demonstrable behavior problems. (Peter G. Jaffee et al., *Promoting Changes in Attitudes and Understanding of Conflict Resolution Among Child Witnesses of Family Violence*, 1987)

- Besides the increased risk of physical abuse, children who witness domestic violence are often impaired cognitively, emotionally, socially, and psychologically. (Howard A. Davidson, A Report to the President of the American Bar Association, *The Impact of Domestic Violence on Children* July 1994).
- Children who are exposed to marital violence are at increased risk for internalizing and externalizing behavioral problems. (Maura O'Keefe, *Predictors of Child Abuse in Maritally Violent Families*, 10 J. of Interpersonal Violence 1, 3, 1995.)
- For males, the greatest risk factor for growing up to become a batterer is being raised in an abusive home. (Marjory D. Fields, *The Impact of Spouse Abuse on Children and Its Relevance in Custody and Visitation Decisions in New York State*, 3 Cornell J. Of L. And Pub. Policy 221, 236-37, 1994)
- 50 percent of abusive husbands batter their pregnant wives. (Hearings on Women and Violence, Committee on the Judiciary, U.S. Senate, *Ten Facts About Violence Against Women*, August 29 and December 11, 1990)
- Nearly 40 percent of domestic violence incidents against wives involved serious violence -- punching with a fist, kicking, biting, beating, or an attack with guns or knives. (Murray A. Straus and Richard Gelles, *How Violent Are American Families? Estimates From the National Family Violence Resurvey and Other Studies*)
- Children are not unaware of violence just because they don't see it: toddlers are not too young to understand what is happening. (*Courts and Communities: Confronting Violence in the Family*)

According to Mary Ann Dutton, American Psychological Association:

- Children who witness domestic violence are six times more likely to assault other children outside of the family.

50 percent of husbands who physically abuse their wives also physically abuse their children.

- Child abuse is more severe and frequent in families experiencing domestic violence and marital rape. (Marjory D. Fields, *The Impact of Spouse Abuse on Children and Its Relevance in Custody and Visitation Decisions in New York State*, 3 Cornell J. Of L. And Pub. Policy 221, 23, 1994)
- Abused and neglected children are more likely to become violent offenders as adults than children who are not mistreated. (National Institute of Justice, 1992).

LIST OF EXPERTS
"IT'S NOT O.K. LET'S TALK ABOUT DOMESTIC VIOLENCE"
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SCRIPT

it's NOT OK

"IT'S NOT O.K. LET'S TALK ABOUT DOMESTIC VIOLENCE AND CHILDREN" EDUCATIONAL VIDEO

REEL #1

CHILD

[B.G. MUSIC] I got really scared when he started hitting my mom.

CHILD

I thought it was my fault. I thought I should've stopped him.

CHILD

I didn't wanna tell anybody 'cause I thought I'd get in trouble.

CHILD

It's not right to hurt somebody just 'cause you're mad.

BEN SAVAGE

Maybe you or someone you know has thought or said some of the things you just heard.
[B.G. MUSIC STOPS] Hi. I'm Ben Savage from "Boy Meets World," and I'm here to help you. If your father hits your mother it's not okay. If your father tells you he's gonna hit your mom, it's not okay. These things are all examples of what's called domestic violence. It's not okay and there are people who can help you do something about it.

[BRIEF PIANO MUSIC]

BEN SAVAGE

In our country about three to ten million kids see some form of domestic violence in the home. You're not alone. As you watch this tape you're gonna hear from some of the kids who have been living in homes where one of their parents is being treated badly by another adult. Now I think that they can help you learn more about this problem and help you realize that i-- if it is happening, it's not your fault.

CHILD

[B.G. PIANO MUSIC] I was home watching TV when my dad came home. He'd been drinking. He started yelling about how loud it was and making a big scene. I turned the TV off, but

he kept yelling. My mom tried to talk to him outside, and that's when he started hitting her. I don't know. Sometimes I think if I hadn't been watching TV or I had it quieter or something, mom wouldn't've gotten hit. If I'd gone outside and helped her fight back, but he's bigger than me. That's the trouble.

BEN SAVAGE

[MUSIC STOPS] It isn't easy for Earl to talk about his mother's beatings. Remember when he felt like he caused the problems? He isn't to blame. It wasn't his fault. And you know something? It's not your fault either. Now Earl felt bad because he didn't do anything to stop the beatings. But he couldn't stop 'em. We're gonna talk to some kids later on in the video who found people to help them feel safe.

CHILD

[MUSIC BEGINS] I could always tell when my dad was in a bad mood. He'd get home. He'd get this look. He'd go walking from room to room like he was looking for something to get mad at. Didn't matter what. Just any little thing he didn't like to let off some steam. And me and my brother knew, you know, stay out of his way. Sneak out the back door, go to somebody's house. Didn't matter what. Didn't matter what time it was either. But my mom, she couldn't always. I just think if you're feeling bad like that you should go hit a pillow or something, talk to somebody. But it's not right to hurt people just 'cause you're in a bad mood.

BEN SAVAGE

[MUSIC STOPS] Everyone feels angry at one time or another. Do you think it's a good idea to hit someone when you're angry? No. It isn't the right way to express how you're feeling. It's better to talk things over and listen to each other than, than hit or act out of anger. Jessica lived in a house where anger turned into hitting. Her family learned how to talk and feel about their problems without violence. There are people

who can help families learn how to discuss problems without hurting each other.

CHILD

[B.G. MUSIC BEGINS] When my mom's boyfriend gets angry and he starts hitting and stuff, I just get out of the house. I just run. I used to try to hide upstairs. See, I have this secret room where I keep some of my stuff in. I'd go there sometimes when I just want to be alone or something. But he found me there one time and it made him even more mad that I was tryin' to hide. Now he doesn't even let me go there at all. Anyway, I've got some neighbors who are real nice. Well, sometimes they'll hear stuff going on and they'll come over and try to help, [B.G. BIRD NOISE] talk to him maybe, or if things get real bad, call the police. I used to hate it when people tried to get involved, but now I'm really glad. You can't handle stuff like this by yourself. Or at least you shouldn't. You can really get hurt.

BEN SAVAGE

[MUSIC STOPS] When things got scary in Charlene's house, she knew how to get to a safe place. One of the things you can do is have a safety plan. Number one, don't try to get in the middle of a fight. Number two, if you can get to a phone safely, call 911 for help and stay on the phone. Number three, try not to get trapped in a small room or closet or in the kitchen. Number four, get to a safe place. Find a neighbor or a safe relative and ask for their help.

CHILD

[B.G. MUSIC] I never told people about it, never told my friends. I thought they'd like make fun of me, you know. Oh, your dad is such a jerk. And they'd never wanna come over to my house and never wanna play, or, or they'd think there was something wrong with me. I mean, I don't want people knowing everything that goes on in my house. What happens in a family is private. At least that's what my dad says. He also says that we have our own problems and our own ways of

dealing with it. So that's what I do, you know, just deal with it. [B.G. BIRD]

BEN SAVAGE

[MUSIC CONTINUES] Don't be ashamed to admit that terrible things are happening at home. Do you ever worry about what people [MUSIC STOPS] might say about your family? Well, you should know that there are people who will not make fun of you or make you feel worse about things. Teachers, nurses, police officers, counselors and other adults want to help you end the violence. Do not give up. And remember, keep trying until someone listens and helps you.

CHILD

[B.G. MUSIC BEGINS] I was real young when my dad got arrested and I had to go to court. I hated it. I really hated it. I mean, for one thing it takes forever. You just sit there and you listen to people talk and talk and talk. Can't say anything. You just gotta sit there. My mom was crying and everything and once you do get a chance to talk it's around all these people and they're just standing there, staring at you. It's like they're trying to make me say bad things, like every bad thing that you could possibly think of. I didn't want to get my dad into any more trouble. But, you know, you gotta tell the truth, 'cause that's how you help people, by telling the truth.

BEN SAVAGE

[MUSIC STOPS] Going to court can be scary. Lawyers and judges may ask hard questions. But don't be afraid. It's their job to help make things better. In court it might look like mom and dad are fighting all over again. You have to remember that court is a place where we try to work things out so everyone can be safe. It doesn't always work, but many times judges can help stop the hitting in your house. Earl was a little upset when he went to court, [B.G. MUSIC BEGINS] but things are much better now.

CHILD

[MUSIC CONTINUES] You've got to talk to
someone about it.

CHILD
There's people out there who want to help.

CHILD
It's scary.

CHILD
My mom used to cry all the time.

CHILD
I thought telling on my dad was a bad thing
to do. But it isn't.

CHILD
I want to help my mom and my dad.

CHILD
Things are a lot better now.

CHILD
We're just a family. We're not perfect.

CHILD
But at least nobody's getting hurt. [B.G.
BIRDS]

BEN SAVAGE
[MUSIC STOPS] Listening to us talk about
domestic violence may have made you feel sad,
hurt, scared or angry. But remember,
domestic violence is not your fault. There
are things you can do.

[MUSIC BEGINS]

CHILD
[MUSIC CONTINUES] Don't get caught in the
middle of a fight. [B.G. NOISE] If you need
help call 911 and stay on the phone.

CHILD
Hello?

CHILD

DISNEY CHANNEL CREATIVE DEVELOPMENT
ABA Domestic Violence

6

Try not to get trapped in a small room or closet. [PAUSE] Get to a safe place, a friend's house or a neighbor's. [PAUSE] For further help and more information, you can call the toll free national domestic violence hot line at 1-800-799-SAFE or 1-800-787-3244.

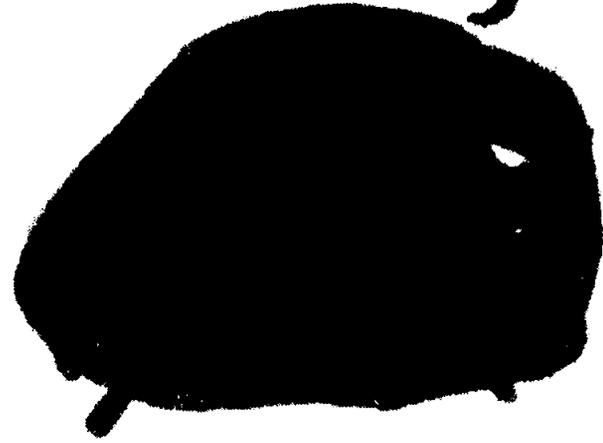
[MUSIC ENDS]

--END OF ABA DOMESTIC VIOLENCE--



mom and dad having
a fight.

fighting a lot.



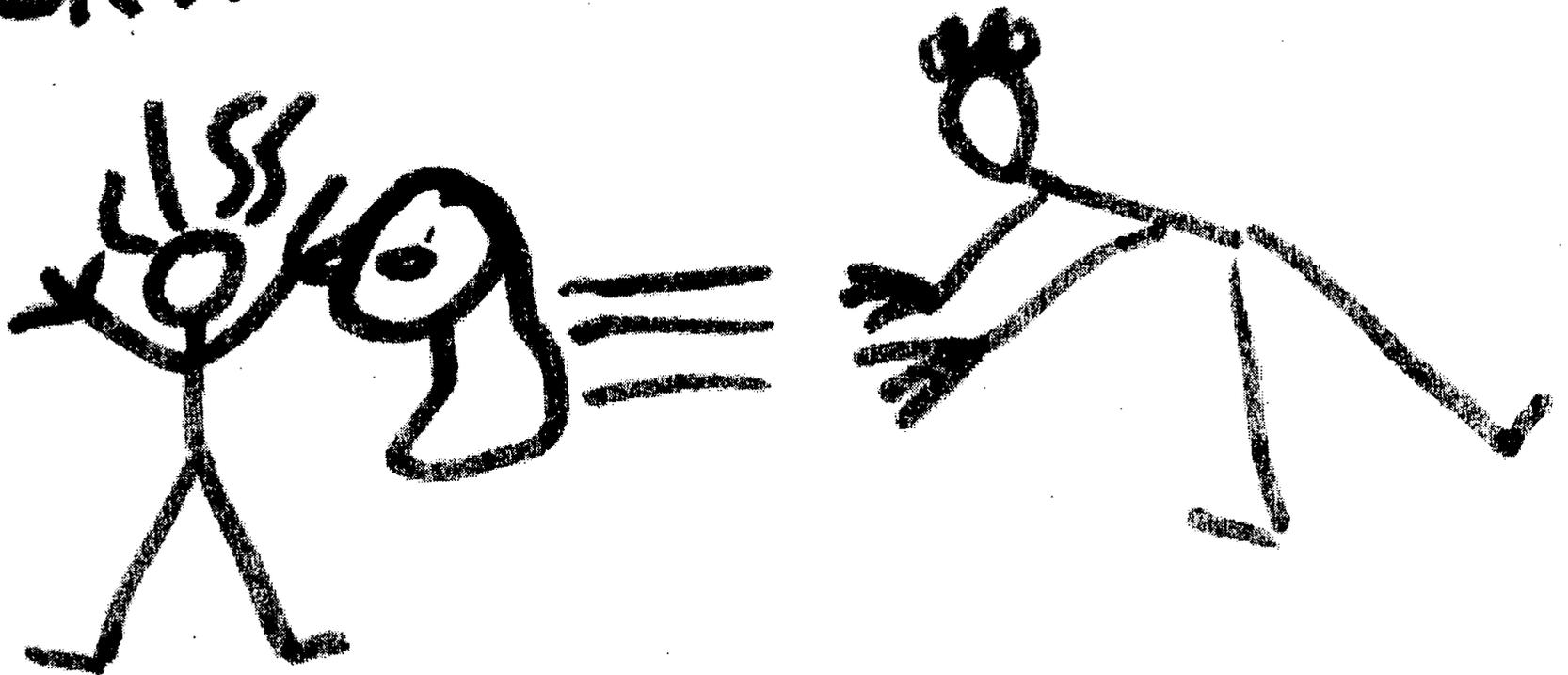
mom and dad fighting a lot



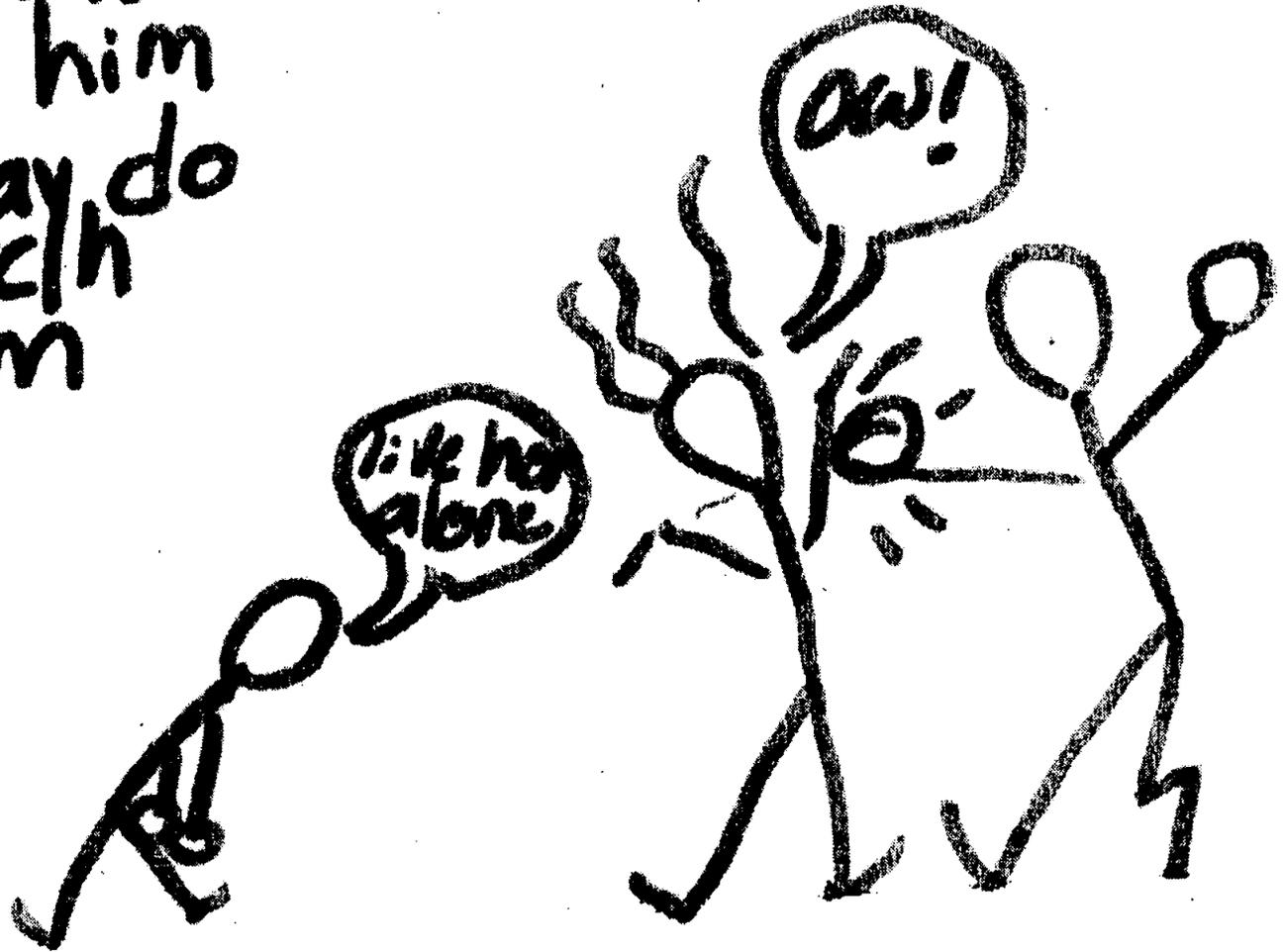


THINGS MAY
NOT GET DONE.
NO ONE WILL
LISTEN.

I feel sad
when my mom
and my dad soane
fites he hit my
mom with the
electrick fan



I get really mad
when my dad
hits my mom
I yell at him
and I say do
not touch
my mom



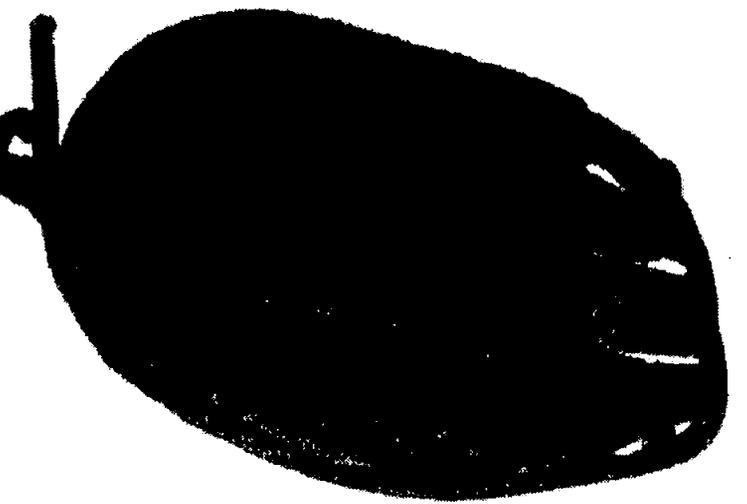
When they first started
my dad wanted to
kill my mom. ~~he~~^{he} never
got to know he wanted to
kill himself. I ~~don't~~^{don't} know it happen

before and it ain't now

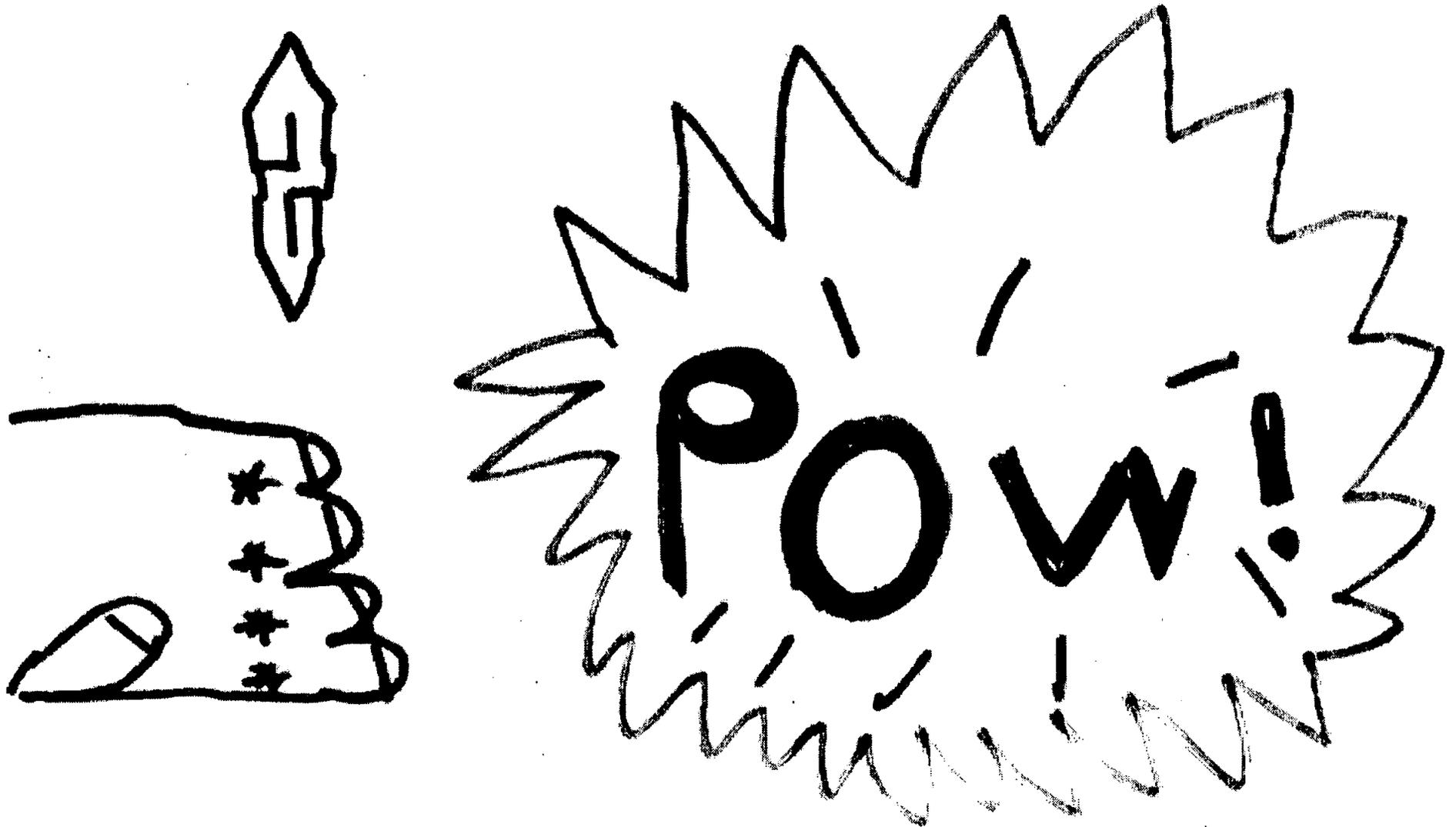
glamour sight. Now I'm used to
it. it's been going on for
19 years and I'm not scared
any more.

I am Scared
when they fight.

I am Scared
when they
fight



all naver went when my mom punch
at Dad and.... that musta hurt!



THE WHITE HOUSE

WASHINGTON
May 14, 1996

MEMORANDUM FOR VICKI RADD

FROM: ELENA KAGAN *EK*
JENNIFER KLEIN *JK*

SUBJECT: DOMESTIC VIOLENCE EVENTS

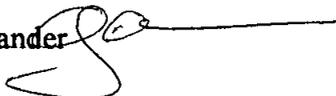
Attached is a memo from Gail Alexander of the American Bar Association (ABA) proposing ways for the President, in conjunction with the ABA, to highlight the problem of domestic violence and call for greater efforts to combat it.

Several of the ABA's proposals would have the President meet with children harmed by domestic violence to share his own experiences and offer his support. The ABA has prepared video materials for professionals working with such children and would like the President to call attention to these materials and reiterate their message. Similarly, the President could spend some time staffing the national domestic hotline, which has received such a good response in the past. The problem with an event of this kind, of course, is that the President does not seem to be doing anything. He is empathizing, but not acting -- and for that reason, such an event may well seem gimmicky. For this reason, we think that this kind of event, if planned at all, must be combined with something else.

The most promising proposal involving presidential "action" would have the President challenge the nation's bar associations and attorneys to ensure that all victims of domestic violence receive effective legal representation. The President could call on state and local bar associations, as well as the ABA and Legal Services Corporation, to train private lawyers to handle such cases and then enlist them to do so. (The ABA is already involved in some efforts of this kind). At the same time, the President could call on all lawyers (a call the ABA would join) to participate in these training and representation activities. The President could issue such a challenge directly to the Bar at the ABA's midsummer convention. Alternatively, a special event could be arranged (perhaps involving some conversation with victims, as discussed above) to serve as the forum for the challenge.

The ABA also proposes that the President visit a comprehensive domestic violence court, which concentrates on treatment of abusers to help stop violence. Before we can evaluate this proposal, we have to find out much more about how such courts work and how well they succeed in reaching their goals. Such a treatment-oriented approach to the problem may seem insufficiently forceful.

To: Elena Kagan
Jennifer Klein

From: Gail Alexander 

A very rough sketch of ideas we discussed. Feel free to mix and match. There are opportunities in almost every media market and we would be happy to work with you on this. Our Annual Meeting is in Orlando from July 31 to August 6. Our House of Delegates meets on August 5 & 6. Let me know what additional information would be helpful

Proposal: To create a media event, involving President Bill Clinton, to spotlight domestic violence issues, and the role of lawyers and the legal system in stopping this national tragedy.

Option 1: Pair the President with Ben Savage, "Boy Meets World" star and host of "It's Not O.K.," in a visit to a domestic violence shelter or school (would be difficult with schools closing in May/June) for a conversation with children who have witnessed domestic violence in their homes. The President could reinforce the message of the video that violence is "Not O.K.," share his personal experiences, and offer words of comfort to children in similar situations. Possible locations: Los Angeles, Chicago, Miami (Safespace). A conversation in the White House with children selected could also include Biden and Hatch who cosponsored the Violence Against Women Act.

Option 2: The President could address the ABA House of Delegates during the Annual Meeting, and challenge lawyers to 1) ensure that state laws adequately protect victims and their children; 2) ensure that the laws are enforced by police, prosecutors and judges; 3) call on lawyers to do more and provide pro bono representation to victims and children, and 4) ensure lawyers and judges are adequately trained to deal appropriately with domestic violence.

Option 3: The President, Roberta Ramo and Ben Savage could participate in an electronic town hall connected with shelters in several parts of the country. Shelter residents and their children could pose comments and questions to the President or Ms. Ramo. The new ABA victim safety plans and "It's Not O.K." program for kids could be highlighted. This could be produced in conjunction with television programs such as CNN's "Talk Back Live," Larry King or Oprah.

Option 4: The President and Roberta Ramo could "staff" the national domestic hotline, which was created through funding in the Violence Against Women Act. Calls would be set up in advance. This could be coupled with a shelter visit described in Option 1.

Option 5: The President and Roberta Ramo could visit a comprehensive domestic violence court, such as that of Judge Linda Dakis in Miami, which concentrates on treatment of abusers to help stop the violence.

****Copies of the videos and domestic violence packet were delivered to Jennifer Klein.

THE IMPACT OF
**DOMESTIC
VIOLENCE**
on Children



A Report to the President of the
American Bar Association



American Bar Association

CLINTON LIBRARY PHOTOCOPY

The Impact of Domestic Violence on Children

A Report to the President of the American Bar Association

August 1994
Second (Revised) Printing, October 1994

The ABA Steering Committee on the Unmet Legal Needs of Children
The ABA Young Lawyers Division, Children and the Law Committee
The ABA Section of Family Law, Domestic Violence Committee
The ABA National Conference of Special Court Judges, Domestic Violence Committee
The ABA Litigation Section Task Force on Children
The ABA Criminal Justice Section, Victims Committee

*Reporter: Howard Davidson, Director
ABA Center on Children and the Law
A Program of the Young Lawyers Division*

The views expressed in this report are solely those of the specific ABA entities listed above. This report has not been approved by the House of Delegates or the Board of Governors of the ABA, or by any of the Association's Sections or Divisions as a whole. The viewpoints contained herein do not necessarily represent the official positions or policies of the ABA, unless expressly stated.

Children's art work contained in this report has been provided courtesy of the Hawaii Family Court's divorce education project, located on the islands of Hawaii and Maui.

CLINTON LIBRARY PHOTOCOPY

Table of Contents

Introduction	1
Part I-Assure the Safety of Children	3
Part II-Education, Treatment, and Awareness	5
Part III-Legal Representation for Victims	9
Part IV-Limit Firearms Access By Batterers	11
Part V-Custody and Visitation	13
Part VI-Explore the Child Abuse Nexus	17
Part VII-Special Groups: Immigrant Women and Children	19
What Attorneys and the Organized Bar Should Do	21
Endnotes	22
Appendix A Bar-Supported or Sponsored Domestic Violence Programs and List of State Domestic Violence Coalitions	25
Appendix B ABA Policies Related to Domestic Violence	32
Appendix C Family Violence Considerations with Regard to Parental Abduction Policies (Extract from 1993 U.S. Department of Justice Report)	33
Appendix D Pro Bono and Legal Services Programs Principally Devoted to Domestic Violence	37

Preface

This report was commissioned by American Bar Association (ABA) President, R. William Ide, III, in March 1994. As part of his tenure during the ABA 1993-94 year, Mr. Ide participated in the March 11-14, 1994 "National Conference on Family Violence: Health and Justice," a program sponsored by the American Medical Association with participation of many other medical and legal organizations, including the ABA.

During his presentation to the conferees, Mr. Ide challenged the ABA to conduct a swift review of the legal literature and reform proposals that had been developed in the area of domestic violence and to submit to him, before the conclusion of the ABA Annual Meeting in August 1994, a report focusing on domestic violence and its impact on children. He asked that this report contain recommendations for legislation and other policy action, as well as proposals for what the organized bar and individual attorneys should do to better address domestic violence and its adverse impact on children. This is that report.

This report should not, in any way, be construed as representing official American Bar Association positions related to domestic violence (such policies, as they existed in July 1994, are included in Appendix B of the report). It is hoped, however, that appropriate entities of the Association will now use this report as a starting point for consideration of future ABA policy recommendations to be brought before the ABA's House of Delegates.

The reporter for this publication would like to thank the following individuals whose contributions and support during the process of its development were invaluable. First, Bill Ide himself, who was moved by what he heard during the March 1994 AMA conference to decide that the ABA's first response should be this report. Second, within the ABA's various entities, a number of individuals provided critical feedback to various drafts of this report. These include Judge Rosemary Barkett, Mi-

chael Bedke, Frank Cervone, Bernardine Dohrn, Kim Hornak, Judge Pamela M. Macktaz, Martha Matthews, Pam Mohr, Lee Rosen, Catherine Ross, Deborah Segal, and Diane Yu. Linda Girdner of the ABA Center on Children and the Law staff has also provided essential input, and the editorial skills of Center paralegal Claire Sandt are also appreciated. The assistance of Center interns Joan Fina, Wendy Shulman, Kerry Stellberg, and Kate Terry was also helpful in the process of developing the report.

Outside the ABA, several experts on domestic violence provided invaluable comments on the content of the report as well as background materials used in its development. These included Judith Armatta, Lucy N. Friedman, Barbara J. Hart, Merry Hofford, Judith Hyde, Barbara Kaden, Susan Kelley-Dreiss, Judge Cindy S. Lederman, Anne Menard, Linda Oslmundson, H. Joan Pennington, Lynn Hecht Schafran, Judge Francis Q.F. Wong, Joan Zorza, and especially Susan Schechter—who in addition to commenting on an early draft of this publication invited the Reporter to attend an invitational Wingspread conference in June 1994 entitled "Domestic Violence and Child Welfare: Integrating Policy and Practice for Families."

Appreciation is further expressed to Judge Wong and her Hawaii Family Court colleagues, Judge Douglas S. McNish of the Second Circuit and Judge Ben H. Gaddis of the Third Circuit, who graciously provided children's art work from the Court's divorce education program. That program was started by Judges McNish and Gaddis, with participating children given an outlet to express their feelings about the divorce of their parents (and in the case of the art work examples used in this publication, their feelings about domestic violence in their families).

Finally, it is important to recognize Leslye E. Orloff, Director of Program Development for AYUDA in Washington, DC, for her drafting of the "Immigrant Women and Their Children" section of this report.

Introduction

“...it’s imperative that we really focus on the whole issue of domestic violence and family violence in its larger context. On many occasions, the child who sees his mother being beaten accepts violence as a way of life.”¹

Attorney General Janet Reno

Violence in all its ugly manifestations is now recognized as one of the most serious societal problems facing our nation. Violent behavior is not limited to the streets: it occurs regularly behind closed doors of households, among family members, relatives, and others who share intimate relationships. Violence within the home is referred to as *family violence*.

Unfortunately, too often public attention has only focused on family violence when it has surrounded a case involving a celebrity, such as O.J. Simpson. Such cases furnish vivid reminders that the legal system commonly fails to protect the victims of family violence.²

Family violence takes various forms. Domestic violence or “battering” refers to the use of physical force, or threat of such force, against a current or former partner in an intimate relationship, resulting in fear and emotional and/or physical suffering. (If the partners are married, this is commonly referred to as spouse abuse, but since many partners never marry, or may have ended their marriage through divorce, we will use the broader term, *domestic violence*, in this report.) *Child abuse* occurs when parents and other adult caretakers inflict injuries upon children. *Sibling abuse* occurs when older, larger, or stronger children assault and terrorize younger, smaller, or weaker brothers, sisters, or other children within the home. *Elder abuse* designates adult mistreatment of their aged parents.

The American Bar Association has long been involved in identifying appropriate legal responses to family violence, all forms of which have a destructive impact on children and their families.³ This report, however, focuses on one aspect of family violence: the impact of *domestic violence on children*.⁴ Domestic violence is a serious social issue that affects all communities.⁵ It cuts across race, ethnic, religious and economic lines.⁶

While state and local bar associations have increasingly developed legal services for victims of domestic violence,⁷ and several national groups have focused on effective responses to domestic violence,⁸ little attention has been paid to the traumatic effects of domestic violence on children. Many ignore the implications of

a child’s exposure to domestic violence in his or her own home. As a result, the impact of domestic violence on children has not always received the attention it warrants within the legal system.

Although some domestic violence involves the battering of men by women (as well as male-on-male or female-on-female violence among intimate partners), the overwhelming majority of domestic violence is committed by men upon women. Of all spousal violence incidents reported in the National Crime Survey, 91% were victimizations of women committed by husbands or ex-husbands.⁹ Women are 13 times more likely than men to be the victim in cases of spousal assault. Estimates of women victimized by domestic violence each year range from 1.8 to 4 million.¹⁰

It is unclear how many children annually witness domestic violence, but experts estimate the range at between 3.3 and 10 million children.¹¹ An estimated 87 percent of children in homes with domestic violence witness that abuse.¹² There is no doubt that children are harmed in more than one way—cognitively, psychologically, and in their social development—merely by observing or hearing the domestic terrorism of brutality against a parent at home.¹³ Experts report that the immediate impact of children’s exposure to domestic violence “can be traumatic—fear for self, fear for their mother’s safety, and self-blame.”¹⁴

Reports suggest that more babies are born with birth defects as a result of the pregnant mother’s being battered than as a result of all diseases and illnesses for which we now immunize pregnant women combined.¹⁵ Testimony before the Congress disclosed that nearly 50% of abusive husbands batter their pregnant wives, and that as a result these women were four times more likely to bear low birth weight infants.¹⁶

The National Council of Juvenile and Family Court Judges, in an introduction to their recent model state code on family violence, expressed concern that “children . . . learn from (domestic violence) that violence is an acceptable way to cope with stress or problems or to gain control over another person.”¹⁷ Family violence experts worry that children who live in homes where there is domestic violence are more likely than others to become batterers of their partners when they become adults, or to view violence among intimate companions as an acceptable or inevitable norm.¹⁸

Such detrimental effects of domestic violence on children have been noted at the federal level.¹⁹ Many

state legislative provisions and trial court decisions now recognize the adverse impact on children living with an adult who is, or has been, brutal in their treatment in the home.²⁰

In addition, some children caught in the "cross-fire" of domestic violence become the accidental victims of serious injuries. Children are harmed by blows or flying objects aimed at someone else, or while trying to protect their assaulted parent.²¹

The time has now come for the entire legal profession to scrutinize and respond to this problem. *The law must protect children who live in violent home environments. The law must work to save lives, to protect abused parents and their children by removing violent abusers, and to protect victim-parents from continued exposure to domestic violence without risking the loss of child custody to their batterers.* The following interim proposals are directed toward achieving these goals.

The proposals that follow are a starting point. Because of the complexity of the problem and the need for further information, additional inquiry is necessary. We therefore urge the President and

President-Elect of the American Bar Association to appoint a small multidisciplinary commission or task force that includes representation from appropriate ABA entities (including those that are the co-sponsors of this report), other organizations, and the domestic violence victim support community. This new body should study the problem of domestic violence further, and it should build on the ideas contained in, and issues raised in, this preliminary report.

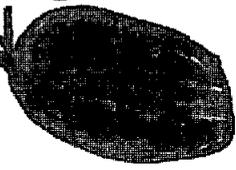
RECOMMENDATION:

The ABA should appoint a multidisciplinary commission or task force on domestic violence, which should include representatives of each entity co-sponsoring this report, other organizations, and the domestic violence victim support community. The purpose of this body should be to further explore the issues raised here, develop new policy recommendations, and report to the ABA leadership.

Part I

Assure the Safety of Children

I am Scared
when they fight.
I am Scared
when they fight



Domestic Violence Laws Must Require Police and Courts to Adequately Protect Children

Too often, law enforcement and judicial actions fail to meet the needs of children. When police respond to a 911 call regarding a domestic dispute, the responding officers will likely speak with the adults involved and focus on the protection of the abuse victim and, hopefully, the removal of the abusive adult. However, the officers may fail to ask if they can see and speak with the children in the home.

Police may also fail to ask adult victims of domestic violence whether they are fearful for the safety of their children or how the children themselves feel about, and have responded to, the violence. They may further fail to ask victims about shelter options that can help them and their children stay, safely, together. Finally, they may fail to inform victims of the available protections for their children (e.g., the ability to obtain restricted custody and visitation orders to restrict the abuser from inappropriate access to the children, as well as support orders to make it more economically feasible for abused parents and children, as a unit, to find an alternative safe residence).

Unfortunately, in many cases where there has been a history of domestic violence, abusers disregard court orders of protection restricting contact with their children. In such cases, police often treat 911 calls from abused parents about violation of such court orders, or reports of threats by abusers to retaliate against children, as less important than other types of domestic violence reports. Police may see themselves having less authority to arrest abusers when victim parents report that *their children are at-risk* because of the abuser's behavior. Mothers who have been abused may be afraid to tell authorities that they cannot protect their children.

Courts that hear domestic violence or child abuse/neglect cases may have more limited authority than general domestic relations courts to grant a full range of custody, visitation, child support, and other protective orders to help assure the safety and security of children from homes affected by domestic violence. In addition, judges often lack any mechanism for retrieving information on all other judicial proceedings affecting the children and their parents as well as the current status of those cases. Finally, family members who have been violent in the home may extend that violence to the courthouse, jeopardizing the safety of litigants, their children, court personnel, and the public.

The efforts of national organizations and domestic violence victim support groups to assure a more

thorough, comprehensive response to the problem of domestic violence are to be applauded. Drawing on their work, the following steps are important to promote the safety of children in domestic violence cases.

(a) All law enforcement officers responding to domestic calls should be trained to address the immediate safety, shelter, and medical assistance needs of the *parental victim's children*, as well as the victim herself (with assistance rendered in a fashion that does not precipitously separate victims from their children, but rather attempts to keep them together). Law enforcement training should also help assure that victims of domestic violence are informed by police officers of their legal rights.

(b) Where it has not already done so, the law should give victims of domestic violence the right to seek and obtain a protection order on their own *and their children's* behalf. These orders should encompass, where necessary: (1) *removal of the abuser from the home*; (2) *child custody*; (3) *possession of their residence*; (4) *child support*; and (5) *appropriate safe visitation* (including, where appropriate, orders denying abusers visitation or requiring appropriately supervised visitation).

(c) Law enforcement officers should provide domestic violence victims with referrals to agencies that can help victims obtain necessary court assistance on their own and their children's behalf.

(d) In some states, the law supports mandatory arrest where there is probable cause to believe that an abuser has violated an order of protection (or a condition of probation or parole). Mandatory arrest should also be considered for violations of court orders or conditions of release that have required abusers to *stay away from their children, children's school, day care center, baby sitter, or any other*

places their children frequent. Mandatory arrest also should be available where abusers violate custody or visitation orders, and the effects of such mandatory arrests carefully evaluated in terms of the safety of all parties.

(e) Every party to a domestic violence judicial proceeding should be required to inform the court of all other actions *related to the family's children*, whether criminal (e.g., child abuse, child endangerment, assault), juvenile, domestic relations, child custody, adoption, child support, paternity, or other family-related court cases or dispute resolution processes, past and present. Courts should have an intra- and inter-court tracking system for all child-related cases, as well as a registry (accessible by both judges and law enforcement) of previously issued orders of protection.

(f) Courts should design their facilities and procedures to maximize courthouse security and the safety of parties, the children, and court personnel in all arenas in which domestic violence perpetrators are engaged in any legal process or court-based dispute resolution process relating to their spouses or ex-spouses and children.

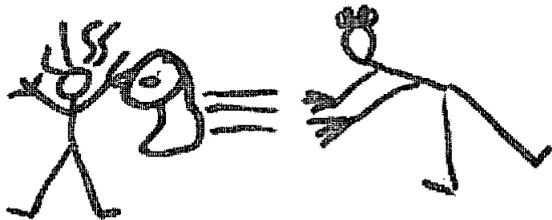
RECOMMENDATION:

Appropriate law enforcement, shelter, health care, and judicial system resources should be provided to promote the safety of parents victimized by domestic violence, and their children, and to safeguard children during the course of judicial and other proceedings, including the period that court orders are in effect.

Part II

Education, Treatment, and Awareness

I feel sad
when my mom
and my dad soane
fites he hit my
mom with the
electrick fan



Support Enhanced Education, Treatment, and Awareness Efforts Related to Domestic Violence and Children

Enhance the Ability of Attorneys and Courts to Identify and Address Domestic Violence

It is critical that all personnel involved in domestic relations, juvenile court, family law, and criminal cases (e.g., lawyers, including prosecutors, guardians ad litem, judges, court clerks, mediators, court investigators, evaluators, police, school personnel, social workers, protective service workers, parent educators, health care providers, and child care providers) receive training about domestic violence and how it affects children. Continuing education should be provided to all attorneys, judges, and allied professionals, such as mediators and custody evaluators, involved in juvenile and domestic relations cases on a range of special issues related to the impact of domestic violence on children. Among these should be the topic of incorporating safety provisions for children and battered parents into divorce/separation settlement agreements and court orders.

Criminal prosecutors should be trained in recognizing and responding appropriately to domestic violence, regardless of whether they are assigned to special units engaged in the criminal prosecution of domestic violence, child abuse, or sexual assault cases. Indeed, elected prosecutors should consider establishing Family Violence Units as an alternative to the separate, categorical prosecution units for child abuse, sexual assault, and domestic violence that have been favored in recent years.²²

Family Violence Units can help prosecutors assure proper recognition of the correlation among issues affecting children and their families, integrate safety efforts on behalf of children with those of other family members needing protection, and provide more effective strategies towards violence reduction generally. These units are consistent with the provision of *holistic child and family safety and support*, reflecting a recognition that society cannot protect children without also protecting their caretakers.

Attorneys representing children in juvenile delinquency, juvenile status offender (runaway, incorrigible child, and truancy), and child abuse and neglect cases, and judicial personnel hearing these matters, should be educated to: (1) better identify when children are victims of or witnesses to domestic violence; (2) how to assure a thorough investigation of the impact of such violence on these children; and (3) how the legal system can best pro-

protect them from further violence. Lawyers and court screening, intake, and probation staff need to ask the proper questions about domestic violence. For example, a chronic runaway child may repeatedly flee from a home with severe domestic violence, but an attorney may facilitate, or juvenile court judge may order, family reunification without inquiring into the underlying cause of the child's behavior. Further, court administrators should place domestic violence "identifiers" in the court computer system to help track cases where the violence is proven.

Once attorneys, judges, or other court personnel learn that children have been living in homes with domestic violence, it is critical that they have accessible mechanisms for addressing such violence, that such measures promote safety for both mothers *and* children, and that these actions avoid unnecessary intrusiveness. In the states without Unified Family Courts²³ (most of the U.S.), protocols and other mechanisms should be developed for cross-court and inter-agency referrals, case consolidation, protection against conflicting court orders, and other processes to assure appropriate safety and support for both adult and child victims of domestic violence.²⁴ "Court schools" for victims of domestic violence and their children,²⁵ as well as automated protection order registries, are other useful reforms. Attorneys and the organized bar should take the lead in encouraging such court reforms that can protect lives.

Some communities have created what the National Council of Juvenile and Family Court Judges calls "family violence councils"²⁶ or similar inter-agency teams or task forces designed to help coordinate the work of court and justice, public safety, health, welfare, and domestic violence agencies in offering services to domestic violence victims and their children. These councils or related bodies are also working toward reducing domestic violence in their communities. Lawyers and judges with expertise in domestic violence should support, and involve themselves in, such efforts. These councils can help promote effective prevention, intervention, service, and treatment approaches for victims of domestic violence and their children, as well as improve the overall systemic response to this problem.

Provide Education to Child Victims of Domestic Violence

Domestic violence has a powerful, destructive effect on children. Most children can best be helped in group educational programs that: (1) describe what domestic violence is; (2) help children understand

that they did not cause the violence; (3) enable children to grieve the losses resulting from such violence; (4) teach children empowerment strategies for preserving their safety; and (5) show children nonviolent methods of resolving their own conflicts.

The intervention of first resort with children of domestic violence is *education*. Indeed, many children exposed to domestic violence do not require mental health evaluations and long-term interventions. Children should, as a rule, be treated as resilient survivors, albeit sometimes targets themselves of stigmatizing diagnoses and labels.²⁷

Many shelters for women survivors of domestic violence have individual and group counseling programs for children in the shelters, as well as parenting groups that help parents understand and mitigate the impact of domestic violence on their children. Unfortunately, most shelters and other programs for domestic violence victims do not have the financial resources to develop and maintain special supportive programs for children affected by such violence. Public and private sector support for such programs should be encouraged, as well as similar services for children in foster care, detention centers, hospital facilities, and other out-of-home care settings.

Provide Specialized Mental Health Services for Appropriate Children

Some children who have been exposed to domestic violence develop serious behavioral, cognitive, and affective problems and need evaluation and treatment. Still other children not only witness domestic violence, but are abused themselves. Shelters and courts are increasingly identifying children and adolescents who are now perpetrating assaults on family members, dating partners, or other peers. Many of these children could benefit from more specialized mental health services.

Yet, in most communities, few—if any—appropriate services are accessible. Many battered women have sought specialized mental health services for their children, only to find that professionals know little about the impact of domestic violence upon children. Some battered women have discovered that waiting lists are long and services costly.

Children who have lived in homes with domestic violence, as well as their abused parents, should be able to easily access affordable special mental health services. One jurisdiction—Dade County, Florida—has a Domestic Violence Court which emphasizes helping children who have been subjected to such violence.²⁸ In partnership with a local medical school's child development center, the Court pro-

Part III

Legal Representation for Victims



Enhance Legal Representation for Victims of Domestic Violence and Their Children

Those who seek to protect themselves and their children from domestic violence require advocacy assistance. A National Institute of Justice study found that even when victims of domestic violence had access to the courts to obtain protection orders *pro se*, victims not represented by their *own legal counsel* were less likely to get such orders, or the orders were less likely to contain all appropriate provisions regarding such matters as child custody, support, and protective limitations on visitation by the batterer.³⁶

Fortunately, many lay advocate groups and legal services or *pro bono* (volunteer attorney) programs provide legal support to victims of domestic violence. There have also been many efforts, principally by domestic violence coalitions, the judiciary, legal services, *pro bono* lawyer programs, and other organizations, to train lay victim counselors in system advocacy. Increased efforts have also been made to encourage victims to take legal action on their own.³⁷ The organized bar should actively encourage and collaborate in these initiatives. The bar also should help assure that families experiencing domestic violence have easy access to the judicial system and to attorneys who can assist them effectively.

Attorneys and the organized bar should do more to *make assistance of legal counsel* more readily available and affordable to victims of domestic violence and their children.³⁸ The bar should offer specialized domestic violence training to all family law practitioners. Such training should provide instruction on the needs of victims and their children.

Special efforts should also be undertaken to:

- (1) develop and enhance support for domestic violence lawyer referral panels (bar-based, court-based, and associated with legal services agencies);
- (2) strengthen law school domestic violence clinical programs and substantive seminars;
- (3) design annual continuing legal education (CLE) training for the bar on domestic violence;
- (4) encourage and enhance *pro bono* lawyer programs that specialize in domestic violence; and
- (5) develop increased resources for expanded legal services program efforts to represent domestic violence victims and their children. The end result should be a greater supply of *trained attorneys* available to competently represent victims of domestic violence and their children.

Lawyers also need to be more accessible to abused parents who seek custody, visitation, and child support orders, as well as orders of protection. Local legal services offices are chronically underfunded and able to meet only a small fraction of the

vides free counseling for children who have witnessed violence in their homes. The program includes a ten-week curriculum for children ages 5-15 designed to help remediate the adverse impact of domestic violence on their lives. Another program, in Honolulu, has developed two psychodynamic group counseling curricula for child witnesses (ages 3 to 13) and teenage witnesses (ages 14 to 17) of family violence.²⁹

Attorneys should work with courts hearing domestic relations, juvenile, and domestic violence matters to help assure that children impacted by domestic violence, and their parents, have access to needed group education, therapeutic treatment and support. At least one state legislature has directed the state's chief court administrator to establish programs for children affected by domestic violence.³⁰ State bars should encourage other states to follow this example. Attorneys and judges are further encouraged to use the authority of the courts to help assure that mental health departments and other executive branch agencies provide these services.

Where a child requires private counseling or therapy to help overcome the trauma of domestic violence, the court should have authority to order such treatment and to provide for reimbursement by the perpetrator of such violence. In cases where the perpetrator is unable to pay, the state should provide adequate resources.³¹ Further consideration should be given to the appropriate circumstances under which children should be able to receive such treatment without parental consent.

Make Students, Parents, and Professionals Better Aware of the Impact of Domestic Violence on Children

Elementary, middle, and high schools, as well as universities and professional schools (e.g., law schools³² and medical schools), should offer a curriculum that helps foster a better understanding of family violence, including domestic violence, child abuse, and elder abuse. Education should cover why such violence is pervasive, how it can be prevented, and resources available for both children who wit-

ness domestic violence and the adult victims and perpetrators of such violence.³³

Health classes in junior/senior high schools, violence prevention/conflict resolution curricula, and instruction on parenting issues should all include education on domestic violence and its effect on children. The issue of violence in dating relationships among both teens and adults should also be specifically addressed. In Minnesota, a domestic violence prevention curriculum has been developed for grades K-3 and 4-6.³⁴ Federal/state legislation and appropriations should support and fund development, implementation, and evaluation of all such curricula. Evaluations should focus on what works to promote safety and save lives.

Attorneys and judges should ensure that parents involved in any divorce or legal separation action are provided with information (available in multiple languages) on the effects of domestic violence on children. It is possible, and advisable, to go even further and use the resources of the legal profession for mass public education about this problem. The South Carolina Bar Association, for example, has produced public service television announcements on domestic violence and its impact on children, while the Pennsylvania Bar Association underwrote the costs of a television documentary about children of domestic violence.³⁵ Lawyers and judges, as well as other professionals (especially those trained in child development), should encourage and work with their local media to develop in-depth analyses of this issue. Such programs should emphasize *prevention* and resources available to victims and their children.

Settings where children are cared for outside of the home need to be prepared to address the consequences of domestic violence. For example, schools and child care programs should develop protocols for responding to domestic violence-related incidents affecting children in their care (e.g., how to respond if a court's order of protection is violated on their property, if a parent confides in a teacher a fear of a child's abduction by the other parent, or where a young parent or student discloses that her boyfriend beats her).

need for legal services in their communities. Increased resources are critical to overcome these profound shortages, to enable staff to quickly and efficiently aid low income parents in domestic violence cases.

Traditionally, family law matters have constituted the largest single category of cases handled by legal services programs. In the past, many of these programs often placed prompt response to the needs of domestic violence victims high on their list of priorities. In recent years, however, funding and service cutbacks have limited the capacity of community legal services to address even the highest priority matters, and representation for all domestic violence victims cannot be provided.

Neighborhood legal services remains an important community resource in responding to domestic violence. One national domestic violence authority has suggested that, for families victimized by such violence, the help of an attorney who can meet legal needs associated with that violence is as critical as legal advocacy that helps families meet basic needs for food and shelter.³⁹

The federal Legal Services Corporation, which provides federal funding for legal services programs, should consider ways it could assist programs to provide quality representation for victims of domestic violence and their children. This may include support for efforts to establish and fund federal programs, such as the recently enacted Violence Against Women Act, which would increase the availability of legal representation. At the state and local levels, bar leaders should work with legal services program directors and existing *pro bono* (volunteer) lawyer programs to find ways the private bar and the legal services community can work together to strengthen this legal support. The private bar, foundations, and governments should also support development of *specialized legal centers* for victims of domestic violence and their children, as well as the sharing of ideas and resources among such centers and specialized bar association programs.

Many adult victims of domestic violence are too poor to retain a private attorney. Even victims from

middle-class economic backgrounds may need low-cost or free legal services because their abusers, as a way of maintaining control over their victims, have effectively cut off all access to the family's financial resources. Where victims of domestic violence seek to protect themselves and their children legally from having inappropriate contact with the abuser after the family has separated, legislation should require abusers, who have the financial means, to pay the victim's court costs, attorney fees, and court-related expert witness and evaluation expenses.

At least one state has enacted a law on the assessment of costs, fees, and expenses to abusers.⁴⁰ Many states provide for reimbursement or assignment of court costs and attorneys fees.⁴¹ However, these financial remedies are likely to be of no use to resource-poor adult victims of domestic violence and their children, even when the perpetrator of abuse is quite wealthy, since such victims are often unable to lay out the money to pay attorney retainers or other legal costs and fees.

Bar associations, recognizing the importance of competent legal counsel in domestic violence-related cases for the victims as well as the potential benefits of court-appointed legal counsel or guardians *ad litem* for their children, should explore how such representation can best be assured. This might be achieved by providing a statutory right to representation, development of legal assistance voucher or loan programs, targeted fund raising to provide additional resources in this area to existing legal services and *pro bono* programs, or through other ways of making legal assistance universally accessible. Such inquiries should consider, among other things: (a) how legal counsel can best be provided for battered indigent parents with children who are involved in custody, visitation, and child support proceedings related to the protection of those children from domestic violence; and (b) the proper role of court-appointed counsel or guardians *ad litem* for children in cases related to domestic violence, as well as how such children's legal representatives might be recruited, trained, and properly utilized.

Part IV

Limit Firearms Access By Batterers

When they first started
my dad wanted to
kill my mom. ^{1 bomb} he never
got to know he wanted to
kill himself. I ^{son} it happen
before and it ain't now
Glamour sight. Now I'm used to
it. its been going on for
19 years and I'm not scared
any more.

Prohibit Firearms Purchase and Possession for All Perpetrators of Domestic Violence and Child Abuse

Guns are six times more likely to injure a member of the owner's household than to protect that household.⁴² In fact, a recent study found that the risk of homicide within the home is markedly increased in homes where a person has previously been hit or hurt in a family fight.⁴³ In August 1991, the ABA House of Delegates recognized the all-too-real potential of children becoming the victims of firearms injuries or deaths when guns are left improperly safeguarded (i.e., unsecured) by adults within the home. It endorsed state laws that provide criminal penalties for adult failure to properly safeguard firearms they own or control.

In families with a history of domestic violence, especially where there are children, experts indicate that acts of violence against family members may not only continue, but may escalate in severity after the parents physically separate.⁴⁴ The batterer often becomes furious when faced with the reality that their partner wants to sever the relationship. This is when women are most likely to be killed by their batterers. The availability of a firearm or other weapons, especially a handgun, to a person who has committed domestic violence can be lethal and can even affect children.

The ABA has long supported legislation to disqualify persons convicted of any felony from legally purchasing, owning or possessing firearms. The ABA Task Force on Gun Violence has developed new policy recommendations, related to the above concerns, which will be presented to the ABA's House of Delegates in August 1994. Those recommendations, consistent with what is being proposed here, support legislation to amend the federal Gun Control Act of 1968 to prohibit the receiving or possessing of firearms by persons convicted of spousal abuse or child abuse, persons subject to a protective order, or persons convicted of any violent misdemeanor.

Whenever a court determines that there is a legal basis for issuing a protection order related to domestic violence (or where an adult is convicted of a crime of violence against a spouse, former spouse, or domestic partner), the court should inquire about firearms or other weapons in the perpetrator's possession. A part of the protection order or disposition of the case should require that any firearms in the possession of the abuser be turned over to the police immediately, as well as order the revocation of the perpetrator's license to carry firearms.

A criminal conviction for child abuse should carry with it the same prohibitions. Those registered to sell firearms should be provided with lists of individuals who have been the subjects of such protection orders or convictions, and firearms sales to these individuals should be prohibited.

State and federal legislation should require perpetrators of domestic violence subject to protection orders or convicted of crimes against family members—and adjudicated perpetrators of child abuse—to relinquish any firearms they possess to the police. Legislation should also prohibit convicted batterers from purchasing firearms.⁴⁵ To facilitate enforcement, after an adjudication or conviction, courts must make specific findings that domestic violence or child abuse occurred.

Upon the entry of such findings, the court should communicate this information to the appropriate

authorities responsible for ensuring that firearms purchase and possession are appropriately restricted. Employers of those who must carry firearms in the course of employment should be contacted by the court, and appropriate action should be taken to provide temporary duty that does not involve possession of firearms.

RECOMMENDATION:

State legislatures and Congress should take effective action to prohibit firearm purchase and possession by individuals found by a court to have committed domestic violence or child abuse.

Part V

Custody and Visitation

mom and dad having
a fight.
fighting a lot. 
mom and dad fighting a lot 

Ensure that Domestic Violence is Properly Considered in All Domestic Relations Actions Involving Custody and Visitation

"The judge gave my husband custody of the kids, declaring that his violence toward me had nothing to do with his ability to be a good father. 'It's between the adults involved'."⁴⁶

A former battered woman

Judicial actions affecting the care, placement, and legal status of children are frequently guided by "the best interests of the child" principle. It is always appropriate, indeed vital, for judges and other judicial hearing officers to consider *any history of abuse toward an adult* in the home of one seeking custody, guardianship, reunification, or visitation rights over a child as a primary factor in the "best interests test."

Anyone who has committed severe or repetitive abuse to an intimate partner is presumptively not a fit sole or joint custodian for children. Where there is proof of abuse, batterers should be presumed by law to be unfit custodians for their children.⁴⁷

There are three characteristics of such unfit custodians. First, the abuser has ignored the child's interests by harming the child's other parent. Second, the pattern of control and domination common to abusers often continues after the physical separation of the abuser and victim. Third, abusers are highly likely to use children in their care, or attempt to gain custody of their children, as a means of controlling their former spouse or partner.⁴⁸

At least 38 states and the District of Columbia now have laws making domestic violence a relevant factor in custody decisions by the courts.⁴⁹ Many states require courts to consider, and make findings of fact based upon, evidence of domestic violence before making custody or visitation awards.⁵⁰ In states where a statutory preference exists for joint or shared custody, some state laws negate that preference where there is evidence of domestic violence. A few states create a rebuttable presumption that custody or visitation should not be granted to a parent who has a history of inflicting domestic violence.⁵¹ In others, statutes specify that it is not in the best interests of a child to be in the custody of someone who has committed domestic violence.⁵²

State legislatures should require courts to inquire into and carefully consider domestic violence in making child custody or visitation decisions. To protect the safety and stability of children who have been living with domestic violence, judges and judicial officers should move quickly to enter temporary custody, safe visitation, and appropriate child sup-

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port orders at the first possible opportunity in a civil protection order, custody, separation or divorce proceeding whenever the victim and abuser have separated.⁵³ The occurrence or recurrence of domestic violence should be an explicit basis of "material change of circumstances" that would justify a court's modification of existing child custody and visitation orders.

Visitation must reflect concern for the victim's safety and protect the child(ren) from witnessing abuse. When there is proof of severe or repetitive abuse to an intimate partner, or threats to inflict serious harm, laws should also establish a rebuttable presumption that any visitation with a child by the abusive parent be supervised.

Court orders related to supervision should contain appropriate protections for the child's abused parent related to the visitation process, such as specifying that visitation supervision *not* be performed by a family member or friend of the abuser and that pick-up and drop-off points reduce the need for contact between the parties.⁵⁴ The costs of any supervision necessary to assure this safety should be paid by the abuser whenever possible.

Consistent with the pending resolution before the ABA House of Delegates on Unified Family Courts, courts should exercise their authority to: (1) limit the exchange of a child for visitation to designated protected settings; (2) permit visits only if supervised by other persons or agencies (and that abusers pay those supervision costs); (3) require abusers to attend and successfully complete batterers' intervention or counseling programs before visitations are allowed; and (4) condition visitations on abusers abstaining from possession or consumption of alcohol or controlled substances for a period prior to and during visitations. Further, where appropriate, courts can prohibit overnight visitations, require abusers to post bonds that guarantee the safe return of children, keep the addresses of children and victim-parents confidential, and impose other visitation conditions necessary to promote the safety of children, victim-parents, or other household/family members.⁵⁵

Where there is proof of domestic violence, the court should issue very specific, highly structured custody and visitation orders. The court should leave no room for ambiguity or negotiation. If there have been threats by the batterer to abduct children, preventive measures should be included in the orders, including, for example, the posting of a bond and the supervision of visitation.⁵⁶ Furthermore, the court should clearly state, on the record, that violation of orders may be subject to civil and criminal penalties.

Laws—similar to the proposed federal "Child Safety Act" included in the U.S. Senate-passed 1994

crime legislation—should create and support "supervised visitation centers."⁵⁷ The varying levels of supervision provided in such centers should take into account the different degrees of security necessitated by the specific circumstances of each case, from highly secure to intermittently supervised. Where such special centers do not exist, training on safety strategies and technical assistance should be provided to child protective services and court staff to help protect parents and children against violence.⁵⁸

Many parents who are victims of domestic violence must flee their homes, either with or without their children, to protect themselves from the abuser. Therefore, proof of such violence should be a defense to charges of "child snatching" (custodial interference), as well as child abandonment.⁵⁹ Domestic violence should also provide a basis for a court to exercise emergency jurisdiction under the Uniform Child Custody Jurisdiction Act (UCCJA) to enter orders protecting the children from the violent parent and should serve as a defense to "unclean hands" charges under Section 8 of the UCCJA.

State amendments to Section 9 of the UCCJA would also be appropriate to provide a domestic violence exception to that Act's affidavit requirement which includes disclosing past and current addresses of the child. Disclosure to the abuser of where, and with whom, a child and parent fleeing from domestic violence reside, or have resided, can seriously endanger victim parents, their children, and the people who have sheltered them (friends, family, or shelter programs).

Frequent attempts to flee an abuser, time spent at a shelter, or the temporary transfer of custody by domestic violence victims to other family members for the purpose of protecting their children should not create any presumption of parental negligence. These actions may constitute the only ways in which victim parents can assure the safety of their children. Courts should certainly not consider such actions to be evidence of parental instability or otherwise used against a suitable parent in a custody action.

Domestic violence and parental abduction of children are related in many cases. Batterers, for example, may abduct their children as a way of retaliating against their former spouse or partner.⁶⁰ Conversely, battered parents may flee with their children.

Accordingly, judges hearing cases that involve parental flight with a child should always inquire whether domestic violence had any impact on that flight. If there seems to be a basis for a defense based on domestic violence, child custody orders should not be changed, or contempt findings issued,

until that inquiry is concluded. Useful insights may be gained from the 1993 U.S. Department of Justice report that addresses obstacles to the recovery and return of parentally abducted children.⁶¹ (The full text of the relevant section of that report is found herein at Appendix C).⁶²

In some cases, batterers murder their children and then kill themselves. Consequently, abductions by batterers or retention of children by batterers after a period of court-ordered visitation has elapsed should be given high priority by law enforcement.

Although many states have recently adopted what are known as "friendly parent" provisions in their child custody laws (generally requiring courts to give custodial preference to those parents most cooperative regarding liberal visitation with the other parent), such provisions are inappropriate in cases where there has been domestic violence. Such laws should be amended accordingly.

We reaffirm the position of an ABA panel, which last year recommended improvements in the handling of domestic relations matters in the courts, that cautioned about the inappropriateness of mediation where it would "pose a risk to a family member, for example, in cases involving domestic abuse."⁶³ Neither the law, nor judicial practices, should recommend, refer to, or mandate mediation (or joint marital counseling) in cases where there is a history of domestic violence.

Mediation, to work successfully, should occur only when both parties have equivalent bargaining power. The domestic violence relationship is inherently unbalanced as to power, therefore making mediation inappropriate.⁶⁴

Some courts have, astonishingly, permitted fathers of children to be given custody in instances

where the father had actually murdered the child's mother.⁶⁵ When a parent kills the other parent of their child(ren), the law should create a rebuttable presumption against custody or visitation with that parent.

Criteria under which the surviving parent may effectively overcome the presumption might reasonably include that the parent had long been a victim of domestic violence, stalking, or terroristic threats from the deceased, or that the surviving parent had acted in self-defense. Further, state laws on termination of parental rights (many of which do not specifically address domestic violence-related deaths at all) should include this rebuttable presumption and the criteria for overcoming it.

RECOMMENDATION:

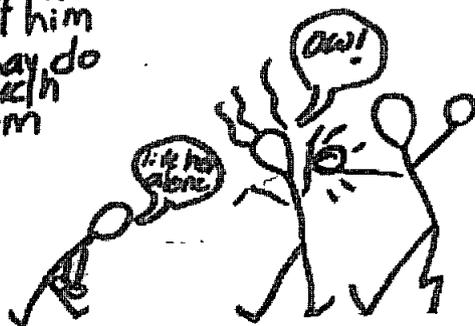
State legislatures should amend custody and visitation codes, creating custodial protections for abused parents and their children. These might include presumptions that custody not be awarded, in whole or in part, to a parent with a history of inflicting domestic violence, that visitation be awarded to such parent only if the safety and well-being of the abused parent and children can be protected, and that all awards of visitation incorporate explicit protections for the child and the abused parent.

State laws should direct the establishment of appropriate supervised visitation programs. Criminal custodial interference statutes should be amended to include flight from domestic violence as an affirmative defense.

Part VI

Explore the Child Abuse Nexus

I get really mad
when my dad
hits my mom
I yell at him
and I say do
not touch
my mom



Responsibly Address the Connections Between Domestic Violence and Child Abuse/Neglect

...one victim of domestic violence “was repeatedly severely injured, fled, and was hunted down by her abuser, only to find herself charged with parental neglect for placing her children at harm from the batterer who stalked her and fired shots into the home.”⁶⁶

The experiences of attorneys handling child welfare cases suggest that many battered women face punitive responses, including loss of custody, from child protective service (CPS) agencies and the courts, when these institutions and their personnel are apprised of only *a part* of the family’s problems. Indeed, concerns for their children led almost one-third of the women, in one study, to remain with their abusive partners. Women stayed in an abusive home, despite the violence, in order to ensure necessary financial support for their children or because of threats by their violent partners to harm the children or launch lengthy custody battles if they left.⁶⁷

In many child abuse/neglect cases, only mothers and children appear. Fathers and male partners are frequently absent from these proceedings, and their responsibilities ignored. Unwarranted litigation may be based on conclusions that a parent neglected her children by not doing enough to protect them from violence in the home, or that fleeing with her children from an abuser was irresponsible.

Parents who are victims of domestic violence too often face a terrible dilemma. If a mother with no financial resources flees the home of her abuser, she may have no choice but to find shelter in a setting that is not conducive to the health and welfare of her children, thus facing child protective intervention. However, if she recognizes her inadequate shelter choices and financial resources, and tries to cope with the violence while remaining in the home with an abuser, child protective services may charge her with “failure to protect” her children and forcibly place them in foster care.

Child protective service agency personnel, attorneys, criminal prosecutors, and judges are urged to exercise care so that their interventions do not become unintentional bludgeons used *against* children and their battered parents. These responses should not pit battered parents and children against each other or define “reunification” in a manner that forces battered parents to return to their abusers, rather than recognize that children may be safely reunified into a family unit that includes battered parents but *excludes* the abusers.

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Child protective workers should always carefully inquire about the mother's *own* safety when investigating child abuse or neglect. Courts and agencies that deal with child protection cases should have access to supportive social services, shelters, counseling, and other resources that will *truly aid* adult victims of domestic violence and their children in creating a safety plan—rather than labelling and punishing them for having lived in such an environment.

Courts and child welfare agencies have an affirmative duty, *before* removal as well as in *reunification* decisions, to promote the safety of the victim-parent (typically the mother) and her children. Children should not be forced to return to harmful environments. The "reasonable efforts" to reunify families, which child welfare agencies are required to make under federal law,⁶⁸ should include efforts to secure the return of the child *to a violence-free* family.

Action by courts or child welfare agencies to reunify children who have been removed from their families pursuant to petitions alleging child abuse or other family violence should include provisions to promote and provide for the safety of the domestic violence victim-parent and victim-children from the abuser/perpetrator parent or partner. All risk assessment instruments or protocols used in the reunification decision-making process should include an appraisal both of the violent histories of all adults in the home and of the protective capacity and safety needs of each parent.

One vital legal reform is to assure that courts with jurisdiction over child abuse/neglect matters, as well as over delinquency and status offender cases (whether or not these are Unified Family Courts), have the statutory authority to issue (and enforce) protection orders with all appropriate remedies, including prohibiting the perpetrators of domestic violence from having contact with the adult and child victims of such violence. Court orders must be *directed to the abuser* rather than requiring the victim to control her abuser's behavior, as too often is the case. Such authority should include the ability to order abusers to vacate the family home and, where necessary, enjoin them from approaching, harassing, or intimidating the victims of their abuse and their children. Victims of domestic violence and their children should not have to be made *homeless* in order to have a safe haven for themselves.

When a CPS investigation determines that a parent is the victim of domestic violence, laws and child protective service agency policies should provide that services (e.g., housing alternatives and financial support, including public assistance) be made available to the victimized parent. Such laws and policies should not require that these services be contingent upon a finding that a parent is at fault or has failed to protect their child.⁶⁹ Laws should also be carefully crafted to provide for an affirmative defense to a civil or criminal charge of parental failure to protect a child from abuse. That defense should address situations where accused parents had a reasonable apprehension that acting to stop or prevent the child maltreatment would result in substantial bodily harm, to themselves or to their children.⁷⁰

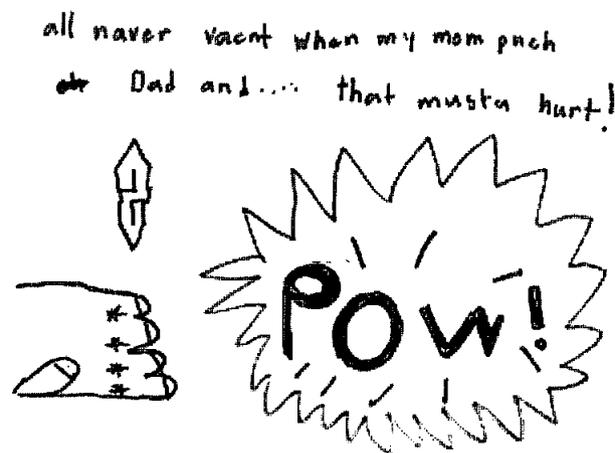
Children in homes plagued by domestic violence may themselves be abused within those homes at a rate much higher than the national average for child abuse generally. Although estimates of the overlap between households with both domestic violence and child abuse range from 40 to 60%,⁷¹ caution should be exercised in assessing the nexus between domestic violence and child maltreatment, because at present only preliminary empirical evidence about the interrelationship between these two problems exists. More research is needed concerning such linkages.

Specialized education for family law attorneys, guardians *ad litem* and court-appointed counsel for children, mediators, criminal prosecutors, child protective service personnel, and the judiciary, and carefully developed agency policies and protocols, are needed that thoughtfully address the relationship between domestic violence and child abuse and neglect. Research can help increase understanding of how domestic violence and child abuse are linked and how, if at all, they interact to create *greater* dangers to children. Research can track case outcomes and indicate which policies promote greater safety.

All child protective service agencies should develop or adopt written protocols for assessing whether abuse of adult household members has occurred or is still occurring. This inquiry should include relevant criminal records and orders of protection. When this inquiry determines imminent danger of domestic violence, the agency itself should seek removal of the alleged perpetrator.⁷²

Part VII

Special Groups: Immigrant Women and Children



Address the Special Needs of Immigrant Women and Their Children Who Are Victims of Domestic Violence

The legal system should reflect the understanding that several special populations are particularly vulnerable to domestic violence. In addition to the immigrant women discussed in detail below, such groups include spouses of military personnel, women with disabilities, parents with mental health problems, and substance abusers.⁷³ Each group requires particularized safety planning, services, and support.

As society has become more open about the problem of domestic violence, greater numbers of immigrant, refugee and non-English speaking domestic violence victims and their children learn about relief offered by the courts—from shelters, social service providers, employers, clergy, police, school counselors and social workers, including bilingual, multi-cultural programs.

Immigrant battered victims⁷⁴ and their children face unique obstacles to escaping violence. Immigration status exacerbates the level of violence in abusive relationships when batterers use *the threat of deportation and control of information about legal status and the legal system* to lock their spouses and children in violent relationships. Offering battered immigrant parents and their children a way out of violent homes requires that attorneys, judges, police, child protective service workers and advocates develop an understanding of immigrant parents' life experience, so that they may craft legal relief that will be effective in stopping violence while being respectful of their cultural experiences.⁷⁵

The reluctance of many immigrants and refugees to turn to the legal system for help grows out of experience with the legal systems in their home countries. Many come from nations with a civil law, rather than common law, based legal system, where oral testimony has little value as evidence. In countries where the judiciary is an arm of a repressive government, persons who prevail in court are persons with the most money and the strongest connection to the government. In many such legal systems, a man's word is inherently more credible than a woman's. Against this background, immigrant domestic violence victims may have difficulty believing the legal system can help stop the violence against them and their children.⁷⁶

Education about domestic violence should be accessible to persons of all racial, ethnic or language minority communities. Training efforts aimed at professionals who come in contact with battered parents and their children (e.g., lawyers, judges, police,

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school personnel) should include a multi-cultural component focusing on culturally appropriate responses to family violence for all sizable minority, and language minority, populations in the community served by those professionals. Training should develop an understanding of immigrant expectations about the legal system, as well as the impediments and fears that they face.

The most significant barrier faced by non-English speaking parents and children when they seek help from the legal system is an inability to communicate effectively. Reliance on unskilled interpreters, friends, and family members can be both ineffective and dangerous. Thus, certified court interpreters should be available to assist non-English speaking litigants and their children throughout the judicial process.⁷⁷ In addition, greater numbers of bilingual and bi-cultural persons should be hired to work as court clerks, police, and shelter providers.

Batterers whose victims are immigrant parents use threats of deportation to avoid criminal prosecution for battering and to shift the focus of family court proceedings away from their violent acts. Experts who practice in the field inform us that these threats can be just as effective against victims who have all appropriate legal documents to remain in

the United States, because they may not know their rights. When the judicial system condones these tactics, children suffer. Victims of domestic violence who cannot receive relief from the criminal justice system, or who risk losing custody, return to their batterers. To remove the threat of deportation as an impediment to criminal prosecution of batterers, police should be encouraged to fully investigate domestic violence cases.

As recommended by judicial and domestic violence experts, prosecutors should adopt policies that allow them to prosecute perpetrators without having to rely on the testimony of domestic violence victims.⁷⁸ This approach has been found to be particularly important in cases involving immigrant victims.

In addition, parties should not be able to raise, and courts should not consider, immigration status of domestic violence victims and their children in civil protection order, custody, divorce or child support proceedings. This change will ensure that children of immigrant domestic violence victims will benefit from reforms in the laws (like presumptions against awarding custody or unsupervised visitation to batterers) in the same manner as all other children.

What Attorneys And The Organized Bar Should Do

The ABA should establish a multidisciplinary task force or commission on domestic violence, including representatives from appropriate Association entities, members of other professional organizations, and advocates from within the domestic violence victim support community.

The ABA should work with the American Medical Association, American Academy of Pediatrics, the Child Welfare League of America, the National Association of Social Workers, and other organizations (and, state bars join with local counterparts of these groups) to enhance multidisciplinary, coordinated approaches to domestic violence and its consequences for children.

The ABA should encourage more empirical, qualitative research about the impact of domestic violence on children and which intervention strategies, including those that are court-based, are most successful in helping mitigate the effect of that violence. ABA entities should actively support, and where appropriate help in the implementation of, such research.

The organized bar should use the document *Family Violence: A Model State Code*, published by the National Council of Juvenile and Family Court Judges in 1994, as well as this report, as a framework for examining existing domestic violence-related laws, attorney practices, court procedures, law enforcement protocols, and prevention and treatment resources. Such state-by-state study should be followed by development of state-specific plans of action, and both the study and the plan should reflect collaboration with local and statewide domestic violence programs.

The organized bar should encourage and participate in family violence/domestic violence training/knowledge for court-appointed guardians ad litem, court-appointed lawyers, domestic relations attorneys generally, mediators, and expert witnesses.

The organized bar should assure that the subject of domestic violence, and in particular the impact of domestic violence on children, is given adequate attention. Special committees on this topic should be formed, or existing committees should be encouraged to make this issue a subject of priority attention, as should ABA and state/local bar publications.

The organized bar should encourage, and support, the formation of community-based supervised visitation centers with a range of supervision and security.

The organized bar should help get the topic of domestic violence and its effects on children into law school curricula, especially in family law, children's law, and criminal law courses.

The organized bar should include multi-cultural training in their continuing legal education programs and make efforts to identify and establish strong working relationships with organizations in the community that serve immigrant parents and their children. Recruitment of volunteer attorneys to participate in panels offering assistance to domestic violence victims and their children should include the identification of bilingual attorneys.

The organized bar should encourage formation of, and those judges and attorneys knowledgeable in domestic violence should be encouraged to participate in, community "family violence councils" or similar bodies.

ENDNOTES

1. Stephanie B. Goldberg and Henry J. Reske, *Talking with Attorney General Janet Reno*, 79 ABA Journal 48 (June 1993).
2. Michelle Ingrassia and Melinda Beck, *Patterns of Abuse*, Newsweek, July 3, 1994 at 26; Jill Smolowe, *When Violence Hits Home*, Time, July 4, 1994 at 18.
3. The American Bar Association, since the late 1970's, has supported the work of the ABA Center on Children and the Law and the ABA Commission on Legal Problems of the Elderly which have, respectively, worked on a variety of issues related to child abuse and elder abuse and have published voluminous materials.
Several ABA entities have committees addressing domestic violence education and policy issues. Resolutions on domestic violence were approved by the ABA House of Delegates as far back as the Association's 1978 Midyear and Annual Meetings. See, at Appendix B, the text of these and extracts from other ABA policy resolutions related to domestic violence.
4. This report was commissioned in March, 1994 by ABA President William Ide. Mr. Ide participated in a *National Conference on Family Violence: Health and Justice*, sponsored by the American Medical Association. The ABA was one of the cosponsors of that conference. The conference heightened the consciousness of Mr. Ide and his legal colleagues on domestic violence, and his decision—made at the conference—was to have the ABA more involved in educating the bar and otherwise addressing this issue.
5. A national survey of domestic violence disclosed that nearly 40% of domestic violence incidents against wives involved serious violence—punching with a fist, kicking, biting, beating, or an attack with guns or knives. Murray A. Straus and Richard Gelles, *How Violent Are American Families? Estimates From the National Family Violence Resurvey and Other Studies*, in *Family Abuse and Its Consequences* 17 (Gerald Hotaling, et al., eds., 1988).
When the term "serious" is used in this report in the context of domestic violence, we mean behavior beyond one or two instances of assaultive behavior throughout the course of a relationship (such as a shove, a push, or a slap not resulting in a puncture or bruise, or not requiring medical attention).
"Domestic violence" is *not* meant to describe those actions that a victim of assaultive behavior may take to protect him or herself from abuse (i.e., when there is evidence of self-defense).
6. Lenore Walker, *Terrifying Love: Why Battered Women Kill and How Society Responds* 101 (1989)
7. Of 88 state and local bar foundations responding to a 1993 ABA survey, 45% indicated they helped fund some form of legal services program for victims of domestic violence, while 15% supported such activities that were under the direct auspices of a state or local bar association. 1993 Survey of Bar Founda-
tions, American Bar Association, Division of Bar Services (1994).
A list of bar-supported or sponsored domestic violence programs is included as Appendix A.
8. See, e.g., Conrad N. Hilton Foundation, Model Code Project of the Family Violence Project, National Council of Juvenile and Family Court Judges, Model Code on Domestic and Family Violence [hereinafter Model Code] (1994); Bureau of Justice Assistance, U.S. Department of Justice, *Family Violence: Interventions for the Justice System* (Program Brief) (1993).
9. P.A. Klaus, and M.R. Rand, U.S. Department of Justice, *Family Violence: Bureau of Justice Statistics Special Report* (April 1984).
10. Antonia C. Novello, *From the Surgeon General, U.S. Public Health Service* 23 JAMA 267, at 3132 (1992).
11. Bonnie E. Carlson, *Children's Observations of Interpersonal Violence*, in *Battered Women and Their Families* 160 (Albert R. Roberts, 1984). Murray A. Straus, *Children As Witnesses to Marital Violence: A Risk Factor for Life Long Problems Among a Nationally Representative Sample of American Men and Women* (Paper presented at the Ross Roundtable on "Children and Violence," Washington, DC, September 1991).
12. Lenore Walker, *The Battered Woman Syndrome* 59 (1984).
13. Children who do not directly witness domestic violence also are strongly affected by it. Most of the children affected by domestic violence, even at very young ages, are aware of the violence—whether they observe it first-hand or not. To cite a conclusion of the State Justice Institute funded 1993 national conference on domestic violence: "children are *not* unaware of violence just because they don't see it: toddlers are *not* too young to understand what is happening." *Courts and Communities: Confronting Violence in the Family* 27 [Hereinafter *Conference Highlights*] (1993). One study even found that some perpetrators of domestic violence deliberately arrange to have their children witness the violence. R. Emerson Dobash and Russell Dobash, *Violence Against Wives: A Case Against the Patriarchy* 151 (1979).
For a comprehensive review of research and literature about the impact on children of domestic violence, see, Mildred D. Pagelow, *Effects of Domestic Violence on Children and Their Consequences for Custody and Visitation Agreements*, 4 *Mediation Quarterly* 7, at 347-363 (1990).
A recent study by the Johns Hopkins Children's Center in Baltimore found that depression, hopelessness, and other forms of emotional distress in teenagers was strongly associated with exposure to domestic violence in the home. Don Colburn, *Teen Depression Tied to Violence at Home*, Washington Post, Health Section, April 5, 1994, at 5.

14. Adele Harrell, National Council of Juvenile and Family Court Judges, *A Guide to Research on Family Violence* 28 (1993).
15. Lawton Chiles, Report of the National Commission to Prevent Infant Mortality, *Death Before Life: The Tragedy of Infant Mortality* 16 (1988).
16. Hearings on Women and Violence, Committee on the Judiciary, U.S. Senate, *Ten Facts About Violence Against Women*, at 78 (August 29 and December 11, 1990).
17. Model Code, *supra* note 8, at v.
18. Mental health professionals express concern that children from homes with domestic violence have a tendency to identify with the aggressor and lose respect for the victim. Laura Crites and Donna Coker, *What Therapists See That Judges May Miss: A Unique Guide to Custody Decisions When Spouse Abuse is Charged*, Judges J. (Spring 1988).

Moreover, one of the major national studies of domestic violence found that men who had witnessed their fathers hit their mothers were three times more likely to hit their wives than those who had not seen such abuse in the home while growing up. Murray A. Straus et al., *Behind Closed Doors: Violence in the American Family*, [Hereinafter *Behind Closed Doors*] (1980). Another study found only one historical variable—witnessing domestic violence—to be strongly associated with men's later use of violence against female partners. Gerald Hotaling and David Sugarman, *An Analysis of Risk Markers in Husband to Wife Violence: The Current State of Knowledge*, 2 *Violence and Victims* 1, at 11 (1986).

In general, domestic violence witnessed at home by children has been found to often be repeated later in life. Ellen C. Herrenkohl et al., *Perspectives on the Intergenerational Transmission of Abuse*, in *The Dark Side of Families: Current Family Violence Research* 305 (David Finkelhor et al. eds., 1983); Alan Rosenbaum, and K. Daniel O'Leary, *Children: The Unintended Victims of Marital Violence*, 51 *Am. J. of Orthopsychiatry* 692, 693-694 (1982).

Domestic violence has been found in 20 to 40 percent of the families of chronically violent adolescents. Jeffrey Fagan and Sandra Wexler, *Family Origins of Violent Delinquents*, 25 *Criminology* 643, 651 (1987). Seventy-five percent of boys who witness domestic violence have been found to have demonstrable behavior problems. Peter G. Jaffe et al., *Promoting Changes in Attitudes and Understanding of Conflict Resolution Among Child Witnesses of Family Violence*, 18 *Canadian J. of Behavioral Science Review* 356-366 (1987).

19. In 1982, the U.S. Civil Rights Commission, in its report *The Federal Response to Domestic Violence*, concluded that children in spouse abuse situations suffer at least as much as other family members. The 1984 report of the U.S. Attorney General's Task Force on Family Violence stated that children who "live in the homes where parents are battered carry

the terrible lessons of violence with them into adulthood."

In 1990 a concurrent resolution (H. Res. 172) was unanimously passed by both the U.S. House of Representatives and U.S. Senate. It expressed the sense of the Congress of inadequate recognition of the effects on children who witness domestic violence and the emotional and physical harm to children who live in violent households. It suggested that "for the purposes of determining child custody, credible evidence of physical abuse of one's spouse should create a statutory presumption that it is detrimental to the child to be placed in the custody of the abusive spouse."

20. *See, e.g.*, N.D. Cent. Code § 14-05-22.3 (1993); *In re Jon M.*, 179 Cal. App. 3d 156 (1986).
21. Older children have been found to be frequently assaulted when they intervene to defend or protect their battered parent. Elaine Hibberman and Kit Munson, *Sixty Battered Women*, 2 *Victimology: An International Journal* 462 (1977-78). Another study found that 63 percent of all American males between the ages of 11 and 20 who are incarcerated for homicide were convicted of an offense involving the killing of their mother's batterer. H. Ackerman, *Hazelden Foundation, The War Against Women: Overcoming Female Abuse* 2 (1985).
22. An example of such a unit is the Family Violence and Sexual Assault Unit of the Philadelphia District Attorney's Office.
23. Creation in all states of Unified Family Courts was a key recommendation in the ABA report, *America's Children At Risk: A National Agenda for Legal Action*, [hereinafter, *America's Children*] 54 (American Bar Association Presidential Working Group on the Unmet Legal Needs of Children and Their Families 1993).
24. The Santa Clara County, CA court has a model protocol tailored specifically to domestic violence intervention.
25. Washoe County, NV provides a "court school" educational program for victims of domestic violence that offers assistance in preparing for court hearings, identifying necessary remedies, and learning about court order enforcement procedures.
26. *See*, Judge Leonard P. Edwards, *Reducing Family Violence: The Role of the Family Violence Council*, 3 *Juv. & Fam. Ct. J.* 43, at 1 (1992).
27. Peter Jaffe et al., *Children of Battered Women: Issues in Child Development and Intervention Planning* (1990).
28. *See*, Judge Cindy S. Lederman, *Dade County Domestic Violence Court: A Responsible Approach to the Treatment of Family Violence*, in *Defending Battered Women in Criminal Cases*, Section L (American Bar Association, Section of Criminal Justice and Division for Professional Education 1993).
29. *Aloha Nui Na Kamaili (With Great Love for the Children)*, curricula available from the Family Peace

- Center, 1370 Kapiolani Boulevard, Suite 201, Honolulu, HI 96814.
30. Connecticut Public Act No. 93-280 §1 (1994).
 31. La. Rev. Stat. Ann. § 9.367 (West Supp. 1984).
 32. See, e.g., Mithra Merryman, *A Survey of Domestic Violence Programs in Legal Education*, 28 New Eng. L. Rev. 383 (1993).
 33. A Louisville, Kentucky high school developed a course titled "The Prevention of Family Violence" that has been adopted by public school systems in Illinois, Arkansas, and Ohio. Note, *Developments in the Law: Legal Responses to Domestic Violence*, 106 Harv. L. Rev. 1501, 1550 (1993). Legislation in a number of states addresses the development of domestic violence curricula for school children. See, e.g., Alaska Stat. § 18.66.050(3) (1991); Neb. Rev. Stat. § 42-914 (1988); Iowa Code Ann. § 279.50 (West Supp. 1994).
 34. *My Family and Me: Violence Free* (1989, updated annually) (available from the Minnesota Coalition for Battered Women, 1619 Dayton Avenue, Suite 303, St. Paul, MN 55104).
 35. This documentary, entitled *Children of the Lie*, was narrated by Martin Sheen and produced by the Pennsylvania Coalition Against Domestic Violence. The Pennsylvania Bar persuaded all of the PBS affiliates in the State to show the documentary, and the Bar and domestic violence programs staffed hotlines for viewers to call to receive information and referrals.
 36. Finn, P. and Colson, S., National Institute of Justice, *Civil Protection Orders: Legislation, Current Court Practice, and Enforcement* (1990), at 19.
 37. We commend domestic violence-focused programs such as the Atlanta Volunteer Lawyers Foundation, which trains and certifies lay advocates in assisting victims of domestic violence in obtaining protective orders, the Hawaii Women's Bar/Hawaii Bar Association, which supports a domestic violence clearinghouse and hotline, and a number of legal aid programs that have developed *pro bono* projects (such as Greater Boston Legal Services leadership in working with area law firms to take on domestic violence cases).
For an example of model *pro se* representation materials in the marital dissolution area generally, see, e.g., *Responding to the Needs of the Self-Represented Divorce Litigant*, (American Bar Association Standing Committee on the Delivery of Legal Services, 1994). We note that this publication does not specifically address the needs of the divorcing parent who has been the victim of domestic violence. However, this book's appendices mention that several Washington State counties have "Protection Order Advocacy Programs" to assist *pro se* parties in obtaining protective orders in domestic violence cases.
 38. An example of a program offering *pro bono* lawyer assistance to abused mothers and their children is the Family Violence Project of the San Diego Children's Hospital's Center for Child Protection.
 39. Sarah M. Buel, *The Dynamics of Domestic Violence Cases in the United States: An Overview*, in *Defending Battered Women in Criminal Cases* 19 *supra* note 28.
 40. La. Rev. Stat. Ann. § 9.367 (West Supp. 1994).
 41. Twenty-three states include provisions in protection orders for reimbursement or assignment of attorney fee or costs, see, Barbara J. Hart, National Council of Juvenile and Family Court Judges, *State Codes on Domestic Violence* 16 (1992).
 42. Norman B. Rushforth et al., *Accidental Firearm Fatalities in a Metropolitan County (1958-1973)*, 100 Am. J. Epidemiology 499, 504 (1974).
 43. Arthur R. Kellermann et al., *Gun Ownership As a Risk Factor For Homicide in The Home*, 329 New Eng. J. of Med. 15, at 1084 (1993).
 44. See, e.g., Barbara J. Hart, *Gentle Jeopardy: The Further Endangerment of Battered Women and Children in Custody Mediation*, 4 Mediation Quarterly 7, at 324. The author cites several studies concerning escalation of violence following physical separation of the partners. One study revealed that "up to three-fourths of domestic assaults reported to law enforcement agencies were inflicted after separation of the couples." Another study showed that "73 percent of the battered women seeking emergency medical services sustained injuries after leaving the batterer." Additionally, in a study conducted in two metropolitan cities, researchers found that almost 25 percent of women killed by their male partners were separated or divorced from the men who killed them.
 45. A strong argument can be made for the seizure of other deadly weapons in the home, as well as firearms, in domestic violence matters. However, in our firearms-focused position we are influenced by research showing that domestic violence where a firearm is used is 12 times more likely to result in a death than domestic violence involving all other types of weapons. L. E. Saltzman, et al., *Weapon Involvement and Injury Outcomes in Family and Intimate Assaults*, 22 JAMA 267, 3043-3047 (1992).
 46. Anonymous domestic violence victim, *quoted in* Susan Schechter and Lisa K. Mihaly, Massachusetts Coalition of Battered Women Service Groups, *Ending Violence Against Women and Children in Massachusetts Families: Critical Steps for the Next Five Years* 13 (1992).
 47. A study of court-ordered joint custody arrangements found that "...frequent contact with two angry, feuding parents is detrimental for children," that these children "seem to fare much worse than children raised in traditional sole custody families also torn in bitter fighting..." and that such children "look more depressed, more withdrawn or aggressive, and more disturbed." Judith S. Wallerstein and Sandra Blakeslee, *Second Chances: Men, Women and Children A Decade After Divorce* 272 (1989).
- We would support rebutting the presumption of parental unfitness through appropriate evidence that the batterer has successfully completed a treatment pro-

- gram addressing the violent behavior as well as any alcohol or drug abuse that may have been a factor in the violent behavior, and that they have not re-engaged in abusive behavior for a significant period of time. *See, e.g.*, the "Post-Separation Family Violence Relief Act," La. Rev. Stat. Ann. § 9.364A (West Supp. 1994).
- We note that very few programs for men who batter specifically address the education of batterers on the impact of domestic violence on their children or provide training for them in non-violent parenting. David J. Matthews, *Parenting Groups for Men Who Batter*, in *Ending the Cycle of Violence: Community Responses to Children of Battered Women* (Einat Peled, Peter G. Jaffe, and Jeffrey L. Edleson, eds., forthcoming 1994).
48. Crites & Coker, *supra* note 18, at 12.
 49. Joan Zorza, *How Abused Women Can Use the Law to Help Protect Their Children*, in *Ending The Cycle Of Violence: Community Responses To Children Of Battered Women* (Einat Peled, Peter G. Jaffe, and Jeffrey L. Edleson, eds., forthcoming, 1994).
 50. Naomi R. Cahn, *Civil Images of Battered Women: The Impact of Domestic Violence on Child Custody Decisions*, 44 Vand. L. Rev. 1041, 1062 (1991).
 51. *Id.* at 1064-65.
 52. *Id.* at 1070-74.
 53. Judge B. Gaddis, *Domestic Abuse Protective Order Concepts*, at 708 (1992).
 54. Up to 75 percent of reported domestic assaults may take place after the separation of the parents, and the risk of additional, and more extreme, violence (as well as abduction of children by the abuser) is great during post-separation contacts (such as the transfer of children for visitation). *See*, Barbara J. Hart, *State Codes on Domestic Violence: Analysis, Commentary and Recommendations*, 43 Juv. & Fam. Ct. J. 34 (1992).
 55. Model Code, *supra* note 8, Sec. 405.
 56. Patricia M. Hoff, National Center for Missing and Exploited Children, *Family Abduction: How to Prevent an Abduction and What to Do If Your Child is Abducted* (January 1994).
 57. An example of such a program is the Duluth (MN) Visitation Center, which provides children with a safe and nurturing environment for visiting with a non-custodial parent who has a history of violence, gives custodial parents who have been abused a safe way of working out visitation and the exchange of their children, and offers both parents classes in which they can learn ways to help their children heal from the effects of domestic violence.
 58. We note that a national "Supervised Visitation Network" has been formed to aid in securing safe, secure environments for adult-child contact, including but not limited to provision of safety for adults and children where there has been a history of domestic violence. We urge judges, court personnel, and attorneys to familiarize themselves with this Network and its resources. The Supervised Visitation Network headquarters is located at 222 South Downey Street, Rm. 260, Indianapolis, IN 46219.
 59. *See, e.g.*, Fla. Stat. Ann. §§ 787.03(4)(a) and (6) (West 1992); Cal. Penal Code § 277 (Deering 1985) (the fleeing victim must contact the district attorney's office to claim the defense).
 60. It has been estimated that in more than half of the kidnappings of children by parents in this country, the abductions occur in the context of domestic violence. Geoffrey Grief and Rebecca Hegar, *When Parents Kidnap: The Families Behind the Headlines* 272 (1992).
 61. Linda K. Girdner and Patricia M. Hoff, eds., Office of Juvenile Justice and Delinquency Prevention, *Obstacles to the Recovery and Return of Parentally Abducted Children 3-46 - 3-54* (November 1993).
 62. Recent congressional recognition of the need to address domestic violence in child custody litigation resulted in an amendment to the federal State Justice Institute Act which authorizes the State Justice Institute to fund "research regarding State judicial decisions relating to child custody litigation involving domestic violence" and to develop "training curricula to assist State courts to develop an understanding of, and appropriate responses to, child custody litigation involving domestic violence." Pub. L. 102-528, Sec. 2 [adding 42 U.S.C. § 10705(c)(13)]. Such research and curricula are vitally needed, and the products resulting therefrom should have the widest possible dissemination.
- When President George Bush signed this law on November 2, 1992, his statement included the following observations:
- ...Domestic violence is a serious problem in our Nation. Each year more than 3 million women are the victims of domestic violence. Much of this violence is witnessed by children, often with devastating and far-reaching emotional and psychological consequences.*
- ...But spousal abuse does not always end with divorce. In fact, the abuse can become worse, especially in connection with child custody litigation.*
- ...This legislation will help send a strong message about our commitment, both to combatting domestic violence and to ensuring that the children of battered women are raised in safe, loving, and nonabusive environments.*
63. America's Children, *supra* note 23, at 55.
 64. *See*, Lisa G. Lerman, National Woman Abuse Prevention Project, *Domestic Abuse and Mediation: Guidelines for Mediators and Policymakers* (1989).
 65. *Civil Images of Battered Women*, *supra* note 50, at 1079, 1080.
 66. *Conference Highlights*, *supra* note 13, at 28 (quoting attorney Barbara Hart).
 67. N. Zoe Hilton, *Battered Women's Concerns About Their Children Witnessing Wife Assault*, 7 J. of Interpersonal Violence 77 (1992).
 68. 42 U.S.C. § 671(a)(15).
 69. Model Code, *supra* note 8, Sec. 409(2)(b).

70. See, e.g., Minn. Stat. Ann. § 609.378 (West 1987).
71. Terrifying Love, *supra* note 6. Nationally, 75 percent of battered women have stated that their children are also battered. Behind Closed Doors, *supra* note 18; Lenore E. Walker et al., *Beyond the Juror's Ken: Battered Women*, 7 Vt. L. Rev. 1 (Spring 1982).
72. *Model Code*, *supra* note 8, Sec. 409.
73. The legal issues related to these specific vulnerable groups should be studied by the new ABA group on domestic violence that is proposed earlier in this report.
74. For the purpose of this section, the term "immigrant battered victims" includes both immigrants and refugees with either documented or undocumented status.
75. Catherine F. Klein and Leslye E. Orloff, *Legal Protection for Battered Women*, 21 Hofstra L. Rev. 801 (1993).
76. United States Commission on Civil Rights, *Racial and Ethnic Tension in American Communities: Poverty, Inequality and Discrimination* 75 (1993). Based on testimony presented by Leslye Orloff of Ayuda in Washington, D.C.
77. D.C. Code §§ 31-2701- 2712 (1993).
78. *Family Violence: Improving Court Practice*, National Council of Juvenile and Family Court Judges (1990), at 36.

Appendix A

Bar-Supported or Sponsored Domestic Violence Programs

(Note: What follows is a listing of programs compiled in early July 1994. It is not meant to serve as a comprehensive directory of all bar-affiliated or funded projects throughout the country)

Following the list of programs is a listing of state domestic violence coalition contacts. Attorneys or bar associations interested in providing legal support to victims of domestic violence and their children may wish to contact the relevant coalition in their state

Organization	Contact	Profile of Services
Brooklyn Bar Association Volunteer Lawyers Project- Battered Women's Project	Florence Roberts Coordinator 123 Remsen St. Brooklyn, NY 11201 (718) 624-3894	The Brooklyn Bar Association's Battered Women's Project provides a legal hotline staffed by law students who receive approximately forty calls per week. Hotline volunteers refer callers to appropriate services. In addition, volunteers accompany clients to court for hearings and/or to speak on their behalf.
Chicago Bar Foundation	Betsy Densmore 321 S. Plymouth Ct. 3rd Floor Chicago, IL 60604 (312) 294-9611	The Chicago Bar Foundation supports seven programs for domestic violence victims. The Foundation provides direct funding, makes referrals to pro bono attorneys, and recruits volunteers to staff domestic violence programs. The Foundation also facilitates gatherings of domestic violence providers to improve the existing system's response.
Cooperative Restraining Order Clinic	Karen Elcaness 49 Powell St. San Francisco, CA 94102 (415) 627-0243	The clinic's primary purpose is to assist women seeking restraining orders. The clinic works in cooperation with a number of domestic violence organizations to put victims in touch with other care providers. The Bar Association of San Francisco provides outreach and training for clinic volunteers; the San Francisco Bar Foundation provides direct IOLTA (Interest On Lawyers Trust Accounts) funding to the clinic. The clinic counsels about 1,200 victims per year.
Dallas Assoc. of Young Lawyers— Dallas Lawyers Against Domestic Violence	Bonnie Barksdale Co-chair DLADV PO Box 50296 Dallas, TX 75250-0296 (214) 855-3000 or contact Elaine Hathcock (214) 855-3379	With funding from the Dallas Bar Foundation, the Dallas Lawyers Against Domestic Violence program works with the the Dallas Bar Pro Bono Project to provide attorneys for victims of domestic violence. The project offers free CLE courses on domestic violence for attorneys. In addition, DLADV holds "Shelter Nights" three times a month at area shelters, where a police officer and an attorney answer any questions women might have concerning domestic violence. DLADV is also very active in raising community awareness about domestic violence.

The Dove Program	Steve Scudder 112 Pleasant Street Concord, NH 03301 (603) 224-2910	The New Hampshire Bar Association's pro bono department began The Dove Program in response to the growing need for pro bono litigation for victims of domestic violence. The program recruits attorneys statewide who agree to serve on two pro bono domestic violence cases per year. Domestic abuse crisis centers refer victims of abuse to Dove attorneys. The Dove Program provides recruited attorneys and crisis centers with a training video to educate litigators and advocates on domestic violence.
Emergency Domestic Relations Clinic	Meshell Thomas Emergency Domestic Relations Project c/o Citizen's Complaint Center 515 5th St., N.W. Washington, DC 20001	This project receives the bulk of its funding from the District of Columbia Bar Foundation. The program counsels clients on their options, making suggestions for civil and criminal remedies. Their more than fifty active members aid about 3,000 domestic violence clients each year. The project provides training for its prospective volunteers.
Hennepin County Bar Foundation	Jane Schoenike Executive Director 514 Nicolette Mall Suite 350 Minneapolis, MN 55402 (612) 340-0022	The Hennepin County Bar Foundation funds five organizations which assist clients in orders of protection, divorce, and child custody matters. They also fund multi-lingual programs to reach out to domestic violence victims in non-English speaking communities.
Kansas Bar Foundation	Art Thompson Kansas Bar Foundation PO Box 1037 Topeka, KS 66601	The Kansas Bar Foundation has made domestic violence and children a top priority. They grant most of the state's IOLTA funding to Kansas Legal Services, with demands that a majority of the funding be allocated for domestic violence victim services. Kansas Legal Services' twelve offices statewide use the funding to provide pro bono legal representation to women and children in abusive homes.
Idaho Legal Aid Services	Ernesto Sanchez PO Box 913 Boise, ID 83701 (208) 336-8980	Idaho Legal Aid Services uses Idaho Bar Foundation IOLTA funds to retain a part-time attorney at each of their seven offices. ILAS works in conjunction with Idaho Volunteer Lawyers also funded by the Foundation --- to provide a range of family law services for victims of domestic violence. The two programs serve about 1,400 clients each year.
Legal Services of Upper East Tennessee—Legal Services Immediate Action Project	Anita Leger Pro Bono Coordinator 311 W. Walnut St. Johnson City, TN 37604 (615) 928-8311	Legal Services receives IOLTA funding for their Immediate Action Project for Abused Women. Volunteers encourage pro se actions for battered women needing orders of protection. Legal Services has worked with six area shelters, taking in over 200 calls last year; of these, 158 victims used their services.
Los Angeles County Bar Association—Barristers Domestic Violence Project	Patricia Andraeni Director PO Box 55020 Los Angeles, CA 90055 (213) 896-6491	Barristers Domestic Violence Project primarily provides aid in the pro se acquisition of temporary restraining orders. They have locations in two courthouses, one of which --- downtown Los Angeles --- has the highest volume of domestic violence restraining orders in the country. They maintain a roster of 125-150 volunteer attorneys, supported by several bilingual paralegals.

Loudoun Abused Women's Shelter	Elizabeth Pendzich Loudoun Abused Women's Shelter Legal Services 1 Loudoun Street, SE Leesburg, VA 22075	The Loudoun Shelter provides free representation for abused women and their children. They retain one full-time lawyer in addition to providing referrals to pro bono lawyers. The shelter receives funding from the state Bar Foundation.
Louisiana Bar Foundation	Linda Dodenhoff 601 St. Charles Avenue New Orleans, LA 70130 (504) 561-1046	The Louisiana Bar Foundation funds 11 independent projects throughout the state. Most of these projects assist women filing for protective orders and/or accompany the women to court hearings.
Montgomery County Bar Foundation	Barbara Golden Managing Attorney 27 W. Jefferson St. Rockville, MD 20850 (301) 424-2706	The Montgomery County Bar Foundation handles divorce and custody processes for victims of domestic violence. They hold two legal clinics for victims, Wednesday evenings and the first Tuesday of every month. Attorneys are present at these meetings to answer questions. The group also provides domestic violence education for members of the court.
Nevada Bar Foundation	Lisa Galindo Volunteer Service Coordinator The Committee Against Domestic Violence PO Box 2531 Elco, NV 89803	The Nevada Bar Foundation provides IOLTA funding for the Committee Against Domestic Violence, a group of organizations focused on controlling domestic abuse. The program helps fund the legal needs of low income women, as well as provide educational information to the community about domestic violence and sexual abuse.
New Hampshire Bar Foundation	Lucy Medding Director of the Bar Foundation 112 Pleasant Street Concord, NH 03301 (603) 224-6942	The New Hampshire Bar Foundation uses both IOLTA and undirected funds from contributions and memberships to sponsor various programs for domestic violence. The Foundation aids a coalition made up of advocacy groups and shelters in their efforts to educate the community about domestic abuse. Recent initiatives include a videotape shown in emergency rooms urging victims of domestic violence to get help. The Foundation also funds the coalition's provision of direct legal services to low-income women in violent homes and their children.
Oregon Law Foundation	Rich Cecchetti Oregon Law Foundation P.O. Box 1689 Lake Oswego, OR 97035 (503) 620-0222	The Oregon Law Foundation employs one attorney to provide legal services and representation for victims of domestic violence throughout the state. Service is provided through the central office of the statewide Coalition Against Domestic and Sexual Violence, made up of 31 separate programs serving the various needs of domestic violence victims.
Philadelphia Bar Foundation- Women Against Abuse Legal Center	Joyleen M. Hamilton Philadelphia Bar Foundation 1101 Market St. 11th Floor Philadelphia, PA 19107 (215) 238-6347	The Center provides legal representation, counseling, and information for abuse victims. Clients are able to receive aid with emergency protection orders twenty-four hours a day. The Center receives 12,000 calls and serves 10,000 clients annually.

Pro Bono Advocates- Legal Advocacy for Women	Barbara Kaden Executive Director 165 N. Canal St. Chicago, IL 60606 (312) 906-8010	Pro Bono Advocates receives funding from both the Illinois and Chicago Bar Foundations. The group offers assistance to domestic violence victims through several programs: maintaining a booth at the county courthouse to help women seeking immediate restraining orders; referring clients to attorneys for long-term custody and child support services; and hiring a counselor to provide services for mothers and their children. The group is also very involved in community education on domestic violence.
San Diego Volunteer Lawyer Program—San Diego Domestic Violence Prevention Project	Carl Poirot Executive Director or Kate Yavenditti 1305 7th St. Ste. 100 San Diego, CA 92101 (619) 238-8100	The San Diego Domestic Violence Project provides two restraining order clinics each day at the main Superior Courts as well as three clinics a week at two other court sites. They aid clients in filling out the forms for temporary restraining, custody, and support orders. Their volunteers also accompany victims to court hearings for moral support. Since 1989 the program has served over 30,000 clients.
San Francisco Bar Volunteer Legal Services Program	Tanya Newman Director, San Francisco Bar Association 685 Market St. Suite 700 San Francisco, CA 94105 (415) 764-1600	The San Francisco Bar Volunteer Legal Services Program offers weekly protection order clinics and a crisis hotline. Volunteer attorneys work with clients on a variety of family law issues. The group successfully campaigned to establish a separate mediation process so victims are not intimidated by their abuser during negotiations. Volunteers accompany clients into mediation and/or court.
Tennessee Bar Foundation	Barri Bernstien Executive Director Tennessee Bar Foundation 214 Second Avenue, Suite 104 Nashville, TN 372301 (615) 292-1531	The Tennessee Bar Foundation grants IOLTA funds to six programs for victims of domestic violence. Services provided include free legal representation and consultation, public education efforts, and auxiliary services such as day care for mothers attending court. The Foundation also funds one support program for batterers.
Tarrant County Bar Association—Lawyers Against Domestic Violence	Kathy Taylor Unit Manager 600 E Weatherford Fort Worth, TX 76102 (817) 336-3943	The program holds a monthly "Operation Protection" legal clinic for emergency orders of protection as well as long term family law assistance provided directly through the Tarrant County Bar Association. Free CLE training is provided for volunteer lawyers in exchange for accepting two cases. The course is taught by judges and attorneys experienced in this field.

State Domestic Violence Coalitions

Alaska	Cindy Smith	(907) 586-3650
Alabama	Carol Gundlach	(205) 832-4842
Arkansas	Schatzi Riley	(501) 663-4668
Arizona	Sharon Ersch	(602) 279-2900
California	Donna Garske	(415) 457-2464
Colorado	Jan Mickish	(303) 573-9018
Connecticut	Sylvia Gafford-Alexander	(203) 524-5890
District of Columbia	Donna Edwards	(202) 543-0773
Florida	N/A	(407) 682-3885
Georgia	Suzanna Pogue	(404) 524-3847
Hawaii	Carol C. Lee	(808) 595-3900
Iowa	Laurie Schipper	(515) 281-7284
Idaho	Sue Fellen	(208) 529-4352
Illinois	Vickie Smith	(217) 789-2830
Indiana	Laura Berry	(317) 641-1912
Kansas	Trish Bledsoe	(913) 232-9784
Kentucky	Sherry Currens	(502) 875-4132
Louisiana	Patsy Taylor	(504) 542-4446
Massachusetts	Carolyn Ramsey	(617) 248-0922
Maryland	Susan Mize	(301) 942-0900
Maine	Tracy Cooley	(207) 941-1194
Michigan	Julie Hagstorm	(517) 484-2924
Minnesota	Marsha Frey	(612) 646-6177
Missouri	Colleen Coble	(314) 634-4161
Mississippi	Emily Smith	(601) 981-9146
Montana	Jackie Garcia	(406) 245-7990
North Carolina	Kathy Hodges	(919) 956-9124
North Dakota	Bonnie Palecheck	(701) 255-6240
Nebraska	Sarah O'Shea	(402) 476-6256
New Hampshire	Grace Mattern	(603) 224-8893
New Jersey	Barbara Price	(609) 584-8107
New Mexico	Mary Ann Copas	(505) 296-7876
Nevada	Sue Meuschke	(702) 358-1171
New York	Sherry Frohman	(518) 432-4864
Ohio	Daryl Ann Kross	(216) 651-8484
Oklahoma	Georgie Rasco	(405) 557-1210
Oregon	Judith Armatta	(503) 239-4486
Pennsylvania	Susan Kelly-Dreiss	(717) 545-6400
Rhode Island	Mary Trinity	(401) 723-3051
South Carolina	Lynn Hawkins	(803) 254-3699
South Dakota	Brenda Hill	(605) 225-5122
Tennessee	Kathy England	(615) 386-9406
Texas	Debby Tucker	(512) 794-1133
Utah	Diane Stuart	(801) 538-4100
Virginia	Christie Van Audenhove	(804) 221-0990
Vermont	Judy Rex	(802) 223-1302
Washington	Mary Pontarolo	(206) 352-4029
Wisconsin	Kathleen Krenek	(608) 255-0539
West Virginia	Sue Julian	(304) 765-2250
Wyoming	Rosemary Bratton	(307) 235-2814

APPENDIX B

American Bar Association House of Delegates-Approved Resolutions Related to Domestic Violence

COMBATTING FAMILY VIOLENCE— FEBRUARY 1978

BE IT RESOLVED that the American Bar Association supports federal, state and local efforts to combat the incidence, causes and effects of family violence and supports the implementation of programs to protect the victims of family violence.

SPECIFIC FAMILY VIOLENCE REFORM PROPOSALS—AUGUST 1978

BE IT RESOLVED, that the American Bar Association recommends the following:

1. That shelters or other secure temporary residential facilities, together with counselling and other support services, be established for the victims of domestic violence.
2. That law enforcement officers who respond to domestic violence calls, after ensuring that the victims of domestic assaults and their dependents have been removed to safe places as provided in #1, investigate the incidents, prepare written reports, and, in the event they conclude no criminal charges are appropriate, file written statements of the reasons for the decisions.
3. That prosecutors who decline to file criminal charges in domestic assault cases referred to them by the police, state in writing the reasons for their decision not to prosecute, and provide the complainant with information as to alternative procedures.
4. That specific data related to the frequency, seriousness, and other characteristics of spousal assault, including disposition of complaints and the stated reasons for the particular disposition, as well as data on existing programs designed to respond to such assaults, be collected and analyzed by appropriate government agencies.
5. That the courts, in the determination of pre-trial release, sentencing or imposition or revocation of probation or parole, not treat the relationship between the parties as the primary factor.
6. That the state create a mechanism for responding to intrafamilial violence by

establishing diversion programs and by providing counselling and other support services.

7. That statutes providing for arrest for violation of protective orders (civil or criminal restraining orders) be enacted and enforced without regard to the relationship between the parties.
8. That the victims of domestic violence not be excluded from coverage under victim compensation legislation where they demonstrate the requisite quantum of injury and where they actually live separate and apart from assaulting spouses.

JOINT CUSTODY—AUGUST 1989

...Joint custody is inappropriate in cases which spouse abuse, child abuse, or parental kidnapping is likely to occur.

FAMILY PROCEEDINGS STANDARDS—FEBRUARY 1992

BE IT RESOLVED, that the black letter *Standards Relating to Trial Courts* be amended (as follows)...Section 2.71—*Proceedings Concerning Family Relationships*.

...In these proceedings, the court has an affirmative responsibility that its disposition is adequately warranted by the facts and is just and appropriate in all the circumstances. It should give due regard to the interests of the child or children or other persons involved, and the public interest in the quality and stability of family relationships. In carrying out this responsibility the court should:

... (e) In a domestic abuse situation, take steps necessary to protect the victim. Steps to protect the victim include: Confining the abuser, issuing proper restraining orders, suppressing the victims address, ordering abusers into counseling or treatment, and order family support. The court should understand the dynamics of domestic abuse, especially the psychological effects on the victim. The court should make decisions designed to stop the abuse. The court should expedite the hearings.

APPENDIX C

Family Violence Considerations with Regard to Parental Abduction Policies

Excerpted from:

Rollin, Miriam A. "Parental Abduction: Relevant State and Federal Statutes, Court Rules, and Recent Case Law," in Girdner, Linda and Hoff, Patricia (eds). *Obstacles to the Recovery and Return of Parentally Abducted Children*, Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention, November 1993, pp. 3-46—3-54.

Note: The views expressed herein have not been approved by the House of Delegates or the Board of Governors of the American Bar Association and, accordingly, should not be construed as representing the policy of the American Bar Association. Points of view or opinions expressed are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice.

E. Family Violence Considerations with Regard to Parental Abduction Policies

During the course of the project's research, it became apparent that current parental abduction-related laws—the Uniform Child Custody Jurisdiction Act (UCCJA), the Parental Kidnapping Prevention Act (PKPA), and state criminal parental kidnapping laws—do not squarely address the dilemma faced by victims of family violence¹ fleeing their abusers. At the same time, it also became apparent that current family violence-related laws did not fully take into account the extent to which the enforcement of the child custody orders which result from application of those laws depends on parental abduction-related laws.

For example, assume a woman has been battered by her husband, and then flees with her two children to a battered women's shelter in the neighboring state in violation of the joint custody provision in the custody order. Will she be able to get an emergency custody order temporarily modifying the original order, in a court of the state to which she has fled, that will be enforceable pursuant to the PKPA? Will she have to divulge her and the children's whereabouts through the affidavit required to get a custody order? Can a court of the state to which she has fled decline to exercise jurisdiction because of her "unclean hands" (taking the children in violation of the joint custody order)? Can a court of the state from which she has fled decline to exercise jurisdiction over her husband's modification petition there because of his "reprehensible conduct" (battering his wife), or on "inconvenient forum" grounds (as the forum in which he had previously abused her)? Will she be charged criminally for her conduct in violation of the order? Will the shelter staff risk criminal and tort liability as accessories to custodial interference if

they refuse to say whether she is living at the shelter with her children?

For example, assume a child is being sexually abused by the child's father during court-ordered visitations. If the mother does not intervene and report the abuse, will she be petitioned as neglectful for failure to protect the child? If she does report the abuse and the father retaliates by petitioning for modification of custody, does she risk losing custody to the abuser if the court is not convinced abuse has occurred? If she protects the child by leaving the area, does she risk being arrested for parental kidnapping (depending upon the state law) and having the child turned over to the abusive father?

To explore these problems and other aspects of the relationship between parental abduction laws and family violence laws, and to identify changes in parental abduction laws that would allow those laws to more appropriately address family violence flight situations, the project director convened a meeting of domestic violence experts and parental abduction experts at the ABA Center on Children and the Law, as well as a smaller follow-up meeting.² The goal was to reconcile the intent of parental abduction laws and due process safeguards with the need to protect victims of family violence. This section identifies several obstacles in parental abduction laws that relate to family violence situations, and recommendations to overcome those obstacles.

Current Law—Statutes

Most states have statutes which provide that civil protection orders can be obtained *ex parte* to protect victims of domestic violence and their children. Most of those statutes also provide for the award of temporary custody through such a protection order.³

California provides that the only valid reasons for seeking an *ex parte* order granting or modifying custody is a risk of immediate harm to the child (which is defined to include acts of domestic violence) or a risk of immediate removal of the child from the state.⁴

Pennsylvania has created a "harm to the child" exception to the UCCJA (9 ULA § 8) provision regarding declining jurisdiction if petitioner has violated a prior custody decree.⁵

Several states have enacted, as part of their custodial interference criminal statutes, defenses related to flight for protection of the child⁶ and of the fleeing parent.⁷

Commentary

If temporary protection orders that include an award of custody are obtained after notice and an opportunity to be heard, they may be enforceable under the UCCJA and the

PKPA (assuming a jurisdictional basis exists). *Ex parte* custody awards, however, made without proper notice, would be unenforceable in other states under the UCCJA and PKPA.

Ex parte custody awards, in cases of imminent harm to the child or imminent removal of the child from the jurisdiction, may be necessary avenues for obtaining custody in emergency situations, but are unenforceable in other states under the current UCCJA and PKPA. (Clearly, they may be enforceable within the decree state. This may be sufficient to protect the immediate interests of the party.)

The provision creating a "harm to the child" exception to the UCCJA, 9 ULA § 8 requirement that jurisdiction be declined if petitioner has violated a prior custody decree reduces the deterrent effect on abductions of UCCJA, 9 ULA § 8, but provides for greater protection of the child from violence.

A criminal custodial interference statute which addresses the appropriate defenses (such as family violence) clearly and concisely is desirable.

a. PKPA Amendments:

- (1) Obstacle:
Custody contestants with orders made in proceedings which did not conform with the PKPA cannot benefit from PKPA nationwide enforcement.

Recommendation:⁸

Amend the PKPA definition of "custody determination" [28 U.S.C. § 1738A (b)(3)] to specify, to the greatest extent possible, the various types of custody determinations to which the PKPA should be applied, including protection from domestic violence proceedings.⁹

- (2) Obstacle:
The current language of the PKPA does not specify that emergency jurisdiction may only be exercised to protect the child on a temporary basis until the court with jurisdiction to issue a long-term order can act.
In addition, the PKPA emergency jurisdiction provision does not explicitly protect children harmed by violence perpetrated by one parent against another parent, or against the child's sibling.¹⁰

Recommendation:¹¹

Amend the PKPA to eliminate the current section on emergency jurisdiction [28 U.S.C. § 1738A (c) (2) (C)], and to include a new section on emergency jurisdiction to issue temporary relief.

b. UCJA Amendments:

- (1) Obstacle:
The UCCJA § 9 affidavit provision, by requiring disclosure of address information, can endanger a parent and child who have fled family violence, and can result in the disclosure of the confidential address of a shelter for battered women and their dependent children.

Recommendation:

The National Conference of Commissioners on Uniform State Laws (NCCUSL) and individual states should consider amending § 9 of the UCCJA to: (a) mandate a waiver of disclosure by the court to the other contestant(s) of the present address of a child or of a contestant when such waiver is necessary to protect the child or the contestant from abuse; and (b) mandate waiver of disclosure by the court to the other contestant(s) of the present or prior address of a child or of a contestant if the address is a shelter for battered persons and their dependent children. [For a similar provision, *see, e.g.*, Mass. Gen. Laws Ann. ch. 209B, § 3 (1986).] In addition, a UCCJA amendment should be considered to require that an alternative means of communicating with that contestant be specified (*e.g.*, post office box or that person's attorney). [See, *e.g.*, Ariz. Rev. Stat. Ann. § 8-409 (1989).] (See § D of this chapter regarding affidavits, *supra*.) While these proposals restrict disclosure of address information to the other contestant, the affidavit requirement is not waived: the party must file the affidavit with the court, which then has the benefit of the information for purposes of its jurisdictional determination.

- (2) Obstacle:
The UCCJA § 9 affidavit provision requires (in most states) address information for the preceding five years, as well as the names and present addresses of all "persons with whom the child has lived." The law can be interpreted as requiring the names and addresses of all persons who have lived in the same household as the child, including other minors. This requirement can be overly burdensome, particularly on *pro se* litigants (such as many family violence victims).

Recommendation:

NCCUSL and individual states should consider amending § 9 of the UCCJA to: (a) shorten the number of years for which information is required [*e.g.*, to three years, as in N.M. Stat. Ann. § 40-10-10 (1981)]; and (b) decrease the amount of information required (*e.g.*, rather than requiring the names and current addresses of any person with whom the child has lived for the period of time, require only the names and current addresses of any adults who have lived in the same household as the child).

- (3) Obstacle:
UCCJA § 7(c) lists several factors to be considered by a court in making a determination as to whether it is appropriate for the court to decline jurisdiction as an inconvenient forum. None of the factors relate to family violence experienced by a contestant and/or a contestant's child in the forum, that caused the contestant to flee with the child to another state.

Recommendation:

NCCUSL and individual states should consider amending § 7(c) of the UCCJA to add, as another factor to be considered in an inconvenient forum determination, family violence experienced by a

contestant and/or a contestant's child in the forum, that caused the contestant to flee with the child to another state.

- (4) **Obstacle:**
UCCJA § 8 permits a court to decline jurisdiction because of an abduction or other "reprehensible conduct" by a petitioner for custody. However, § 8 does not define "reprehensible conduct" to include family violence by petitioner in that forum against another contestant and/or a child of another contestant, that caused the contestant to flee with the child to another state. Courts are, of course, free to interpret "reprehensible conduct" to include family violence.

Recommendation:

NCCUSL and individual states should consider amending § 8 of the UCCJA to clarify that "reprehensible conduct" includes family violence in the forum against another contestant or a child that caused the contestant to flee with the child to another state.

- (5) **Obstacle:**
If a fleeing parent brings an emergency action for temporary custody in the refuge state, UCCJA § 8 could be used by the abusive parent to urge the court to decline to exercise jurisdiction. If § 8 is applied in that way, the protective purposes of the recommended PKPA (and UCCJA) emergency jurisdiction provision would be undermined.

Recommendation:

NCCUSL and the states should consider amending UCCJA § 8 to exclude applicability to proceedings based on emergency jurisdiction to issue a temporary custody order.¹²

c. Amendments to Other Laws:

- (1) **Obstacle:**
A parent who takes a child out of state to flee family violence may be subject to criminal charges (felonies, in many states), even if such an action was necessary in an emergency situation to protect the child.

Recommendation:

Flight from family violence should constitute a defense to a criminal parental abduction charge. [See, e.g., D.C. Code Ann. § 16-1023(a) (1989).] However, the criminal statute should help ensure that appropriate civil action begins promptly to remedy the custody violation (e.g., by requiring the fleeing parent to file for a custody determination in the state with proper PKPA jurisdiction within a specified brief time period, in order to claim the family violence defense). Such an approach is being considered in at least one state.

- (2) **Obstacle:**
Staff of shelters for battered women and other dependent children may risk criminal and tort liability as accessories to custodial interference if they refuse to divulge the identity of shelter resi-

dents. However, shelter staff also have an obligation of confidentiality to their residents.

Recommendation:

Absent a court order to the contrary regarding a particular case, shelters for battered women and their dependent children should be permitted to maintain confidentiality as to the identity of their residents without risk of criminal and/or tort liability for custodial interference.¹³

d. Other Obstacles Identified (No Recommendations):

- (1) The role of the Federal Parent Locator Service (FPLS) and state parent locator services in discovering the addresses of abducting parents and children, without consideration of whether the abducting parents and children were fleeing family violence.
- (2) The role of National Center for Missing and Exploited Children (NCMEC), as mandated by the Missing Children Assistance Act, in assisting custodial parents in achieving the return of parentally abducted children, without consideration of whether the abducting parents and children were fleeing family violence.
- (3) The role of schools in providing address information to all parents, without consideration of whether certain parents and children have fled family violence.
- (4) The absence of trained, independent expert witnesses and legal representatives for children in many contested custody cases, including those which involve allegations of family violence.

e. Preventing Abductions Related to Family Violence: Recommendations Regarding Custody Determinations

- (1) Make visitation provisions in custody orders specific, include protections for parent and child (e.g., visitations supervised by neutral third-parties), and encourage the establishment of supervised visitation centers.
- (2) Because children are harmed by violence perpetrated by one parent against another, require that courts consider such violence in their custody determinations, and establish a presumption against awarding custody to perpetrators of such violence.

f. Conclusions:

Many obstacles experienced by parents in cases which involve both family violence and parental abduction (and many obstacles experienced by parents in other parental abduction cases) could be reduced or eliminated through training for attorneys and judges and through mechanisms for enhancing parental access to effective and affordable counsel. We therefore recommend the following:

- (1) Develop training for attorneys and judges:

- (a) regarding parental abduction (particularly UCCJA interstate evidence collection mechanisms);
 - (b) regarding family violence (particularly the adverse effect on children of violence perpetrated by one parent against the other); and
 - (c) regarding custody determinations, particularly
 - (i) to ensure that courts do not issue punitive decrees which modify custody to punish parents who allege family violence, and
 - (ii) to ensure that courts custody determinations are based on the best interests of the children, not on the "property" rights of the parents; and
- (2) Develop mechanisms for parental access to attorneys who are:
- (a) knowledgeable and experienced in parental abduction and family violence cases;
 - (b) willing to accept parental abduction cases; and
 - (c) not charging more than the clients can pay.

ENDNOTES

1. Victims of family violence include physically abused partners and their children, as well as physically or sexually abused children and their siblings.
2. The obstacles and recommendations provided here are the responsibility of the project staff and do not necessarily reflect the views of meeting participants.
3. *E.g.*, Alaska Stat. § 25.35.010(b)(5) (1983), Ark. Code Ann. § 9-15-205(a)(4) (Michie 1991), Cal. Civ. Code §§ 4359(a)(4), 7020(a)(4) (Deering 1984), Colo. Rev. Stat. § 14-4-102(2)(d) (1989), Conn. Gen. Stat. Ann. § 6b-15(b) (West 1989), D.C. Code Ann. § 16-1005(c)(6) (1989), Fla. Stat. Ann. § 741.30(4)(b) (West 1986).
4. Cal. Civ. Code § 4600.1(e) (Deering 1984).
5. 42 Pa. Cons. Stat. Ann. § 5349 (1977).
6. Cal. Penal Code § 277 (Deering 1985), Colo. Rev. Stat. § 18-3-304(3) (1990), D.C. Code Ann. § 16-1023(a) (1989), Fla. Stat. Ann. § 787.03(4)(a) (West 1976), Fla. Stat. Ann. § 787.04(5) (West 1976), Idaho Code § 18-4506(2)(a), (1987), Mich. Comp. Laws Ann. § 28.582(1) (West 1990).
7. D.C. Code Ann. § 16-1023(a) (1989), Fla. Stat. Ann. § 787.03(6) (West 1976), Idaho Code § 18-4506(2)(b) (1987), Ill. Ann. Stat. ch. 38, ¶ 105(c)(3) (Smith-Hurd 1980).
8. Further discussion of this obstacle and the recommendation to eliminate this obstacle are provided in Section IX. A. 5 of this chapter.
9. Expressly including domestic violence custody orders within the purview of the PKPA does not place any additional burden on such custody contestants. It merely provides for interstate enforceability of such orders if PKPA requirements are met when such orders are made.
10. In a Louisiana decision, the court held that violence and/or threats by one parent against the other parent do not involve harm or risk of harm to the child, and thus do not constitute a basis for emergency jurisdiction. *Hagedorn v. Hagedorn*, 584 So. 2d 353 (La. Ct. App. 1991).
11. Further discussion of this obstacle and the recommendation to eliminate this obstacle are provided in Section IX. A. 3 of this chapter.
12. Some family violence experts advocate amending UCCJA § 8 to provide that flight from family violence is not § 8 "reprehensible conduct" which could result in a court declining to exercise jurisdiction. [*See, e.g.*, a harm to the child exception to the § 8 provision regarding declining jurisdiction if petitioner has violated a prior custody decree: 42 Pa. Cons. Stat. Ann. § 5349 (1977).] The countervailing concern is that such a provision could be misused by abductors who are not (and whose children are not) victims of family violence.
13. The term "shelter for battered women and their dependent children" as used here includes any government-sanctioned shelter or safe house, and does not include any private home utilized as an *illegal* "safe house". A further question was raised as to the definition of "shelter" (*i.e.*, whether it would apply to a shelter that was harboring a woman who was not alleging that she was a victim of abuse, but who was alleging that her child was a victim of abuse); no resolution to this question was reached.

APPENDIX D

Pro Bono and Legal Service Programs Principally Devoted to Domestic Violence

The following is a list of *Pro Bono* and Legal Services Programs which are primarily or largely dedicated to the representation of victims of domestic violence. There are, to our knowledge, at least 150 more Pro Bono Programs (that stand alone or are components of legal services programs) which provide representation to victims of domestic violence. A list by state of those programs of which the ABA Center on Children and the Law is aware is available by contacting Roberta Valente at (202) 331-4086.

Kingsport Bar Association
Pro Bono Project
Legal Services of Upper East Tennessee, Inc.
214 Commerce St., 2nd Floor
Kingsport, TN 37660
(615) 246-8715
Anita Leger

Legal Services of Upper East Tennessee, Inc.
Private Attorney Involvement Project
311 West Walnut Street
Johnson City, TN 37604
(615) 928-8311
Anita Leger

Los Angeles County Bar Association
Barristers Domestic Violence Project
P.O. Box 55020
617 South Olive St.
Los Angeles, CA 90055
(213) 624-3665
Patricia Andreani

San Luis Obispo County Volunteer Legal Services
c/o California Rural
Legal Assistance
1160 Marsh Street, Suite 114
San Luis Obispo, CA 93401
(805) 544-7997
Michael Blank

House of Ruth Domestic Violence Legal Clinic
2201 Argonne Drive
Baltimore, MD 21218
(410) 889-0840
Jaala Bey

Tarrant County Lawyers Against Domestic Violence
4200 South Huler, Suite 600
Fort Worth, TX 76108
(817) 738-7380
Connie Langston

Emergency Domestic Relations Project
c/o Citizen's Complaint Center
515 5th Street, N.W.
Washington, DC 20001
(202) 393-6290
Meshell Thomas

Cooperative Restraining Order Clinic
49 Powell Street
San Francisco, CA 94102
(415) 864-4722
Karen Elcaness

Shasta County Women's Refuge
P.O. Box 4211
Redding, CA 96099
(916) 244-0117
Mary Stegall

Victim Services Westside Office Legal Project
166 West 75th Street
New York, NY 10023
(212) 874-0762
Julie Domonkos

Pro Bono Advocates
165 N. Canal St., Suite 1020
Chicago, IL 60606
(312) 906-8013
Barbara Finesmith

Idaho Legal Aid Services, Inc.
Contract Program
P.O. Box 913
Boise, ID 83701
(208) 336-8980
Ernesto Sanchez

Legal Aid Foundation of Long Beach
Co-Counsel Project
110 Pine Avenue, Suite 410
Long Beach, CA 90802
(213) 435-3501
Ron Frank

Berrien County Legal Services Bureau, Inc.
P.O. Box E
901 Port Street
St. Joseph, MI 49085
(616) 983-6363
Mary Ellen Drolet

Legal Services of Northeastern Pennsylvania
410 Bicentennial Building
15 Public Square
Wilkes-Barre, PA 18701
(717) 825-8567
F. Charles Petrillo

San Diego Volunteer Lawyer Program
1305 Seventh Ave., Suite 100
San Diego, CA 92101
(619) 238-8100
Carl Poirot

Georgia Legal Services
Columbus Volunteer Lawyers Project
P.O. Box 176
Columbus, GA 31902
(404) 649-7493
Dina Nelson

Susquehanna Legal Services
416 Pine Street
Williamsport, PA 17701
(717) 323-8741
Joe Campagna

Legal Services for Children
1254 Market Street
3rd Floor
San Francisco, CA 94102
(415) 863-3762
Christie Nichols

Advocates for Basic Legal Equality, Inc.
Private Attorney Contract Project
740 Spitzer Building
Toledo, OH 43604
(419) 255-0814
Joseph Tafelski

E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

09-May-1996 03:43pm

TO: KLEIN_J
FROM: Timothy Westmoreland

SUBJECT: Re: Good morning -Reply

STOP. My friend tells me that health insurers do NOT individually underwrite people on the basis of smoking. Life insurers do, but not (he says) health insurers. (He also points out, ironically, that tobacco manufacturers own life insurance companies that have made this decision on an actuarial basis.)

But block that analogy. It sounded good, but is apparently not correct.

TMW

FROM
BRUCE

As for domestic violence, we are looking at two things:

1. Endorsing legislation to require health insurers to cover health costs that are the result of abuse. Some don't, I guess. Molinari and Schumer have bills. Paul Weinstein and Jen Klein have been looking into it.

2. Challenging the ABA to provide free representation to victims of abuse, on the theory that every victim should have the right to a lawyer. Vicki tells me the ABA is more in the mood to do much smaller, educational stuff -- presumably telling abuse victims where to find a lawyer. I think that's too lame to be worth our while. If the ABA is unwilling to do this unilaterally, perhaps we should just challenge America's lawyers to represent victims of abuse for free (or give protection orders for free, or whatever). The only reason we approached the ABA was b/c we thought they would agree to do something; if not, we might as well have a broader challenge.

Vicky Radd -

Marva Tucker
→ Chris Griffin
(Tampa)

Domestic violence

Proposal - join w/ ABA - ~~regarding~~ ~~issues~~

↳ Comm on Dom Viol

Materials as to what they're doing

We'll need to decide what we want to do.

Benni Campbell - DOT

Betsy

Eddie Nelson (?)

} Let of Pres??

Anything we can do to put Pres in w/ ABA or taking
act. on this issue.

ABA has new handbook - how to help victims

Partic. - guide to judges

Video - impact of dom. viol on ch.

for distrib to social workers / police officers.

version for kids to watch

May be other things:

Recent direction from AG -

no laws

Rec. that it be directed towards
battered women.

Don Vid Lotine -
enormous reaction/pain.

Debra Harrison

Some action in area

direction of lawyers' efforts

Real action faster - quickly.
↓

Memo-optics

Another thing to do.

Interactions of lawyers is
a nice one

Vicky Radd

Thinking abt how to insert Pres in what ABA is doing already.

Video - ^{show to} 13,000 cys in Chicago

Handbook for lawyers
Ed prof for judges
Series of confs - bring in p. from
cities to draft common plans
AUSA / ABA

Pres Commission
3-level list
- U ?

show President
fed part?
PP etc - raise
awareness.

ABA - Conf in Aug - 1-7.
Comm'n will announce handbook
Will work w/ Pres to do anything.

State + local bars resp. for help
bec legal serv. cut back.

Issue a challenge - opportunity to.

Rambo - but on another
topic
v. death.
Shalabat Camp Hill
NBA / NFL Player Ass'n
Cur cut aft locker-
rum talk

Melanne Venner -
ask ~~BA~~ what we can ask
other folks to do.

Not mtg.

End of wk.

Eldie Aleson

Ask ins. cos. denying
coverage for women.

(202) 662-1737
Fax (202) 662-1032
E-Mail: rvalente@attmail.com



AMERICAN BAR ASSOCIATION
Commission on
Domestic Violence

740 15th Street, N.W.
9th Floor
Washington, DC 20005-1009

Roberta (Rob) Valente
Staff Director



AMERICAN BAR ASSOCIATION

**Commission on
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Domestic Violence

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Randolph N. Stone
ABA Criminal Justice Section

Rebecca J. Westerfield
ABA Individual Rights and Responsibilities
Section/ABA Commission on Women
in the Profession

**ABA Board of
Governors' Liaisons**

Helaine Barnett
New York, NY

Jack Brown
Tulsa, OK

Commission Staff

Roberta L. Valente
Staff Director

Deborah Goelman
Staff Attorney

Julie Malshuk
Administrative Assistant

May 1, 1996

Victoria Radd
Assistant Director of Communications
The White House
West Wing, Ground Floor

Dear Ms. Radd:

Per a request from Roberta Cooper Ramo, I am sending you a copy of our video, "It's Not O.K.", a copy of the public service announcement developed by the Family Violence Prevention Fund and information pertaining to the ABA Commission on Domestic Violence.

If you have any questions about the Commission, please feel free to give Christopher Griffin, Marna Tucker, or myself a call. We look forward to the possibility of working with you.

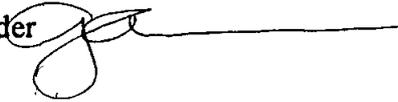
Sincerely,

Roberta L. Valente

cc: Roberta Cooper Ramo
Christopher L. Griffin
Marna S. Tucker

To: Elena Kagan
Jennifer Klein

From: Gail Alexander



A very rough sketch of ideas we discussed. Feel free to mix and match. There are opportunities in almost every media market and we would be happy to work with you on this. Our Annual Meeting is in Orlando from July 31 to August 6. Our House of Delegates meets on August 5 & 6. Let me know what additional information would be helpful

Proposal: To create a media event, involving President Bill Clinton, to spotlight domestic violence issues, and the role of lawyers and the legal system in stopping this national tragedy.

Option 1: Pair the President with Ben Savage, "Boy Meets World" star and host of "It's Not O.K.," in a visit to a domestic violence shelter or school (would be difficult with schools closing in May/June) for a conversation with children who have witnessed domestic violence in their homes. The President could reinforce the message of the video that violence is "Not O.K.," share his personal experiences, and offer words of comfort to children in similar situations. Possible locations: Los Angeles, Chicago, Miami (Safespace). A conversation in the White House with children selected could also include Biden and Hatch who cosponsored the Violence Against Women Act.

Option 2: The President could address the ABA House of Delegates during the Annual Meeting, and challenge lawyers to 1) ensure that state laws adequately protect victims and their children; 2) ensure that the laws are enforced by police, prosecutors and judges; 3) call on lawyers to do more and provide pro bono representation to victims and children, and 4) ensure lawyers and judges are adequately trained to deal appropriately with domestic violence.

Option 3: The President, Roberta Ramo and Ben Savage could participate in an electronic town hall connected with shelters in several parts of the country. Shelter residents and their children could pose comments and questions to the President or Ms. Ramo. The new ABA victim safety plans and "It's Not O.K." program for kids could be highlighted. This could be produced in conjunction with television programs such as CNN's "Talk Back Live," Larry King or Oprah.

Option 4: The President and Roberta Ramo could "staff" the national domestic hotline, which was created through funding in the Violence Against Women Act. Calls would be set up in advance. This could be coupled with a shelter visit described in Option 1.

Option 5: The President and Roberta Ramo could visit a comprehensive domestic violence court, such as that of Judge Linda Dakis in Miami, which concentrates on treatment of abusers to help stop the violence.

******Copies of the videos and domestic violence packet were delivered to Jennifer Klein.**

To: Elena Kagan
Jennifer Klein

From: Gail Alexander



A very rough sketch of ideas we discussed. Feel free to mix and match. There are opportunities in almost every media market and we would be happy to work with you on this. Our Annual Meeting is in Orlando from July 31 to August 6. Our House of Delegates meets on August 5 & 6. Let me know what additional information would be helpful

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it's NOT OK

What the experts say about 'It's Not O.K.,' an ABA/Disney video for children who witness abuse

"It's Not O.K.' is a sober reminder that children are the forgotten victims of domestic violence . . .this video will be shown to our 13,000 police officers as part of their comprehensive domestic violence training program . . .it will be extremely useful in spreading hope and assistance to thousands of children across America."

Matt Rodriguez, Superintendent of Police, City of Chicago

"I wish every parent could see this video . . .'It's Not O.K.' shows abused children that they are not alone, that they are not at fault, and that they can find help . . .it gives young people the power of hope."

Richard Riordan, Mayor of Los Angeles

"Children are the forgotten victims of family violence -- and this video provides a forum, an opportunity for those silent victims to speak out and find help."

Susan Murphy-Milano, "Project Protect," domestic violence survivor

"... this video will help us educate judges and others in the justice system about domestic violence and its effect on children."

Hon. Judith Kaye, Chief Judge, State of New York

"This video is a most valuable tool to help us reach kids, to teach them, that it's not OK for their father to hit their mother . . .'It's Not O.K.' will reach thousands of children, teaching them how to find a safe place . . .it tells kids that there are people willing to help."

Gil Garcetti, Los Angeles District Attorney

"In our shelter, we often see boys mimic their fathers' behavior by physically assaulting their mothers or shelter staff. Counseling can turn these children around and this video will be a valuable tool for helping us reach these kids."

Robert Schroeder, executive director, Safespace, Miami

"This video comes at a perfect time . . .it's a very effective resource that we plan to use in our efforts to assist abused children. We will be able to reach our children with the vital message that domestic violence is 'not O.K.,' and there are specific avenues to find help and safety."

Susan Mendley, M.D., Children's Memorial Hospital, Chicago

"We began using the 'It's Not OK' video immediately. We have found it to be a powerful tool in promoting dialogue with children about their personal experiences. It is an excellent reinforcement for children -- that domestic violence is not their fault."

Olga Becker, acting executive director, Chicago Abused Women Coalition

"The video will be of immense value to our agencies dealing with the delicate issues of child abuse and neglect."

Hon. Richard Montes, presiding judge, Los Angeles Juvenile Court

"We join with community leaders and domestic violence advocates in endorsing 'It's Not O.K.' The production of this film represents the type of public/private partnership that (we) believe is the key to solving the problem of domestic violence."

Scott Gordon, chair, Los Angeles County Domestic Violence Council

American Medical Association

Physicians dedicated to the health of America



Statement

FOR IMMEDIATE RELEASE

STATEMENT ATTRIBUTABLE TO: Lonnie R. Bristow, M.D.
President
American Medical Association

AMA APPLAUDS VIOLENCE COMMISSION'S EDUCATIONAL PROGRAM FOR YOUNG VICTIMS

AMA: Powerful program teaches children that they are not to blame for domestic violence

"Today, millions of American children are refugees of a domestic war they cannot control. These young souls are emotionally, mentally and often physically tortured by those who are supposed to love them the most -- protect them from the world's evil.

"We must save this generation of children from being permanently scarred by violent homes they can't escape and from role models who teach violent behavior as a way of life.

"It's Not O.K.: Let's Talk About Domestic Violence," is a powerful educational tool that teaches children that they are not to blame for domestic violence; that they can be safe; that violence is not an appropriate way to show anger; and that they can confide in a safe adult.

"Education is the most powerful tool we have in our quest to break the cycle of violence because it addresses the problem where it begins -- at the grassroots.

"The American Medical Association applauds this new educational program and looks forward to continuing our partnership with the American Bar Association on anti-violence efforts in the future."

#

For interviews or more information, contact: Lydia G. Steck
Senior Public Information Officer
American Medical Association
Lydia_Steck@web.AMA-ASSN.ORG
312\464-5372

(g:\relst\state96\abavideo.sta)

515 North State Street
Chicago, Illinois 60610
312 464 4430



Victory Over Violence

A Project of the Los Angeles County Domestic Violence Council Community Advisory Board
3175 West Sixth Street · Los Angeles, California 90020 · (213) 738-3192

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Chairperson

Gavin de Becker
Chairperson

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Scott M. Gordon
Chairperson
Domestic Violence Council

Linda Ikeda-Vogel
Chairperson
Domestic Violence Council

Press Release

Tuesday

March 12, 1996

Contact Person:

Scott Gordon 213-974-3950

Joan Carry 310-226-3053

LOS ANGELES, March 12 – *Victory Over Violence*, the Community Advisory Board of the Los Angeles County Domestic Violence Council, has donated television and VCR units to all of the domestic violence shelters in Los Angeles County.

This will allow battered women and their children to view films like the ground breaking "It's Not O.K. Let's Talk About Domestic Violence." produced by the American Bar Association and the Walt Disney Company.

Victory Over Violence joins with community leaders and domestic violence advocates in endorsing "It's Not O.K. Let's Talk About Domestic Violence." This tape illustrates the impact of family violence from a child's point of view, said Scott Gordon, Chair of the Domestic Violence Council. "It's kids talking to other kids." The production of this film represents the type of public private partnership that *Victory Over Violence* believes is the key to solving the problem of domestic violence.

Domestic Violence Hotline



For a Safe Way Out
of Domestic Violence

1-800-978-3600

Programs Target Kids in Spouse Abuse

BY KEVIN M. WILLIAMS
STAFF REPORTER

The focus of domestic violence is expanding to encompass the forgotten, silent victims of this social malady—children.

These efforts are going high-profile with two new television productions that deal with concerns about how violence in the home affects children. The American Bar Association's "It's Not OK: Let's Talk About Domestic Violence" debuted Friday, and the fifth episode of Oprah Winfrey's ChildAlert series will air on Monday's "Oprah Winfrey Show."

Children often feel as if fights and domestic violence are their fault. Also, children from abusive homes are 700 times more likely to be victims or abusers, said Olga Becker, executive director of the Chicago Abused Women Coalition, which operates the Greenhouse Shelter.

"These children are fearful and angry," Becker said. "Sometimes when they come to our shelter, they are in a non-violent environment for the first time in their lives."

The effects of spousal abuse on its direct victims is well-documented. But the indirect impact on children is not. More than 3 million

children will see a parent beaten or killed this year, according to an American Bar Association study.

"It's Not OK" was produced by the bar association, in conjunction with Walt Disney Co. Ben Savage, star of the television series "Boy Meets World," narrates this presentation, which looks at domestic violence from a child's perspective.



Oprah Winfrey

The kids in this video are actors, but what they have to say is still gripping, because their script comes from actual interviews with children who have witnessed domestic violence. The program's overriding sentiment is, "It's not OK to hurt somebody just because you're mad."

The nine-minute video tells children what to do when confronted with a violent situation. It stresses that the children are usually blameless, and that violence is not the way to show anger. "It's Not OK," part of an ABA educational outreach program, will be shown in schools, churches, counseling sessions and family court waiting areas.

The reason for this, said bar spokeswoman Jo Ellen Zacks, is that the video could exacerbate a situation if shown at home.

"If the abuser sees the family watching it," Zacks said, "More violence could result."

Another reason for its limited distribution is that therapists on the ABA commission wanted to make sure trained personnel would be around to deal with questions raised by children.

Oprah Winfrey's ChildAlert message is more widespread, intense and graphic. Real interviews with victims are interspersed with studio interviews, and it delivers the chilling message that "sooner or later, these children grow up."

Though adults can leave an abusive situation, children have no alternative, ChildAlert says. When prolonged exposure to violence in the home takes place, Winfrey's ChildAlert delivers the grim, brutal message that children are profoundly affected.

"What I found is the reason we have the kind of society that we have is related to the way we have been parented," Winfrey said. "The way we stop the dysfunction—to save our world, to save our children—is to help parents understand what is wrong in our homes, our schools, our communities, and do something about it."



ZWECKER'S PEOPLE

By Bill Zwecker

Top Cop Recruits Some Video Help

Thanks to Police Supt. **Matt Rodriguez**, Chicago native **Ben Savage**, star of ABC's "Boy Meets World," soon will be playing to a guaranteed audience—Chicago's 13,000 police officers. Rodriguez was so impressed with the American Bar Association-produced "It's Not O.K." starring Savage, that he decided to use the video to educate cops on how domestic violence impacts kids. ABA and Disney created the video for children who witness domestic violence.

■ Actress **Laura Dern**, who is a member of the Los Angeles Domestic Violence Council, along with such other stars as **Rosie O'Donnell**, **Michelle Pfeiffer**, **Susan Sarandon** and **Victoria Principal**, has provided funds to every shelter in L.A. so the video can be shown. Perhaps another generous soul will do the same here.



DETROIT FREE PRESS

MAR 12 1996

Video takes on abuse at home

Bar president makes awareness a priority

BY JACQUELYNN BOYLE *63*
Free Press Staff Writer

Jessica's father would go from room to room "looking for something to get mad at." Usually, that was the cue for Jessica and her brother to sneak out the back door, but their mom couldn't always get away.

"It's not right to hurt people just 'cause you're in a bad mood," says Jessica, one of four children featured on a new videotape designed to help young victims of domestic violence understand what is happening to them.

The video, produced by the American Bar Association and the Walt Disney Co., was unveiled Monday by Roberta Cooper Ramo, the first woman president of the ABA, who is making domestic violence one of her top priorities.

"When many of us started looking at this situation . . . in courthouses, in shelters and in police stations, what we saw are all these kids sitting there with nobody paying any attention to them," said Ramo, an Albuquerque, N.M., lawyer who spoke Monday to the Economic Club of Detroit.

"The message of this video to these kids is that this is not your fault."

The 8-minute video features two girls and two boys talking about their experiences with domestic violence. Interspersed between narratives is 15-year-old actor Ben Savage, star of the TV series "Boy Meets World," offering explanations and advice.

When Jessica talks about the violence at her home, Savage counters by saying families can learn to talk about their problems and solve them without hurting each other. When Earl recalls how scary it was for him to go to court and testify against his father, Savage notes that telling the truth helps work things out so the rest of the family can be safe.

And when Charlene talks about running to a neighbor's house every time her mother's boyfriend throws punches, Savage says that children should stay out of the fight and seek out a neighbor, friend or relative for help.

Ramo said the video was developed for children ages 7-12 and will be distributed to doctors, psychologists, courts and others with domestic violence expertise who work with victims. It won't be available to the public.

The main messages for children are: Don't blame yourself, don't consider this part of normal family life, and tell someone who can help you.

"It also explains to any adult watching it what it feels like to be a kid in this situation," Ramo said.

Ramo said the ABA also is focusing on educating judges about domestic violence and getting states to create family courts, which would handle all aspects of family law. This would include divorce and custody, child abuse and neglect cases, and domestic violence. Michigan lawmakers have been talking about such a change.

Ramo also urged employers to get involved by helping victims and making sure batterers are held accountable when they suspect there is a problem or when violence spills over to the workplace.

"Just as American business discovered the cost of alcohol and drug abuse in the workplace, we must now, as businesspeople, begin to understand the enormous cost of family violence to employers, in terms of lost productivity, health care and absenteeism."

Professionals may purchase the tape for \$15 plus \$3.95 shipping and handling. For more information, write the ABA Service Center, 541 N. Dearborn Court, Chicago, IL 60611.

FINDING HELP

Here are some numbers to call, anytime, for domestic violence counseling or shelter.

■ My Sister's Place, Detroit, 1-313-371-3900.

■ Interim House, Detroit, 1-313-861-8300.

■ First Step, Westland, 1-313-459-6900.

■ Turning Point, Mt. Clemens, 1-810-463-6990.

■ The Haven, Pontiac, 1-810-334-1274.

■ The Domestic Violence Project SAFE House, Washtenaw County, 1-313-996-6444.

■ Domestic Violence Clinic at Wayne County Legal Services, 1-313-962-0466, 9 a.m.-7 p.m. Mon.-Fri.

■ LACASA, Livingston County, 1-810-227-7100.

■ The statewide Family Violence hot line, 1-800-996-6328.

■ The nationwide Domestic Violence hot line 1-800-799-SAFE.

1031



FOUR **SAFE** WAYS FOR CHILDREN TO RESPOND TO DOMESTIC VIOLENCE

American Bar Association
Commission on Domestic Violence

Stay out of the fight. Children may try to intervene to protect the victimized parent. Explain why this is not a safe thing for them to do, even though they may want to help.

Avoid getting trapped in a small room or closet, or the kitchen. Talk about places in the home where children might be trapped or cornered. Explain why it's important to stay away from places in the house, like the kitchen, where there are sharp objects that can be used as weapons.

Find a phone. If you can get to one safely, call 911 for help and stay on the phone. Talk about finding a phone out of reach or out of sight of the batterer. Discuss options such as going to a neighbor's house to use the phone. Talk about what children should tell the dispatcher who answers the call and why it's important to stay on the phone.

Escape to a "safe place." Find a relative or neighbor and ask for their help. Talk about which grownups a child can feel safe turning to. Talk about alternative people the child might turn to if a relative or neighbor is unable or refuses to help right away. Emphasize how important it is to keep trying.

**Above all, remember to tell them
it is not their fault.**



FIVE MESSAGES FOR CHILDREN WHO WITNESS DOMESTIC VIOLENCE

1. **I**t's not your fault. You did not cause your parent to do a bad thing. And don't be ashamed -- you're not alone. Other kids have the same problem in their homes.

2. **V**iolence is not the way to show anger. Everyone feels angry sometime, but talking through problems is the way to make things better. Hitting only makes things worse.

3. **T**here are things you can do to be safe. Don't get caught in a fight. Call 911 if you can do so safely.

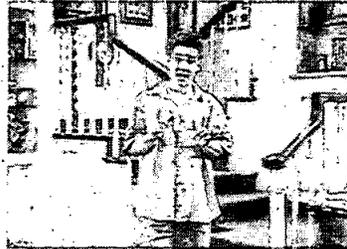
4. **F**ind a safe grown up who can help. There are people who can help you and your family. Don't give up!

5. **G**oing to court can help stop the violence. Judges and lawyers may ask hard questions, but court is where people go to make things safer.

it's NOT OK

"IT'S NOT O.K. LET'S TALK ABOUT DOMESTIC VIOLENCE AND CHILDREN" EDUCATIONAL VIDEO

IT'S NOT O.K.
Let's Talk About
Domestic Violence



Ben Savage

"In our country about 3 to 10 million kids see some form of domestic violence in their home. You are not alone!"



Earl

"Sometimes I think, if I hadn't been watching TV, or I had it quieter, or something, my mom wouldn't have gotten hit."



Ben Savage

"He isn't to blame. It wasn't his fault, and do you know something? It's not your fault either."



Jessica

"I could always tell when my dad was in a bad mood...I just think, if you're feeling bad like that, you should go hit a pillow or something...Talk to somebody. But it's not right to hurt people just 'cause you're in a bad mood."



Ben Savage

"Jessica's family learned how to feel and talk about their problems without violence. There are people who can help families learn how to discuss problems without hurting each other."



Charlene

"I used to hate it when people tried to get involved, but now I'm really glad. You can't handle stuff like that by yourself. Or at least you shouldn't. You can really get hurt."



Ben Savage

"One of the things you can do is have a safety plan:
1. Don't try to get in the middle of a fight. 2. Call 911 for help and stay on the phone. 3. Don't get trapped in a small room. 4. Find a neighbor or a safe relative and ask for help."



Earl

"I had to go to court...I didn't want to get my dad into any more trouble, but you know, you have to tell the truth. 'Cause that's how you help people, by telling the truth."



Ben Savage

"Going to court can be scary...you have to remember that court is a place where we try to work things out so everyone can be safe."



Toll-Free Telephone Numbers:

1-800-799-SAFE (7223)

1-800-787-3224 (TDD)



For more information, call...

Ending the Violence

With cooperation and commitment, we can banish domestic abuse



BY ROBERTA
COOPER RAMO

*The Walt
Disney
Company
and the ABA
have pooled
their talents
to create a
video for the
children who
are victims of
this national
disgrace.*

Lawyers are our society's best critical thinkers. The power of American lawyers to solve problems is a big part of what we do right. Usually, lawyers solve problems one client at a time.

Through the ABA, lawyers have the ability to harness the force of our collective knowledge and commitment to solve major national issues as well.

One of the most important social problems facing our nation is domestic violence. Lawyers play a key part in the large professional infrastructure that deals with this problem. Individually and in groups, we volunteer to operate legal-advice hot lines and work to reform domestic violence laws. We work with judges to provide better education, with district attorneys and police to make sure laws already on the books are properly enforced.

What lawyers must do more is reach across professional lines and join with physicians, business people, teachers and advocates for domestic violence victims. Together, we must develop solutions to care for victims of all ages and to stop the problem.

Making a Difference Together

Through the Commission on Domestic Violence, co-chaired by Chris Griffin and Marna Tucker, the ABA has brought together professionals to lend their expertise to combat this problem.

Commission members include Dr. Robert McAfee, immediate-past president of the American Medical Association; Matt Rodriguez, superintendent of Chicago police; Judge Judith Kaye, chief judge of New York state; domestic violence survivor Sarah Buel, who put herself through Harvard College and Harvard Law School and now heads the domestic abuse prosecutions unit of the Norfolk County (Mass.) district attorney's office; representatives of the military and the National Education Association, experts who deal with domestic violence; and, very importantly, John Cooke of The Walt Disney Company.

The commission's multidisciplinary approach is made all the more effective through the participation of one of the most powerful U.S. companies, the one that stands for happy family times—The Walt Disney Company. Through the leadership and creativity of Cooke, Fred Kuperberg and Cory O'Connor, Disney has joined ABA efforts to make a difference in the lives of children living in the tense, terrifying world of domestic violence.

Disney has used its magical ability

to communicate with children and its superb production capabilities, in conjunction with the research and expertise of the ABA's Commission on Domestic Violence, to produce a short video. The video, being jointly released this month, is designed to be shown to children in places such as police stations, battered women's shelters and courts. These are places where adults are absorbed with responding to the domestic abuse situation, and children—also the victims of a shattering experience—are all too often left sitting alone in the waiting room.

The video tells children three important things: Violence at home is not your fault; it is not right for people who love one another to be violent; and there are ways you can try to be safe when violence happens. The video presents narratives from children who have been in homes where there is domestic violence. Kids viewing the video will know they are not alone. The tone of the video is calming; it speaks to children ages 5 to 11 in language they can understand. Ben Savage generously donated his time and talent as narrator. The ABA will distribute the video with helpful written information to places across the country that need it.

Lawyers understand that we must pay attention to more than the immediate legal issues facing domestic violence victims. We must be among the dedicated, caring fixers of this social problem whose ramifications affect us all. The commission believes that much of the violence we face in American society is precipitated in some way by violence in the home.

Intervening Whenever Necessary

Lawyers must look at their colleagues, clients and friends to recognize the symptoms of domestic violence or the language of an abuser. We must be prepared to say: You need help, and here is where to get it. What makes domestic violence possible is silence. What will stop it is intervention and education.

When lawyers join other professionals, combining intellects and resources, we can solve this problem. Lots of people make New Year's resolutions—this year I propose a Valentine's Day resolution: no more kids listening to the people they love shouting in terrifying ways, hitting each other or throwing things. With help from people like those at Disney, advocates for victims of domestic violence, physicians of the AMA, teachers, police and judges of America, we can fix this problem. ■

Domestic violence tops agenda for new ABA chief

By Patricia Edmonds
USA TODAY

The American Bar Association won't formally install its first female president for another year.

But as energetically as if she already held the job, president-elect Roberta Cooper Ramo is staking out the policy turf she'll cover as leader of the 375,000-member lawyers' organization.

For example: She's a driving force behind the new ABA report on how family violence affects children, and she flatly declares that "the legal system has failed ... on the issue of domestic violence."

Colleagues say such fervor is typical of the 51-year-old Albuquerque lawyer.

Ramo is "a dynamo of energy, ideas, competence," says ABA board of governors member Barbara Mendel Mayden. "And it's wonderful for me, as a woman, to have that package in the form of the first woman president of the ABA."

It was 1967 when Roberta Cooper graduated from the University of Chicago law school, one of 13 women in a class of 176. She married Barry Ramo, a cardiologist, and moved to North Carolina.

There, she says, not only would no law firm hire her — a married female lawyer — but "no one even called me back." So she launched herself into the law by other routes: She provided legal services to poor people; she taught law at Shaw University, a historically black school in Raleigh.

Ramo joined a law firm in 1970 when she was nine months pregnant with her son, now 25. She then practiced law part time until her daughter, now 23, graduated high school.

ABA's attention turns to children

The ABA on Sunday proposed reforms to blunt the effect of domestic violence on children.

"The time has ... come for the ... legal profession to scrutinize and respond" to the problem, says the report, released at the ABA's meeting in New Orleans.

The report says up to 10 million children see domestic violence yearly.

Recommendations:

▶ Convicted batterers should be legally banned

from buying guns.

▶ "A parent with a history of inflicting domestic violence" shouldn't get custody in divorce cases.

▶ Lawmakers should consider making arrest mandatory in cases where abusive parents violate custody rulings meant to keep them from their children.

▶ Lawyers should do more to make their services affordable to victims of domestic violence.

— Patricia Edmonds

She feels that experience gives her a profound understanding of the balancing act — demanding job vs. hectic home life — that many lawyers face.

"I don't see it as a women's issue; I see it as a family issue," she says. "I think men in the profession are equally anxious to be good fathers. And we

have to work very hard to figure out how, during the years children are at home, we can make the profession work reasonably so people can have full family lives."

Ramo first ran for the ABA presidency in 1991, and lost on the 88th ballot. This year, she was the lone nominee; she assumes the role of president-elect at the ABA's New Orleans convention this week, and the presidency in summer of 1995.

She will focus on the law's response to domestic violence — an issue brought to her attention by her husband, from his work with a rape crisis center. More broadly, Ramo says, she'll be "emphasizing the role that lawyers have to play in reducing violence in America."

As for becoming the first female president in the ABA's 116-year history, Ramo says she's been "really tickled to see how many men who are lawyers are delighted about it."



By Leslie Smith, USA TODAY

“

We can't have a society in which children are raised in homes where they see their mothers being beaten or threatened.

— Roberta Cooper Ramo, ABA

”

Children need help in spouse-abuse cases

On Sunday, the American Bar Association released a report saying that millions of children are traumatized each year from witnessing violence in their homes and recommended ways to address the problem. They include reorganizing family courts and changing procedures to help battering victims (News story, 2A; editorial, opposite page).

Roberta Cooper Ramo, who will become the first woman to head the 375,000-member ABA, will be responsible for implementing the report. Her comments were edited from an interview with USA TODAY's editorial board.

Q: You say family violence affects at least 13 million children a year. What's the key to getting those numbers down?

A: Most criminal issues and social problems are best solved at the community level. We're especially interested in a unified court system — with the focus being on the children.

Q: What's the problem with the courts we have now?

A: Domestic violence is treated in a criminal court. We've got juvenile courts that deal with children. We have totally unrelated family courts that deal with things like divorce and child-custody issues. It's possible for all three courts to be dealing with the same family and never know what (the others are doing). If we could put the criminal, juvenile and family court issues all in the same place, we'd be far more likely to get a solution.

Q: Why isn't information shared?

A: There literally is not the mechanism to do this. In a lot of courthouses, district attorneys and judges have no idea that somebody's been arrested for the same thing 84 times. So we want to make sure that all the judges and the prosecutors know when there are multiple offenses from the same person or, when the same family has a whole series of things going on, that all that information is there.

Q: You've said that the legal system has failed to address the problem of domestic violence, but what about the media? Do you think coverage of the O.J. Simpson case will prompt action?

A: The media focus on the domestic violence aspect of that case will be very helpful. It helps everybody understand that when we all close our doors, no one really knows what goes on. Hopefully, the case will help us galvanize the public for the kind of financial support we need. And help get police interested in domestic violence training.

Q: Aren't they interested now?

A: If a woman is in the process of being threatened or battered and she calls the police, she gets a very different response depending on where she lives. In some cities, we have well-trained domestic response units. In a city where that doesn't happen, she will likely get a very unsympathetic response.

Q: Why?

A: The police who have not been trained at all will accept the line that it's a family matter. If you're in a system in which it's the victim's responsibility to make the complaint, a lot of women don't do it. There are good reasons for that.

Q: What reasons?

A: They're afraid of more beatings. Afraid for their lives. Afraid that their children will be taken away from them. Often there are economic reasons.

Q: So what can be done?

A: If you're in a system where the law says an arrest has to be made, maybe you get a different response. In my perfect system, you would have someone from the court immediately notified and there would be a lawyer and also a social worker or some sort of psychological help that would be given. And the other part that would happen in the perfect world is that someone would be looking after the children.

A: Are there many cases in which children are abused along with the mother?

A: That is unfortunately not an uncommon situation. In fact, one of the things to look for in child abuse is whether there's domestic violence as well. One of the benefits of our partnership with the American Medical Association is they've got very sophisticated physicians who recognize child abuse. Now, we must take them to the next step, which is, when they see child abuse, to start asking questions about domestic violence.

Q: How will you coordinate your efforts?

A: Sometimes the physician or the victim needs to know what their legal options are among other things. Right now in many communities, we don't have a concerted effort to provide free legal services for women at that point. By linking the medical and bar associations, we can make better doctors and lawyers to deal with the problem.

► ABA report, Ramo profile, 2A

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Help 'silent witnesses'

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Every day and every night in the USA, too many children witness too much violence. Not on the streets but in their own homes. Not the make-believe of TV but the rage and brutality of their own parents.

Often, these silent witnesses of horrendous violence go unnoticed — by police, the courts and society. Some are just babies and others are too scared to speak, so counting numbers is difficult. But between 3.3 million and 10 million kids witness domestic violence every year in the USA.

People tend to ignore these numbers until a celebrity case such as O.J. Simpson's comes along. Even then, they tune in only when it reaches extraordinary proportions.

Then, questions get asked. Was there any way that little Justin and Sidney Simpson could have lived in the house of Nicole and O.J. and *not* heard the profane shouting, the screaming and the crying, *not* seen what prompted repeated 911 calls for help?

For millions of other children, such questions never get asked.

The American Bar Association reviewed society's treatment of kids in violent homes. Its conclusion, released Sunday: "All too often law enforcement and judicial actions fail to meet the needs of children."

ABA offers some common-sense fixes.

First, get everyone working together for

the victims. Today, courts dealing with different aspects of family violence don't even talk to each other. You can read more about that on the opposite page.

Second, get tougher on abusers. Have mandatory arrest for violation of protective orders. Ban guns for those convicted of domestic violence or child abuse.

Third, provide specialized counseling and education to help these kids learn to live with unforgettable memories.

Locally, some groups already facilitate legal remedies for battered families.

There's a booth in Chicago's county courthouse that assists violence victims with immediate restraining orders to keep the batterers away from their kids.

In New Hampshire, emergency rooms show a videotape urging victims of domestic violence to seek legal help.

In Minneapolis, a multi-lingual program gives advice on protection and child custody to non-English speaking victims.

Such remedies tackle tiny pieces of enormous problems caused by domestic violence. Cash-strapped cities and states may have to shuffle budgetary priorities for more comprehensive solutions.

Such investments reap priceless dividends: safe kids, healthy kids, kids who want to grow up to be better adults.

WASHINGTON POST

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Legal System Fails Domestic Violence Victims, ABA Study Says

By Sandra Torrey
Washington Post Staff Writer

NEW ORLEANS, Aug. 7—The nation's legal system, including police, lawyers and judges, commonly fails women and children facing domestic violence, according to a report released today by the American Bar Association.

While the O.J. Simpson case has helped to spotlight family violence, ABA President R. William Ide III said that all too often the public focuses on the issue only when it involves a celebrity case.

An ABA task force has called for wide-ranging reforms. These include state and federal laws to prevent convicted abusers from buying guns and the unification of court systems to deal broadly with all aspects of domestic violence, from custody issues to criminal charges. The gun control proposal—one of several up for a vote by the ABA's governing body

at the association's annual meeting here—also would ban the sale of firearms to people subject to civil protective orders, which courts issue to keep alleged abusers away from their families.

Court systems often are so fragmented that a family court judge deciding a custody case could not know that a criminal charge is pending against one of the parents, said Howard Davidson, director of the ABA Center on Children and the Law. Violence often escalates and children become "pawns" when a battered woman leaves home and seeks divorce and child custody, said Chicago lawyer Bernardine Dohrn, who helped write the ABA's report.

Hawaii, Rhode Island, Delaware and a handful of other states have established unified systems to deal with these problems, the report said.

"Solutions don't happen with mandates from the federal government," said Roberta Cooper Ramo, who will take over as ABA president next August.

For solutions, the nation needs to look to innovative community-based programs, which already are working in some parts of the country, she said.

Experts estimate that more than 3.3 million children witness domestic violence in their homes, according to the report. Even when children are not the targets of violence, the battering of a parent takes a heavy toll, the report said. Children from violent homes are more likely to repeat that cycle as adults, and children "caught in the cross-fire of domestic violence are often injured," Ide said.

The report was illustrated with drawings done by children in Hawaii who had witnessed domestic violence. One portrayed in stick figures a man throwing an electric fan at a woman; another showed a childlike face with tears streaming from its eyes, and the words, "Mom and Dad having a fight."

"The drawings," said Ide, "are true-life messages from children."

AUG 14 1994

BURRELLE'S

But What About the Children?

They Remain the Silent Victims of Domestic Violence. And While There Is Help Out There, It Is Still Hard to Find.

By SUSAN CHIRA

VICKY B. knew her sons were in danger when they just took out their coloring books and watched as their father beat her.

"They were doing very poorly in school. They always fought. They were always in trouble," she said, asking that her last name be withheld to protect her sons' privacy. "When I realized it was affecting my children, I put him out."

Domestic violence has long been a hidden crime. But even now that the O. J. Simpson case has thrust the plight of battered women into public view, their children remain silent victims, all but unnoticed amid the furor. Even if they are never hit themselves, if what they see and hear are not actual blows but threats and intimidation, if they do not actually witness the abuse, experts say, domestic violence can scar children deeply. It haunts their nightmares and blights their school work. It can terrify them into near-catatonic silence or propel them into aggression — as children and as adults.

Indeed, two recent studies — one by the Journal of the American Medical Association, the other by the American Bar Association — concluded that it is worse for children to witness violence in their homes than it is for them to watch shootouts on the street. Children start to confuse hitting with caring; when they grow up, boys are more likely to become abusers and girls victims. Several other studies have found links between domestic violence and future criminality.

Because domestic violence is such a taboo, it is hard to determine how many families are affected. A New York City Task Force on Family Violence, citing 1992 figures as a minimal estimate, reported last spring that more than 161,000 emergency calls to 911 were reports of domestic violence; 52,000 calls were reports of child abuse or neglect. And in all too many cases, children end up being abused as well — sexually and physically. Studies have found that batterers often abuse their children, too.

Experts insist that the worst consequences of family violence can be averted, that these children can be helped. But in New York, and around the country, this help is hard to find, even with the resurgent interest in battered women. Just about every part of the system fails the children, according to the city report: child welfare, mental-health and homeless agencies, family and criminal courts, the police, schools and hospitals.

Furthermore, said the report, issued by the offices of the Manhattan Borough President, Ruth W. Messinger, and City Councilwoman Ronnie M. Eldridge, there is little or no coordination between those who try to help battered women and those who serve children. Few battered women's shelters even offer formal children's programs. Even worse, mothers are often terrified to report family violence to child welfare agen-

cies because if the children have been abused, the mothers are often charged with failure to protect them and stripped of custody. At the other extreme, the report noted, child welfare agencies do not even count witnessing family violence as a problem needing quick action.

And while private services are available for those who can afford them, therapists in private practice report that domestic violence usually remains a secret they only uncover after talking to children brought in for different reasons.

Still, a handful of programs that work are scattered throughout New York, both in the public and private sectors. And in March, Mayor Rudolph W. Giuliani announced a series of measures intended to help stem family violence, from placing specialists in emergency rooms of city hospitals to instructing the police to arrest batterers to improving tracking of cases.

Out of fear and shame, many families do not want to talk about their ordeals; many of those who do have emerged from the worst. Here are a few of their stories.

BREAKING THE PATTERN: COURAGE AND SUBTERFUGE

Vicky B. was determined that her sons would not grow up to be like their father, and she succeeded. The very children who were getting poor grades and fighting ended up with good grades and athletic honors. Her older son, 22 years old, is working and saving to open a business. Her younger son, 21, is studying accounting at York College. Their apartment, a few floors above the one where she lives with her second husband, is filled with their sports trophies.

Fifteen years ago, such a future seemed remote indeed. Her sons, then 7 and 8, cowered in their rooms when their father came home and beat her. He threw beer bottles that whizzed past her head and scarred the walls. Like many parents, Vicky thought at first that her sons might not know what she was enduring because she sent them to their rooms when he got home. But they remember, though they still do not like to talk about it.

"Sometimes I thought it was my fault they were fighting," said her younger son, who wanted his name withheld. "I would see it at first, and then my mother would tell me to go. I remember once they had a fight. We were just sitting on the floor, watching. He was really hurting her. That's when I asked him why he would do that. He got upset that I asked him. I think that's when I first started realizing what was going on."

Vicky began to connect her sons' problems at school with the violence. "There's a certain amount of trust they lose," she said. "They see this happening and think, is this the way you're supposed to live?"

Because children of family violence wait in fear for the next outbreak, they are distracted from the important lessons of childhood: who they are, how to get along with others, how to concentrate in school, said Dr. Ava L. Siegler, a child psychologist who heads the Institute for Child, Adolescent and Family Studies in Manhattan.

"There is nothing more terrifying to a child than the idea of an adult being uncontrollable," she said. "Instead of using language to control violence, a child learns to be completely helpless in the face of rage" — or to retaliate in kind.

When she realized her sons were at risk, Vicky decided her husband had to leave. But though she was a city employee who understood the system better than most, she faced obstacles that are still common, according to Alisa Del Tufo, one of the authors of the task force report.

One day, Vicky's husband threatened her with a machete and she called the police. The male police officer told her to give the machete back to her husband; the female officer took her aside and told her she should burn it and call her if he touched her again. She did, and then went to Family Court for an order of protection against her husband; she was turned down because she could not produce the machete as evidence.

Ms. Del Tufo said such incidents show how ineffective the police and courts often are in handling family violence. The task force reported that in 1992, just 7 percent of calls reporting abuse to 911 resulted in arrests. A majority of domestic violence cases are dropped. And school guidance counselors, with huge caseloads, often do not find out about domestic violence.

Vicky finally got help through a mix of courage and subterfuge. She talked to a colleague in the housing police (she worked as a teller for the Housing Authority) and won his promise that if she called that night, he would have a friend at the local station house show up. She had to stretch the truth, saying her husband was abusing her that night, although he had last hit her a few days before. She changed the locks when her husband went out for a beer. When he returned, the officer told him to leave.

Next she called a child welfare agency and got referrals to several mental health agencies that offered free therapy. She and her sons went twice a week, seeing individual therapists, for a year. Her son remembers being embarrassed and reluctant: "We thought he was gone and that was it." But Vicky said the combination of the therapy, their father's absence, and sports and after-school programs made a dramatic difference. Her sons' grades and attitudes improved, and they formed a close bond that endures even now, when she cooks them meals and brings them upstairs.

FINDING REFUGE: A NEW BEGINNING

Unlike Vicky, many women are unable to keep their homes or jobs and end up fleeing to shelters, leaving everything they own behind. In a typical quandary, the women often must go on welfare to receive the services — or bring some savings, which they may not be able to do. While battered women's shelters exist throughout New York City, space is tight. According to Victim Services, there are only 872 beds set aside in shelters for battered women and their children. Few include services specifically for children.

One that does is the Jewish Board of Family and Children's Services, where a 29-year-old Brooklyn woman sought shelter from the man who regularly beat and choked her, waved a broken beer bottle in her face and repeatedly threatened to kill her and her children.

The shelter in Queens provides counseling for women and their children, day care and after-school activities. Eileen Schulenburg,

a social worker at the shelter, said children are often just as distraught as their mothers. They may be very aggressive or completely withdrawn, even refusing to speak.

The Brooklyn woman, who refused to give her name for fear that her abuser would track her down, said Ms. Schulenburg had worked wonders with her children, who were having nightmares and fighting with one another and some of the other children at the shelter. She had three children with her first husband and an infant son with her abuser, whom she did not marry.

Her 2-year-old daughter had watched him smash the fish tank, step on the fish and throw the television at her. Her 10-year-old son saw her black out after her abuser tried to strangle her.

"My little one was talking in her sleep," the woman said. "In her dreams, she was fighting with someone almost every day. She kept on saying there were monsters. My son, he doesn't want to talk about it. He has a hatred for him. I don't want him to grow up to be an abuser himself."

That is not an idle fear. By watching such violence, children learn in the most vivid way possible that violence is a way to solve problems, said Dr. Annaclare van Dalen, a child therapist specializing in child abuse who is the director of community education for the Jewish Board. That is why, she said, children often grow up to become abusers, or victims, themselves.

"It cultivates thinking about relating to other people in terms of dominance and submission," she said. "Then the choices for children become, do you want to be the dominating partner or the submissive one?"

At the shelter, Ms. Schulenburg counseled the children individually and in groups. She encouraged them to draw pictures and play with toys — two play-therapy techniques that experts in this field say help children express otherwise hidden feelings.

The 10-year-old drew pictures of their family on an airplane, with the abuser drawn "so you could tell he hated him," his mother said. She learned other ways to help them: by holding family meetings to talk about problems, by giving them dough to punch or mold, by encouraging "time outs" to cool down.

Dr. van Dalen said she had found that children often do better talking to other children, because they distrust adults. At some of its outpatient mental-health clinics around the city, the Jewish Board brings together groups of families — although she, like Dr. Siegler and others in this field, cautioned that the batterer should only be included if he has stopped being violent.

Now the mother has moved out of the shelter and found a permanent apartment. The children are doing well in school and are spending the summer in day camp.

"They were very wild in the beginning, with a little sadness for what they left behind, but that changed into relief," she said. "I owe these people a whole beginning, a second chance in life."

WANDERING THE SYSTEM: A CHILD'S SEARCH

But too many children do not get help at all, either because they are too ashamed to tell anyone or because they themselves get caught up in the city's byzantine foster care system. Such was the fate of a 17-year-old boy who is trying now to shake off his past.

Beginning when he was about 4 years old, he watched his stepfather beat his mother.

"He would do it in front of me just about every night," said the teen-ager, who asked that his name not be used. "It was very scary. He kicked me down a flight of steps because I hit him with a broomstick because he was hitting my mother. I was 5."

When he was 7, he was placed in foster care and began years of wandering through the system. He lived for brief stints with his grandmother, his mother, a three-year succession of foster care homes, his grandmother again, a group home upstate, and another spell in foster care. His father finally claimed him, and he is now living with him.

He had no therapy in foster care, and though he was placed in special education and tagged emotionally disturbed, he got little counseling at school either — two typical oversights, Ms. Del Tufo said.

He has already had brushes with violence. When he was 14, a student threatened him with a razor and he hit him on the head with a stick, cracking the other boy's head open. He was arrested, but the charges were dropped. Although the court referred him to a program, his caseworker left and a year went by before another called him.

Dr. van Dalen said that it was particularly important to get children therapy before they become teen-agers, because by then they are often harder to reach. But the boy's father found out about the University Settlement, a settlement house on the Lower East Side that offers several short-term programs that bring teen-agers together to talk. Several of the programs offer counseling, help with housing and arts workshops as a way to vent emotions.

Since he started at the settlement, the teen-ager has testified before the City Council, protesting budget cuts in child services, and acted in several plays. One of his poems, called "Silent Tears," reads in part:

*As the tear
from one eye drips down my cheek,
with silent words of pain, and my
heart having flashbacks of the
horrifying emotions of the past*

A lanky boy with a sweet smile, he would clearly rather write about his feelings than talk about them. Meryl Berman, the settlement's director of community outreach programs, prodded him to speak up.

"Sometimes in the day I'm happy," he said. "Sometimes I get angry for nothing. When people bother me, I take anger from them and then the anger from the past."

"Have you ever struck a girlfriend?" Ms. Berman asked.

"Once, I hit a girlfriend. But it will never happen again."

Silence. Then Ms. Berman asked: "Do you think of yourself as violent?"

He paused, and said, "When I'm angry otherwise, no."

TRAPPED BY SILENCE: THE CHAINS OF AFFLUENCE

Other children, particularly those who come from better-off families, are often trapped at home in a conspiracy of silence.

As long as Jennifer M. can remember, when her father got drunk, he came home and beat her mother. Bursting through the door at 3 A.M., he would wake her mother up and demand food, then throw it at her when he didn't like it. Soon the sounds of slaps and thuds would reach the room where she and her sister waited in terror and sorrow.

"I used to hide in the closet with my teddy bear and cry," she said. "My sister would be curled up on her bunk bed, crying."

Jennifer's father is an accountant, her mother a housewife. Financially self-sufficient, with a reputation to protect, the family kept the violence secret. For years, she told no one, until a school friend asked her why she seemed so sad and jumpy.

"He tried to get me to talk to someone, but I didn't feel it was a problem," she said. "My mother and father say it's nobody's business. Something personal. You don't tell anybody — you're afraid to."

Dr. Siegler said that such silence was typical of many of the private patients she sees. In most cases, she said, mothers bring in children for another reason. If children tell her about violence, she confronts the parents, but they often deny it and refuse to come in for therapy themselves. Although she will try to persuade the mother to leave, as a last resort she rehearses with the child what to do when the hitting starts — when to call 911, when to run out of the house to a neighbor's, where to hide.

Jennifer also struggled with conflicting feelings about her father, who saved his blows for her mother.

"When I was a child, he would never hit me," she said. "He never hit us because when he was a child, his father used to hit him. I used to love to talk to him. Sometimes I hate him. Deep inside I do love him."

She finally ran away when she was 18, after her father started to turn on her because she had begun to date. One day, she lost the money he had given her to go to the store. When she got home, her father pushed her into a dresser and began beating her. All she remembers is showing up at her boyfriend's later and pulling back when he tried to hug her. He picked up her shirt and saw bruises all over her body.

Three months later she moved out, and is living with her boyfriend's family. She spent a year at New York University, and her father contributed some of the tuition. But she dropped out because the school wanted a larger parental payment than her father felt he could afford. She found out about University Settlement through her boyfriend, and sought help there after she became pregnant. At 19, she is the mother of a 2-month-old baby.

"They helped me sort out my feelings and get myself together," said Jennifer, who only broke down during a long and wrenching interview when she talked of her fears that she, too, could hurt her child. "I'm able to set goals. First, to be financially independent. Eventually, to return to school. I want to be an important person."

BOSTON GLOBE

BOSTON, MA
DAILY 509,867

MONDAY
AUG 8 1994
BURRELLE'S

ABA seeks better laws to protect children from domestic violence

ASSOCIATED PRESS

NEW ORLEANS - Millions of children witness domestic violence each year, and the legal system should do more to protect them, an American Bar Association report said yesterday.

"Family violence is the root cause of virtually every major social problem we face as a nation today," said Sarah Buel, a Boston prosecutor of domestic violence cases. "It is in our homes that children learn that it's OK to use violence to get what you want."

Pointing to the O. J. Simpson murder case, ABA President William Ide III said, "Too often public attention has only focused on family violence when it involved a celebrity. Yet such cases furnish vivid reminders that the legal system every day fails to protect the victims of family violence."

The report estimated that 3.3 million to 10 million children witness domestic violence each year. In 9 out of 10 cases, the mother is the victim, it said.

Even when the children are not attacked, they are traumatized and may grow up to be abusive partners, the report said.

It recommended mandatory arrests of abusers when they violate protective orders, providing more legal representation to domestic violence victims and creating a legal presumption that abusive parents should not win child custody in divorce cases.

Laws should be passed to ban firearm possession and purchases by people who have been found by a court to have committed domestic violence or child abuse, the report recommended.

When children see a parent being physically abused, they are traumatized and desensitized to violence at the same time, said Frank P. Cervone of the Support Center for Child Advocates in Philadelphia.

And when police do not arrest an abuser or quickly let him go free, what children "see is batterers getting away with this behavior," Susan Murrell, children's coordinator of the Battered Women's Program in Baton Rouge, said.

Roberta Cooper Ramo, an Albuquerque lawyer who will become president of the bar association in mid-1995, said most solutions to domestic violence must come from the communities. Lawyers can work on local policies to see that such violence is not tolerated, she said.

AUG 8 1994
BURRELLE'S

Deadly legacy: Family abuse

BY DAMECKUS GEORGE
Staff writer

Without intervention, the millions of children who each year witness violence at home are more likely than others to commit violent crime.

That's according to an American Bar Association report, "The Impact of Domestic Violence on Children," released Sunday in New Orleans. It strongly recommends immediate action to curb domestic violence as one way to address juvenile crime.

"The law must work to save lives, to protect abused parents and their children

by removing violent abusers," ABA President R. William Ide III said.

The report found that 3.3 million to 10 million children are affected — physically or emotionally — by domestic violence annually. It challenged the legal system to increase efforts to solve the growing problem.

Up to 40 percent of the nation's violent juvenile offenders can be linked to some type of vio-



lence at home, ABA statistics show. And 63 percent of American males ages 11-20 who were incarcerated for homicide were convicted of killing their mother's abuser.

Frequent brushes with violence at home teach children that it is the norm, the report said, resulting in these children more frequently battering their partners and committing other violent acts.

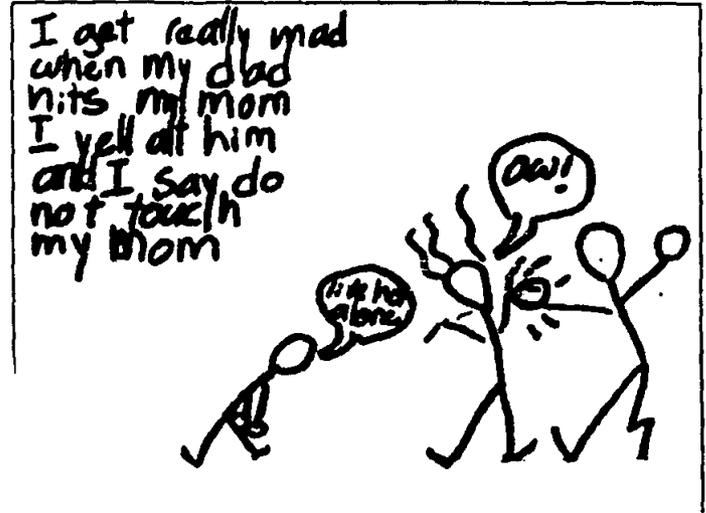
"Those statistics say a lot about today's society," said Howard Davison, director of the ABA Center on Children and the Law said. "That's why we need specific legal reforms aimed at safeguarding parents victimized and their children."

The report, which has not been adopted as ABA policy, urged mandatory arrests when protective or child custody orders are violated and a prohibition against abusers owning firearms. It also suggested that judges and lawyers be trained in handling domestic violence cases.

"Children can suffer grievous harm merely observing or hearing the domestic terrorism of brutality against a parent at home," Ide said. The report found that many children who witness domestic violence have health and sleep disturbances, aggression, anxiety, lowered self-esteem, stuttering, depression and other severe behavioral problems.

Patsy Green, executive director of Orleans Parish Juvenile Court, said children of domestic violence suffer while in school as well. "They can't concentrate on their work. And they don't want to get close or trust anyone."

Bernardine Dohrn, co-chairwoman of the ABA Litigation Section Task Force on Children, has a strong warning for victims: "When your husband or boyfriend hits you for the first time, leave because the violence will continue."



This drawing, provided by the Hawaii Family Court divorce education project, was included in a report released Sunday on domestic violence to depict the terror a child feels when one parent strikes another.

The ABA recommended that police and shelter and health care providers promote the safety of

victimized parents and their children. "We have 1,200 shelters for battered women and their children, but 36,000 animal shelters," Dohrn said. "What is that saying?"

Dohrn said such statistics tell where society's values lie, and in order for the problem of domestic violence to be solved there must be a galvanized effort among communities and the legal system.

"When a man hits his wife he goes to a hotel, but when he hits his neighbor he goes to jail," Dohrn said. "This is a social issue that we need to solve together."

SUN-SENTINEL

FORT LAUDERDALE, FL
SUNDAY 345.94X

AUG 14 1994

BURRELLE'S

EDITORIALS

Addressing domestic assault key to turning around violent society

⁸⁷⁴²¹
It comes as no surprise that domestic violence takes a heavy toll on the children who witness it. What is surprising is the vast number of children forced to grow up in such a harmful environment.

A report issued by the American Bar Association last week estimates that as many as 10 million children witness domestic violence each year. In nine of 10 cases, they are seeing their mother being assaulted by the man in her life.

People who work with young criminal offenders already know what the report points out: Kids who grow up witnessing violence at home are much more likely to turn to violence themselves.

"Family violence is the root cause of virtually every major social problem we face as a nation today," said Sarah Buel, a Boston prosecutor of domestic violence cases.

Domestic abuse teaches children early on that violence is an acceptable tool for dealing with conflict or for getting what they want. Even when children themselves are not attacked, they frequently are traumatized and desensitized by what they witness and are at greater risk of growing up to be abusive partners themselves, according to the ABA report.

While the O.J. Simpson case has pointed

the national spotlight on domestic violence, too little attention is being given to the fallout such violence has on the children who grow up knowing nothing else.

The number of troubled youngsters crowding the juvenile justice system is shocking until one considers the homes they come from. This generational cycle of violence spawning violence must be broken.

The ABA report recommends three common-sense steps toward addressing the problem. All merit serious national attention.

First, the ABA wants mandatory arrests of abusers who violate protective orders. Second, it wants beefed-up legal representation for the victims of domestic violence. And finally, it advocates a legal presumption that abusive parents should not win child custody in divorce cases.

Protective orders must be more than meaningless pieces of paper. Abuse victims need the legal resources to protect themselves. And, perhaps most importantly, parents who resort to violence in the presence of their children need to know they risk losing the right to rear them.

Children are this nation's most valuable resource, our investment in the future. It's time this nation gets serious about protecting them.

CHICAGO TRIBUNE

CHICAGO, IL
DAILY 724,257

MONDAY

AUG 8 1994

BURRELLE'S

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Shield kids from family violence, ABA says

NEW ORLEANS—Millions of children witness domestic violence in their homes each year, and the legal system should do more to protect them, an American Bar Association report said Sunday. "Family violence is the root cause of virtually every major social problem we face as a nation today," said Sarah Buel, a Boston prosecutor of domestic violence cases. "It is in our homes that children learn that it's OK to use violence to get what you want." The report estimated that 3.3 million to 10 million children witness domestic violence each year. In nine out of 10 cases, the mother is the victim, it said. The ABA report recommended mandatory arrests of abusers when they violate protective orders, providing more legal representation to victims of domestic violence, and creating a legal presumption that abusive parents should not win child custody in divorce cases. W201

Children see violence too often, lawyers say

NEW ORLEANS — Millions of children witness domestic violence in their homes each year, and the legal system should do more to protect them, an American Bar Association report said Sunday.

"Family violence is the root cause of virtually every major social problem we face as a nation today," said Sarah Buel, a Boston prosecutor of domestic violence cases. "It is in our homes that children learn that it's OK to use violence to get what you want."

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cases, the mother is the victim, it said.

Even when the children themselves are not attacked, they are traumatized and may grow up to be

abusive partners, the report said.

The ABA report recommended mandatory arrests of abusers when they violate protective orders, providing more legal representation for domestic violence victims, and creating a legal presumption that abusive parents should not win child custody in divorce cases.

Laws should be passed to ban firearm possession and purchases by people who have been found by a court to have com-

mitted domestic violence or child abuse, the report recommended.

Susan Murrell, children's coordinator of the Battered Women's Program in Baton Rouge, said many children she has worked with have talked about things they wished they could do to stop abuse against their mothers.

When police do not arrest an abuser or quickly let him go free, "what (children) see is batterers getting away with this behavior," Murrell said.

Roberta Cooper Ramo, an Albuquerque, N.M., lawyer who will become ABA president in mid-1995, said most solutions to domestic violence must come from the communities instead of federal law. Lawyers can work on local policies to see that such violence is not tolerated, she said.

MONDAY
AUG 8 1994
BURRELLE'SLEGAL '94
SUMMIT
A SPECIAL REPORT

NEW ORDER IN THE COURT

Report urges attorneys to lead reform of domestic abuse laws

By CHRISTOPHER KILBOURNE
Staff Writer

The legal profession is failing to protect millions of children each year from the devastating physical and psychological effects of seeing a parent battered, according to an American Bar Association report released Sunday.

The report on "The Impact of Domestic Violence on Children" calls on lawyers to take a lead role in bringing about legal reforms designed to safeguard parents and children who are victimized by domestic abuse, and it recommends increased training for judges and lawyers involved in these cases.

"We are essentially blowing the whistle on ourselves," said ABA President R. William Ide III, who commissioned the study in March.

"Too often, public attention has focused on family violence only when it surrounded a case involving a celebrity," Ide said, referring to the O. J. Simpson case, which has permeated many of the programs at the ABA's weeklong annual meeting. "Yet such cases provide vivid reminders that the legal system commonly fails to protect the victims of family violence."

Many of the findings and recommendations dovetail with

a five-part series published last year by The Record, including heightened awareness of the problem, tougher enforcement of existing laws, and additional training for Family Court judges.

In June, the New Jersey Assembly approved a package of bills that included legislation requiring sensitivity training for judges, police officers, and judicial personnel who handle domestic violence cases. The bills also would add stalking to the list of offenses defined as domestic violence, and afford new protections to victims of abusive dating relationships.

The report estimates that anywhere from 3.3 million to 10 million children a year see domestic violence. Researchers believe that 87 percent of the children in homes with domestic violence witness the abuse.

"They're seeing it, they really are," said Susan Murrell, who is with the Battered Women's Project in Baton Rouge, La. "The mothers don't want to think so, but they are."

Murrell was one of the panelists earlier Sunday at an ABA program on "Stopping the Spiral of Violence." The session included heart-wrenching drawings by children that depicted husbands beating wives and fathers beating children.

The effects of domestic violence on children range from the physical, such as birth defects, to the psychological, which can include anxiety, aggression, behavioral problems, lowered self-esteem, stuttering, and depression, the report stated.

Statistics released by the ABA show that children who witness domestic violence are likely to perpetuate the cycle:

- Of American males ages 11 to 20 who are behind bars for homicide, 63 percent were convicted of killing their mothers' batterers.

- About 75 percent of boys who witness domestic violence were found to have demonstrable behavioral problems.

- Domestic violence is found in the families of 20 percent to 40 percent of chronically violent adolescents.

"Children see a whole lack of response to the battery, and it makes them lose respect for the system," Murrell said. "This is a powerful, powerful message that they are getting."

"The time has now come for the entire legal profession to scrutinize and respond to this problem," the report states. "The law must protect children who live in violent home environments."

The report calls for a number of changes in domestic violence laws and policies, including:

- The adoption of domestic violence laws that require police and courts to adequately protect children.

● Support for enhanced education, treatment, and awareness efforts related to domestic violence and children.

● More legal representation for adult and child victims of domestic violence.

● Prohibitions against the purchase or possession of firearms by perpetrators of domestic violence.

● Consideration of domestic violence in all custody and visitation hearings.

"For too long, domestic violence was America's quiet, ugly secret," Ide said. "Police were not adequately prepared to handle domestic violence calls, prosecutors assigned junior attorneys to handle cases, and many judges shrugged their shoulders and looked the other way."

AUG 9 1994

BURRELLE'S

Fighting domestic violence

Crisis teams aid victims

By JENNIFER L. BALJKO
Home News Staff Writer

Fifteen or 20 years ago, police officers responding to a domestic-violence call would often virtually dismiss the incident by taking the alleged batterer for a stroll around the block, hoping he would cool down and not stir up additional trouble later that night.

With this response as the norm, victims often felt there was no one they could turn to.

Over the past few years, a revolution of sorts has taken place in New Jersey. State statutes now require special training sessions for police and judges, as well as the mandatory arrest of alleged batterers, said

Jackie Marich, executive director of Women Aware, a nonprofit agency in New Brunswick that provides counseling to victims.

At the local level, five Middlesex County municipalities have taken the lead in tackling domestic violence. South River, South Brunswick, Edison, Woodbridge and South Plainfield feature active domestic-violence crisis teams, and Plainsboro is trying to form one, Marich said.

The teams have their work cut out for them. With heightened awareness of domestic violence in the wake of the O.J. Simpson case, state shelters for battered women reached capacity last week, and the state Division of Family Development called on county welfare agencies to make available to women and children in crisis safe havens normally occupied by the homeless.

According to Marich, the latest Middlesex County domestic-violence figures indicate a 43 percent increase in the number of complaints reported to the police in 1993. The number of calls in 1993 totaled 4,908, compared with 3,424 in 1992.

South River's domestic-violence team, created in 1991 under the direction of Chief Francis Eib, was one of the first such volunteer groups established in the county.

Sen. Bill Bradley, D-N.J., cited the South River team recently when he introduced legislation to make federal funds available to municipalities to set up crisis teams to serve as a link between police and victims.

The latest trend in fighting domestic violence is to provide greater legal assistance and more group counseling to victims, who are predominantly women.

Turmoil at Home

• Middlesex County has experienced a 43% increase in domestic violence reports from 1992 to 1993.

• The state Division of Family Development has asked county welfare agencies to take steps to provide safe havens for women and children in crisis because state shelters for battered women have reached capacity.

• An American Bar Association report recommends that federal domestic violence laws require:

- Mandatory arrest when abusers violate protective order;
- more legal representation to domestic violence victims; and
- legal presumption that abusive parents should not win child custody in divorce cases.

Local hotline numbers

Women Aware: 249-4505/4504
Women's Referral Center: (800) 322-8092
South River: 651-STOP (7867)
Edison: 248-7361
Woodbridge, South Brunswick, South Plainfield:
Call local police departments

HOME NEWS GRAPHIC

The American Bar Association released a report on Sunday calling for more legal representation for victims and increased law-enforcement, shelter and health-care resources for victims and their children.

Local domestic-violence teams, comprising trained volunteers, offer support to victims, inform them of their rights and refer them to other counseling agencies or to shelters, said Marich. Volunteers receive 30 hours of classroom instruction from Women Aware and are supervised during the first 10 hours of counseling, she added.

"We would like to see teams in every community because we

know it works," said Marich. "Twice as many people sought assistance from police within the last year because of the success of the teams we got started."

Local counselors said the crisis teams give victims time to voice their concerns without being rushed by police officers who must go back on patrol.

"We listen to them (the victims)," said a South River crisis-team member who asked to be identified only as Pat. "Many of them have not been listened to for a very long time, and they need someone to talk to."

Edison's program coordinator, Lynn Boettinger, stressed that the victim directs the response given by the crisis team: Counselors are called in only when the victim is ready to talk about the incident.

"It's whatever the prospective client wants," said Boettinger. "If they want to meet with us immediately, a counselor will be called in (by the police officer). It could be a telephone contact, if they want that. They might be looking for some referral sources and haven't made up their minds about what to do, so we'll send them information."

The Edison coordinator said victims who seek counseling usually have been involved in three to five serious domestic-violence incidents "before they make a decision to do anything concrete."

STAR-LEDGER

NEWARK, NJ
DAILY 481,027

MONDAY
AUG 8 1994

BURRELLE'S

ABA asked to help protect children from domestic violence

By KATHY BARRETT CARTER

NEW ORLEANS—Unveiling a study which paints a bleak picture of the impact of domestic violence on children, the president of the American Bar Association issued a clarion call yesterday to lawyers and judges to do more to protect children from the devastating physical and psychological effects of family violence.

Speaking during the 116th annual ABA meeting held in this city by the Mississippi River, R. William Ide said lawyers and judges have not done enough to stop the spiraling cycle of domestic violence, particularly as it affects children.

The ABA study, which Ide said tells "a depressing story," reveals that the lives of children are being snuffed out at an alarming rate because they are being caught in the crossfire of domestic violence.

Those who are not physically struck down are scarred emotionally because witnessing violence leaves an indelible impression on children, causing some to accept violence as a way of life and to repeat the cycle, Ide said.

"Children who live in homes where there is domestic violence are more likely than others to become batterers of their partners when they become adults or to view violence among intimate companions as an acceptable or inevitable norm," Ide said.

The report is designed to become a blueprint for action, Ide said.

Ide noted that he wanted lawyers to work with doctors, other professionals and advocates to turn the troubling trends around.

Considering that 3.3 million to 10 million children are affected annually, Ide said, the consequences of doing nothing are simply too great.

Titled "The Impact of Domestic Violence on Children," the report calls on the legal profession to take the initiative to bring about reform.

"The law must work to save lives, to protect abused parents and their children by removing violent abusers and to protect victim-parents from continued exposure to domestic violence without risking the loss of child custody to their batterers," Ide said.

Referring to the O.J. Simpson case, Ide said, "Too often public attention has only focused on family violence when it has surrounded a case involving a celebrity.

"Yet such cases furnish vivid reminders that the legal system commonly fails to protect the victims of family violence."

Attorneys told to help break the cycle

Statistics say

According to the report:

■ Sixty-three percent of American males ages 11 to 20 who are in prison for homicide were convicted for killing their mother's batterer.

■ Twenty to 40 percent of chronically violent adolescents come from homes where domestic violence is found.

■ Seventy-five percent of boys who witness domestic violence have been found to have demonstrable behavior problems.

■ Fifty percent of abusive husbands batter their pregnant wives, causing these women to be four times more likely to bear low-birth-weight infants.

Bernardine Dohrn, a Chicago advocate for victims of domestic violence who spoke at the Law Center in New Brunswick in April on the link between child abuse and wife battering, said that for too long the courts have treated these related issues as "separate worlds."

She added that there is a direct connection between child abuse and neglect and wife beating.

"One of the ways we can protect children is to protect their mothers and parents," Dohrn said.

In the years she has been dealing with the issue, Dohrn said, progress has been made. She pointed out that there

are now 1,200 shelters for battered women and children nationwide. But to demonstrate that much more needs to be done, she said there are 3,600 animal shelters across the country.

While domestic violence remains a serious problem in New Jersey, the state law is believed to be one of the toughest domestic violence statutes in the nation.

About a decade ago, the Legislature adopted a comprehensive statute which was strengthened further recently when advocates pushed for amendments aimed at closing loopholes in the law.

Metuchen attorney Kenneth Vercaemmen, who is the Cranbury municipal prosecutor and specializes in handling municipal court cases in his private practice, said he did not have enough contact with children to know the impact family violence has on them but that many of the things that occur in other states do not happen in New Jersey anymore.

"New Jersey has a very tough law," said Vercammen, who has represented accused batterers and victims in New Jersey.

For example, Vercammen said Simpson would not have gotten off so easily in New Jersey if he had been accused of battering his wife because police are required to arrest a husband, even if the wife does not wish to file a formal complaint, if there is evidence of physical abuse.

One of the key reforms proposed by the ABA yesterday, taking all firearms away from batterers, is already the law in New Jersey.

The move was pushed by law enforcement officers who felt their lives, as well as the lives of women and children, were in danger when they responded to domestic violence calls at the homes of people with guns.

Consequently, legally possessed weapons can be confiscated by police responding to a domestic violence scene.

The ABA report recommends state and federal legislation which would accomplish the same thing.

"It just makes common sense to me and the committee to prohibit someone with a history of violence from possessing a gun or purchasing one," said Howard Davidson, a Washington, D.C., lawyer who worked on the report.

Other reforms proposed in the report include:

- Mandatory arrest when there is probable cause to believe court orders of protection have been violated or when an abuser violates a custody or visitation order.

- Increased training of lawyers and judges and other involved in the juvenile and child welfare system.

- Law enforcement, shelter, health care and judicial resources should be provided to promote the safety of parents and children victimized by domestic violence.

A task force will be established to work on implementing the recommendations.

An ABA first

Patsy Taylor, head of the Louisiana State Domestic Violence Coalition, said she was thrilled that the ABA had taken on the cause "because it is a national organization that is not identified with women's issues and it is saying the same things we have been saying all along.

"If we are going to look at the crime problem in America, we have to look at what is going on behind closed doors," she said.

"That is the only way to solve the problem of violence. Domestic violence is not a feminist issue. It is not a women's issue," she added.

Roberta Cooper Ramo, president-elect of the ABA, said she would continue to make the issue a priority when she takes over in August 1995.

"We have the power of the bullypulpit to galvanize lawyers and physicians," Ramo said, adding that the ABA's involvement will not be a one-shot deal.

NOV 15 1994

BURRELLE'S

THE OPEN FORUM

LETTERS AND COMMENTARY

The destructive impact of domestic violence

A special American Bar Association report released last week found that domestic violence has a powerful, destructive impact on millions of children who witness violence in their homes and concludes that attorneys and the legal system are not doing enough to protect these children from physical and psychological effects of seeing a parent battered.

"The Impact of Domestic Violence of Children" calls for a number of specific legal reforms aimed at safeguarding parents victimized by domestic violence and their children, such as mandatory arrests in certain child-related circumstances, prohibiting firearm possession by abusers, and increased training of lawyers and judges involved in domestic relations cases.

In releasing the report at a news conference at the ABA annual meeting in New Orleans, President R. William Ide III, points out that "too often public attention has only focused on family violence when it has surrounded a case involving a celebrity. Yet, such cases furnish vivid reminders that the legal system commonly fails to protect the victims of family violence."

With 3.3 million to 10 million children affected annually, Ide said, the consequences of not acting are great. The report found that children can suffer grievous harm "merely observing or hearing the domestic terrorism of brutality against a parent at home."

Further, Ide pointed to evidence that "children who live in homes where there is domestic violence are more likely than others to become batterers of their partners when they become adults or to view violence among intimate companions as an acceptable or inevitable norm."

The report challenges the legal profession to take the lead in bringing about needed reform. "The law must work to save lives, to protect abused parents and their children by removing violent abusers, and to protect victim-parents from

continued exposure to domestic violence without risking the loss of child custody to their batterers."

The report also calls for increasing resources for education and treatment of children exposed to domestic violence and expresses concern over what it calls "a profound shortage" of legal services available to quickly and efficiently aid low income parents in domestic violence cases.



The report says it is "unconscionable that an indigent parent victimized by domestic violence is turned away from a legal aid office, or placed on a long waiting list because of program capacity barriers."

The report, which has not been presented to the ABA's policy-making House of Delegates and does not constitute official ABA policy, includes specific recommendations for legislation and proposals for what the organized bar and individual attorneys should do to better address domestic

violence and its adverse impact on children, including recommendations suggesting that:

▽ State and federal legislation should require perpetrators of domestic violence to relinquish any firearms they possess to the police;

▽ Mandatory arrest of abusers should be available where there is probable cause to believe court orders of protection have been violated or abusers have violated custody or visitation orders;

▽ Appropriate law enforcement, shelter, health care and judicial system resources should be provided to promote the safety of parents victimized by domestic violence, and their children;

▽ Continued education should be provided to all attorneys, judges and others involved in juvenile, child welfare, and domestic relations cases on the impact of domestic violence on children.

The report is illustrated with artwork drawn by children who have lived in homes with domestic violence. The drawings, provided by the Hawaii Family Court's divorce education project, graphically depict the terror a child feels when one parent strikes another.

The report was drafted by Howard Davidson, Director of the ABA Center on Children and the Law. The ABA entities sponsoring this report are the Steering Committee on the Unmet Legal Needs of Children; the Young Lawyers Division; Children and the Law Committee; the Section of Family Law; Domestic

Violence Committee; the National Conference of Special Court Judges; Domestic Violence Committee; the Litigation Section Task Force on Children; and the Criminal Justice Section, Victims Committee.

The report is available from the ABA Service Center, 750 North Lake Shore Drive, Chicago, Ill. 60611; 800-285-2221. The cost is \$6, plus \$2 for shipping and handling. The order reference number is 549-0248.

Boston children bear witness to life's violence

By Patricia Edmonds
USA TODAY

When Boston City Hospital created the Child Witness to Violence Program in 1992, counselors expected most patients would be kids exposed to violent street crime.

But so far, more than 60% of their 75 patients have been kids who've seen violence at home, says project director and counselor Betsy McAlister Groves.

Some kids will talk about their trauma to Groves and colleague Judy Hunt. Others put their agonies on paper.

One 3-year-old boy watched his father beat his mother, including blows to the head, and was so terrified he threw up. Eight months later when he saw another adult bump her head, Groves says, he instantly relived the trauma: "I don't want my mommy to hurt her head again," he cried.

As a 4-year-old boy listened to his mother describe to counselors how her husband beat her, the boy moved close and addressed her soberly. "Don't worry, Mom," he said. "I won't let it happen again."

After a 7-year-old boy watched his father try to kill his mother, he and his mother went into hiding in a shelter. When the boy came to counseling, his first words to Groves were, "We're in a place that's safe now. My daddy can't find us."



Hawaii Family Court

A CHILD'S DRAWING: To show counselors and court officials what they witnessed in violent or chaotic homes, young children often can draw pictures of things they have trouble putting into words. In this drawing, from a Hawaii Family Court project, an 8-year-old describes being sad, mad and scared when his dad is abusive — and happy when he leaves.

A 7-year-old girl didn't just tell Hunt what she saw: She drew it, scene by painful scene.

First, she drew a peaceful scene of her and her mother in bed. Then she drew a stick figure entering the room, with a caption "Open the door before I knock it down!" Fi-

nally, she drew her mother's face, covered with red marks.

Blood, the girl said.
"Witnessing domestic violence is a huge issue for kids," Groves says. "No place is safe. One must always be on guard."

Clinton no stranger to domestic violence

By Patricia Edmonds
USA TODAY

The most powerful politician in the United States was once powerless to protect his abused mother.

President Clinton has not spoken in detail about the violence his alcoholic stepfather, Roger Clinton Sr., visited upon his mother, Virginia. But experts say that childhood violence helped shape the men that Clinton and his half brother, Roger Jr., are today.

As a youth, Clinton told *U.S. News & World Report*, he tried to be a "force for peace" against his stepdad's rages — and the effort made him feel "40 at the age of 16."

Clinton was not available to be interviewed for this article. But in *Leading with My Heart*, the autobiography published after her January death, Virginia Kelley wrote candidly of the abuse the family endured.

The senior Clinton "did have a terrible violent streak running just below the surface," Kelley wrote. "He mostly kept it below the surface. I stress the word mostly."

Kelley recalled arguing with her husband about leaving the house with Bill, then 5 — and "before I knew it, I heard a gunshot and a bullet smacked into the wall next to me." She called police, Roger Clinton was arrested — but the violence recurred.

By the time Bill was 9, Kelley wrote, "it got so that it didn't take an actual incident to set (her husband) off. . . . We would hear Roger's car drive up. . . . I would begin to tense up, and I could tell Bill would, too. . . . As Roger got almost to the door, we could hear him cursing to himself. At times like that, I knew we were in for a night of it.

"None of the neighbors knew what was going on. . . . I was too embarrassed to tell."

In 1959, 15-year-old Bill called police, saying his stepdad was "abusing my mother (and) threatened to mash my face in if I took her part," court records show.

What Kelley recalls as a final showdown, when Bill was in his teens, began after "Roger came home early, drunk and furious, and he got me down in the laundry room with a pair of scissors at my throat."



Reuters
FAMILY PORTRAIT: Bill Clinton, left, mother Virginia Kelley and step-brother Roger.

Francis Roger Jr. ran to a neighbor's house to get his big brother, Kelley wrote. "Big Roger threw me down and wheeled to face Bill, who pulled little Roger behind him with one hand and me behind him with the other.

"Bill was seething. 'You're not going to hurt them anymore,' he said to his stepfather. 'You're not going to hit Mother and you're not going to hit Rog any more. We're not going to take it anymore. If you hit them, you're going to have to go through me.'"

Kelley wrote that her youngest son was "the obvious casualty" of his father's abuse — and psychologist Richard Gelles agrees.

"Roger Clinton shows some of the real signs of growing up witnessing abuse: He has had drug problems, and hasn't had the academic performance his brother has," says Gelles, of the University of Rhode Island's Family Violence Research Program.

As for Bill Clinton, Gelles says, witnessing the violence "doesn't seem to have compromised him — he seems to be a pretty high-functioning adult."

But from a childhood of mediating his parents' fights, Clinton learned to be "a pleaser," Gelles suggests. Some say Clinton has carried those traits to the White House: An aversion to conflict, a longing to get along.



When home turns into hell

Youth violence in the nation's streets grabs the headlines and heartstrings, but experts say the deeper scars on children and society often are inflicted closer to home: when kids see violence between Mom and Dad.

FACES OF FAMILY CONFLICT



FEAR: Anna had seen her father burn and stab her mother — so she nervously watches for him en route to a hiding place.

Since 1982, Donna Ferrato has photographed scenes of domestic violence — what she calls “the dark side of family life.” Some photos show kids ensnared in that violence — and Ferrato hopes that with her pictures, “maybe for the first time, people will understand what children are feeling.”

When Ferrato photographed a boy screaming at his father for beating his mother, she saw “how it empowered that child to say to the adult causing so

much pain, ‘I hate you for what you are doing.’”

In her 1991 book *Living With the Enemy*, Ferrato withholds names of those who could be at risk if identified but tells their stories in unflinching detail.

She feels so strongly about what she saw that she formed an advocacy group, the Domestic Abuse Awareness Project. Through sales of her pictures, it has raised \$250,000 for women's shelters and victims' groups.



Photos by Donne Ferrato, Domestic Abuse Awareness Project

A CHILD'S ANGER: A Minneapolis 8-year-old screams 'I hate you! Never come back to my house!' at his father as police arrest the man for attacking his wife.



A MOTHER'S CONCERN: Kim and her son escaped her violent husband for the safety of a Philadelphia women's shelter, but she feared that the tensions of the move will make her prone to abusing the child. Says Kim: 'I could grab him right now, if he did something bad, and throw him against the wall.'



BRAVERY: Jason always takes his plastic gun and rubber knife to bed with him, telling his mother, 'If Daddy comes, I'll be able to stop him.'

USA TODAY
Aug. 3, 1994

Abuse. the behavior that's passed down

Bill, a middle-aged janitor, beat at least five of his lovers and wives.

John, a young auto mechanic, beat his girlfriend until she left him, then stalked her.

Counselor David Adams found the two batterers so alike — their all-night jealous rages, their backhanded blows — it was as if the older man had somehow taught the younger.

And he had, as Adams later learned. Bill and John are father and son.

Adams says the men, whom he identifies only by first names, embody a grim truth: Children raised amid domestic violence often grow up to repeat it.

At Emerge, a 15-year-old Boston program for men who batter, "We're now counseling sons of original clients," founder Adams says.

Bill was 47, a recovering alcoholic, when he came for counseling in 1987, Adams says. He had five kids living with former partners he had beaten; he sought treatment only after his current lover threatened to leave.

Bill said as a child, he'd been beaten by his own dad. He admitted punching, choking and backhanding his wives and lovers, dragging them by the hair and trashing their homes.

After about five months, Adams says, Bill stopped coming for counseling, changed his phone number and vanished.

John was 24 when he came to Emerge in 1993, sent by the court after a conviction for assaulting a girlfriend. The woman told counselors that John choked and backhanded her, punched holes in walls and vandalized her car. Although the court ordered John to stay away from the woman, he didn't, and he bullied her into keeping that secret.

Adams recalls John talking about his youth: "He said he would come home and his father would be violent to his mother — and one way he learned to deal with that was by becoming even more violent than his dad."

When John's girlfriend told him they were



By Suzanne Plunkett, AP

ADAMS: We're now counseling sons of original clients in Boston program.

through, he stalked her, at one point breaking into the restaurant where she worked and chasing her through the kitchen. After seven months, John was ejected from the program, Adams says; he assaulted his girlfriend again and is incarcerated.

Emerge ends up terminating half its participants because they won't change, Adams says. Of the rest, perhaps 20% learn to stop being violent toward partners — a success rate "very comparable to alcohol and drug treatment programs."

Adams remembers both Bill and John as "very good at saying the right things to mimic change" — but then, in much the same way, remorselessly reverting to violence.

Only after Emerge ejected John did counselors learn he was Bill's son.

— Patricia Edmonds

Experts: Wounds cut deep at any age

For children, witnessing domestic violence leaves different scars at different ages, experts say.

► The harm may "start in the womb, because women who are abused are often most at risk during pregnancy," says psychologist Peter Jaffe, co-author of *Children of Battered Women*. "Often, kids feel the blows before they're born."

► Infants may be "caught in the crossfire," Jaffe says — injured as a mother shields them from blows meant for her. Violent disruptions can prevent infants and young children from developing normal sleeping and eating patterns, so they fail to thrive.

► Young children can be depressed and lethargic, if the person they need the most is not available to them because she's fending off violence and abuse.

Richard Gelles of the University of Rhode Island's Family Violence Research Program says, "Little kids almost become autistic, non-verbal. They have terrible nightmares. They strike themselves."

"But when you get them out of the violent

environment for a reasonable period of time," the symptoms fade.

► Children aged 3-12 are most deeply affected, Jaffe says. Girls respond with anxiety, suicidal thoughts, insecurity, poor self-esteem. Boys show those symptoms, as well as fighting and bullying other kids, destruction of property and disobedience at school.

Seeing domestic violence may even "stimulate neurological changes that make a child prone to become addicted to the arousal that violence and aggression bring," says psychologist James Garbarino.

"And if children become desensitized by constant low levels of violence, it takes ever harsher acts to produce that same arousal."

► Teens who witness domestic violence are at increased risk of psychological problems, promiscuity and pregnancy, suicide, delinquency and substance abuse.

Compared to kids raised in non-abusive homes, Gelles says, they are 2-3 times likelier to grow up to be violent adults.

— Patricia Edmonds

COVER STORY

Lesson stays with kids as they mature

Like father, like son: Battering women carries on in next generation

FRONT PAGE
By Patricia Edmonds
USA TODAY

seen her abused by boyfriend Clifford Crawford for six years. After they broke up, Crawford harassed her. In September he killed her, with the kids just yards away.

"I picked up my children right after their mommy got murdered and I saw signs of relief on their face," says Rick Barbarino, Preator's ex-husband. "Not because their mommy was murdered — but because it was over."

As the nation obsesses about youth street violence, it overlooks a closer, more virulent threat: "Witnessing violence between parents in the home results in more severe consequences" for kids even than seeing street carnage, says a *Journal of the American Medical Association* report.

"Boys become more abusive as adults; girls become victims," the report says. "Children of both sexes may come to see violence as ... an integral part of a close relationship."

Revelations that O.J. Simpson battered wife Nicole — he's pleaded not guilty in the killing — catapulted the issue of domestic violence onto front pages and TV screens.

But psychologist Peter Jaffe finds coverage of the Simpson case frustrating. "There's been such a focus on him, little focus on the two victims and very little focus on the children," says Jaffe, co-author of *Children of Battered Women*.

Just as experts give varying estimates of how many women endure domestic violence each year — from 572,000 to 4 million — they also differ on how many kids see it. Some say 1 million; some say 10 million.

And yet, the children of domestic violence are "the real victims we've forgotten about, who have no place in the system at all," says American Bar Association president-elect Roberta Cooper Ramo.

In a report to be released Monday, the ABA will propose reforms to change that — in part because the children themselves need help but also because children suckled on domestic violence are much more likely to become violent as adults.

"If you see aggression between your parents, the likelihood that you will learn to be violent ... is 2-3 times greater" than it is for other children, says psychologist Richard Gelles.

The reasons seem clear. Experts say a child's early years are spent drawing "social maps" by which they later live.

What does that map look like to a child who's witnessed domestic violence? A harsh land of insecurity and chaos, where brutes control and the brutalized live in fear.

When counselor Betsy McAllister Groves asked a 5-year-old to describe his violent home, the boy drew a childishly classic house: a square topped with a triangle roof, two windows, a front door.

But sharp fangs lined the doorway, the windows were angry eyes — and the stick figures running from the house were the boy and his sister, crying tears as big as fists.

When children themselves are abused, "they develop coping mechanisms ... that allow them to go from day to day," says lawyer Paul Mones, who represents children who have killed abusive parents.

"Witnessing a parent being harmed is very different," he says. "It throws off the coping mechanisms" and plunges children into riptides of anxiety, worrying about themselves and about their parent — in most cases, their mother.

Eddie Elliott of Columbus, Ohio, was 6 when he found the bludgeoned body of his mother, Barbara. He's 12 now, tormented by nightmares.

Eddie's father Edward Elliott confessed, and faces charges in the killing. But in what's probably an unprecedented use of Ohio law, he was convicted this week of "mentally assaulting" his son by leaving the body where the boy would find it.

Experts long have believed child abuse victims are at increased risk later for psychological problems, delinquency and substance abuse.

Now, research shows just seeing a parent being abused "is even more predictive of those negative outcomes than children being victims themselves," says Gelles, who heads the University of Rhode Island's Family Violence Research Program.

Only this decade, Gelles says, have experts "started to call witnessing a form of child abuse."

In the Simpson home, if the kids never were physically touched — and no one has alleged they were — I'd still be concerned," he says. There, "instances of domestic violence went so far as to come to police attention eight times" — when Nicole Simpson called 911.

"Everybody has heard that 911 call," Jaffe adds, the one in which Nicole Simpson says her ex-husband has broken in, and begs him not to shout lest he wake their kids.

"How many people heard that and wondered, 'How are young children managing?' When they hear their dad's voice, the screaming ... are they confused about why someone they love so much would hurt someone else they love so much?"

When Jaffe interviews parents in domestic violence cases, he says, "most think their kids don't know it went on. But when we interview the children, we find 80%-90% of them know exactly what was going on."

The children of domestic violence sleep lightly, alert for screams and crashes. They know what it means when they're sent to bed early. They listen at their bedroom doors.

Maryland state lawmaker Connie Gellizzo DeJullis remembers sending her son to his room 25 years ago, so he wouldn't see his dad beat her.

Later, "He had to get a chair to reach the faucet and wet a paper towel. He came over to me and knelt down and was wiping the blood off my face — and his voice wasn't angry, it was just matter-of-fact. He said, 'Mommy, when I grow up I'm going to get a knife and kill him.'"

That night, DeJullis says, she took her son and two daughters, and left.

"We leave our children in violent situations, and we expect them not to be violent?" she says, incredulous. "We need to show that little boy that if you beat somebody, it's a crime, and you're going to go to jail."

Current laws and enforcement don't do the job, lawyer Mones says. For example, even when divorce is granted on grounds that a husband beat a wife, he may still get visitation rights to the kids — and chances to accost the woman again.

In researching his book *When a Child Kills*, Mones studied histories of convicts on death row and concluded, "More often than child abuse ... you'll find the witnessing of violence against their mother."

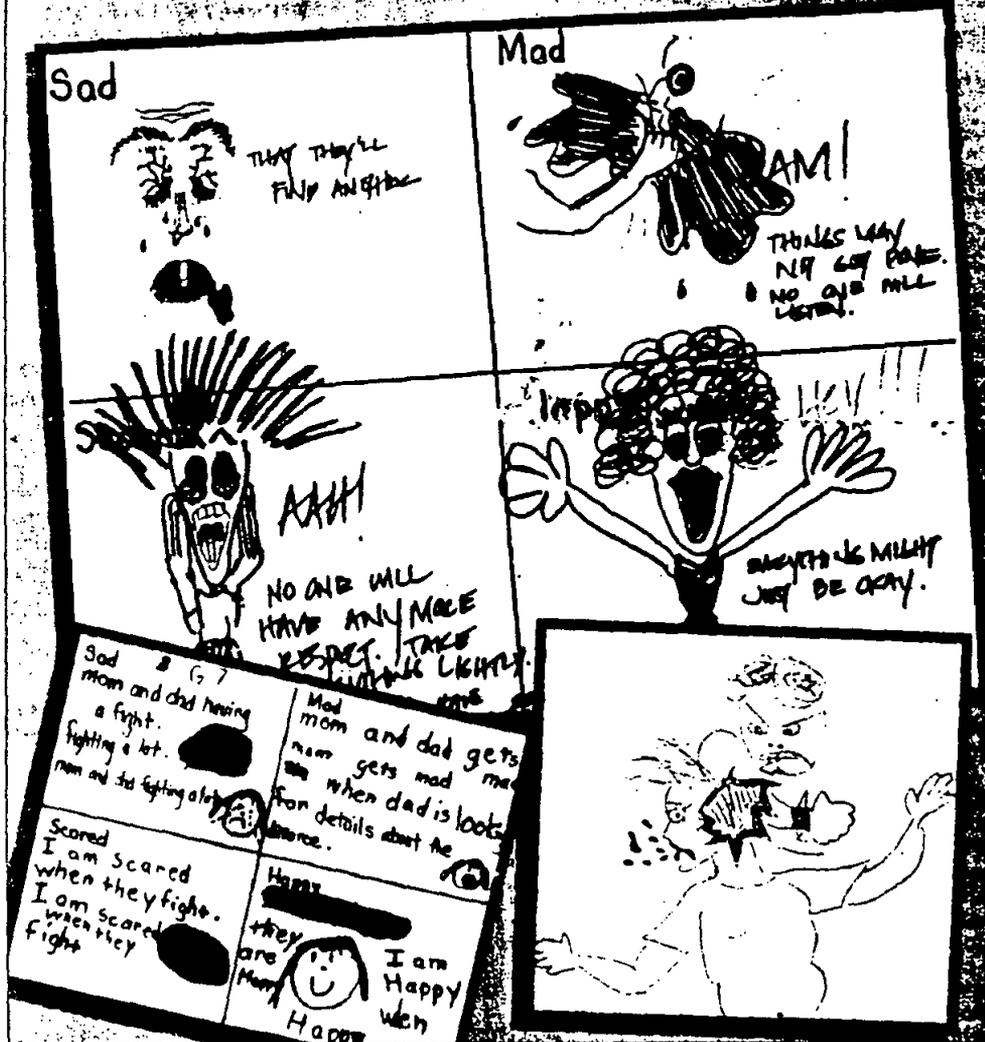
And Gelles recalls counseling an 11-year-old who had chased his mother around the house with a gun. "I said, 'What on Earth made you do that?' And he said, 'That's what my dad does when he's mad at her.'"

Last month, Clifford Crawford went to prison for murdering Sherry Preator. Her kids remain fearful and angry and cry for hours at night, says grandmother Donna Chantland.

Just before Preator was shot, her 11-year-old herded the younger kids outside, away from the fight. Later, Chantland says, the girl told her, "Grandma, maybe if I would have stayed in, he wouldn't have done that. It breaks your heart."

WITNESSES TO VIOLENCE

Just seeing domestic abuse harms kids



By Suzy Parker, USA TODAY
CHILDREN'S VIEW: Drawings by children in a Hawaii program show the trauma of seeing domestic violence, which one report says has more severe consequences than seeing street crime.

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ROBERTA COOPER RAMO, ALBUQUERQUE LAWYER, IS
FIRST WOMAN PRESIDENT OF AMERICAN BAR ASSOCIATION

CHICAGO, Aug. 9 -- Roberta Cooper Ramo, long a leader in the New Mexico and national legal communities, today becomes the first woman President in the 117-year history of the American Bar Association.

The ABA has more than 370,000 members, and is the largest voluntary professional association in the world. Ramo will serve one year as President.

The ABA's President is its chief spokesperson, and presides over meetings of the Board of Governors, a 33-member body that meets five times yearly to oversee administration and management of the association.

Ramo is a shareholder in the Albuquerque, N.M., law firm of Modrall, Sperling, Roehl, Harris & Sisk, P.A., and has practiced law continuously in Albuquerque since 1972. She previously practiced in San Antonio, Texas.

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RAMO. Add One

Ramo already has initiated a national campaign to combat family violence, creating the ABA's National Commission on Domestic Violence. Its members include past presidents of the American Medical Association and the National Education Association, and top Disney executives.

She was appointed in July by Attorney General Janet Reno and Health and Human Services Secretary Donna Shalala to serve on the newly-created U.S. Advisory Council on Violence Against Women.

Ramo is a past chair of the ABA Section of Law Practice Management, and has served on the section council continuously since 1974. The section strives to improve client services by helping lawyers develop more effective management practices.

Also, Ramo was chair of the Select Committee of the House of Delegates of the ABA. The House is the association's policy-making body. She has been the Law Practice Management Section's delegate to the House of Delegates since 1987, and also held that post at the 1985 ABA Annual Meeting. She has been chair of the association's Council of Section Officers (now named the Section Officers Conference), Legal Technology Advisory Commission, Coordinating Council on Legal Technology, and committee to oversee the ABA celebration of the Bicentennial of the Constitution at the 1987 Annual Meeting. She is a member of the Committee on Professional Service Corporations of the ABA Taxation Section, and a past member of the section's Committee on Employee Benefits.

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RAMO, Add Two

Among Ramo's other professional activities, she is a Fellow of the American College of Probate Counsel, the New Mexico Estate Planning Council, New Mexico Bar Foundation and The American Bar Foundation. She served on the Board of Directors of the American Judicature Society and has served on the University of Chicago Law School Visiting Committee. She is a former chair of the Section of Business, Banking and Corporation of the State Bar of New Mexico, and is a member of the Board of Directors and a past president of the Albuquerque Bar Association.

Ramo also participates in a variety of community activities. She was president of the New Mexico Board of Regents and continues to serve on the University of New Mexico Board of Regents. She chaired the 1990 committee to search for a new president of the university. She has been a member of the Board of Directors and Executive Committee of the Greater Albuquerque Chamber of Commerce, and in 1987 she was the first woman to be named to New Mexico Amigos.

She is a past president of New Mexico Symphony Orchestra, is a member of the New Mexico Fellows Board of Directors, and is a past member of the board of New Mexico First. She serves on the Executive Committee and Board of Directors of Albuquerque Community Foundation.

Ramo has lectured on legal subjects internationally, and has edited, authored and contributed to numerous books, articles and other publications. She was recently awarded honorary degrees from the University of Colorado at Boulder, the University of Denver and the University of Missouri at Kansas City.

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RAMO, Add Three

Ramo received her law degree in 1967 from the University of Chicago Law School and her bachelor of arts degree, magna cum laude, in 1964 from the University of Colorado. She is licensed in New Mexico and Texas.

-30-

ramopres

Views

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