

HPB

167



Official Business

Alaska State Legislature


HOUSE OF REPRESENTATIVES

Representative Ann M. Spohnholz
District 13 Seat A

P.O. Box V
State Capitol
Juneau, Alaska 99811
465-2435

MEMORANDUM

TO: Members of the House HESS Committee

FROM: Representative Ann Spohnholz 

DATE: March 10, 1989

RE: HB167 - "An Act relating to child custody determinations."

Historically, domestic violence has been viewed as a problem between the adults in the family, and has not been viewed as a direct problem for the children who often witness the violence in their families. As the article in your packet, "Children, the Forgotten Victims of Marital Violence" indicates, our experience in this field has caught us that children suffer long term and devastating effects of being raised in violent families, whether or not they themselves are physical victims.

HB167 adds child abuse and neglect, as well as evidence of domestic violence, to the factors to be considered by the court in determining whether to award shared custody of a child. Many judges currently do consider these factors, however, others do not. I believe that this information should always be considered in awarding custody, and urge your support.

Senate Bill 86, an identical measure introduced in the Senate, passed the Senate unanimously yesterday with the title changed. I would support a committee substitute to HB167 that makes the same title change.

Attachments: HB167
Sectional analysis of HB167
Fiscal notes (2)
CSSB86 (Rules)
Governor's transmittal on SB86
Position paper
Newsletter article

STATE OF ALASKA
THE LEGISLATURE

POUCHY STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 7, 1989

SUBJECT: Sectional analysis
HB 167

TO: Representative Ann Spohnholz

FROM: Terri Lauterbach *Terri*
Legislative Counsel

Following is a sectional analysis of HB 167:

Section 1 requires a court that is determining whether to award shared custody of a child to consider any evidence of domestic violence, child abuse, or child neglect in the proposed custodial household.

Section 2 requires a court that is determining the best interests of a child with respect to child custody issues to consider any evidence of domestic violence, child abuse, or child neglect in the proposed custodial household; a history of violence between the parents; or other factors that the court considers pertinent.

TL:gc
WKG7/109

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Department of Law
 Title: "An Act relating to child custody determinations." BRU: Legal Services
 Sponsor: Repr. Spohnholz Components: Operations
 Requestor: House HESS

EXPENDITURES/REVENUES: (Thousands of Dollars)

| OPERATING | FY 89 | FY 90 | FY 91 | FY 92 | FY 93 | FY 94 |
|------------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | | | | | | |
| TRAVEL | | | | | | |
| CONTRACTUAL | | | | | | |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | -0- | -0- | -0- | -0- | -0- | -0- |
| CAPITAL | | | | | | |
| REVENUE | | | | | | |

FUNDING: (Thousands of Dollars)

| | | | | | | |
|---------------|-----|-----|-----|-----|-----|-----|
| GENERAL FUND | -0- | -0- | -0- | -0- | -0- | -0- |
| FEDERAL FUNDS | | | | | | |
| OTHER | | | | | | |
| TOTAL | | | | | | |

POSITIONS:

| | | | | | | |
|-----------|-----|-----|-----|-----|-----|-----|
| FULL-TIME | -0- | -0- | -0- | -0- | -0- | -0- |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

ANALYSIS : (Attach a separate page if necessary)

Please see the attached analysis.

Prepared by: Richard I. Pegues, (Director) Phone: 465-3672
 Division: Administrative Services Date: March 9, 1989
 Approved by Commissioner: Douglas B. Baily, Attorney Gen. Date: March 9, 1989
 Agency: Department of Law

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HB 167

This bill amends AS 25.20.090 and AS 25.24.150, concerning marital and domestic relations, by adding a new factor to those to be considered by a court in determining child custody, to include any evidence of domestic violence, child abuse, or child neglect in the proposed custodial household or a history of violence between the parents. To a limited extent, divorce attorneys already subpoena Division of Family and Youth Services social workers to testify in custody disputes involving such evidence. This testimony usually does not involve Department of Law attorneys. However, the department advises social workers to inform the court about the confidentiality of their records, and to insure that their testimony is covered by 7 AAC 36.120, the regulation that allows social workers to testify in such proceedings, upon the court's order. For this reason, it is not anticipated that the bill have a fiscal impact on the Department of Law. To the extent that the bill will increase the time spent by social workers, giving testimony in child custody disputes between parents, there may be an impact on the Division of Family and Youth Services.

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: "An Act relating to child custody determinations"
 Sponsor: Rep. Spohnholz
 Requestor: _____
 Agency Affected: Health and Social Services
 BRU: _____
 Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

| OPERATING | FY 89 | FY 90 | FY 91 | FY 92 | FY 93 | FY 94 |
|-------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | | | | | | |
| TRAVEL | | | | | | |
| CONTRACTUAL | | | | | | |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | - 0 - | - 0 - | - 0 - | - 0 - | - 0 - | - 0 - |

| | | | | | | |
|---------|-------|-------|-------|-------|-------|-------|
| CAPITAL | - 0 - | - 0 - | - 0 - | - 0 - | - 0 - | - 0 - |
|---------|-------|-------|-------|-------|-------|-------|

| | | | | | | |
|---------|-------|-------|-------|-------|-------|-------|
| REVENUE | - 0 - | - 0 - | - 0 - | - 0 - | - 0 - | - 0 - |
|---------|-------|-------|-------|-------|-------|-------|

FUNDING: (Thousands of Dollars)

| | | | | | | |
|---------------|--|--|--|--|--|--|
| GENERAL FUND | | | | | | |
| FEDERAL FUNDS | | | | | | |
| OTHER | | | | | | |
| TOTAL | | | | | | |

POSITIONS:

| | | | | | | |
|-----------|--|--|--|--|--|--|
| FULL-TIME | | | | | | |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

ANALYSIS : (Attach a separate page if necessary)

The Department's zero fiscal note is based on the assumption that the Division of Family and Youth Services will only perform a records check by request of the Court in order to determine if domestic violence, child abuse or neglect has occurred in the past. However, if the Division is required to conduct an investigation/assessment/home study in child custody (see attachment)

Prepared by: _____ Phone: 465-3170

Division: Family + Youth Services Date: 3/6/89

Approved by Commissioner: [Signature] Date: 3/6/89

Agency: _____

Distribution (by preparer) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

Analysis (continued)

cases the fiscal and workload impact will be immense. If the division staff are expected to do the in-depth family assessments, then a fiscal note will be necessary.

STATE OF ALASKA 1989 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST:

Bill Version: HB 167
Publish Date:

Revision Date:
Title: An act relating to child
custody determinations
Sponsor: Sponholz, Ulmer, Ellis...
Requestor: House HESS

Agency Affected: Alaska Court System
BRU: Trial Courts
Components:

| EXPENDITURES/REVENUES: | | (Thousands of Dollars) | | | | |
|------------------------|---------|------------------------|---------|---------|---------|---------|
| OPERATING | FY 89 | FY 90 | FY 91 | FY 92 | FY 93 | FY 94 |
| Personal Services | | | | | | |
| Travel | | | | | | |
| Contractual | | | | | | |
| Supplies | | | | | | |
| Equipment | | | | | | |
| Land & Structures | | | | | | |
| Grants & Claims | | | | | | |
| TOTAL OPERATING | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

| | | | | | | |
|---------|---------|---------|---------|---------|---------|---------|
| CAPITAL | | | | | | |
|---------|---------|---------|---------|---------|---------|---------|

| | | | | | | |
|---------|---------|---------|---------|---------|---------|---------|
| REVENUE | | | | | | |
|---------|---------|---------|---------|---------|---------|---------|

| FUNDING: | | (Thousands of Dollars) | | | | |
|---------------|---------|------------------------|---------|---------|---------|---------|
| General Funds | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Federal Funds | | | | | | |
| Other | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

| POSITIONS: | | | | | | |
|------------|---------|---------|---------|---------|---------|---------|
| Full-time | | | | | | |
| Part-time | | | | | | |
| Temporary | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: *Jan Strandberg*
Jan Strandberg, General Counsel
Division: Alaska Court System

Phone: 264-8228
Date: 03/06/89

Approved by: *Arthur H. Snowden, II*
Arthur H. Snowden, II, Administrative Director
Agency: Alaska Court System

Date: 03/06/89

- Distribution (by preparer):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management & Budget
 - Impacted Agency(ies)

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Public Safety
Title: An Act relating to child custody BRU: Council on Domestic Violence
determinations and Sexual Assault
Sponsor: Spohnholz, etc. Component: _____
Requestor: Spohnholz

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

| OPERATING | FY 89 | FY 90 | FY 91 | FY 92 | FY 93 | FY 94 |
|-------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | | | | | | |
| TRAVEL | | | | | | |
| CONTRACTUAL | | | | | | |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | 0 | 0 | 0 | 0 | 0 | 0 |

| | | | | | | |
|---------|---|---|---|---|---|---|
| CAPITAL | 0 | 0 | 0 | 0 | 0 | 0 |
|---------|---|---|---|---|---|---|

| | | | | | | |
|---------|---|---|---|---|---|---|
| REVENUE | 0 | 0 | 0 | 0 | 0 | 0 |
|---------|---|---|---|---|---|---|

FUNDING: (Thousands of Dollars)

| | | | | | | |
|---------------|---|---|---|---|---|---|
| GENERAL FUND | | | | | | |
| FEDERAL FUNDS | | | | | | |
| OTHER | | | | | | |
| TOTAL | 0 | 0 | 0 | 0 | 0 | 0 |

POSITIONS:

| | | | | | | |
|-----------|---|---|---|---|---|---|
| FULL-TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| PART-TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| TEMPORARY | 0 | 0 | 0 | 0 | 0 | 0 |

ANALYSIS: (Attach a separate page if necessary)

This bill would apply to child custody determinations between two private parties. It will have no effect on the Department of Public Safety.

Prepared by: Barbara Miklos, Executive Director Phone: 465-4356
Division: Council on Domestic Violence and Sexual Date: 3/6/89
Assault
Approved by Commissioner: Arthur English Date: 3/6/89
Agency: Department of Public Safety

BILL NO: HB 167

DATE: March 6, 1989

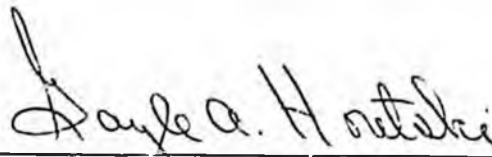
TITLE: An Act relating to child custody determinations

CONTACT: Barbara Miklos, Exec. Director
Council on Domestic Violence &
Sexual Assault
465-4356

DEPARTMENT OF
PUBLIC SAFETY

Revising the factors used in determining child custody to include domestic violence is one of the highest priorities for legislation of the Council on Domestic Violence and Sexual Assault. Therefore, the Council supports HB 167. HB 167 specifies that the court shall consider "any evidence of domestic violence, child abuse or child neglect in the proposed custodial household" when determining whether to award sole custody or shared custody of a child. There are two sections of statutes which list factors for awarding custody; AS 25.20.090 addresses shared custody and AS 25.24.150 addresses custody in general. AS 25.20.090 currently lists violence between the parents as a factor to be considered when awarding shared custody. HB 167 revises the language to include domestic violence, child abuse or child neglect and makes the factors for determining custody under AS 25.24.150 more consistent with those listed in AS 25.20.090.

Domestic violence, child abuse and child neglect are important factors which must be considered when making decisions about custody. Yet, domestic violence is often not seen as directly harmful to the children. People often believe that domestic violence is between the two adults and may not affect the children. However, it has been proven that children in a violent household live in fear that their mother will be hurt or killed. They themselves are at higher risk of child abuse and neglect. The fear and insecurity that they feel leads to behavioral and emotional problems. Children in violent homes are given a role model and script for future action. They must be protected from violence directed at them or toward their mother and deserve the right to be cared for and nurtured. For these reasons, the Council urges passage of this bill.


for Arthur English
Commissioner

STEVE COWPER
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 9, 1989

The Honorable Tim Kelly
President of the Senate
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

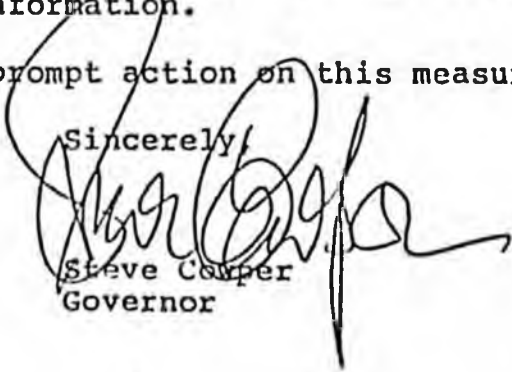
Dear Senator Kelly:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to child custody determinations.

This bill, recommended by the Council on Domestic Violence and Sexual Assault, in the Department of Public Safety, requires that instances of domestic violence, child abuse, and child neglect be taken into consideration in making child custody determinations. Current law requires that the court consider only "a history of violence between the parents," and then only when awarding shared custody. AS 25.20.090(8). There is no similar requirement that domestic violence be considered under AS 25.24.150 in other custody determinations, nor is there any requirement under either statute that instances of child abuse and neglect be reviewed by the court. Although most judges would be likely to receive such information into evidence as a matter of discretion, this bill requires the court to specifically focus on these factors. The bill also makes AS 25.24.150 more consistent with AS 25.20.090 by allowing courts to consider other pertinent information.

I urge your favorable and prompt action on this measure.

Sincerely,



Steve Cowper
Governor

Supported by
Bureau of
Child Welfare
Services
Virginia Department
of Social Services



Editor
Joann Grayson, Ph.D.
Managing Editor
Peggy Printz
Student Assistant
Wendy Nauman

Spring, 1986

Virginia Child Protection Newsletter

Volume 19

Children: The Forgotten Victims of Marital Violence

Dan is a former police officer whose abuse of his wife escalated from yelling, shoving and occasional hitting to a violent episode where he literally threw her out the door, in front of his two children (ages two and six). His parents were also present at the time.

Dan remembers, "After that the boys were deathly afraid of me. I immediately got into a counseling program for battering men. My wife joined a group for victims and the boys were in a children's program. We were in therapy separately and together for over two years, but eventually our marriage ended."

"It was only then that Tim, our oldest boy, started copying the behavior he had seen much earlier. He would scream and hit his mother, blaming her for making daddy unhappy." At the same time, however, Tim functioned like a good policeman in school. When other kids would fight he would intervene and get them to talk—much like his father's public behavior.

Dan recalls, "I chose to control my anger outside the family, for all the usual reasons that most people don't assault strangers or non-family members. But I got plenty of messages that hitting at home was o.k. I don't know how much of it was the example set by my own parents, and how much of it was from being around other guys who would say things like, 'Hey, you gotta hit 'em once in a while to keep 'em in line.' I went home, tried it, and by golly, it worked!"

Dan's childhood provided ample opportunity to learn violence as a way of controlling others and venting feelings. Although he never saw his dad hit his mom, there were long verbal battles accompanied by pushing, fist raising and threats. Hitting was reserved for disciplining the six boys in the family.

Dan continues, "My oldest brother was dad's 'whipping boy' when he was drunk or upset. Then when he left home I became the next target. One day I came home from football



"We can stop the physical battering early in treatment . . . the psychological battering, and its effects on the family, linger."

practice and asked 'What's that stuff?' on the supper table. My dad went wild, screaming about how hard they both worked and I'd eat it or else. He beat me and threw me all around."

"It was the same way with each child, as he became the oldest remaining son. Dad never touched my sisters. Mom would come to our aid with a nine pound frying pan. She hit dad on the head until he was stunned. Her wedding present to each daughter-in-law was a big frying pan, with instructions to use it to keep the husband in line."

Dan now co-leads a group for battering men. He is very much aware that many parents deny or downplay the effects of their violent behavior on their children. Rationalizations such as "they're too young," or "it only happens when they're asleep," are offered. Dan would like to tell these parents, "Don't underestimate the effects of your violence. Children are listening. They're taking it all in. And someday, somehow, it will come out."

Recently there has been increasing concern expressed about marital violence. The movie, "The Burning Bed," other media coverage, dramatic courtroom battles, congressional hearings, and legislative actions at both federal and state levels have focused attention on this issue. The new visibility of this age-old problem has prompted action in many communities to establish counseling services, 24-hour crisis hot lines, and shelters for battered women. The shelter movement began in the early 70s. By 1981, there were nearly 400 shelters or safe-home networks nationwide.

What about the children in these families? According to Hinchey and Cavelet (1982), children were present in 41 to 55 percent of homes where police intervened in domestic violence calls. No one knows how many children witness the

Continued on page 3

Children: The Forgotten Victims of Marital Violence, *continued*

estimated 500,000 to 15 million incidents of serious marital violence each year (Rosenbaum and O'Leary, 1981; Westra and Martin, 1981). Since experts caution that spouse abuse is grossly under-reported, with the actual incidence believed to be two to three times official figures, and given 2.3 children per family, one can project that one million to 30 million children are affected by parental violence each year.

Despite their large numbers, child witnesses to family violence have received little attention (Hughes and Barad, 1982). In this issue, VCPN will explore the effects of marital violence on the witnessing child's physical and emotional health and development, education, and behavior. Additionally, we will look at the specific needs of children who accompany their mothers to shelters, services available to children both in and outside of shelters, children's needs that are not being met, and family violence prevention programs.

Effects on Children of Living with Violent Parents

Clinical observations as well as research studies indicate that children witnessing domestic violence are high risk for developing a variety of problems. The nature of a violent home is such that fear, instability and confusion tend to supplant the loving, comfort and nurturance that children require for normal development. Violent homes are often characterized by "rigid sex role expectations, the use of violence to control, poor communication patterns, isolation, and an inability to accept responsibility for one's own thoughts, feelings and actions" (Elbow, 1981, p. 465). Parents may be so enmeshed in their violent conflicts that parental functioning is severely impaired.

The term "yo-yo children" was coined by a grandmother whose children were involved in an English study of 23 violent families. The downward thrust of the yo-yo is the beginning of a new cycle of violence. This escalates, violence erupts and tensions are discharged. During this time children's development, and their care, may be severely disrupted. The wife then escapes, temporarily, or the father is penitent and there may be a "honeymoon" period where the yo-yo is at rest, only to go into motion as tensions build again (Moore, 1974).

Physical Effects

While there is little research to supplement clinical observations on physical effects, there is general agreement that witnessing children are likely to experience a great deal of internal stress which they

are not free to express. The stress may then be manifested in physical symptoms. Some of the somatic problems observed include: enuresis, insomnia, asthma, peptic ulcers, headaches, abdominal complaints, and self-abusive behaviors (Hilberman and Munson, 1977-78, cited in Kraft, Sullivan-Hanson, Christopoulos, Cohn and Emery, 1984). Westra and Martin (1981) found that 40 percent of the children in their sample had hearing or articulation problems. Additionally, medical histories showed an inordinate number of more general complaints.

Kaye Edwards, Child Specialist with the Family Violence Prevention Program in Lynchburg, agrees with the findings of high incidence of medical problems. "We try to take all the kids to the Public Health Department for screening and care because almost all of them get sick. There are a lot of ear infections, colds, and minor things."

Eating problems are noted by Sheryl Moore, Children's Program Coordinator at the Virginia Peninsula Council on Battered Women/Domestic Violence, Inc. in Hampton. Moore says, "Many children will overeat, as if they are trying to consume their anger. Many are junk food junkies, which seems to contribute to behavior problems."

At the other end of the continuum, some children respond to stress by failing to eat adequately or inability to use nourishment.

Dr. Robert Marvin is Director of Pediatric Psychology at the Children's Rehabilitation Center in Charlottesville. He spoke recently at a Virginia Council on Social Welfare workshop on failure to thrive. This illness is a chronic condition which can be life-threatening or result in learning or behavior problems. Dr. Marvin described a longitudinal study on failure to thrive which was conducted by Patricia Critten-



Children repeat the cycle of violence, learning to act violently in play.

don of the University of Virginia. The study compared several groups of families: one with children diagnosed as having organic failure to thrive; one with children with non-organic failure to thrive; one with mixed features; and a control group. Spouse abuse was much higher in the group of families with non-organic failure to thrive.

Christine de Lange was Project Director of a nationwide study (see box) of the effects of violence on children. This study, conducted in five different shelters across the country, included over 900 children. De Lange summarizes the typical physical problems observed: "Of the children below 18 months old, more than one half had some kind of physical problem, and 15% had problems with weight or feeding. Twenty percent had problems with sleep or responsiveness. In the group over 18 months of age, one third had either a specific health problem or sleep disturbance, and 14% were either overweight or underweight."

Not to be overlooked are physical effects due to injuries incurred when children try to intervene in parental battles. Also, there is a known overlap between spouse abuse and child abuse which is discussed later.

Emotional Effects

John Deane co-leads a batterers group at Quantico Marine Base. Deane notes that psychological abuse always accompanies spouse abuse. He says further, "We can stop the physical battering early in treatment. The psychological battering, and its effects on the family, linger."

The literature cites a wide range of emotional problems attributed to living in a violent home. For example, Rousaville (1978, cited in Hershorn and Rosenbaum, 1985) found a higher incidence of psychopathology among witnessing children. Levine (1975) discovered a high percentage of both anxiety disorders and psychophysiological disorders.

Hughes (1982) maintains that all of the children coming to her shelter were "emotionally needy," but the form and expression varied. The problems most frequently identified by researchers and shelter staff are anxiety, depression, guilt, and confusion.

In a North Carolina study of 25 witnessing children, 40 percent were described by caseworkers as anxious (Pfouts, Schopler, and Henley, 1982). Anxiety might be expressed by nail biting, hair pulling, somatic problems, difficulty separating from the mother, hiding, or immobilized, shocked, staring. Wynettia Slaughter is Coordinator of the Children's Program at Turning Points Program Acts in Dumfries. She describes typical emotional expression at different ages: "Infants express their feelings with irritability, a lot of crying, and sleep problems. With toddlers and school age children, we see a lot of hair pulling, headaches, and nail biting."

Continued on page 4

Emotional Reactions of Children to Domestic Violence

There are several general reactions that children from violent homes are likely to show. The same emotional reaction can be acted out differently according to the child's age.

- **Feeling Responsible for the Abuse**—A child might think, "if I had been a good girl/boy Daddy wouldn't have hit Mommy."
- **Constant Anxiety**—Even when things are calm, one never knows when the next fight will start.
- **Guilt for Not Stopping the Abuse**—Children also experience guilt over the good feelings they have about the abuser.
- **Grief**—Children who are separated from the abuser are in the process of grieving over the loss. Children may also grieve over losing the life style and positive image of the abuser they had before the violence began.
- **Ambivalence**—The idea of not knowing how one feels or having two opposite emotions at the same time is very difficult for children. A child who says, "I don't know how I feel about it," may not be hedging but rather is confused about feelings.
- **Fear of Abandonment**—Children removed from one parent as a result of violent acts may have strong fears that the other parent could also leave them or die. Thus, a child may refuse to leave their mother, even for short time periods.
- **Need for Excessive Adult Attention**—This need can be especially troublesome for mothers who are trying to deal with their own pain and decisions.
- **Fear of Physical Harm to Themselves**—A significant percentage of witnessing children are also abused. They may worry that the abuser will find them and abduct or harm them or that the abuser will be angry and retaliate when they return home.
- **Embarrassment**—Especially for older children, sensitivity to the stigma of spouse abuse may result in shame.
- **Worry about the Future**—The uncertainty within their daily lives may make children feel that life will continue to be unpredictable.

Children: The Forgotten Victims of Marital Violence, *continued*

Brown, Pelcovitz and Kaplan (1983) found high levels of separation anxiety and severe fears of abandonment. Edwards talks about separation anxiety she has observed. "Some children show overdependence and become hysterical if their mothers leave the room or move out of eyesight." Another fear reaction is described by Kay Baker, Program Assistant at First Step in Harrisonburg. "Johnny was a three year old who seemed to be problem-free, except that he showed flat affect. One day he was out with his mom and a volunteer. They stopped at a gas station. Then, as a male attendant approached the car, Johnny shrieked and jumped into his mother's arms, trembling and crying."

Clinical depression has been linked to feelings of helplessness and powerlessness. Thus, it is not surprising that depression was apparent in 48 percent of the children in the North Carolina study (Pfouts, et al, 1982). Brown, et al (1983) in their study of 24 witnessing children, found major depressive illness in eight of these children and milder depressive reactions in five.

Loss is an ever-present threat in violent homes. Actual loss of material possessions is typical in cases where the mother repeatedly flees and then reunites with her husband. Multiple moves also imply changes in schools and surroundings and loss of contact with support systems of friends, social and religious groups.

A greater loss, however, is the psychological loss of the parent's attention. With mother's concentration focused on safety and survival, there may be little time, energy, or interest in promoting the growth of the children. Fathers are likewise preoccupied with the marital conflict, and also unavailable to the children.

Muriel Gordon-Frasher describes this poignantly. "They have to grow up so fast. When do they get to be children?" Taylor (1982, p. 11) describes how children must take on adult duties at a very young age. "We have seen eight year olds who must be on guard and ready to dress their younger siblings in order to get them ready to escape. Some women have established elaborate escape plans in which the children play very responsible adult roles." There is no time to grieve the loss of childhood and other losses. Thus, even children who appear to be coping extremely well may be at risk for later depression.

Guilt is experienced by many of the witnessing children. Children tend to feel responsible for the violence, especially if, as is frequently the case, the content of the parental fight is related to child-rearing. Additionally, children may feel guilty for failure to intervene to protect the mother.

Confusion and ambivalent feelings are

common. There are conflictual feelings about the parents; the child may love/hate/need both of them. There is confusion over "right and wrong," because children must learn to lie in order to keep the peace.

Generational boundaries may become confused, with the child taking care of the mother. Or, parent-child alliances are formed for mutual defense. Additional confusion comes from erratic parenting. For example, the mother may neglect the child, then feel guilty and overindulge or overdiscipline. The father may alternate between playful, generous, loving behavior and random violence.

Educational and Cognitive Effects

There is little data available on the effects of family violence on school performance. Westra and Martin (1981) found lower levels of verbal, cognitive and motor development in the children of battered



During a violent episode, a frightened child has nowhere to turn.

women. Pfouts, Schopler, and Henley (1982) found 58 percent of the children in their sample were rated below average or failing, and 20 percent were truant.

Hughes and Barad (1983) found impaired academic performance, which they attributed to a combination of fears and anxieties, behavior problems, low tolerance for frustration, inability to get along with peers and problems with authority figures.

De Lange describes the findings of a recent national study: "We found significant effects on education, or on abilities related to school success. For the group 18 months and older, 27% were found to have some type of cognitive or language problem or developmental delay. According to the mothers, 39% of the children had social problems at school, 21% had behavior problems, and 19% had either academic or attendance problems. These

figures would be even higher if we had a breakdown for just the school age children."

In contrast, Moore says that many witnessing children do well in school. "I think for many of them, school is a sanctuary. Instead of the chaos at home, school offers structure, organization and predictability. Most adapt well if they have to change schools. Some are very academic and are overachievers. Unfortunately, these tend to be the more passive children who don't do well socially." Slaughter adds, "There may be extremes of overachievement and underachievement in the same family. Some are disruptive at school. Or, they may be so worried about what's happening to mom at home that they can't concentrate."

Behavioral Effects and Patterns

In general, witnessing children tend to be either overly aggressive or overly passive. A child may model the abuser role, for example, throwing many relative temper tantrums, or being in conflict with authority. Edwards offers an example. "I particularly remember one 19-month-old girl. She was very self-destructive. She bit herself and engaged in head-banging. Sometimes, for no apparent reason, she would throw herself on the floor."

Alternatively, a child may model the victim role, showing passivity and withdrawal. Edwards remarks, "Some children, mostly girls, show an intense desire to please. They appear to be modeling their mothers." Edwards continues, "I remember Ellen, an eight year old, who brought me small presents. She left me notes saying, 'I love you.' After a brief ride with a volunteer, Ellen called her 'my best friend.'"

Children in violent homes are given a role model and script for future actions. For those children who model the abuser role, violence as a problem-solving method might or might not carry over outside the home, or continue into adult life. In the study by Pfouts, et al (1982), 53 percent of the children witnessing violence acted out aggressively with parents, 60 percent acted out aggressively with siblings, 50 percent acted out aggressively with peers, and 33 percent acted out aggressively with teachers.

Other children, however, become a protector of both mother and siblings. Vivian was abused, physically and sexually, by her first husband. She tells how her oldest son tried to protect her from what he perceived as abuse by her second husband. "One day, I knew that my first husband, Jim, would be furious with me for some trivial thing. I was hiding in the closet in the children's bedroom. Jim found me, pulled me out by my hair, kicked me, choked me, and hit me repeatedly. I begged him, 'Please don't hit me in front of the babies.' Charlie had awakened and

Continued on page 8

Children: The Forgotten Victims of Marital Violence, *continued*

was screaming and trembling. Although he was only 16 months old at that time, that incident had an impact on him. As far as I know, that was the only time Charlie witnessed the abuse, but I don't know how much he heard or sensed at other times. Eventually, I managed to escape, divorced him, and married Bill, a very gentle and loving man. One night we were all down on the floor, romping in a tree for all, tickling and play wrestling. I started laughing so hard that Charlie must have thought I was hurt. He jumped on Bill and pelted him with his little fists, yelling, 'Don't you hit my mommy!'"

The protector role is sometimes carried to the extreme of killing the abuser, according to Peggy Sissel, Public Education Coordinator with the National Coalition Against Domestic Violence. Sissel explains, "In a study of juvenile offenders, 63 percent of those incarcerated for murder had killed the man who had beaten their mothers."

Risk of Child Abuse/Neglect

It could be argued that all children living in a violent atmosphere are emotionally abused or neglected. Taking a narrower view, however, VCPN inquired about the risk of physical abuse, sexual abuse and physical neglect. Opinion and research are unanimous. Children living in families experiencing spouse abuse are high risk for child abuse and neglect.

Gayford (1975, cited in Rosenbaum and O'Leary, 1981) found that 54 percent of the husbands and 37 percent of wives in violent relationships had abused the children. Roy (1977) found one or more children had been abused in 45 percent of her battering couples (cited in Rosenbaum and O'Leary, 1981). At The Family Place, a shelter in Dallas, Texas where over 1,000 children have been served, it was found that 55 percent of the children were physically abused and 12 percent were sexually abused.

A nationwide study found that over 50 percent of the children coming to shelters were either physically or sexually abused. However, only 20 percent of the families had been identified and served by Child Protective Services prior to coming to the shelter. This attests to the ongoing need for strong linkages between shelters and CPS. The shelter may be, for many abused children, the first opportunity for detecting the problem and receiving help.

De Lange, who coordinated the national study, emphasizes, "We're not talking about a few praises or over-disciplining a child. In about half these identified cases, we're talking about severe beatings and

attacks, burns, poisoning, the use of guns, knives and other implements. About five percent of these children had been hospitalized due to the abuse."

Children who are also abused suffer the consequences of abuse in addition to the stresses and risks associated with witnessing parental violence. Thus, this group is in even greater need of skilled and comprehensive intervention.

Factors that May Reduce the Impact of Living with Marital Violence

Both research (Hughes and Barad, 1981) and shelter observations indicate that male children of violent parents are more at risk for problem behavior both now and in the future. Retrospective studies of abusive couples found violence in the family of origin in 50 to 81 percent of the abusive men, but in only 33 percent of the abused women (Fojtek, no date, in Rosenbaum and O'Leary, 1981; Roy, 1977, in Rosenbaum and O'Leary, 1981; Stacey and Shupe, 1984).

In the teen years, some boys become more allied with the father and may themselves become abusive toward the mother. They may have lost all respect for the mother and treat her as a non-person. An example cited by Davidson (1978, p. 120) is a teen who said, "My old man can do anything he wants, as far as I'm concerned. All women are a pain to all men, just like he says. Sure, I hit her sometimes. Why not? He does." A small number of girls also take this attitude. "One daughter refused to testify against her father, saying very proudly, "My father can beat anyone"" (Davidson, 1978, p. 119).

Jenny DeArmond, at the YWCA Women-in-Crisis Shelter in Norfolk, echoes the feelings of many other shelter workers when she describes roles taken by younger children in violent families. She sees similar reactions to those of children in alcoholic families (see VCPN, issue 16). "Children essentially fit into the role of 'responsible one,' 'scapegoat,' 'family mascot,' or 'lost child.' Some then are over-burdened with adult responsibilities and concerns, others rebel and act out, others try to meet the emotional needs of the family, and others attempt to blend invisibly into the walls."

Another parallel with alcoholic families is the extent of denial used by witnessing children. Younger children tend to be much more open about the violence. For example, Taylor described an incident in children's group: "A two and a half year old girl said, "If I had a baby gun, I'd shoot my daddy right in the face." None of the children seemed to pay the slightest bit of

attention" (1982, p. 11).

Slaughter explains further, "Preschool children tend to talk about the violence in very graphic terms. As they get older, usually by 10 or 11, they tend to clam up, begin to hide it, and will sometimes deny the reality of the abuse, or deny that they are in any pain or distress. Some of this is due to embarrassment, but some is due to guilt or feeling responsible." Slaughter continues, "It's at about that same age that we start seeing increased role reversal, with the child taking care of mom and younger siblings."

Despite the difficulties they must face, many children in violent families manage to cope. How do they do it?

John and his three siblings grew up in an isolated rural area. Almost every weekend their parents would get drunk and fight. These would be knock-down, drag-out fights which included screaming, cursing, and occasional knife-throwing. When the fights began, the children would run off to Grandma's, just down the road. They would stay there until the fighting subsided, and then return home. Now grown, with families of their own, John and his siblings retain close ties with each other—and with their parents, who have stopped drinking and fighting. Neither John nor his brother or sisters are in violent relationships, nor do any of them abuse alcohol. They appear to be loving and competent parents.

John's case illustrates a number of factors that might help lessen the impact of family violence: strong camaraderie among siblings, a sanctuary readily available to the

children at the time of a violent episode, the availability of another significant adult who can provide nurturing, physical care, and a positive role model, and some predictability, as opposed to random violence.

Summary

Clearly, children who witness marital violence are at risk for emotional, behavioral, and other problems. Because of the significant overlap between child abuse and spouse abuse, many witnessing children are also at risk for serious injury or even death.

While many witnessing children appear to be coping well, there is considerable evidence to suggest numerous long-term effects on them. There are many unanswered questions that need to be addressed. What roles, expectations, and coping styles will these children carry into adulthood? What scars do they carry inside, and how will those scars affect their functioning as adults, as mates, and as parents? How can we, as professionals and concerned citizens, best help these children?

The position of the witnessing child is aptly described in a training manual of AMEND (Abusive Men Exploring New Directions):

"We need to be aware that the child is never an innocent bystander, oblivious to the batterings. The child is *always* involved emotionally, and is at high risk for becoming involved physically" (Ewing, Lindsey and Pomerantz, 1984).

References Available Upon Request

Virginians Against Domestic Violence

P.O. Box 5692
Richmond, VA 23220
804-643-0888

VADV is a non-profit, incorporated organization which aids in awareness and educational programs, legislative advocacy, networking, training, and technical assistance for shelter and other service programs. They publish a quarterly newsletter, available free to interested persons. Annual dues for membership to VADV are based on a sliding scale, according to ability to pay. Candace Feathers, Executive Director, is the only paid staff person. Volunteers comprise the rest of the staff.

Candace explains the group's origin and role: "VADV was formed in 1978 by a handful of women concerned about domestic violence and the lack of services for the victims. At that time there were only about six shelters in Virginia. Now there are approximately 35. This number changes as new shelters open and others,

PEACE
ON
EARTH



BEGINS
AT
HOME

financially pressed, are forced to close."

"We are available to help develop or expand local programs. Also, we will assist in training other service providers. For example, in June we will be training all magistrates in the state. We would like to provide training to other key persons involved in the law enforcement and judicial systems."

We coordinate Domestic Violence Awareness Week in October. We sponsor two conferences each year. One of these is jointly sponsored by the Department of Social Services. This year a third group, Virginians Aligned Against Sexual Assault, will also be involved with one conference. This co-sponsorship grew out of a recognition of the significant overlap between child sexual abuse, marital rape, and marital violence."

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

POUCH Y - STATE CARTON
APR 1981, ALASKA 08111
957-443-2800

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

H. HESS 3-11-87