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COLLEGE OF SOCIAL AND BEHAVIORAL SCIENCES

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Donald Froyd

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Review Committee

Dr. Carl Valdez, Committee Chairperson, Psychology Faculty
Dr. Brent Robbins, Committee Member, Psychology Faculty
Dr. Sreeroopa Sarkar, University Reviewer, Psychology Faculty

Chief Academic Officer

David Clinefelter, Ph.D.

Walden University
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Abstract

Retaliatory Violence After Family Court: Victim Safety After Family Court Litigation in
Intimate Partner Violence Cases

by

Donald Richard Froyd., Jr.

M.A., National University, 1999

B.S., University of the State of New York, Regents College, 1996

A.S., University of the State of New York, Regents College, 1990

Dissertation Submitted in Fulfillment

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Abstract

Family courts assist separating parents with developing parenting plans for the children. Nearly half of these cases have reported intimate partner violence (IPV) as a factor. Children are harmed by witnessing IPV and thus, need protection. Family courts are in a crisis when handling cases with dangerous IPV. A gap in the literature exists with how family court processes influence IPV among the litigants. The purpose of this phenomenological study was to use violence typology constructs to understand and describe the experiences of individuals who used the family courts for parenting plans when their case contained IPV. Extreme case sampling was used to ensure the violence experienced during and after family court was represented in the data. Fourteen participants came from one organization dedicated to identifying and improving family court processes. From a content analysis of textual data, themes were developed into a situated structure which provided a coherent whole of their experiences. According to the key findings, the participants initially experienced profound fear, shame, and denial at the first realization they were victims of IPV. Subsequently, they endured a lengthy period where the perpetrator used the court processes to further abuse them, and experienced some court processes as surreal, cold, biased, and abusive. Social change implications of this study may include improving the experience of IPV victims using family courts, and increasing the likelihood of developing safe parenting plans for the victims and children.

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Dedication

I offer my gratitude to the following distinguished scholars in the field of IPV: Dr. Jennifer Hardesty, Dr. Michael Johnson, and Dr. Joan Kelly for their availability for my initial questions and feedback. I especially wish to acknowledge the time Dr. Hardesty gave to our several e-mail exchanges with respect to the current direction of IPV scientific investigation and future directions. Her generosity with her valuable time and expertise were truly appreciated and helpful to this project. Lastly, I would like to offer my deepest thanks to Dr. Fred Wertz for his generosity in providing me with copies of his works via e-mail, and for taking the time out of his incredibly busy schedule to discuss the nuances of the phenomenological method of which he has been such a seminal figure in using for scientific investigation, as well as describing to the scholarly community.

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Chapter 1: Introduction

Background of the Study

The consequences of intimate partner violence (IPV) in the context of family court litigation can be lethal. Family issues are life changing and emotional. Because of this, a number of men, women, and children are becoming victims of violence during and after litigation in family court due to a family member's inability to accept the court decisions (K. Borders, personal communication, March 22, 2010). A prime example is from a current, local California newspaper (Elias, 2010) that described the community and political aftermath of a family court judge's decision not to grant a restraining order against the father of a child at the mother's request because the mother believed the father to be a danger to the child (Elias, 2010). The father shot and killed the child and then himself in a murder-suicide while spending unsupervised time with the child (Elias, 2010). Elias (2010) reported that the father had been using the Internet to blog about his family difficulties.

Roughly, half of divorcing couples reported IPV in various forms in their relationships (Ellis, 2008; Niolon et al., 2009). Extreme examples of IPV resulted in the death of one or more of the family members (Elias, 2010). Government data has indicated 78% of this violence comes in the form of aggravated assaults (Smith & Farole, 2009). Oftentimes children witnessed this violence (Smith & Farole, 2009), which can be detrimental to their emotional well-being as permanent physiological changes occur due to chronic exposure to this violence (Anda et al., 2006).

Smith and Farole (2009), using a relatively large sample ($n = 3750$) from eight different states in 16 different counties, found the victims of domestic violence cases were predominately female (86%) as opposed to male victims (12%). Moreover, the majority of IPV cases identified the males as perpetrators (84%) (Smith & Farole, 2009). The majority of these cases involved either simple (12%) or aggravated assault (78%), while just less than half (46%) of these cases involved prior abuse from the same perpetrator toward the same victim (Smith & Farole, 2009). Someone witnessed half of these cases and half of those witnesses were children (Smith & Farole, 2009). A third (33%) of the perpetrators were using intoxicating substances while committing the violence. The victims received an injury in 89% of the cases (Smith & Farole, 2009). Niolen et al. (2009) indicated that IPV against women costs over 6 billion dollars a year in healthcare costs and loss of productivity. Ellis (2008) stated that half of all couples separating or divorcing reported having at least one incident of physical violence, and 75% reported emotional abuse from their partner.

However, scholars have suggested that such government data as noted above (e.g., Smith & Farole, 2009) may have biases against men (B. Robbins, personal communication, June 19, 2010). Moreover, Archer (2000) and Archer (2002) explicated some of the problematic methodological issues with previous IPV research, as well as reviews several articles regarding the reliability of government data. Many areas of IPV research, such as which gender is more likely to perpetrate IPV, the actual construct of IPV (e.g., a unified definition, what constitutes “self defense,” and so on), as well as the methods of researching the various areas of interest regarding IPV appear to lack strong

empirical support. Without strong empirical support, answering the above questions relies more upon scientific hypotheses, as opposed to confident scientific inferences based upon significance testing of double-blind studies.

Bemiller (2000), argued that rather than protect female victims of IPV, the family court processes actually abused these women through legally making the woman responsible for ensuring continuing contact of the child with the batterer along with ordering other types of contact between batterer and victim that increases the risk of violence. In their qualitative study of ongoing exposure to batterers via the court system, Shalansky, Erickson, and Henderson (1999) found batterers used child exchanges and child access via the courts to continue verbal abuse and threats toward the victim. Shalansky et al. found that this considerably increased the victims' overall sense of fear, had negative health consequences, and reduced their quality of life. These findings support the idea that forced exposure to the batterer vis-à-vis the court ordered parenting plan is unhealthy for the victims.

Conversely, two studies argued that men are victims of IPV in a gender symmetric fashion (Archer 2000; Archer 2002). Allen-Collinson (2009) suggested that there is a subsequent paucity of qualitative research regarding male victim experiences of IPV. Gender issues in the context of IPV are prominent and controversial with concomitant energetic debate and no firm resolution having been reached as of this writing (Allen-Collinson, 2009; Bemiller, 2008; Capaldi & Kim, 2007; Dutton & Goodman, 2005; Hardesty, 2002; Johnson, 1995; Kelly & Johnson, 2008).

Scholars, court professionals, and helping professionals working with the family court processes have called for continued improvement in the methods used to identify, process, and intervene in family law cases with IPV as an issue (Bemiller, 2008; Ellis, 2008; Frederick, 2008; Kelly & Johnson, 2008; Ver Steegh & Dalton, 2008).

Additionally, California courts did not have a unified methodology for processing IPV cases (J. Weber, personal communication, March 11, 2010). Chapter 2 includes a discussion of current usage of several screening tools, as well as how many courts process IPV cases.

Moreover, controversy exists regarding appropriate and safe parenting plans for families with a history of IPV (Hardesty & Chung, 2006; Jaffe, Johnston, Crooks, & Bala, 2008). Other scholars argue women and children remain at risk for violence in the context of parenting plans (Jaffe et al., 2008). Yet, family courts have continued to embrace shared parenting plans as being in the best interests of the children, despite a history of IPV (Hardesty & Chung). It is noted that some of these viewpoints have ignored the documented existence of female batterers perpetrating similar types of IPV on men (Allen-Collinson, 2009).

Frederick (2008) asserted that family law filings were increasing and the resources to assist families with these cases were decreasing. The current California financial crisis has caused the closure of superior courts statewide 1 day per month via the use of furloughs to save money (Judicial Council of California, 2009). Therefore, Frederick recommended developing or using empirically sound screening methods to assist in identifying cases containing IPV because physical violence has an impact on the

lives of the family members. Moreover, IPV issues were significantly important to judicial officers when making child custody orders in that scholars generally agreed batterers were more likely to commit physical abuse on a child (Jaffe, Johnston, Crooks, & Bala, 2008). Chapter 2 includes a review of several empirical studies regarding the effects witnessing domestic violence had on children.

An initial review of the literature suggested several scholars agreed differentiation between types of batterers and types of violence would assist with achieving a more focused and nuanced understanding of IPV in the context of divorce, family court processes, and child custody and visitation issues (Hardesty, Khaw, Chung, & Martin, 2008; Jaffe et al., 2008; Johnson, 1995; Johnson & Kelly, 2008). However, the use of typologies in the study of IPV is not without detractors (e.g., Capaldi & Kim, 2007). For instance, Capaldi and Kim warned that typology studies lacked sufficient empirical evidence to support their general acceptance and appropriateness for clinical use. Moreover, they expressed concern that typologies would become "...reified" (p. 12), and as such, become uncritically accepted by rank and file clinicians seeking to assist persons accessing treatment for IPV. They argued this uncritical acceptance of unsupported typologies would, at the very least, keep these clinicians from investigating other explanatory etiologies and processes of IPV. For example, those scholars espoused the investigation of the developmental processes of each person in the dyad to appreciate how the dyadic interactions influenced the violence processes (Capaldi & Kim, 2007, p. 11).

There are several reasons for this lack of empirical support that are beyond the scope of this project; the reader is encouraged to review the following articles for supplementary exploration of the myriad issues regarding research problems in the context of IPV (Archer, 2000; Archer, 2002; Johnson, 1995; Kelly & Johnson, 2008; Straus & Gelles, 1986). To ensure the presentation of a balanced view regarding research method controversies and IPV in the context of this study, Chapter 2 reviewed literature relevant to the empirical limitations of the constructs discussed by this study.

Problem Statement

The complexities of developing effective interventions for families with IPV acted as a catalyst for some researchers to begin improving scientific understanding of batterer type and violence type (Holtzworth-Munroe & Stuart, 1994; Holtzworth-Munroe et al., 2000; Jaffe et al., 2008; Johnson, 1995; Johnson, 2005; Kelly & Johnson, 2008) in the context of IPV. These paradigms may also serve to improve scientific understanding of the effects of IPV on victims and children (Anda et al., 2006; Campbell, et al., 2002; Campbell, 2002; Dutton & Goodman, 2005; Gewirtz & Medhanie, 2008; Howells & Rosenbaum, 2008; Kracke & Hahn, 2008; National Scientific Council on the Developing Child, 2010). Lastly, the typology paradigms may show promise in assisting with the effort to provide meaningful screening, intervention, and other community assistance in the context of IPV (Ellis & Stuckless, 2006; Ver Steegh & Dalton, 2008).

What victims have encountered and endured through experiencing intimate partner retaliatory violence during and after family court litigation remains unclear. Several scholars have called for qualitative investigation into the dynamics of IPV to

have the experiences told by the participants in rich detail to inform future investigations into this issue (Allen-Collinson, 2009; Bemiller, 2008). Scholars have suggested that qualitative studies have a great deal to offer studies of the family in terms of relational dynamics and so on (Gilgun, 2005). The purpose of this study was to address this gap in the literature using a qualitative method.

Purpose of the Study

Scholars have agreed that the practice of using a “one size fits all” approach for families experiencing IPV who were asking the family courts for assistance is no longer effective (Ver Steegh & Dalton, 2008). The prevalence of IPV in relationships (Ellis, 2008; Niolon et al., 2009) is increasing and there is a evidence that violence after family court litigation can be lethal (Elias, 2010). Additionally, scholars have recognized a need to differentiate violence typologies to assist in improving court processes and intervention strategies (Holtzworth-Munroe & Stuart, 1994; Holtzworth-Munroe et al., 2000; Jaffe et al., 2008; Johnson, 1995; Johnson, 2005; Kelly & Johnson, 2008; Ver Steegh & Dalton, 2008). Kelly and Johnson (2008) provided a violence typology upon which to begin the process of developing programmatic batterer intervention programs (BIP). Kelly and Johnson argued that using a feminist-based curriculum such as the Duluth model (Pence & Paymar, as cited in Kelly & Johnson, 2008) is clinically contraindicated for situational couple violence because those men do not normally use a coercive controlling style in the context of the IPV. The purpose of this empirical, phenomenological investigation was to explore, describe, and understand the

phenomenon of the IPV victim's experience of receiving batterer retaliatory violence during and after requesting assistance from a family court for child custody cases.

Nature of the Study

The nature of this empirical, phenomenological study was to understand the experiences of the victims of IPV during and after family court litigation. Textual data was collected from 14 participants from the study stakeholder, the California Protective Parents Association (CPPA). The textual data was then developed into themes and situated structures to provide a coherent whole of their experiences. Because the purpose of this study was to understand the lived experiences of persons incurring IPV after family court litigation from a deep and rich psychological perspective, a qualitative phenomenological study provided the most rigorous and appropriate scientific methodology for those circumstances (Creswell, 2007).

Research Questions

The overarching research question for this qualitative empirical, phenomenological investigation was the following:

1. What was it like to have encountered and endured intimate partner retaliatory violence during and after family court litigation?

The sub questions were used to explore in rich detail the experiences of each victim's experiences resulting in a deeper understanding of the phenomenon of batterer retaliatory violence after family court hearings, specifically to provide experiential details in thick descriptions (Charmaz, 2006; Creswell, 2007). These sub questions were the following:

1. Describe your reactions to the violent incidents.
2. What are the processes associated with your particular family court litigation that exacerbated or otherwise influenced what you perceived to be retaliatory violence? (i.e., what things, persons, or rules of the court do you think added to your trouble and why do you think so?)

Theoretical Base

Kelly and Johnson (2008) provided a coherent typology that differentiates violence type to assist with improving IPV screening and intervention strategies. Other scholars have offered useful batterer typologies (Holtzworth-Munroe & Stuart, 1994; Holtzworth-Munroe et al., 2000), which provided subtypes of specific categories of batterers such as the borderline/dysphoric batterer, who oftentimes employs coercive controlling violence (Kelly & Johnson, 2008). However, researchers have yet to investigate scientifically the phenomenon of victims experiencing batterer retaliation after family court hearings. Chapter 2 includes a review of the scholarly articulation of these typologies.

Kelly and Johnson (2008) differentiated IPV typologies based upon the type of violence used against the victim in the context of the setting of the violence. Kelly and Johnson argued that the usefulness of differentiating types of violence would demonstrate value in improving the efficacy of IPV screening tools for family court processes, as well as batterer intervention programs. Noting the controversy in the field regarding batterer type, gender issues, and treatment programs, Kelly and Johnson provided useful typologies while balancing effectively the controversy regarding gender. For example,

scholars have viewed IPV as mostly male initiated violence (Bemiller, 2008), and insist the family court process oftentimes abuses the victim. Conversely, other researchers (Dutton, 2005; Holtzworth-Munroe, 2005; Johnson, 2005) have questioned the validity of many studies with respect to issues of operational definitions of domestic violence, as well as the homogeneity of the sample populations. Ultimately, Kelly and Johnson concluded, “Based on hundreds of studies, it is quite apparent that both men and women are violent in intimate partner relationships” (p. 480). Based upon the reasoning of Kelly and Johnson (2008), it seems important to remain aware that women are initiating IPV as well as men. Consequently, more than one paradigm, or lens through which to view IPV dynamics was used during the review of the literature.

Additionally, Kelly and Johnson (2008) found that large national surveys most likely detected a different type of violence than smaller surveys of women’s shelters or medical facilities. For example, Kelly and Johnson defined coercive controlling violence as predominantly committed by males, and their female victims largely populated the shelters and sought medical care. Kelly and Johnson hypothesized that larger national surveys likely captured a specific and different kind of violence identified as situational couple violence. Johnson (1995) discussed the problematic research and generalization issues associated with using convenience samples such as women’s shelters as opposed to larger, more representative surveys to investigate the issue of IPV. Johnson argued that the larger national surveys captured different samples, which in turn, showed different results. Essentially, Johnson argued shelter samples looked at a specific sample of participants that are not representative of the larger population. Thus, shelter data

showed that men perpetrate violence more than women because women seek assistance with these shelters and men do not, thereby not capturing masculine input to the study(s). This lack of masculine input to the shelter data sets leaves important data out of the analyses thereby biasing the study(s).

Subsequent researchers (Jaffe et al., 2008; Johnson, 1995; Johnson, 2005; Kelly & Johnson, 2008) have postulated that the larger national surveys revealed a different type of violence, situational couple violence, or conflict instigated violence. Those investigators researchers (Jaffe et al., 2008; Johnson, 1995; Johnson, 2005; Kelly & Johnson, 2008) explicated situational couple violence to be different in terms of perpetrator and victim characteristics, more couples were likely to experience this kind of violence, (i.e., Kelly and Johnson) appeared to conclude that situational couple violence is more representative of the general population. Johnson (1995), Johnson (2005), Jaffe et al. (2008), Kelly and Johnson (2008) elucidated a difference between types of violence; herein resides the usefulness of their models for the present study.

Differentiating batterers by identifying how they employ the use of a type or pattern of violence in the context of retaliatory violence during and after family court litigation might provide a useful template through which to ensure child safety. For example, identifying patterns or types of violence might assist in understanding, accurately identifying, and screening coparents with IPV as a factor in their case seeking parenting plans from family court. Accurate screening of batterer and violence types may assist in creating appropriate parenting plans, which may minimize the risk of harm coming to a child vis-à-vis the court orders.

Kelly and Johnson (2008) concluded that there are four predominant typologies of IPV. Kelly and Johnson's work will provide a coherent framework for this study by assisting with the exploration of which perpetrator of IPV typology is more likely to engage in retaliatory behaviors post family court litigation. The four typologies are, (a) coercive controlling, (b) violent resistant, (c) situational couple violence, and (d) separation-instigated violence (Kelly & Johnson, 2008). Coercive controlling violence is characterized by the perpetrator, predominately a male (although Hamel [2009] provided an argument against this assumption), interacting relationally with the partner through the context of power and control (Kelly & Johnson, 2008). These batterers use one or more of the following methods or behaviors to enforce power and control: intimidating, isolating, asserting male privilege, emotionally abusing, blaming, minimizing, coercing, and threatening (Kelly & Johnson, 2008). This violence type generally results in more frequent violence than the other types of violence.

Kelly and Johnson (2008) described the violent resistant type as being characterized by violence perpetrated by the victims of coercive controlling males in heterosexual relationships toward the batterer. These persons are predominantly female and reacting to feeling trapped; the extreme of this type of violence is the woman who murders her partner (Kelly & Johnson, 2008). Some of the violent resistant persons are males; however, the paucity of research prevents more specificity regarding this piece. Scholarly arguments against the validity of these typologies are presented in Chapter 2.

Situational couple violence happens during an argument or situation in which the escalation of intensity and emotion erupts into violence (Kelly & Johnson, 2008). Kelly

and Johnson (2008), argued that this type of violence differs from coercive controlling violence because it lacks the fixed elements of the chronic relational dynamic of the abuser asserting power and control over the victim. According to Kelly and Johnson's (2008) review of the literature, both males and females initiated this type of violence in similar numbers.

Separation instigated violence is atypical violence perpetrated by a person with no history of violent behaviors toward their partner. Kelly and Johnson (2008) articulated this violence type occurred in reaction to traumatic separation, public humiliation (e.g., service of legal papers at the workplace), walking in on one's partner having sexual intimacy, and so on. The essential elements in this type of violence were the lack of history of violence in the relationship and the loss of "psychological control" (Kelly & Johnson, 2008, p. 487). Themes from the textual data analyzed in this study will be compared to the violence types provided by Kelly and Johnson (2008) to help understand the violence dynamics of the participants.

Definition of Terms

Anger management classes: Psychoeducational program designed to teach participants healthier responses to anger emotions (Kelly & Johnson, 2008).

Batterer intervention program (BIP): Programs developed for perpetrators of domestic violence (Kelly & Johnson, 2008). Largely, these 52-week programs are based upon a feminist theoretical understanding of batterer behaviors and motivation (Kelly & Johnson, 2008).

Coparents: Parents who no longer live together but have custodial responsibilities for children produced from that union (Ahrons, 2006).

Domestic violence (DV): Violence occurring between intimate partners in the context of a relationship (Kelly & Johnson, 2008). Academics are changing their use of this language because domestic violence has specific legal terminology subject to change with legislation (Kelly & Johnson, 2008). Therefore, social science researchers prefer the use of intimate partner violence (Kelly & Johnson, 2008).

Intimate partner violence (IPV): Violence, which occurs between partners in the context of an intimate relationship (Jaffe et al., 2008; Kelly & Johnson, 2008). Oftentimes used synonymously with domestic violence; see definition of domestic violence for more information.

Perpetrator: This is the aggressor or initiator of violence toward their intimate partner in the context of IPV (Jaffe et al., 2008; Kelly & Johnson, 2008).

Restraining order: A legal injunction to restrain a person from harming another person (California Codes, n.d.).

Safe exchange: Programs that provide supervised exchanges of children for high conflict parents (Jaffe et al., 2008).

Supervised visitation: Programs that provide facilities to support professionally supervised visitation between a parent and a child based upon a court order (Jaffe et al., 2008).

Victim: The person who suffers emotional, physical, sexual, verbal, or psychological harm from their intimate (or former intimate) partner in the context of IPV (Jaffe et al., 2008; Johnson, 1995, 2005; Kelly & Johnson, 2008).

Violence typology: A coherent explication of violence types providing differentiation to aid in the understanding of IPV (Kelly & Johnson, 2008).

Assumptions

Anecdotal experience with victims of IPV using family courts indicated they experienced continuing violence during and after litigation. Finding a sample that included cases with IPV in the context of family court was accomplished through coordination with a study stakeholder, the California Protective Parents Association (CPPA). Extreme cases were sought through the stakeholder CPPA to ensure IPV would be represented in each case. Using extreme case sampling provided the opportunity to ensure the cases were representative of differing levels of IPV, which provided data for comparison to the violence typology template offered by Kelly and Johnson (2008). The participants responded openly and honestly to the questions presented.

Limitations

Schensul et al. (1999) noted that replication may not be practical or possible with qualitative research due to the unique and changing human beings and their environment. With respect to construct validity, there is a possibility of confusion regarding the constructs of (a) domestic violence, (b) intimate partner violence, and (c) the definition of violence, even amongst professionals in the field. This issue was addressed by employing methods to ensure that the constructs understood by both researcher and

participant are indeed articulated explicitly to avoid confusion and increase construct reliability. Moreover, in terms of external validity (Schensul et al., 1999; Trochim & Donnelly, 2007), the intent was to limit the sample to respondents who answered a call for information from the California court's Elkins Task Force (please see Appendix B). These participants met the inclusion criteria of experiencing batterer retaliatory violence during and after family court processes. However, the results of this project may not necessarily be generalized to the experience of victims of IPV from other states.

Delimitations

In this empirical, phenomenological study the stories of victims that have experienced batterer retaliatory violence in the context of using the California family court process were addressed. These participants responded to the Elkins Task Force (please see Appendix B) call for submissions to assist the state with improving the family court process. This study did not collect collateral data such as, copies of the litigants' court files, nor statements from ex-partners, or information from a criminal history to assist with data analysis. Phenomenological inquiry did not provide quantitative data as found in previous studies of IPV.

Significance of the Study

The purpose of this study was to introduce positive social change by offering a vehicle for those suffering from batterer retaliation after family court litigation to make public their experiences of humiliation using a scientific method. The publication of their stories will make it possible for scholars, policy makers, users of family courts, and professionals of the family courts to understand the lived experiences of IPV victims that

suffer retaliatory violence during and after family court litigation. The hope is that through the telling of these experiences vis-à-vis this project, the above-mentioned persons can understand and empathize more fully with these victims.

Scholars are working to improve scientific understanding of the dynamics of IPV by providing differentiation of types of batterers and types of violence (Holtzworth-Munroe & Stuart, 1994; Holtzworth-Munroe et al., 2000; Johnson, 1995; Kelly & Johnson, 2008) ultimately to make efficacious improvements in family court processes and agency intervention strategies. This study adds to the literature by providing an in-depth phenomenological description of the lived experiences of IPV victims incurring batterer retaliation after family court litigation. Moreover, extant literature lacked the thick descriptions of the victims of batterer retaliation after family court litigation in the rich detail that constitutes an empirical, phenomenological project (Robbins, 2006; Robbins & Goicoechea, 2005; Robbins & Parlavecchio, 2006).

Summary and Transition

Scholars have suggested that IPV is an area of family law that deserves ongoing research in order to expand scientific understanding of the types of batterers and types of violence (Kelly & Johnson, 2008; Holtzworth-Munroe & Stuart, 1994; Holtzworth-Munroe et al., 2000). Moreover, the increasing number of cases of IPV, combined with decreasing resources, calls for more efficacious methods of processing cases with IPV (Frederick, 2008; Ellis, 2008; Ver Steegh & Dalton, 2008). Some scholars have argued that current family court processes revictimize victims of IPV due to procedural inequalities (Bemiller, 2008; Scott & Kunselman, 2007). Another purpose of this study

was to provide a vehicle for the victims of batterer retaliation in which they could tell their stories with the added benefit of a subsequent scientific analysis of the themes of their stories. The hope was this analysis would help to uncover descriptions of retaliatory behaviors along with activating cues of retaliatory behaviors to identify those batterer characteristics, behaviors, or patterns that might be amenable to fitting a typology. Subsequent researchers may find these data useful for future empirically oriented studies of IPV.

Chapter 2 includes a discussion of relevant literature regarding (a) batterer typology, (b) IPV violence type, (c) the prevalence of IPV, (d) current IPV screening practices in California state family courts, and (e) defining and operationalizing IPV. Chapter 2 also includes the intricacies of balancing legal rights afforded by the United States Constitution with using risk probabilities vis-à-vis statistical reasoning in the social sciences, as well as the important role those two factors play in cases presenting to family court with IPV as an issue. Finally the emotional sequela of children witnessing IPV as it relates to forming appropriate child custody and visitation parenting plans is discussed in Chapter 2.

Chapter 3 includes a discussion of methodology that addressed the research questions and includes the reasoning for using an empirical, phenomenological method (Robbins, 2006; Robbins & Goicoechea, 2005; Robbins & Parlavecchio, 2006) with which to explore the experiences of the victims of batterer retaliation. I hypothesized that identifiable patterns of behaviors would emerge from the descriptions of each of the

victims of retaliatory batterer violence which would be useful in developing a deeper and nuanced understanding of these patterns.

Chapter 4 includes a discussion of the results of the study through textual and graphical display of the interview data designed to facilitate a deeper understanding of the key findings. This chapter discussed the themes, relationships, and patterns of retaliatory batterer behavior supported by the data to present a coherent understanding of those patterns.

Chapter 5 includes a discussion of the data interpretation and explored how the results fit within the overall context of the theoretical framework of the study. The findings were connected to the larger discussion of the controversies found in the body of literature on IPV. The data analysis provided meaningful results, which were then shaped into recommendations for use to facilitate positive social change, such as enhancing victim safety during and after using the family courts.

Chapter 2: Literature Review

Intimate Partner Violence

Intimate partnerships contain occurrences of violence between partners. Ellis (20028) has reported at least half of couples separating experience physical violence. Daily news vehicles have reported on the violence that occurs during and after family court litigation in the context of IPV and child custody cases; unfortunately, victims of this violence are oftentimes incurring abuse, serious injuries, and even death (Bemiller, 2008; Elias, 2010). The victims of post family court litigation IPV can also be family court personnel, as evidenced by the shooting of a judge in Nevada (Miller, Flores, &

Pitcher, 2010). Current scholarship is focusing on batterer typologies (Holtzworth-Munroe & Stuart, 1994; Holtzworth-Munroe et al., 2000) and violence type (Kelly & Johnson, 2008; Johnson, 1995). Research in the social sciences contains elegant complexities due to human uniqueness; therefore, it seems appropriate to differentiate between batterer type and violence type in the effort to develop an increased and nuanced understanding of the multifaceted dynamics of IPV.

Moreover, scholars have (Arnold, 2009; Bemiller, 2008) criticized current family court practices for making female victims of IPV responsible for ensuring contact between the batterer and children vis-à-vis a court ordered parenting plan. For example, when the court awards the mother primary custody of the children, she is then semiresponsible for ensuring the children showed up for their scheduled visits with the father. Arnold (2009) and Bemiller (2008) suggested that coordinating visitation via some form of verbal communication, as well as accomplishing child visitation through actual physical exchanges, placed the women victims of IPV at increased risk for harm. Moreover, Arnold (2009) and Bemiller (2008) argued that because the male coercive controlling batterer used verbal threats, humiliating language, and other types of intimidating behaviors (e.g., nonverbal threatening body or facial movements), the female victims suffered chronic emotional trauma for the duration of the parenting plan (Bemiller, 2008). Arnold (2009) and Bemiller's (2008) argument is based upon the premise that female victims were terrorized by coercive-controlling males that used threats of physical harm and murder to terrorize and intimidate their female victims (Johnson, 1995). Johnson (1995) found males who interacted with females used what he

termed male privilege, humiliating and disparaging language, threats of physical harm and murder, as well as the withholding of finances, and so on. Johnson labeled this pattern of male behaviors as patriarchal terrorism (p. 284).

Scott and Kunselman (2007) found that many victims of IPV in their study did not or could not receive adequate attention from the court due to accessibility issues. For example, Scott and Kunselman (2007) found that unrepresented (e.g., attorneys) victims of IPV did not receive adequate attention from the courts via such measures as referral of IPV cases with criminality to criminal courts. Moreover, those investigators found that the courts were not ordering interventions such as domestic violence treatment, substance abuse treatment, and mental health treatment to victims or perpetrators of IPV.

Kelly and Johnson, (2008) discussed critical issues of recognizing the meaning and reality of (a) gender in the context of IPV, (b) sampling issues e.g., national surveys versus convenience samples of battered women's shelters, (c) IPV definition and construct operationalization, and (d) how these issues might still create validity and reliability concerns in previous empirical studies. Gelles (2007) stated that in the study of IPV, some advocates misused or misreported social science research results. Moreover, Gelles articulated the importance and need for future research in the area of IPV to portray the data as accurately as possible sans biases, which sensationalize and distort data, leaving judicial officers with inaccurate representations of various empirical results when making family court rulings.

Since I sought to understand batterer retaliatory behaviors after family court litigation, it was essential to define the construct of domestic violence to facilitate

construct validity. In this section, the current trend of scholars eschewing the term DV in favor of the term IPV are discussed. The following is a description of the State of California's legal definition of DV in terms of child custody and visitation. While the legislative language uses the term DV, social science researchers tends to use IPV and I used the terms IPV and DV interchangeably

Review of the Literature

A search of the EBSCO databases using the parameters of full text and scholarly peer-reviewed criteria was performed and included the following databases: Academic Search Premier, Education Research Complete, ERIC, Military and Government Collection, PsycARTICLES, PsycINFO, SocINDEX with Full Text and Teacher Reference Center. Keywords included *child custody mediation*, *divorce mediation*, *Family Court*, *intimate partner violence*, and *domestic violence*. This search produced 127 articles; four articles provided the theoretical basis (i.e., batterer and violence typologies for this study (Holtzworth-Munroe & Stuart, 1994; Holtzworth-Munroe et al., 2000; Johnson, 1995; Kelly & Johnson, 2008).

Government statistical data regarding IPV were found in Catalano (2007), Rennison and Welchans, (2002), and Smith and Farole (2009). I examined articles concerning IPV (Allen-Collinson, 2009; Arnold, 2009; Bemiller, 2008), as well as literature examining the health effects of IPV on women (Campbell et al., 2002; Campbell et al., 2003; Dutton & Goodman, 2005; Seamans, Rubin, & Stabb, 2007). Other authors addressed the effects of IPV on children (Anda et al., 2006; Gewirtz & Medhanie, 2008; Howells & Rosenbaum, 2008; Kracke & Hahn, 2008; National

Scientific Council on the Developing Child, 2010). A follow-up search of the EBSCOhost database using the key terms, *domestic violence, men, health, and effects* revealed no studies focusing on the health effects of male victims of IPV.

Literature regarding screening for IPV in the context of family court was reviewed (Ellis, 2008; Ellis & Stuckless, 2006; Fredrick, 2008; Jaffe et al., 2008), as was literature focusing on the use of power and control (Johnson, 1995; Johnson, 2005; Johnson & Ferraro, 2000; Dutton & Goodman, 2005) to provide a foundation for the coercive control element of IPV. An unpublished doctoral dissertation provided useful insights into court professionals' views regarding prosecuting domestic violence (Hartman, 1999). Lastly, researchers who reviewed the process of divorce in the context of coparenting were reviewed (Ahrons, 2006; Jaffe et al., 2008), as were articles addressing coparenting in terms of families with IPV (Hardesty & Chung, 2006; Hardesty, Khaw, Chung, & Martin, 2008).

IPV Defined

The following definition of IPV was derived from the California Code, Family Code (§3044), and included additional descriptors from other recent research (Archer, 2000; Archer, 2002; Hamel, 2009; Jaffe et al., 2008; Johnson, 1995; Johnson, 2005; Kelly & Johnson, 2008). IPV consists of either a one-time occurrence or a chronic pattern of the following behaviors by one partner toward the other: pushing, carrying, shoving, grabbing or restraining one partner, slapping with an open hand or hitting with a closed hand or fist, the pulling of a partner's hair on any part of the body, dragging or throwing a partner, biting or kicking a partner (Archer, 2000; Archer, 2002; Hamel, 2009;

Jaffe et al., 2008; Johnson, 1995; Johnson, 2005; Kelly & Johnson, 2008). This definition includes a partner using derogatory names, cursing at, or otherwise using shaming or humiliating language as IPV (Archer, 2000; Archer, 2002; Hamel, 2009; Jaffe et al., 2008; Johnson, 1995; Johnson, 2005; Kelly & Johnson, 2008). Moreover, IPV consists of the hitting of a partner on the head, face, breasts/chest, or the genital area, as well as choking, strangulation, smothering, and the use of objects to hit a partner (Archer, 2000; Archer, 2002; Hamel, 2009; Jaffe et al., 2008; Johnson, 1995; Johnson, 2005; Kelly & Johnson, 2008). Keeping a partner from friends, family, or employment, disabling the telephone, car, and/or withholding keys, not allowing personal contacts, phone calls, or mail, in addition to the stalking of a person is included in this definition (Archer, 2000; Archer, 2002; Hamel, 2009; Jaffe et al., 2008; Johnson, 1995; Johnson, 2005; Kelly & Johnson, 2008). Lastly, demanding knowledge of a partner's whereabouts and one partner being actively afraid of the other partner for any reason constitutes IPV (Archer, 2000; Archer, 2002; Hamel, 2009; Jaffe et al., 2008; Johnson, 1995; Johnson, 2005; Kelly & Johnson, 2008).

Violence Typologies

A Review of Prior Research Regarding this Study's Focus

The IPV controversies. Kelly and Johnson (2008) proposed a violence typology based on a review of the literature (Graham-Kevan & Archer, 2003; Holtzworth-Munroe, Meehan, Herron, Rehman, & Stuart, 2000; Johnson, 1995, 2006; Johnson & Ferraro, 2000; Johnston & Campbell, 1993; Leone, Johnson, Cohan, Lloyd, as cited in Kelly & Johnson, 2008) and claimed to identify four types or categories of violence. I provided a

discussion of the theoretical underpinnings of the Holtzworth-Munroe and Stuart (1994) and the Holtzworth-Munroe et al. (2000) studies and discussed the Johnson (1995, 2005) articles as well. Nearly every one of those authors addressed the contested gender symmetry/asymmetry debate as well as the controversies with respect to the biases of the existing empirical evidence regarding IPV in one form or another. For example, Johnson (1995; 2005) articulated the problematic data interpretation issues from the use of large national surveys versus convenience samples. Johnson's contention (Johnson, 1995, 2005; Johnson & Ferraro, 2000) was that the survey types largely determined the outcome of the data based on sample bias. For instance, Johnson (1995, 2005) explicated that data from a shelter containing mostly women seeking services from a shelter identified one type of violence, whereas larger national surveys identified a different type of violence and were likely more representative of the larger population. Another of Johnson's (2005) contentions was that some scholars based arguments upon faulty logic and ignored established science. Johnson argued, "It is no longer scientifically or ethically acceptable to speak of domestic violence without specifying the type of violence to which one refers" (p. 45). Johnson pointed to articles, which sought to test his theoretical postulations of violence typology, and appeared to garner some empirical support (Graham-Kevan & Archer, 2003). I briefly examine that article later in this section.

Johnson (2005) furthermore explicated agency samples such as those from courts, battered women's shelters, hospitals, and crime surveys which pointed to a particular predominantly male perpetrated violence – intimate terrorism (p. 45). However, Johnson

asserted there were two other categories or types of violence from the extant data: violence resistance, which is used by the victim of the intimate terrorist to resist that violence (i.e., self-defense), and situational couple violence, a violence type that is not “embedded in a general pattern of power and control” (Johnson, 2005, p. 45). For Johnson’s (2005) postulations, power and control were the key elements, that defined the intimate terrorist violence type. Johnson (1995, 2005) viewed power and control from the relational level as opposed to specific situations. Essentially, Johnson (2005) seemed to be saying the relationship centered on power and the use of controlling behaviors perpetrated predominately by the male against the female (p. 45).

Johnson (2005) buttressed his argument regarding male dominated intimate terrorist violence based on the Archer (2000) study. Dutton (2005) also used the Archer data in opposing Johnson’s thesis of gender symmetry and asymmetry. Johnson stated that the Archer meta-analysis found males from the agency samples to be more likely to be the perpetrators of violence ($d = .86$). Johnson also cited data from a British sample in which men (see Graham-Kevan & Archer as cited in Johnson, 2005) perpetrated 87% of intimate terrorist violence. Johnson linked the controlling behaviors of the intimate terrorist to the agency samples, and then linked the larger showing of males perpetrating this type of violence to his category of intimate terrorist. However, Johnson also stated that there existed a different type of violence – situational couple violence. Johnson identified this type of violence as coming from the gender symmetric studies from larger national surveys which showed females to be as likely to commit violence as males were. Johnson stated that those surveys caught violence between couples and was more

representative of the general population. However, in the present study, I discussed a problem with accepting the empirical validity of the Archer meta-analyses with regard to wholesale generalizability.

Many of the gender symmetry arguments used the Archer (2000, 2002) meta-analyses in some manner to fortify their arguments. This is problematic for at least one significant reason: Half of the sample in the Archer 2002 study was college and high school students. Furthermore, the researchers involved in the Archer meta-analyses indicated that this was essentially an issue in their first meta-analysis. That one could consider generalizing the findings of immature adolescents who have no firm sense of self developmentally to the general population is untenable, especially in the context of a controversial debate regarding generalizability. Scholars commonly agree that quasi-experimental designs in quantitative studies essentially apply to the specific group being studied and have limited, if any, generalizability to a larger population (Gravetter & Wallnau, 2007; Horn, Synder, Coverdale, Louie, & Roberts, 2009). Therefore, based upon extant data, one cannot confidently say with any empirical support that IPV as a whole has gender symmetry or asymmetry. Rather, researchers, as did Johnson and others (1995; 2005; Johnson & Ferraro, 2000; Kelly & Johnson, 2008), must link together separate, different studies, and make educated guesses with respect to gender symmetry/asymmetry.

Dutton, Nicholls, and Spidel (2005) argued that researchers and policy makers, which championed funding for the victims of IPV (i.e., only women), had prevented the reporting of female perpetrated battering. They stated, “until very recently, political

correctness and concerns that reports of female perpetrated abuse might decrease funding and other sources of support for female... victims” (p. 2) has essentially prevented publication of research revealing IPV with female perpetrators. Other scholars have echoed this assertion (Babcock, Miller, & Siard, 2003). Babcock et al. (2003) did not provide conclusive and verifiable evidence to support such a claim as journals rejecting articles due to the subject being politically incorrect. Moreover, Dutton et al. cited a research intended to support their argument that women committed violence in similar or even greater numbers than do men (pp. 3-6). However, Dutton et al. cited the Archer studies (2000; 2002) mentioned throughout the present study to support their gender symmetry argument (see previous comment regarding the generalizability of these studies). Likewise, Dutton et al. also drew from studies of college students to make claims about gender symmetry in IPV. A flaw in the reasoning of researchers claiming a particular stance regarding gender symmetry/asymmetry is that they appeared to be using a positivist or postpositivist paradigm (Popper, 1998) to advance their argument; however, they failed to cite studies that used a clean experimental design. Additionally, most of the studies claiming gender symmetry or asymmetry relied on self-reports and as such, are subject to self-report bias. The positivist paradigm would likely eschew making bold, conclusive arguments for the generalizability of those studies regarding gender symmetry/asymmetry. Based upon this review of the controversies, it appears research in the field of IPV is in need of uncontaminated studies using qualitative investigation designed to lead to more focused and clean experimental designs for future empirical testing of the resulting hypotheses.

Moving forward from the gender symmetry/asymmetry issue, disagreement yet exists upon similar arguments for violence typologies. However, Johnson (2005) pointed out that one researcher of a British sample essentially provided empirical support for his violence typologies (Graham-Kevan & Archer, 2003). Graham-Kevan and Archer (2003) sought to test Johnson's typologies using a sample expected to contain evidence of intimate terrorism – battered women's shelters and a prison. However, Graham-Kevan and Archer developed a new instrument they derived from the Conflict Tactic Scales they called the Controlling Behaviors Scale (p. 1252). Graham-Kevan and Archer reported the Cronbach's alpha scores for some of the four item scales were as low as .48. This alone exposes reliability issues for that study. Yet Graham-Kevan and Archer (2003) reported that their research appeared to find support that intimate terrorism is predominantly male perpetrated and common couple violence was gender symmetric.

Kelly and Johnson (2008) proposed a recent iteration of violence typology. Kelly and Johnson (2008) essentially reviewed the literature and arrived at a slightly extended version of Johnson's original four-category violence typology (Johnson, 1995, 2000). The typology offered by Kelly and Johnson was one of the typologies that was used as a template through which to attempt to understand IPV.

Gender specific versus gender inclusive. Hamel (2009) addressed each perceived flaw in Johnson's (1995, 2005) theoretical typology citing various authors and articles that dissented with Johnson's thesis. Hamel preferred a largely intrapersonal gender inclusive model of IPV, stating Johnson's model did not, "incorporate the impulsive *and* [emphasis in original] severe violence characteristic of those with

borderline personality disorder” (p. 44). Hamel highlighted the fact that Johnson’s research did find gender symmetry in the form of common couple violence; however, Hamel appeared to take umbrage with Johnson’s embrace of the feminist viewpoint of patriarchal terrorism for the severest form of violence. Hamel cited a statistic from the National Violence Against Women Survey (NVAWS) which found that 36% of the IPV victims were men (Tjaden & Thoennes, 2000). Hamel did not follow through with the analysis of the sample, except to say that some scholars (Straus as cited in Hamel, 2009) theorized that male IPV would be underreported in that survey for various reasons such as embarrassment and so on (p. 44).

Hamel (2009) presented comparison tables (see Tables 1 & 2 in his article) denoting the theoretical underpinnings of each model and the concomitant policy and treatment implications that logically stemmed from each research paradigm. While each of the authors discussed in this review of the literature mentioned policy implications, Hamel’s charts appeared particularly helpful in placing the important aspects of treatment and policy issues and concomitant project funding dollars in a context to appreciate how these issues might have influenced bias in the research(er). A researcher in the field of IPV made a similar comment when discussing the gap between practice and research. In a personal communication that discussed the gap between research and practice, Hardesty stated that the gap between research and practice existed for many complicated reasons, including competition for research funding dollars (J. Hardesty, personal communication, April 23, 2010).

Individual versus systemic views and a movement toward batterer typology.

Hamel (2009) offered a case for envisioning IPV in terms of individual psychopathology (p. 46), proximal factors such as socioeconomic influences, type of relationship, and age (p.47). Therefore, Hamel stated IPV consisted of interpersonal, situational, and relationship developmental issues, and should be viewed holistically in those terms. Interestingly, Hamel's formulation of IPV appeared similar to Capaldi and Kim's (2009) dynamic systems model of IPV. Capaldi and Kim apparently desired to include individual psychopathology into their theoretical models of IPV, especially in terms of the etiology of IPV. However, that thinking seemed to be an extension of the batterer typology explicated by Holtzworth-Munroe and Stuart (1994). Holtzworth-Munroe and Stuart's erudite model meticulously explicated a batterer typology that included developmental aspects of the individual; the psychopathology of the individual; as well as proximal and distal factors (including relational dynamics, and situational factors) thought to have influenced a batterer's etiology, including attachment style (pp. 482-494). Holtzworth-Munroe and Stuart (1994) made a statement that provided logical organizational sense in terms of progressive research regarding IPV and batterer typology:

Perhaps an appropriate analogy from the field of medicine is that of cancer: All cancer patients share a common underlying pathology; however, the features of each type of cancer vary tremendously, each having its own causes, risk factors, and treatments. Given this viewpoint, it may no longer make sense to conduct studies that involve comparisons between violent and nonviolent husbands.

Rather, future researchers should identify subtypes of batterers and then compare each subtype with the others and with nonviolent comparison groups.

(Holtzworth-Munroe & Stuart, 1994, p. 494)

Support for Holtzworth-Munroe and Stuart's (1994) batterer typology model comes from two later studies, Holtzworth-Munroe et al. (2000) and Eckhardt, Holtzworth-Munroe, Norlander, Sibley, and Cahill, (2008). In a study specifically designed to test the largely theoretically based batterer typology of Holtzworth-Munroe and Stuart (1994), Holtzworth-Munroe et al., (2000) undertook an extensive study with concomitant exhaustive statistical analyses of the different data collected from various instruments and measures. The Holtzworth-Munroe et al. (2000) analyses revealed support for the original three categories of batterers, the (a) generally violent antisocial batterer, (b) the borderline/dysphoric batterer, and (c) the family only batterer. However, the subsequent results of that study comparing groups of violent men and nonviolent men revealed a new cluster, (d) the low-level antisocial batterer. The strengths of the study were that Holtzworth-Munroe et al. (2000) compared violent and non-violent men, used several measures including the Conflict Tactic Scales Revised (CTS-2; Straus, Hamby, Boney-McCoy, & Sugarman, 1996, as cited in Holtzworth-Munroe et al., 2000), included objective documentation such as police arrest records and court documents, and also incorporated spouse reports – an innovative aspect not seen in the literature of IPV at that time. However, the samples were not randomly assigned; the sample size was relatively small ($n = 102$ in husband violent group, $n = 62$ in nonviolent husband comparison group), and the use of self-reports were a mainstay of data collection Holtzworth-Munroe

et al. (2000). One additional criticism is that Holtzworth-Munroe et al. (2000) appeared to accept, *a priori*, that men were the predominant batterers (from the same controversial data sets discussed previously in this section), and therefore, required specific focus as batterers. In this study, I argue that despite this gender bias, the data from the Holtzworth-Munroe and Stuart (1994) and Holtzworth-Munroe et al. (2000) studies are essential to understanding one aspect of IPV – how men batter women. How women might fit a particular batterer typology as yet remains unclear.

Eckhardt et al. (2008) provided additional support for the batterer typology originally presented in Holtzworth-Munroe and Stuart (1994) and refined in Holtzworth-Munroe et al. (2000). Eckhardt et al. sought to understand why male batterers had such poor batterer intervention completion (BIP) rates. Eckhardt et al. hypothesized that some of the men were not ready to embrace change, therefore, rendered the BIP treatment ineffective. They used the transtheoretical model of behavior change (TTM; Prochaska as cited in Eckhardt et al., 2008) to see if stages of change were meaningful in understanding the poor completion rates of male batterers. Eckhardt et al. also wanted to know if batterer type was meaningful in understanding poor BIP completion rates. The second author of that study was Holtzworth-Munroe, a principal investigator for two of the batterer typology studies discussed in the present study. Essentially, Eckhardt et al. conducted cluster analyses of 199 participants that took the same measures originally given to the participants in the Holtzworth-Munroe studies Eckhardt et al. (2008). The participants clustered into the same four types Eckhardt et al (2008). However, Eckhardt et al. found that the generally violent antisocial group was somewhat smaller than the

other groups (6%). Eckhardt et al. suggested that the generally violent antisocial males were most likely not seeking treatment or had more severe criminal issues and thus, were underrepresented in their sample of BIP treatment seeking (or ordered) persons.

Limitations of this study were that the sample was largely African American males, Eckhardt et al. assumed *a priori* men to be the batterers, and the sample was not randomly assigned, thereby, limiting the generalizability of the results of that study.

A precedent for a female batterer typology? Female batterer typologies were examined in previous research (Allen-Collenson, 2009; Babcock, Miller, & Siard, 2003; Dutton, Nicholls, & Spidel, 2005) that tended to view the female perpetrated violence in terms of women resisting the violence of men with some semblance of self-defense. Dutton et al. (2005) provided a review of literature that examined female perpetrated IPV. For example, Dutton et al. reported the results of a few studies, one in particular (Babcock, Miller, & Siard, 2003), that used the male IPV batterer typology paradigm from the Holtzworth-Munroe and Stuart (1994) study. Dutton et al. argued that the Babcock et al. study provided empirical support for the position that females are batterers as well. In that study, Babcock et al. found two predominant types of female batterers, generally violent perpetrators and partner only perpetrators. Babcock et al. compared 60 women that were receiving treatment for perpetrators of IPV, which included lesbian and heterosexual participants. The measures were designed to capture several aspects of the violence including, (a) reasons for violence, (b) proximal antecedents for violent episodes, (c) general violence, and (d) intimate partner abuse and self-defense (Babcock et al., 2003, pp. 155-156). One important facet to their study as it related to the IPV

controversies was that those researchers sought to investigate the feminist paradigm of women using violence for self-defense (see Dutton et al., 2005; Johnson, 1995; Johnson, 2005; Kelly & Johnson, 2008). Using a Likert-type survey in addition to a modified version of the CTS-2, Babcock et al. found no significant correlation between the use of self-defense by the female batterers in their study and independent measures of perpetrated violence. Babcock et al. acknowledged that a simple frequency count of violence committed due to self-defense was not a valid way to capture that important information in light of self-report bias (p. 159). Using the Trauma Symptoms Checklist, the Babcock et al. also sought to understand how, or if, past trauma acted as a contextual variable in causing violent behavior in their sample. Babcock et al. found that the generally violent women endorsed more trauma symptoms than partner only women did. Additionally, experiencing child abuse was not a significant difference between the two groups. Another interesting finding developmentally, was that generally violent women indicated having watched their mothers being harmed by males more so than did the partner only group. Those authors subsequently hypothesized that female batterers were more likely to have learned to be violent through social learning as opposed to the paradigm of the feminist proffered patriarchal terrorist theory (p. 159). This essential observation by the authors provides central support for the position of the present study – female and male batterers are naturally different. This difference is without any type of pejorative attribution. Male and female differences simply are factual.

Nevertheless, the present study agrees with the statement from Johnson (2005) in that it seems important to differentiate between violence types when discussing IPV since

it assists the researchers and helping professionals with obtaining a more focused and nuanced understanding of the IPV dynamics (Kelly & Johnson, 2008). Rather than treat each typology (violence and batterer) separately, I attempted to blend the batterer typology paradigm of Holtzworth-Munroe and Stuart (1994), Holtzworth-Munroe et al. (2000) and the violence typology paradigm of Kelly and Johnson, (2008) as templates through which to view cases involving IPV in the context of retaliatory violence during and after family court litigation. There is precedent in the literature for using violence types somewhat interchangeably (Jaffe et al., 2008); however, there does not appear to be a precedent for blending the two typologies (i.e., violence and batterer typologies) in a purposeful way in research. However, Johnson and Ferraro (2000) stated, “We believe that the major advances in our understanding of the origins of partner violence will come from bringing together and extending the work on types of violence and types of perpetrators” (p. 950). This study might well be the first to have attempted such a blending of theoretical models into one research design. After presenting the controversies regarding violence and batterer typologies, the following is a brief presentation of the Kelly and Johnson (2008) violence typology model.

Based upon the above discussion of the literature reviewed by Kelly and Johnson (2008), they theorized violence typologies that suggested IPV consists of (a) coercive controlling violence, (b) violent resistant violence, (c) situational couple violence, and (d) separation instigated violence. The following is a description of each violence type based upon their review of existing literature.

Toward a possible use for typologies. Though extant research of IPV remains controversial and lacking of clear empirical support for any particular position regarding gender symmetry, violence typology, or batterer typology, viewing IPV through the lens of violence and batterer typologies may have usefulness in future studies (Johnson 2005). For example, child custody mediators can take appropriate safety measures for the children of parents with a history of IPV based upon the type of violence (Jaffe et al, 2008). The idea being one type of violence may inherently contain more danger for children than a different type of violence (see Jaffe et al., 2008). Nonetheless, some in the research community criticized the use of typologies based on the following arguments. Capaldi and Kim (2009) argued that certain key issues existed in understanding IPV – degree of violence versus type, couples versus individual, and instrumental versus hostile aggression. Capaldi and Kim (2009) opined that each of these areas, if examined closely, rendered the usefulness of typologies inadequate for explaining fully the mechanisms underlying IPV (pp. 4-7). Capaldi and Kim (2009) argued that typologies are too simplistic to understand violence patterns between people. Capaldi and Kim (2009) asserted that contextual, situational, developmental characteristics, and relational factors all combined to influence IPV. Therefore, Capaldi and Kim (2009) postulated a different way in which to study IPV, which was through dyadic observation (p. 8) with a dynamic developmental systems approach. Capaldi and Kim (2009) explained, “The approach emphasizes the importance of considering first the characteristics of both partners as they enter and then move through the relationship, including personality, psychopathology, ongoing social influences (e.g., peer

associations), and individual developmental stage” (p. 8). Capaldi and Kim ensured that both persons involved in the violence were evaluated in terms of behaviors, inter and intra personal deficits, and as well as situational, contextual, and developmental points in the relationship. General Systems Theory practitioners would agree with Capaldi and Kim in their focus on dynamic interactions of many things converging to influence the individual (Thomas, 1994). However, a contrasting viewpoint comes from the wisdom of the axiom, “Occam’s Razor” (n.d.) which recommends the use of the simplest of competing theories.

Violence Typology

For this study I chose the typologies highlighted for their utility in which to view IPV using a coherent framework based upon previous theoretical research that also aligns with clinical experience. However, I acknowledge that at this stage of IPV research, extant literature lacks empirical support for the use of these typologies.

Coercive controlling violence. Coercive controlling violence was the type in which the batterer used power and control to intimidate and manipulate their victims through such techniques as humiliating, shaming, threatening, intimidating, blaming, minimizing, and denying the violence (Kelly & Johnson, 2008). This violence type also included the batterer asserting male privilege and using the children to manipulate their victims. Johnson (1995) argued that male privilege derives from earlier ideas of patriarchal ownership of their female partners. In the context of this study’s research questions regarding batterer retaliatory violence, Kelly and Johnson reported coercive controlling violence was associated with serious injury and homicide in some cases.

Moreover, Kelly and Johnson reported coercive controlling violence more frequently resulted in violent incidents. Kelly and Johnson stated women who have separated from their partners were at higher risk for homicide than are women from intact relationships. As noted previously, these data were largely based upon crime surveys and lacked clear consensus. In fact, Johnson (2005) clearly articulated that it was possible for women to use coercive controlling violence. Therefore, Kelly and Johnson (2008) concluded that a major risk for family courts is the possibility of further violence for the victims in coercive controlling violent relationships.

Violent resistant violence. Kelly and Johnson (2008) viewed the violent resistant violence type as violence, perpetrated by the victim of the coercive controlling batterer. Kelly and Johnson concluded that extant research established the dynamic of women in coercive controlling relationships resisting that violence with violence of their own. Kelly and Johnson pointed out the trend for earlier research to view this resistance as self-defense. However, Kelly and Johnson articulated their preference for using the term violent resistant as opposed to the legal term self-defense because legal definitions were subject to change with legislation. The violent resistant category might provide meaningful information regarding batterer retaliatory violence after family court litigation, as this type of victim-perpetrated violence might produce more violence from the batterer in the form of retaliation.

Situational couple violence. Situational couple violence was the most common type of violence and both males and females perpetrated this type (Kelly & Johnson, 2008). Kelly and Johnson described this violence as arising out of situations involving

arguments or disagreements. A key element in this type of violence was that one or both partners generally had a deficit in coping skills to manage anger effectively. Moreover, this type of violence contained less severe forms of violence such as pushing and shoving (Kelly & Johnson). However, Kelly and Johnson pointed out that this type of violence lacked the embedded power and control dynamics in the relationship, as well as the element of fear of the other partner. With respect to batterer retaliatory violence, Kelly and Johnson articulated that situational couple violence is less prone to rise over time. This violence type appears less likely to involve batterer retaliatory behaviors after family court litigation.

Separation instigated violence. Separation instigated violence (Kelly & Johnson, 2008) was violence perpetrated by a partner who had no history of being violent. Kelly and Johnson described this violence as occurring in the wake of a traumatic separation. Kelly and Johnson provided an example of a partner arriving home to find the house emptied and the children gone (p. 487). Another catalyst for this type of violence was public humiliation (e.g., served court papers at work), or allegations of sexual abuse of a child, or walking in on a partner having sex with another person. This violence type lacked the element of power and control as well as the element of fear. Kelly and Johnson (2008) stated the partner that is left is most likely to be the person who perpetrated this kind of violence. Kelly and Johnson encouraged the use of screening tools to distinguish between types of violence to assist with screening for safety. This type of violence might indeed be important to understanding violent retaliation after family court litigation; however, the focus of the questions of this study is on batterer

retaliatory behaviors. By definition, the perpetrators of this type of violence have no history of committing violence; therefore, they do not fit the picture of a “batterer.”

Batterer Typology

Holtzworth-Munroe and Stuart (1994) stated, “Developing a typology of violent men would allow a systematic examination of how and why different men use violence against their wives” (p. 476). Holtzworth-Munroe and Stuart also suggested developing a cohesive batterer typology would facilitate creating more efficacious treatment methodologies for batterers; therefore, the idea of using a rational batterer typology in the context of understanding the “how and why” of batterer retaliatory violence seems clinically and academically important. Holtzworth-Munroe and Stuart contended it was important to consider three major dimensions of classification for batterers based upon extant literature of that time (e.g., the 70s, and 80s). The first dimension was severity, which they stated positively correlated with frequency of violence Holtzworth-Munroe and Stuart (1994). The next dimension was generality Holtzworth-Munroe and Stuart (1994). For example, was the batterer mostly violent with the family only or was the batterer violent with others? The other dimension for their batterer typology was psychopathology and personality disorders Holtzworth-Munroe and Stuart (1994). Thus, Holtzworth-Munroe and Stuart’s (1994) typology of batterers included three types, (a) the family only batterer, (b) the dysphoric/borderline batterer, and (c) the generally violent/antisocial batterer. A later study designed to test the first study found a fourth type, (d) low level anti social batterer (Holtzworth-Munroe et al., 2000).

Family only batterer. Holtzworth-Munroe and Stuart (1994) and Holtzworth-Munroe et al. (2000) stated the family only batterer was less likely to engage in severe IPV and even less likely to engage in psychological and sexual abuse. Holtzworth-Munroe and Stuart (1994) concluded the family only batterers were less likely to evidence psychopathology or might have a passive-dependent personality disorder. Holtzworth-Munroe and Stuart (1994) hypothesized this group could consist of at least 50% of the batterer population.

Dysphoric/borderline batterer. Their second batterer type is the dysphoric/borderline batterer (Holtzworth-Munroe & Stuart, 1994). These individuals would engage in moderate to severe psychological, physical, and sexual abuse of their intimate partners Holtzworth-Munroe and Stuart (1994). Holtzworth-Munroe and Stuart (1994) contended this batterer type confined their violence primarily to the family although some criminality and extra-familial violence might be present. Holtzworth-Munroe and Stuart (1994) argued persons in this group of batterers were "...dysphoric, psychologically distressed, and emotionally volatile. They may evidence borderline and schizoid personality characteristics and may have problems with alcohol and drug abuse" (p. 482). Holtzworth-Munroe and Stuart (1994) opined these batterer types made up approximately 25% of batterers from existing research.

Low level antisocial batterer. Holtzworth-Munroe et al. (2000) realized a fourth cluster when purposefully testing their 1994 theoretical clusters. Holtzworth-Munroe et al. (2000) surmised that their later study included community samples of men instead of treatment seeking men. Therefore, Holtzworth-Munroe et al. (2000) hypothesized that

the family only type from their previous study was actually the low level antisocial type of the current study. The new cluster of the family only type was men with comparatively less pathology – a new cluster from the community sample. Therefore, the family only type scored less on antisocial and violence scales than did the generally violent antisocial batterers, and somewhat less than borderline/dysphoric types. Holtzworth-Munroe et al. termed this group as scoring intermediate on these scales (p. 1016).

Generally violent/antisocial batterer. Their last category of batterer was the generally violent/antisocial batterer (Holtzworth-Munroe & Stuart, 1994). Holtzworth-Munroe and Stuart (1994) hypothesized this cluster of batterers engaged in moderate to severe IPV, which included sexual and psychological abuse. These batterers were likely to have more extensive criminal histories and more extra-familial violence along with substance abuse issues. Holtzworth-Munroe and Stuart (1994) suggested persons in this batterer typology were most likely to have antisocial personality disorder or psychopathy. Holtzworth-Munroe and Stuart (1994) estimated this group of batterers to comprise approximately 25% of batterers.

Models of Marital Violence

Holtzworth-Munroe and Stuart (1994) discussed previous models of marital violence in the literature. Holtzworth-Munroe and Stuart (1994) divided the model types into three groups based upon their level of analysis: (a) sociocultural, (b) interpersonal, and (c) individual or intrapersonal. Holtzworth-Munroe and Stuart (1994) explained the broadest level of analysis was the sociocultural model, which included feminist and

culture of violence theories. Holtzworth-Munroe and Stuart (1994) assumed for these models that the patriarchal and violent society encouraged the use of violence to dominate families and women. Holtzworth-Munroe and Stuart articulated that the interpersonal models postulated dyadic or family interaction patterns housed the genesis of IPV. Lastly, Holtzworth-Munroe and Stuart stated the intrapersonal models examined elements of attachment theory (e.g., jealousy and dependency) or cognitive theory (e.g., attitudinal toleration of violence) with respect to how these phenomena related to the use of IPV in relationships. Holtzworth-Munroe and Stuart explicated their decision to focus on the intrapersonal level, as opposed to the broader systems levels mentioned above, because they were intent on explaining the etiology of marital violence in terms of differentiating male batterers. Furthermore, Holtzworth-Munroe and Stuart stated they considered personality disorders as descriptors of the subtypes they hypothesized from the literature.

Holtzworth-Munroe and Stuart (1994) explained the lens through which they viewed the variables involved in the etiology of the male batterer in terms of distal and proximal factors. For example, Holtzworth-Munroe and Stuart defined distal factors as emanating from childhood. Distal factors included childhood experiences, genetic and prenatal factors, and interactions with peers. Holtzworth-Munroe and Stuart stated they did not observe consistent discussions in the scholarly literature about distal factors and their subsequent influence on batterer etiology. Holtzworth-Munroe and Stuart defined proximal factors as attachment to others, impulsivity, social skills, attitude toward violence, and attitude toward women. Holtzworth-Munroe and Stuart pointed out some

methodological problems with previous research regarding batterer typologies. Mainly, there were problems with sampling (e.g., convenience samples), none of the previous typologies attempted replications, no test-retest examinations for reliability of their types, and a lack of causal modeling to explain why the subtypes developed the observed pattern of violence. Holtzworth-Munroe and Stuart argued, “Ultimately, typologies of batterers will prove relatively useless if they remain descriptive; their potential fruitfulness comes from the ability to use them to better understand the causes and functions of various types of marital violence” (p. 493). This statement offered by Holtzworth-Munroe and Stuart provides support for my argument that typologies must be applied systematically in family court IPV assessment processes in order to enjoy the fruitfulness of this scientifically derived IPV knowledge.

Holtzworth-Munroe et al. (2000) set out to test their previous model of batterer typology (Holtzworth-Munroe & Stuart, 1994) and reported a particular strength to their study was the sampling method. Essentially, Holtzworth-Munroe et al. (2000) gathered men from the community in addition to clinical samples allowing for the possibility of generalizing to a wider population. Moreover, Holtzworth-Munroe et al. (2000) also reported using a comparison group of non-violent men. This increased their understanding of the differences between the batterer and non-batterer. An additional strength of the Holtzworth-Munroe et al. (2000) study was the inclusion of the wife’s reports of husband behaviors in addition to the batterer’s self-report, which served to minimize self-report bias. Holtzworth-Munroe et al. (2000) reported their study to confirm generally their original hypotheses regarding the distal and proximal factors

being associated with the three subtypes of batterers. However, Holtzworth-Munroe et al. (2000) reported the emergence of a new subtype they labeled as low level antisocial. Holtzworth-Munroe et al. stated the family only group of men most likely came from the community sample and have not been studied in previous research because most of their samples were clinical samples of violent men seeking or receiving treatment for domestic violence. They likened the family only batterer group in their previous study (Holtzworth-Munroe & Stuart, 1994) to the low level antisocial group in their subsequent study (Holtzworth-Munroe et al., 2000) and the family only batterer in the 2000 study to be the new group of male batterers captured by their sampling of the community.

Suffice it to say the batterer typologies hypothesized (Holtzworth-Munroe, 1994) and later tested and analyzed empirically (Holtzworth-Munroe, 2000) provided a coherent batterer typology for the present study in which to understand how these typologies may or may not provide insight into batterer retaliatory violence after family court. Holtzworth-Munroe et al. suggested future research on batterer typology must consider batterer subtypes and how these factors might predict violence.

A Scholarly Consensus for Differentiation of Violence and Batterer Type

Jaffe et al. (2008) articulated what they deemed as an “emerging consensus” (p. 500) among scholars about violence types and how they relate to family court cases. Jaffe et al. (2008) articulated those categories as: (a) abusive-controlling violent relationships (ACV), similar to coercive controlling (Kelly & Johnson, 2008); (b) conflict-instigated violence (similar to situational couple violence, see Kelly & Johnson); (c) violent resistant; and (d) separation-instigated violence. Jaffe et al. contended abusive

ex-partners who used power and control (e.g., Kelly & Johnson's coercive controlling type, or their own typology of abusive-controlling violent relationships), were poor role models as parents and were more likely to be abusive toward the children. Moreover, those authors also argued that batterers who used power and control were likely to use the court and legal processes as mechanisms through which to continue their strategy of exerting control over their victim. One of my interests in this research is in the batterer's use of the court system to control the victim, as it seems to be a form of batterer retaliation (Bemiller, 2008).

Power and Control in IPV

Dutton and Goodman (2005) stated that scholars have defined IPV as a systematic set of behaviors of coercive control where the batterer "...asserts his power over the victim through the use of threats, as well as actual violence. Violence is simply a tool..." (p. 743). Dutton and Goodman elucidated that actual violence was a tool or vehicle to support something akin to partner terrorization, similar to Johnson's (1995) view of patriarchal terrorism (see discussion in controversies section). Dutton and Goodman observed the construct of coercive control and the ability to measure this construct had not received adequate attention by researchers. Dutton and Goodman cautioned that solely measuring the number of violent events could not accurately capture IPV holistically. Rather, they argued one must consider the context of the relationship, as well as the social, cultural, and institutional systems in which the batterer and victim live. Dutton and Goodman stated the need to clearly define the construct of coercive control

because it would assist with identifying subtypes of IPV and assist in the legal venue by identifying the criminality of these behaviors with concomitant appropriate sentencing.

Dutton and Goodman referred to earlier works by Lewin (as cited in Dutton & Goodman, 2005) in understanding a theoretical basis for power and control. Dutton and Goodman argued, “Coercive power involves the agent’s ability to impose on the target things the target does not desire, or to remove or decrease desired things” (p. 745). Dutton and Goodman (2005) noted that they believed both males and females could be batterers in the context of IPV. Dutton and Goodman’s (2005) description fit perfectly with anecdotal experience with IPV in the milieu of child custody mediation. My clinical experience as a child custody mediator reveals that in the majority of the child custody cases involving IPV, it seems one partner attempts to assert power and control over the other partner via the family court processes. For example, in one case the batterer wanted to make sure the victim had to attend the child exchanges alone. Additionally, the batterer in that case desired to have the court order the mother to provide him with weekly updates from the children’s school progress. The batterer did not even know the name of the school or the names of the children’s teachers. The hypothesis was that the batterer simply wanted to ensure he maintained some form of control over the victim. Moreover, it appeared to be a strategy for providing an avenue to continue to intimidate the victim, as he wanted her to be court ordered to report the results of the children’s school progress directly to him.

Dutton and Goodman (2005) noted bases of power could be used to (a) change the target’s behavior, which requires surveillance, and (b) change the target’s beliefs. These

descriptions seemed similar to psychological warfare. In fact, Dutton and Goodman described the ideas of coercive power including negative consequences such as beating the victim for not having the kitchen cleaned or a meal prepared, along with rewarding the victim for compliance such as financial support and transportation. An essential element was the idea that the victim had a form of choice – comply and be rewarded, or resist and risk punishment (Dutton & Goodman, 2005). Hartman (1999) cited court professionals, including judges and prosecutors, asking the questions of why or how the victims can remain in those types of relationships for such a long time. Dutton and Goodman provided a possible answer to those penetrating questions when they cited a college student sample study (Molm as cited in Dutton & Goodman, 2005) which found “compliance increases over time when the probability of contingent punishment is high” (p. 745). Dutton and Goodman defined coercion as containing two parts, a demand and a threat.

Anecdotal experience reveals helping professionals in the field, such as court professionals, mental health professionals, and medical professionals, are not aware of a universally agreed upon set of descriptors with respect to the definition of controlling or coercive forms of domestic violence. Moreover, there appeared to be an issue of specific attitudinal peculiarities still lingering within the legal profession, in addition to the complexities of the legal context of domestic violence with respect to “family matters” (Hartman, 1999). Hartman (1999) surveyed 63 court professionals regarding their attitudes toward recognition and prosecution of domestic violence itself. Hartman followed the history of the American society with respect to the early acceptance of “wife

battering” to the slowly changing attitude of intimate partner abuse as a crime. Some early attitudes seem to extinguish slowly because even in modern society, one can sometimes hear the use of a familiar colloquialism, “the rule of thumb.” It is reported that the expression comes from an old English common law definition regarding the size of the instrument one can use to beat one’s wife (e.g., a twig or branch the size of one’s thumb) (George, 2007). Straus and Gelles (1986) confirmed the maltreatment of women with respect to the historical context just mentioned (p. 466). This medieval attitude appears to be ingrained in many facets of modern society despite the more recent recognition that it is a violation of basic human rights to “beat” a person, male or female (Bettinger-Lopez, 2008). There is an aspect of disciplining children where some parental philosophies do include the use of spanking. California state laws do not appear to include direct reference to spanking a child. Rather, the several codes (Welfare and Institutions Code 300, Penal Codes 11165.4 and 11165.6) specify that no person can cause injury to a child.

Dutton, Kaltman, Goodman, Weinfurt, and Vankos (2005) provided a brief review of research outcomes of IPV victims and how the violence affected them in the context of several variables including (a) self-esteem; (b) mental health (e.g., posttraumatic stress disorder, anxiety, and depression); (c) and poor body image. The victims of IPV had poorer outcomes in all of the above-mentioned areas. Moreover, Dutton et al., (2005) set about identifying patterns of violence, and they examined whether those patterns correlated with specific outcomes. The data from Dutton et al.’s

research are relevant to this study because of their findings regarding patterns of violence that correlated with re-victimization.

Dutton et al, (2005) used an intentionally biased sample of women from (a) a battered women's shelter, (b) a court docket for criminal domestic violence, and (c) a civil court that handled protection orders. Dutton et al. appeared to be interested in women victims only. The design of Dutton et al.'s study was to administer questionnaires at three time intervals, one at baseline, one at three to four months, and the other at approximately one year after baseline.

Dutton et al. (2005) identified three patterns of IPV. Pattern 1 had moderate physical violence, psychological abuse with some stalking but slight sexual violence Dutton et al., (2005). Pattern 2 displayed high physical violence, psychological abuse, with stalking; however, very low incidents of sexual violence Dutton et al., (2005). Pattern 3 was characterized as having higher levels of physical violence, psychological abuse, stalking, as well as sexual violence (Dutton et al., 2005, p. 289). In their study, Dutton et al., (2005) reported that 61% of the victims of pattern two were most likely to report experiencing re-victimization. This seemed to run contrary to the idea that increased levels of violence in all areas, including sexual violence, would be a predictor of re-victimization (Dutton et al., 2005). However, nearly 47% of the victims in pattern three violence (highest reported levels of violence in all areas, including sexual violence) reported re-victimization (Dutton et al., 2005). This is nearly half of the total sample ($n = 406$) (Dutton et al., 2005). Dutton et al. (2005) employed the use of several established measures such as the Revised Conflict Tactic Scales, and the Psychological Maltreatment

of Women Inventory. The design and subsequent use of these scales in the Dutton et al. study provided added credibility to the researchers' defined patterns of violence in that the instruments captured several nuanced aspects of IPV such as "he swore at me" (p. 487). This is important, as a trend in the study of IPV is to differentiate types of violence (Jaffe et al., 2008; Johnson, 1995; Kelly & Johnson, 2008).

Dutton et al. (2005) provided data with regard to identifying meaningful patterns of IPV. However, they concluded no one woman experienced IPV or abusive behaviors "...in a vacuum" (p. 493). Moreover, they also concluded a woman might experience different patterns of violence with respect to time. For example, from Dutton et al.'s results they hypothesized that women moved from incurring moderate to severe violence from the batterer over time. It was apparent this study *a priori* assumed men to be the batterers. For a discussion on the controversies regarding gender bias, please see the earlier discussion in the controversies section.

Because 81% of the participants were African American women and the sample was intentionally biased toward women seeking assistance from agencies or the courts, the generalizability of this sample is questionable (Dutton et al., 2005). Moreover, Dutton et al. ignored male victims of IPV in their study (Dutton et al., 2005).

The insidious nature of persons who employ coercive controlling types of violence (Kelly & Johnson, 2008) necessitates a comprehensive listing of the forms of violence ranging from obvious physical injury to name-calling, shaming, and humiliating, to the more subtle forms of keeping a partner isolated from friends or family and not allowing them to have money. Additionally, because society today has different types of

intimate relationships such as marriages or intimate partner's cohabitating, this study used the term intimate partner violence (IPV). However, because legal issues as well as previous empirical studies using older terminology I used domestic violence (DV) and intimate partner violence (IPV) interchangeably where appropriate.

Prevalence of IPV in Separating and Divorcing Couples

Ellis (2008) reported 50% of separating couples endorsed being victims of physical abuse by their former intimate partners, and 75% reported experiencing emotional abuse from those partners. This is consistent with a study conducted by Mathis and Tanner (1998); however, their sample size was quite small, as well as a convenience sample. Since the above scholars demonstrated, approximately half of separating couples had at least one incident of DV, it was important to consider additional data from the Department of Justice. Rennison and Welchans (2002) reported that out of the 1,830 murders associated with intimate partner violence in 1998, 3 out of 4 of the victims were women. Moreover, Rennison and Welchans reported that 4 out of 10 female victims lived in households with children (Rennison & Welchans, 2002). Women were the victims of IPV at a rate of 5 times that of male victims. Scholars reported abused women were at increased likelihood of femicide by their abuser during separation or requested separation (Campbell et al., 2003). I considered these data an essential element to this study vis-à-vis the focus of retaliatory violence after family court litigation, since the intimate partners were in the very act of separating. While some scholars suggested collaborative divorce mechanisms such as divorce mediation could reduce risk (Ellis, 2008), for this study, I wanted to understand how retaliatory violence

such as that documented by the president of a firm in California specializing in high risk assessments in child custody cases (K. Borders, personal communication, March 22, 2010) was taking place on a routine basis.

More recently, between 2001 and 2005, a Department of Justice study (Catalano, 2007) reported intimate partners accounted for 22% of the nonfatal violence victimizations of women as opposed to 4% of men. An intimate partner committed 30% of the homicides of women, whereas, an intimate partner committed 5% of the homicides of men (Catalano, 2007). Catalano (2007) reported females between the ages of 20-24 were at the highest risk for nonfatal intimate partner violence. Data especially important to this study were from 2001 – 2005, where both males and females were at the greatest risk for violence during separation. During the same period, children were present in the households experiencing IPV in 38% of female homes, and 21% of incidents involving male homes (Catalano, 2007). This was important information in the context of developing parenting plans during family court litigation for families with a history of IPV. As noted in a different section of this chapter, witnessing IPV affected children's brains physiologically. Moreover, approximately 42% of the cases in the study reported the offender to be using alcohol or drugs during the commission of the violence (Catalano, 2007). Homicide rates for African American IPV victims went down during the referenced time and remained constant for European Americans IPV victims. The rates for nonfatal IPV incidents were similar for Hispanic American victims and European American victims. Surprisingly, 40% of females and 22% of males stated IPV

was a personal or private matter and the reason for not reporting the IPV (Catalano, 2007).

These data are important indicators that IPV is a pervasive and pernicious problem that results in injury or death to intimate partners, as well as harm to children. IPV also negatively affects the health of the victims, especially women (Anda et al., 2006; Campbell et al., 2003; Catalano, 2007; Ellis, 2008; Rennison & Welchans, 2002). Moreover, family court is the vehicle most of the separating intimate partners use to accomplish legally their separation, divorce, and child custody matters. Data from recent research (Catalano, 2007; Rennison & Welchans, 2002) has established separating intimate partners are at increased risk for homicide and further violence. Consequently, it seemed imperative to examine relevant case histories of persons who had experienced retaliatory violence after using family court litigation to assist with developing a richer understanding of the human experience of those individuals. This in-depth exploration of their experience by means of an empirical phenomenological study (Robbins, 2006; Wertz, in press) might lead to identifying themes and commonalities, which could in turn, lead to the incorporation of these themes as variables into a future empirical study focusing on assessing IPV risk factors for parents using family court litigation.

However, it is equally important to understand the controversies regarding the samples that identify males as the perpetrators more often than females. In other research on the prevalence of males versus female perpetration of IPV, (Archer 2000; 2002) females were as likely to commit violence, as were males. A discussion of this

controversy is provided in the controversies section. Essentially, most research revealed that IPV is happening in relationships at an alarming rate.

Long-term Perspectives on Divorce

For a long-term perspective on divorce, Ahrons (2006) relied upon her longitudinal study following families for a period of 20 years. Ahrons' questions included what impact their parents' relationship had on them 20 years after the divorce. Ahron and colleagues identified five different types of coparenting relationship styles, (a) perfect pals, (b) cooperative colleagues, (c) angry associates, (d) fiery foes, and (e) dissolved duos. She reported the sample size of 84 women and 89 men at the interview time and over 60% of the children from that study reported that their parents were getting along well. Half of the sample reported their parents as cooperative colleagues and 10% reported them as perfect pals (Ahrons, 2006). Ahrons reported that roughly 10% of the sample stated their parents were fiery foes and 18% as dissolved duos. Ahrons reported no single factor accounted more for the children's feeling of well-being post divorce than a continuing relationship between the parents. Ahrons asserted children with cooperative parents were more likely to desire relationships with extended family as well as both parents. Ahrons reported the children with parents still angry at each other struggled with loyalty conflicts 20 years post divorce. Important to child custody plans was the children's retrospective view of the parenting plans revealed the number of days with a parent was less an issue than was the parental emotional turmoil surrounding the child exchanges (Ahrons, 2006). Ahrons noted half of the sample of children with high father involvement 5 years post divorce generally had more meaningful relationships with their

fathers; whereas, children with low father involvement five years post divorce reported worse relationships with their fathers. Ahrons also noted coparents who were able to develop a low conflict and stable coparenting relationship maintained high father involvement for children. Ahrons articulated a particular strength of her longitudinal study was looking and asking research questions through the lens of divorce being normal as opposed to pathological. Ahrons reported that in other longitudinal studies the researchers viewed divorce as pathological (Wallerstein & Kelly as cited in Ahrons, 2006). Therefore, under normal circumstances Ahron's work provided a glimpse of how the co-parental relationship could influence the feeling of well being for the children. However, an interest in this study was to understand the effects of batterer retaliatory violence in the context of the parenting plan and the lived experience of the victims and children vis-à-vis the parenting plan.

The Effects of IPV on Child Custody and Victims

A Family Systems Context

I wanted to develop an understanding of batterer retaliation during and after family court litigation. Therefore, the lens of the examination of the effects of IPV on the victims was the context of divorce, separation, and child custody. Hardesty and Chung (2006) viewed IPV, divorce, and child custody in terms of family systems theory. Hardesty and Chung pointed out that change to the family system through divorce changes relationships, which in turn changes other relationships. Hardesty and Chung noted these family relationships continuously encountered change by other systems such as the courts, schools, careers, and other community entities. For example, a pioneer in

family systems theory (Minuchin, 1974) viewed the family in terms of subsystems. Minuchin's (1974) structural paradigm viewed the parents as the executive subsystem and this system is in charge of maintaining the structural integrity of the family and ensuring the family operates in a healthy and appropriate manner. In divorce, the executive subsystem must undergo a significant transformation in order to co-parent (Ahrons, 2006) the children effectively.

The Physiological and Psychological Consequences on the Victims

Dutton and Goodman (2005) listed many of the effects of IPV on victims. Most notably, IPV victims were more likely to develop symptoms of PTSD, anxiety, and depression. In addition, IPV was a risk factor for suicide. Moreover, victims of IPV were at risk for poorer health outcomes such as, somatic complaints, risk of illness, and exacerbated medical conditions (Campbell et al., 2002; Campbell, et al., 2003). These data seem significant to informing family courts regarding processing cases with IPV as a factor. For example, Dutton and Goodman provided a succinct erudition of how power and control dynamics were the essential elements of the process by which the batterer sets the stage for terrorizing the victim, reminiscent of Johnson's patriarchal terrorist (Johnson, 1995). (See discussion of Johnson's work on patriarchal terrorism in a previous section of the present study). Therefore, the patriarchal terrorist who employs the use of coercive controlling violence type (Kelly & Johnson, 2008) might find the milieu of family court litigation a rich area for continuing their strategy of terrorizing the victim and the children (Pruett & Jackson, 1999). The terrorist experiences the victim's flee from the relationship with him to the perceived safety of a shelter and family court,

as abandonment and rejection. This dynamic fits nicely with the borderline/dysphoric batterer type (Holtzworth-Munroe & Stuart, 1994; Holtzworth-Munroe et al., 2000). The following authors suggested an essential characterological issue for borderline personality organization, which induces rage, is fear of, or actual abandonment (Babcock, et al., 2004; Clarkin, Kernberg, & Somavia, 1998; Linehan, 2000). The issue for court professionals is how to determine which batterer type will continue to use fear, intimidation, control, and violence to act out this rage against the victim (and the children) in the context of family court litigation.

In their qualitative study of IPV, Seamans, Rubin, and Stabb, (2007) provided a poignant, yet disturbing description of the inhumanity and profound humiliation victims of IPV suffer when they included the following statement from a participant, “I mean when a man calls you a cunt and a whore in front of your kids, no matter how young they were, it does something to you...” (p. 58). Seamans et al. also included a description of a different victim’s experience with IPV as a child whose mother was a victim of IPV. That participant recalled watching her mother’s boyfriend holding her up against a wall by the neck, sparking in her the memory of her own ex-boyfriend doing the same to her (Seamans et al., 2007). In each of those incidents, she thought either she or her mother would die (Seamans et al., 2007). . The lack of empathy or manifest disregard for the autonomy, sacredness, or humanity of the other person by these batterers posed the concern children might not be safe in a batterer’s care. The terror and dread a victim of IPV must feel at each weekly court ordered exchange must be difficult to tolerate.

Allen-Collinson (2009) presented a male IPV victim's experiences from his own personal diary (intentionally written in the third person by the victim to achieve emotional distance from the material),

She picks herself up and fists him in the face He goes upstairs to get out of the way. She follows, scratches, pokes, thumps and what he hates most now, puts both of her hands inside his mouth and pulls it open further than it will naturally go. By midnight he has a blood blister on the inside of his upper lip, a black eye and scratches to his face. By 3:00 am she wakes him to complain of her "blindness" as a result of hitting her head on the sofa. She is violent with him again and he goes to sleep on the floor in the next room in only his dressing gown (Allen-collinson, 2009, p. 32)

Both genders are experiencing IPV; the present qualitative study sought to explore these phenomena in rich detail.

The Effects of Witnessing IPV on Children in Terms of Functioning

The National Scientific Council on the Developing Child (2010) warned exposing children to chronic and significant trauma such as domestic violence actually altered the physiology of their brains. That group of interdisciplinary scholars articulated that exposure to trauma and violence physically affected child brain development in specific centers of the brain (National Scientific Council on the Developing Child, 2010). For example, exposure to prolonged fearful situations altered the hippocampus and amygdala and shaped the organism's fear response (National Scientific Council on the Developing Child, 2010). The amygdala was described as largely responsible for regulating

emotional responses to external stimuli, and central to initiating the flight or fight response (National Scientific Council on the Developing Child, 2010). Whereas, the hippocampus was described as essential to information processing in terms of the context, in which learning takes place (National Scientific Council on the Developing Child, 2010). Thus, these scholars argued exposure to domestic violence permanently and profoundly affected children.

Anda et al. (2006) studied the neurobiological and epidemiological effects of Adverse Childhood Events (ACE), which included childhood exposure to domestic violence, and found several significant results. For example, Anda et al. reported a relationship between severity of ACE scores and smoking, substance abuse, and promiscuity. Moreover, Anda et al. found a relationship between exposures to trauma such as domestic violence and “hippocampus, amygdala, and medial prefrontal cortex atrophy...” (p. 180), causing dysfunction which results in problems with mood such as, anxiety, depression, and panic among other issues. Anda et al. stated that there is a “...strong association between causative agent and the outcome” (p. 182). In other words, chronic exposure to IPV and negative emotional sequela are strongly associated; thus, family court personnel will benefit from receiving this information to inform these professionals as they assess and intervene in family court cases with IPV as a factor.

Anecdotal experience with one case revealed a mother who complained her ex-husband took the two young boys for his weekend visits and displayed a bloody t-shirt (stained with the blood of the mother’s current significant other from a recent physical altercation with the father) on the apartment living room wall and told his boys he should

write the word, “respect” on it. The mother reported the children complained the father kept talking about how he hated the mother and her boyfriend to them all weekend. While the father did not physically abuse either of these children, he forced them to endure prolonged exposure to fearful stimuli as he tormented them with his hateful desire to do harm to their mother and her boyfriend. Anda et al. (2006) would consider this type of incident an ACE which would be likely to have physically harmed these children’s brains as described above. The violence type committed by the father in this scenario appears to fit the coercive controlling type in Kelly and Johnson’s (2008) typology. Additionally, the mother reported that the father began escalating his retaliation after the court raised the amount of child support the father was to pay the mother.

Gewirtz and Medhanie (2008) found a paucity of research regarding event specifics in children’s exposure to IPV. Gewirtz and Medhanie asserted there was a growing interest in understanding how IPV affects children in terms of “...prevalence, incidence, and impact of exposure to violence on development ...to develop ... early interventions for child witnesses” (p. 68). Gewirtz and Medhanie argued there are data regarding children’s exposure to traumatic events in the community; however, data on IPV in children’s homes is scarce. Further, Gewirtz and Medhanie asserted that most of the research on child responses to IPV and children’s functioning used retrospective data from years after the participant’s exposure thereby limiting the generalizability. Gewirtz and Medhanie reported that the level of exposure to trauma has consistently predicted later severity of psychopathology. Additionally, Gewirtz and Medhanie reported that

proximity to violence is an additional risk factor for manifestation of traumatic stress symptoms.

Gewirtz and Medhanie (2008) examined 507 cases/families, which included 1,012 children. While the large majority of the sample was African American (63%), other race and ethnicity categories were represented in their participant sample. Ultimately Gewirtz and Medhanie found a correlation between proximity to violence and age in that the older the child, the more likely they were to be closer and/or involved in the violent incident. Gewirtz and Medhanie found a positive correlation between age and the use of a weapon in the violent incident such that the older the child, the more likely a weapon was used in the violence. Gewirtz and Medhanie hypothesized that as the children aged, the more likely they viewed their role as being that of a caretaker of the victim. However, Gewirtz and Medhanie clinicians found a non-significant (.06) relationship between past childhood trauma, event-related risks, and children functioning shortly after an IPV event. However, Gewirtz and Medhanie noted that the regression analysis for those factors approached significance (p. 77). Gewirtz and Medhanie acknowledged the limitation that they used a sample from crisis calls (e.g., 911) limiting generalizability. As well, Gewirtz and Medhanie acknowledged that 63% of their sample was African American, and African American women are more likely to contact police regarding IPV than are European American women, further limiting generalizability. Still, the data regarding age, proximity, and involvement in the IPV event seems to call for future study to understand how child involvement in violence effects children's functioning.

Kracke and Hahn (2008) argued that the data regarding childhood exposure to violence is “limited by the historical tendency of researchers and practitioners to define the problem by type of exposure, and existing data is likely to significantly underestimate the magnitude of the problem” (p. 30). Kracke and Hahn reviewed data from several large surveys, including IPV data reported in other sections of this study (Catalano, 2007) and arrived at several limitations to these data. For example, Kracke and Hahn reported the definitions of violence, exposure to violence, and other important descriptors were not consistent in previous studies thereby limiting their accuracy. Kracke and Hahn argued for definitions that are more specific and better operationalization of the variables and factors associated with children and exposure to violence to assist with future studies.

Howells and Rosenbaum (2008) reviewed the literature and cited previous studies indicating correlations with children witnessing IPV to increased depressive symptoms, anxiety symptoms, and aggressiveness. Howells and Rosenbaum surveyed 360 college students from an introductory psychology class using the Conflict Tactics Scale – Revised (CTS2), the Beck Depression Inventory (BDI), and the Aggression Questionnaire. Howells and Rosenbaum segregated two groups, one group with no experience of family violence and the other group that reported experiencing family violence. Howells and Rosenbaum found a correlation between experiencing violence and depression, experiencing violence and aggression, and depression and aggression. Howells and Rosenbaum reported the group that experienced the violence was skewed and those researchers did not transform the data to correct the skewness. Therefore, Howells and Rosenbaum recommended caution in interpreting the data. Further stepwise

regressions revealed experiencing violence as a significant predictor of depression. In addition, depression was a significant predictor of aggression in that sample. Using a hierarchical regression analysis, they found that depression acted as a mediator between experiencing violence and aggression (Howells & Rosenbaum, 2008). However, their study found that children experiencing childhood physical abuse were more likely to exhibit the negative outcomes of exposure to family violence than those that witness IPV. Yet, Jaffe et al. (2008) suggested that children in the home experiencing IPV are more likely to be physically abused by the perpetrator. Howells and Rosenbaum (2008) also argued that their data indicated children who experienced childhood physical abuse were also likely to witness IPV. Of course, Howells and Rosenbaum's study had several limitations such as the use of a convenience sample of 19-year-old college students, which limits the generalizability to the larger population. Additionally, they did not transform the skewed data, which affects the statistical accuracy, especially in the area of significance testing, for example, they violated the assumption of normality (Gravetter & Wallnau, 2007; Mertler & Vannatta, 2005).

Essentially, the data presented above (Anda et al., 2006; Gewirtz & Medhanie, 2008; Howells & Rosenbaum, 2008; Kracke & Hahn, 2008; National Scientific Council on the Developing Child, 2010) indicated that children exposed to IPV are more likely to struggle with depression, anxiety, and aggression.

This is consistent with anecdotal evidence of high conflict co-parents with a history of IPV and chronic family court litigation having children with performance problems in school. Additionally, children from these high conflict cases with IPV as a

factor routinely required psychological assistance in terms of supportive therapy for depression and anxiety due to the chronic marital conflict, IPV, and stress associated with a change in the family system (Minuchin, 1974). The results of my study provide additional data regarding children's exposure to IPV and their functioning in their psychosocial environments.

California Family Court IPV Screening Processes

Mathis and Tanner (1998) found unscreened spousal violence appeared to result in typical arrangements similar to nonviolent separating parents. However, since the mediators in Mathis and Tanner's study did not know of any prior violence between the parents as a part of the experimental design, this lack of knowledge typically uncovered in pre-screening might have promoted the use of safer parenting plan procedures such as the use of safe exchanges. Mathis and Tanner (1998) posited that IPV victims appeared more empowered to stand up against the batterer in their mediation study. However, there is a shadow side of such parenting plan agreements reached in mediation in that those plans are thought to place the victim and children at risk of future harm because the IPV was not accounted for with appropriate safeguards (Anda et al, 2006; Stahl, n.d.). Ellis (2008) conducted previous research on IPV and divorce mediation and concluded that mediation can promote safety for separating family members provided there is mandatory assessment or screening and appropriate supervision of risk (Ellis & Stuckless, 2006). Ellis and Stuckless developed the Domestic Violence Evaluation (DOVE) tool and subsequently evaluated that instrument. Ellis (2008) pointed out that the DOVE instrument can assist with effective safety and risk management of persons

attending family court mediation with a history of IPV. Their instrument assesses level of risk and matches those participants with an appropriate type of mediation based upon the assessed risk.

For example, the higher the assessed risk on the DOVE (Ellis & Stuckless, 2006), the more restrictive measures are set in place during mediation. The matching process progresses from less assessed risk equaling the lowest restrictive mediation type, Type A, for example, a face-to-face mediation. Those intimate partners assessed to be a higher risk via the DOVE instrument will match to Type C mediation in which significant safety measures are in place such as online mediation, or the mediator shuttling between parents followed by one parent escorted to their vehicle post mediation (Ellis & Stuckless, 2006). Those researchers argued that empirical evidence shows that adversarial proceedings increase conflict (Pruett & Jackson, 1999). Therefore, Ellis and Stuckless asserted the appropriate and ethical way in which to ensure optimal safety of the family members is the use of an empirically validated screening instrument such as the DOVE.

A Lack of Unified Screening Protocols

While some scholars are calling for the use or increased use of efficacious screening methodologies in family court processes (Ellis, 2008; Fredrick, 2008; Jaffe et al., 2008), researchers found that only half (54%) of the country's courts had this type of pre-mediation IPV assessment (Thoennes, Salem, & Pearson, 1995). Moreover, one professional supervising IPV research for the Administrative Offices of the Courts in California confirmed that there is currently no unified statewide protocol for IPV screening in family courts (J. Weber, personal communication, March 11, 2010). This

professional cited the complexities of local government autonomy in the context of a state judicial system; complexities not necessarily easily amenable to encompassing changes without concerted focus and effort. Moreover, this person delineated a difference in the use of screening methodologies. For example, this person stated screening for the existence of domestic violence is clearly different from assessing for the severity of domestic violence between the co-parents.

Possible Screening Dimensions

Jaffe et al. (2008) recommended viewing domestic violence in terms of screening for IPV in the context of creating an appropriate parenting plan with the following three areas being of importance, (a) potency, (b) pattern, and (c) primary perpetrator (p. 504). Jaffe et al. suggested potency be the primary element first screened for in terms of identifying IPV. For example, they asserted prior severe physical injury or abuse inflicted on the victim is an indicator of a potential for escalated violence. The next dimension critical to the IPV screening process was a pattern or consistent history of the batterer using coercive control over the victim (Jaffe et al., 2008). Such coercive control came through threats, intimidation, humiliation, and other subtle forms of harassment designed to exert control over and manipulate the victim. Jaffe et al. asserted the need for increased safety measures designed to protect the victims from this kind of abuse. Finally, Jaffe et al. recommended the screening include the identification of a primary perpetrator. Jaffe et al. did not clearly articulate how the identification should be performed except it appeared they suggested the assessing individual use clinical judgment based upon some identifiable characteristics of victims and abusers. For

example, they suggested that victims may tend to appear somewhat disorganized and perpetrators may appear smooth, articulate, and organized. However, Jaffe et al. stated abusers might tend to minimize any violence.

A Multimethod Assessment of Cases with IPV

Jaffe et al. (2008) recommended the court professionals develop a working hypothesis about the domestic violence in the family and employ a multimethod assessment process. The use of collateral resources such as schoolteachers, school records, family member reports, police reports, medical doctor, and emergency room reports can all help in determining the credibility of domestic violence allegations (Jaffe et al.). This type of multimethod assessment to screen for IPV is very similar to the methods used in child custody evaluations to determine the best interest of the child in the context of a parenting plan and the American Psychological Association ([APA], 2009) recommends these methods in their new child custody evaluation guidelines.

The Family Courts in Crisis

This lack of a consistent use of empirically validated IPV screening tools and methodologies such as that suggested by Ellis and Stuckless (2006) seems incredulous if the daily news reports in California are accurate. According to Karen Borders, President of Borders•Mc Laughlin, a firm providing evidence based risk assessments in high profile legal matters and child custody evaluations, the family court is experiencing after-court violence and is in crisis:

Over the past year, breaking news has continually reported on events stemming high risk conflicts from family court that have erupted into deadly events.

Breaking news: Father kills child and then himself in San Bernardino.

Grandmother shoots daughter and grandchildren in San Clemente after family law

hearing. Thousand Oaks father kills two sons and self at end of weekend

visitation. Ex-husband shoots ex-wife in face and flees with son in Foothill

Ranch. The stories continue nearly daily with critical failures within the family

law court. The reality is "*everyone knows someone*" who has been affected by the

crisis in family court. (K. Borders, personal communication, March 22, 2010)

Frederick (2008) asserted fewer judicial officers combined with other declining resources in the face of rising family law filings have presented a tremendous challenge to family courts. Frederick stated that because of the number of family law cases presenting with IPV as an issue in connection with the harmful effects of IPV on the victims and children, family courts must find an efficacious screening methodology to ensure victim and child safety in the context of parenting plans. That scholar explicated three central areas which are fundamental to coherently addressing IPV screening and assessment. First, Frederick asked what types of actions constituted domestic violence. Second, Frederick asked how the court accomplishes the screening and/or assessment. Third, Frederick asked what should be the consequence of a positive screen for DV. Frederick articulated a crucial element of IPV screening germane to the focus of the present study – after court batterer retaliatory violence. Frederick elucidated the difference between covert physical and verbal violence and included non-violent coercive strategies batterers use to exact revenge on the victim. These covert strategies consist of protracted litigation (Pruett & Jackson, 1999) through the family court, repeated and

unwarranted complaints to a child welfare services agency, and implementation of financial controls (e.g., non-payment of child support, moving monies out of accounts). Frederick argued that some form of risk assessment should be included in IPV screening and assessment tools, which includes overt and covert forms of domestic violence. Frederick made another important and astute observation when she explicated that risk assessment is not a static event. Rather, researchers studying IPV suggested that risk of violence was dynamic and changing; therefore, family court processes must use an ongoing assessment process to address safety adequately. Research cited in previous sections of the present study (Catalano, 2007; Rennison & Welchans, 2002) provided credible support for Frederick's assertion.

Frederick (2008) argued the absence of corroborating evidence in the court file during the screening process should not "be treated as evidence that the allegations are false or the risk low" (p. 527). However, anecdotal experience as a family court mediator reveals a surprisingly high number of malicious allegations of IPV from an alleged victim toward the other intimate partner. These allegations of domestic violence, if they are accurate, may constitute another type of violence such as situational couple violence or separation-instigated violence (Kelly & Johnson, 2008). However, there is also the issue of false allegations, which is real and the results can be damaging to the person falsely accused. Moreover, the court considers one innocent until proven guilty under the laws of the United States. Therefore, the family court is faced with a very complex and dangerous conundrum of how to proceed efficiently with highly volatile family matters while simultaneously ensuring victim safety and observing integrity and adherence to all

legal rights. Anecdotal experience reveals a portion of separating intimate partners with children make allegations of IPV, child abuse, and illegal substance abuse against the other parent in an effort to ensure they are primary custodial parents of the children. Some of these parents have later revealed they made the allegations because they needed the assistance of child support, food stamps, and to have the children living with them in order to qualify for government subsidized housing (e.g., Section 8). They did not view the use of false allegations as improper; rather they viewed these fabricated allegations as a survival tool. Additionally, Jaffe et al. (2008) pointed out that there is growing concern that the consequences of bringing attention and legislation to the issue of domestic violence also brings the possibility of person's gaming the system by making false allegations to winning a case in the adversarial court system. Therefore, survival issues (e.g., income, housing, and transportation) are important factors to include in assessment and screening tools for family court cases containing IPV. While Frederick pointed out the batterer's use of coercive retaliatory factors, anecdotal experience suggests that survival factors for both parents play an important role in escalating conflict and ultimately violence as well.

Glass et al. (2009) conducted an exploratory study to identify differences between Hispanic American women and non-Hispanic American violence. Glass et al. (2009) indicated that Hispanic American women were more likely to experience forced sex by the perpetrator to control the relationship. However, Glass et al. (2009) cautioned that Hispanic American women were more likely to view sexual intercourse as a duty of the marital relationship and thus, something not negotiable. Meaning, these women might be

less likely to report forced sex as IPV. This is important information for family court IPV screening and assessment processes in that these victims may not be reporting IPV.

IPV and Family Court Parenting Plans

Parenting Plans in the Context of IPV

Jaffe et al. (2008) articulated how differentiating type of violence between co-parents is essential in formulating a safe and appropriate parenting plan. Jaffe et al. argued that prior research examining the effects of parenting plans on children lacked the specificity of a differentiated type of violence. Jaffe et al. stated this limited the ability to use confidently past research in the context of IPV. However, those scholars suggested by using differentiation of violence type (Johnson, 1995; Kelly & Johnson, 2008) in envisioning parenting plans one could make certain hypotheses regarding who might be a more appropriate parent based upon some of the relevant research. Subsequently, Jaffe et al. pointed out how high conflict parents may require some type of mechanism to prevent conflict instigated violence. Jaffe et al. elucidated perpetrators of domestic violence are more likely to be abusive to children. As well, Jaffe et al. opined parents who routinely used violence to resolve conflicts were poor role models for children. Jaffe et al. asserted abusive parents were more likely to undermine custodial parenting as well as use family court litigation as a coercive tool with which to continue harassing and abusing the victim. Jaffe et al. pointed out the increasing self-representation of these batterers who can then bully, intimidate, and instill fear in the victim through cross-examination.

The Phenomenological Method

I wanted to understand the lived experiences of persons encountering IPV during and after family court litigation. The majority of the research reviewed in this investigation focused on empirical studies attempting to establish typologies for IPV. Though this work critically assessed those positivist inquiries into typologies, gender symmetry/asymmetry, effects of IPV on children, health consequences of victims, and so on, even questioning the generalizability of their findings, nonetheless those works provided an essential foundation for understanding violence dynamics between intimate partners. It was argued that the quantitative studies cited in this review of the literature do, in fact, generalize nicely into practical application for use in the family court milieu. Yet, it seemed the understanding of the violence dynamics between intimate partners lacked an essential “psychological understanding” (Robbins, 2006; Wertz, 1983; Wertz, in press) of what it is like for the victim of IPV to live through this phenomenon. For example, Wertz’ (1985) scholarly erudition of the lived experiences of victims of violent crime provided the literature with an exemplar of how the intricate and numerous implicit and explicit structures of psychological experience, when rigorously analyzed from a phenomenological paradigm, can add immeasurably to a richer and fuller understanding of a phenomenon. I sought to ascertain if the specified violence typologies can be applied in a practical manner extending theory to practice in the family court milieu. A gap exists between the theoretical understanding of batterer and violence types (empirically derived) and how these typologies can be usefully employed to effect positive social change in family court processes assisting families with life-threatening

violence. Therefore, I chose to use a rigorous phenomenological method (qualitative paradigm) to investigate and achieve a richer psychological understanding of the IPV victims' experience during and after family court litigation. The hope is that the qualitative inquiry produced useful data with which to compliment and further extend the existing knowledge base in the context of family violence.

A Brief History of the Empirical Phenomenological Method

Wertz (in press) traced the history of the phenomenological method to a logician and mathematician, Husserl, who actively contributed to the psychological knowledge base at the turn of the 20th century. Amedeo Giorgi (2008), one of the original members of the "Duquesne Group" (B. Robbins, personal communication, November 11, 2010), argued that Husserl was the creator of the method despite the current trend to refer to the phenomenological method as the Duquesne Phenomenological Research Method (DPRM). Responding to a critique of the method by another scholar, Giorgi was careful to ensure that the method was accurately traced back to its beginnings and credit bestowed to the actual founder/creator of the method [Husserl]. Giorgi indicated that the method came to be referred to as the DPRM largely because he used and refined the method while on faculty in the Psychology Department at Duquesne University. Giorgi explained that many of the students and faculty employed the use of the method during that time, hence, the method became known as the DPRM. Another important issue made clear by Giorgi is that he did not necessarily agree with some of the variations of the phenomenological method used by all of those students and faculty.

Wertz (2006) provided additional insights into the beginnings of the phenomenological method when he explicated the movement of early European thinkers interested in the phenomenological paradigm to the United States after World War II. Wertz noted that Adrian Van Kaam emigrated to the U.S. and founded a doctoral program in Phenomenological Psychology at Duquesne University (pp. 394-395). Wertz credited Giorgi as having had a significant impact on the development of the phenomenological method by formulating and articulating the research methodology because “this enabled empirical, scientific (in an expanded phenomenological sense) research to address the full spectrum of psychological subject matter” (p. 395). Wertz further explicated that the phenomenological research method has a history of a close collaboration with existential philosophers such as Heidegger, Sartre, and Merleau-Ponty.

The Uniqueness of the Phenomenological Approach to Research

Scholars employing the use of the phenomenological method seek to focus on the lived experience of the person (Wertz, in press). Wertz explicated the essential features of the phenomenological method as created by Husserl. The “phenomenological attitude” (p. 172) consists of two epoché’s, [suspension or abstention of influence] from (a) the natural sciences and (b) the natural attitude. Wertz pointed out that the phenomenological researcher will set aside scientific theories and other data, as well as “‘bracket[ing]’ prior knowledge of the subject matter [which] allows the researcher to attend to what Husserl called the lifeworld (*lebenswelt*) and to freshly investigate concrete examples of the phenomena under investigation” (p. 172).

The researcher who is “bracketing” or suspending prior knowledge of the thing such that the pre-understood knowledge of the object does not shape the researcher’s perceptions of the phenomenon, approaches the phenomenon being studied. Thus, the bracketing allows the object, and its many implicit and explicit features, to present itself to the researcher for appreciation as free of influence (or bias) as humanly possible. Wertz (in press) explicated that the methodological procedure’s goal is “...to extend science into the realm of subjectivity” (p. 173). Wertz argued that investigation into subjectivity must have a unique method of inquiry. Two additional procedures for the phenomenological approach are known as “intentional analysis” and “eidetic analysis” (Wertz). Intentional analysis focuses on how the experience flows and what is experienced. Eidetic analysis is a form of appreciating or recognizing the essence of a thing. By using a technique of imaginative variation, the researcher can understand diverse aspects of a phenomenon under investigation appreciating not only the specific object, but also variations of the object so long as the fundamental essence is still present in the variation(s) of the object. The phenomenological method and philosophical underpinnings provided a scientifically rigorous (Giorgi, 2002; Wertz, in press) approach congruent with investigating the lived experiences of victims incurring IPV during and after family court litigation. Additional explication of the methodology and its procedures is provided in chapter 3.

Summary and Transition

In this review of the literature, I examined relevant research regarding the agreement among scholars for the need to define adequately IPV, differentiate violence

type (Jaffe et al., 2008; Johnson, 1995; Johnson, 2005; Kelly & Johnson, 2008), and differentiate batterer type (Dutton & Goodman, 2005; Holtzworth-Munroe & Stuart, 1994; Holtzworth-Munroe et al., 2000; Johnson, 1995). Moreover, I explored the prevalence of IPV in separating and divorcing couples (Catalano, 2007; Ellis, 2008; Rennison & Welchans, 2002) which included dramatic statistical representation of the pervasiveness of the issue.

I also discussed the controversies regarding gender symmetry/asymmetry and research bias as well as IPV research methodological problems (Allen-Collinson, 2009; Archer 2000; Archer 2002; Bemiller, 2008; Capaldi & Kim, 2007; Hamel, 2009; Johnson, 1995; Johnson, 2005; Johnson & Ferraro, 2000; Kelly & Johnson, 2008). I discussed the negative psychological and medical effects upon the victims of IPV and noted the significant cost in terms of healthcare dollars (Campbell et al., 2002; Campbell et al., 2003; Dutton & Goodman, 2005) as well as the strain IPV has upon the dwindling resources of the court system (Ellis, 2008; Frederick, 2008). I discussed the negative physiological and psychological effects of IPV on children in terms of lasting brain density changes, endocrine system changes, and the resultant emotional sequela from these measured changes in physiology (Anda et al., 2006; National Scientific Council on the Developing Child, 2010).

Literature regarding the phenomenological method was reviewed which defined the method (Giorgi, 2002; Giorgi, 2008; Robbins, 2006; Wertz, 1983; Wertz, 1985; Wertz, 2006; Wertz, in press), traced the history of the method, and briefly discussed the unique essential features of the phenomenological approach to scientific investigation.

The established prevalence of IPV in separating couples combined with data indicating increased likelihood of violence during separation (Campbell et al., 2003; Catalano, 2007), has caused scholars to recommend the use of an empirically established screening instrument (Ellis, 2008), or multimethod screening protocols (Jaffe et al., 2008) in order to improve the safety of the family members during and after family court litigation. However, it was noted that the complexity of local and state judicial protocols prevents a statewide uniform IPV screening protocol at this time (Ellis, 2008; Jaffe et al., 2008). Additionally, families with IPV as a factor that present to family court generally require assistance with child custody. Scholars argued that active screening for IPV is necessary to address and ensure the safety of the victim and the children. However, researchers have agreed that IPV is an essential issue in child custody cases due to the significant numbers of separating couples reporting IPV, and they have agreed that more research with focus in specific areas must be added to the literature to improve our ability to understand, identify, and intervene effectively with families struggling with IPV. Lastly, I focused on batterer retaliatory violence during and after family court litigation due to the increased likelihood of violence escalation during this time (Campbell et al., 2003; Catalano, 2007). Chapter 3 includes a discussion of the research method, sampling strategies, descriptions of the participants, data collection and analysis methods, data storage and security issues, as well as ethical considerations with regard to psychological research.

Chapter 3: Research Method

Many researchers specializing in divorce and child custody issues have agreed that a one-size-fits-all approach to understanding and designing efficacious interventions for families experiencing IPV is not effective, and continued efforts to research this area must differentiate between batterer type and violence type (Holtzworth-Munroe & Stuart, 1994; Holtzworth-Munroe et al., 2000; Jaffe et al., 2008; Kelly & Johnson, 2008). Scholars and professionals in the field of family court litigation have identified that there are positive correlations between families with IPV as a factor in separation processes and increased violence (Catalano, 2007; Dutton et al., 2005; Jaffe et al., 2009; Smith & Farole, 2009). Moreover, other professionals in the field have indicated that the family courts are in crisis especially due to documented episodes of violence and death after family court hearings (K. Borders, personal communication, March 22, 2010). Others have reported that batterers are likely to use family court litigation as a means to retaliate against the victim (Jaffe et al., 2009; Pruett & Jackson, 1999). Scholars have studied batterer violence from the batterer's perspective (Babcock et al., 2004; Holtzworth-Munroe & Stuart, 1994; Holtzworth-Munroe et al., 2000); however, there have been issues of reliability with self-reports of the batterers along with the limitations of retrospective recall. Yet, those studies have provided useful information for differentiating batterer typologies using quantitative research methods.

In pursuing and extending the use of these typologies in the context of family court processes, it is argued that researchers and psychologists must attempt to

understand the unique lived experiences of human beings in the richness and depth of a psychological understanding (Robbins & Goicoechea, 2005).

Using the empirical, phenomenological method by means of the lens of psychological understanding (Robbins & Goicoechea, 2005) provides an appreciation for the way in which the victims experience the situational aspects of the violence. The IPV scholar expects to find terror, profound hopelessness, and deep shame (the phenomenological experience of the self, as witnessed and described by the self) described by the victims of the coercive controlling violence perpetrator. The perpetrator of coercive controlling violence will likely minimize the violence and blame the victim for “egging them on” (Jaffe et al., 2008; Johnson, 1995, 2005; Kelly & Johnson, 2008). Alternatively, victims of situational couple violence (which likely includes both partners) will perhaps express grief, guilt, embarrassment, and possibly anger, while describing their experience of arguments which became physical due to poor anger management skills by both partners (Kelly & Johnson, 2008). The empirical, phenomenological method of inquiry provides meaningful and useful frames through which to further understand and develop specific constructs associated with the typologies suited for later quantitative study. The victims describing anger and guilt over arguments becoming violent are not necessarily in need of a treatment that spends a significant amount of time on identifying and addressing elements of patriarchal terrorism (e.g., the Duluth model). Rather, these people might respond best to an anger management treatment strategy that addresses identifying the cognitive distortions, which lead to thinking one’s self into increased anger (Weisinger, 1985).

The empirical, phenomenological method (Robbins, 2006; Robbins & Goicoechea, 2005; Robbins & Parlavecchio, 2006) posits that researchers using the method to investigate human behaviors achieve a more refined understanding of that phenomenon using this psychological frame or lens. This psychological understanding is an attempt to appreciate the dynamics within the “self” of each batterer or victim prior to undertaking a quantitatively oriented study. The empirical, phenomenological method was used to capture the more subtle and complex “human” information contained in the batterer and violence typologies for comparison with the consequent human behaviors expected by the typology theoretical underpinnings.

Research Design and Approach

A need existed to study the psychological and behavioral processes involved in batterer retaliatory violence from the experience of the victim, as told by the victim to develop a rich understanding of the phenomenon. Further, researchers need to understand better, how institutional processes influence batterer retaliatory violence in an effort to provide data for future research, which promotes and enhances safety for the victims, court professional personnel, and the batterers themselves. I sought to examine the psychological experiences of victims of IPV in the context of family court litigation.

Robbins (2006) discussed his approach to psychological events in terms of a phenomenological research paradigm. Robbins articulated the dialectical process in terms of the subject-object dialogue between the researcher and the participant (p. 17). Robbins explicated the central and unique understanding regarding phenomenological research as the method itself directing the “...ways in which the phenomena being

researched may show itself” (p. 17). Essentially, the researcher’s assumptions and preconceived ideas are not understood fully in a holistic manner in the beginning. As well, the method’s history and epistemological underpinnings also contribute to the way in which the researcher scientifically examines the phenomenon. Robbins stated, “the phenomenon cannot appear as something to be understood unless it is first approached” (p. 17). This circular interaction between researcher and phenomenon is a way in which to enter into the “hermeneutic circle” (Heidegger as cited in Robbins, 2006).

Robbins (2006) described the hermeneutic circle as a forestructure, or initial understanding of something and how it might change, akin to a portal through which to begin the interpretation of the phenomenon. Robbins likened the inquiry to a circle with the forestructure as the “forward arc” (p. 18). As the researcher’s interaction with the phenomenon proceeds, the interaction between subject-object allows for a deep and profound appreciation of the structure of the phenomenon and in so doing, the circumference of the circle is appreciated, and ultimately leads the researcher back to the forestructure. In phenomenological research, the phenomenon is also shaped by the researcher’s investigation but ultimately leads back to the entry point. Robbins argued that for the hermeneutic circle to be properly employed, the method must be “pliable enough to be molded to better fit the phenomenon under investigation” (p. 18). Robbins’ hermeneutic circle seems similar to the interpretivist position taken by Charmaz (2006) in her work using the grounded theory method where she asks questions, collects data, writes memos, reinterprets the meaning, and then arrives at more questions to ask from the interpretivist process.

I explicated the forestructure in the literature review, which provided a preliminary understanding of IPV in situations, and IPV in terms of people (e.g., types of batterers). I attempted to extend the lens or theoretical models of understanding violence types (Kelly & Johnson, 2008) and batterer types (Holtzworth-Munroe et al., 2000) to meaningful use in family court litigation processes. However, in the review, I highlighted the controversies regarding the use of IPV typologies (Capaldi & Kim, 2007), as well as the issues regarding gender symmetry/asymmetry, and clear empirical support for any particular position from previous IPV studies. Therefore, in this study I described a rigorous qualitative approach which allows the batterer and violence typologies to reveal themselves through rich human descriptions and subsequent scientific analysis for the purpose of moving from the theoretical postulation to the practical application. The empirical, phenomenological method fits with this purpose because the participants were describing their experiences with IPV and family court processes.

The following exploratory research questions guided the study:

1. What was it like to have encountered and endured intimate partner retaliatory violence during and after family court litigation?

The sub questions were used to explore the experiences of each victim's case resulting in a deeper understanding of the phenomenon of batterer retaliatory violence after family court hearings, specifically to provide case details in thick descriptions (Charmaz, 2006; Creswell, 2007). These sub questions were:

1. Describe your reactions to the violent incidents.

2. What are the processes associated with your particular family court litigation that exacerbated or otherwise influenced what you perceived to be retaliatory violence? (i.e., what things, persons, or rules of the court do you think added to your trouble and why do you think so?)

Rationale for Use of Qualitative Research Design and Methods

A gap in the literature existed with regard to specifically studying batterer retaliatory violence after family court litigation. It was important to address this gap because of documented death and violence of victims of IPV after family court litigation (Elias, 2010; K. Borders, personal communication, March 22, 2010). In this project, I conducted an empirical, phenomenological inquiry (Robbins, 2006; Robbins & Goicoechea, 2005; Robbins & Parlavecchio, 2006) as opposed to an ethnographic study because ethnographic researchers are interested in learning about how a group or culture experiences a phenomenon (Creswell, 2007; Schensul, et al., 1999). Whereas, the design of an empirical, phenomenological study (Robbins, 2006; Robbins & Goicoechea, 2005; Robbins & Parlavecchio, 2006) allows for the poignant description of the parents' experiences as they interacted with the court in the context of having IPV as a factor in their case. For example, I explored the experiences of victims of IPV who incurred batterer retaliation after family court litigation.

Using the grounded-theory tradition for this study might have facilitated the generation of a theoretical understanding of what mechanisms are involved in batterer retaliatory violence and why these mechanisms produced the result. Charmaz (2006) preferred viewing interactions between human beings through the lens of the grand

theory symbolic interactionism. Charmaz stated people think about their reasons for taking the actions that they do, which provides rich meaning in the doing of those things. However, in this study, I sought to understand the dynamic of batterer retaliatory violence in the context of family court litigation first. A grounded theory study would be a logical progression of the continued study of this phenomenon.

Context of the Study

Participants/Sample

I sought between 10 to 15 participants who were self-identified victims of batterer retaliatory violence after family court litigation. These participants came from persons that responded to an invitation to participate in a statewide court improvement process referred to as the Elkin's Family Law Task Force (see Appendix B). Schensul et al. (1999) described at least two considerations for selecting the sample size in qualitative research: (a) saturation and (b) pattern variation. For example, the sample must be adequate to provide enough information to achieve saturation of relevant information regarding the research question(s). Thus, saturation in this context means the researcher can learn nothing more regarding the research focus by interviewing additional participants Schensul et al. (1999). Moreover, there must be sufficient information from the sample to present nearly all types of variation in patterns regarding the research focus Schensul et al. (1999).

Robbins (2006) argued that because of the depth of analysis in qualitative studies not associated with quantitative methods, a sample size of six or less is normal. Moreover, Robbins stated that because of the considerable amount of textual data and

subsequent analytical management of these data, more than six participants becomes impractical for the researcher (p. 30). Thus, the recent call for input from stakeholders identified by the Elkin's Family Law Task Force (see Appendix B) provided the present study with a unique opportunity to obtain a sample of participants meeting this study's inclusion criteria, as well as qualitative rigor criteria.

The Judicial Counsel of California directed the creation of the Elkin's Family Law Task Force to perform a comprehensive review of family law procedures and rules (see Appendix B for the subsequent goals of that effort). In doing so, they sought input from stakeholders in the system to provide them with input upon which to conduct their review and evaluation. They included family law litigants as stakeholders in their wide-ranging research parameters. The self-identified stakeholders indicated they had difficulty with their cases and subsequently provided the task force with input. However, because of the sheer volume of input the submission requirements could not allow the participants to share their stories in rich detail. While those extreme cases had the important and positive opportunity to inform the administrators of the judicial system of their stories, there is no scientific analysis of those profoundly meaningful human stories with which to further inform the administrators or the scholarly literature. I address this gap in the scientific literature by providing a scientific analysis of the textual data of the participants life stories.

Role of the Researcher

I am a family court mediator and practices as a child custody mediator in a superior court in California; I had thoughts, theories, or personal philosophies that were

taken into account during the evolving data collection phase. Creswell (2007) asserted that qualitative researchers generally use interviews to gather their data. Charmaz (2006) articulated that qualitative methods are simply tools; the researchers cannot remain perfectly neutral or unbiased, and researchers are necessarily shaped by their own lived experiences. Charmaz noted that many graduate students and researchers alike have an in-depth understanding of the problem they choose to study. Therefore, Charmaz suggested using this knowledge as starting points from which to launch the investigation, similar to Robbins' (2006) construct of the forestructure. However, Charmaz noted that the data should cause an adjustment in the lenses through which the researcher views the data, and result in a subsequent refining of the collection procedures. This is similar to Robbins' explication of the dialectic or circular interaction between researcher and phenomenon. In the empirical, phenomenological method, the role of the researcher is unique and active in the data analysis procedures (Robbins, 2006; Robbins & Goicoechea, 2005; Robbins & Parlavecchio, 2006). See this study's Data Collection and Analysis section for an in-depth explanation of my active role.

I employed the use of in-depth interviews and participant written descriptions of the phenomenon for data collection. I was the only researcher conducting the in-depth interviews and taking field notes in addition to recording the interviews. Additionally, I was responsible for creating all flyers, consent, and confidentiality forms, letters of cooperation. I was responsible for obtaining all equipment and supplies needed to perform the study (computers, printers, copiers, backup power supplies, computer spare parts, audio and video equipment, copies of materials, note-taking materials, and so on).

Lastly, with the guidance of the dissertation committee, I also was responsible for ensuring that all participants were eligible to participate in the study, as well as responsible for ensuring adequate protection of all materials in locked and password-protected locations.

Setting and Sample

Selection of Participants

The self-identified participants for this study met the following inclusion requirements: (a) experienced batterer retaliatory violence during and/or after family court litigation, (b) sought assistance from the court for child custody and subsequent parenting plan, (c) volunteered to inform that Elkin's Task Force of their difficulty with their family law case, or (d) have been referred to this study by one of the other participants (i.e., snowball sampling [Creswell, 2007]).

I interviewed 14 participants who provided thick and rich descriptions of their experiences. This number of participants is accepted as normal by distinguished researchers experienced in applying this method (e.g., Robbins, 2006; Robbins & Goicoechea, 2005; Robbins & Parlavecchio, 2006). Moreover, I sought to collect data regarding batterer retaliatory violence during and/or after family court litigation; these participants met this requirement. I used a purposeful method of sampling of extreme cases (Nastasi, Moore, & Varjas, 2004) with subsequent snowball sampling from participants who knew of other participants meeting the inclusion criteria.

Ethical Procedures

Legal and ethical issues addressed in this study are (a) voluntary participation of the participants, (b) informed consent, (c) confidentiality, (d) right of participants to withdraw from the study, (e) a statement about known risks associated with this study, and (f) expected benefits of the study. In essence, any research involving human participants must take great care to protect the physical and emotional well being of the participants during the study (Creswell, 2007; Trochim & Donnelly, 2007. For example, I sought approval from the Walden University Institutional Review Board (IRB) prior to recruiting participants or collecting data. The IRB approval number was 02-01-11-0344643 with an expiration date of January 31, 2011.

I sought verbal information from the participants and did not have any type of experimental procedure or intervention; therefore, the likelihood of any harm coming to the participants was minimal. The participants might have experienced some discomfort when describing their experiences negotiating with the other parent in the mediation room, or describing their experiences receiving batterer retaliation after family court litigation. However, the chances of harm coming to the participants from the study were minimal. I used my professional private practice therapy office located in the California Central Valley for data collection, as well as a University of Phoenix classroom for the interviews conducted in Sacramento, California. Interviews were also conducted in a major hotel board room for data collection conducted in San Diego, California. Each participant chose the data collection location according to his or her convenience. I requested each participant to provide their home address to facilitate the calculation of

mileage reimbursement. The rate for reimbursement was based upon normal government travel expense, for example, 44 cents per mile. The participants were also provided \$25.00 to purchase a meal during their trip my office. Additionally, I offered to provide the participants with the names of at least three appropriately licensed mental health professionals in their county if they experienced an emotional crisis with the re-telling of their family court ordeal during the interviews. I would be able to assist the participants with processing their discomfort and provide additional treatment if necessary since I am a licensed mental health professional.

I kept all data confidential through secure record keeping practices, e.g., password protection and locked storage cabinets or safes. Additionally, steps to protect the identity of any individual in the study with regard to the verbal transcripts were be in place. In other words, steps taken such that no linkage between the person and the data can be made by the words used.

I contacted the study stakeholder, Ms. Connie Valentine of the California Protective Parents Association via e-mail to enlist her support in disseminating the study invitation. A follow up meeting with the stakeholder took place to further coordinate the dissemination of the study invitation. Members of the organization then contacted the researcher via e-mail for the screening and consent form delivery. The study invitation and the consent forms contained the researcher's contact information.

I used the assistance of a transcriber to transcribe accurately the audio recordings of the interviews, and this person signed a confidentiality agreement to ensure the records are kept confidential (please see Appendix F).

Data Collection and Analysis

Data Collection Techniques

I employed the use of in-depth interviewing and participant written descriptions (Charmaz, 2006; Creswell, 2007; Robbins, 2006; Robbins & Goicoechea, 2005; Robbins & Parlavecchio, 2006; Schensul, et al. 1999). Charmaz (2006) noted that interviews begin with open-ended questions in order to become more conversational. However, Charmaz recommended choosing questions carefully to cultivate the reflections of the participant, because she stated that these interviews are not interrogations. Moreover, I used an iterative process with the dissertation committee with respect to forming the questions, since Charmaz noted that it takes great skill and practice to formulate useful questions. Charmaz noted that the participant's comfort takes precedence over "juicy data" (p. 30) in her research practices. I used the same frame of reference to ensure a respectful experience for the participants.

Data Analysis Techniques

Reading the descriptions entails the idea of becoming "empathically connected with each participant's description" (Robbins & Parlavecchio, 2006, p. 333). Empathically connecting by the researcher is facilitated by immersing one's self into the first-person description of the participants' experience. Robbins and Parlavecchio (2006) contended in so doing, perhaps the researcher might experience the "unfolding worlds of the participants" (p. 333). An event the phenomenological researcher strongly desires to take place in order to obtain the thick rich description of the experience on more than one level.

Delineating the meaning units consists of identifying sentences or phrases that depend upon each other to “stand as a distinguishable moment” (Wertz as cited in Robbins & Parlavecchio, 2006). These units can vary in length. A word processing program provided the ability to allow the cutting and pasting function of text into separate documents.

Organizing the meaning units is the next step in the process. The meaning units are organized into existential categories. These categories perhaps will include themes of time, body, space, others, things, and language. These categories are considered “...essential constituents of human being-in-the-world” (Robbins as cited in Robbins & Parlavecchio, 2006). Robbins and Parlavecchio (2006) argued that these givens do not vary even though content might change with the unfolding or experiencing of the event. Tracking changes in the existential categories allows for appreciation and notice of the participant’s world transformation (Robbins & Parlavecchio, 2006, p. 334).

Robbins and Parlavecchio (2006) described the process of seeing the meaning units psychology as being a unique phenomenological approach to experiential data analysis which seeks to obtain an empathic and deeply connected understanding of the participant’s world. World, in this context, is understood as the way in which the self interprets and interacts with others and things that are important to them. The essential element at this stage in data analysis is the researcher’s move or “shift” psychologically from a position of empathic attunement with the participants’ material to a “reflexive perspective that sees through a given participants’ description toward its implicit structural features” (Robbins & Parlavecchio, 2006, p. 334).

Seeing psychologically facilitated constructing situated structural descriptions for each participant's transcriptions. This began with identifying the obvious themes, which moved to identifying more obscure and embedded themes. Each situated structural description was created from molding the meaning units and existential categories into a narrative from the world of the participant.

General themes were identified as themes appearing in all of the narratives. This was performed by using the process of "imaginative variation" (Robbins & Parlavecchio, 2006). This process requires the researcher to speculate if the phrases, themes, distinctions, etcetera, could be different if absent or dissimilar from the narrative without somehow altering the psychological reality of the individual.

The general situation structure was developed from the general themes. The general situation structure was a combination of the general themes into a Gestalt or whole (Robbins & Parlavecchio, 2006). This provided a "balanced and coherent" description of the whole.

Verification of Trustworthiness/Authenticity

The words (a) reliability, (b) validity, and (c) trustworthiness are missing from Charmaz' (2006) recent text. Rather, Charmaz chose to identify four areas that she believed were important for qualitative research, (a), credibility (b), originality (c), resonance and, (d) usefulness (pp. 182-183). Essentially, Charmaz described credibility as a process of achieving intimate familiarity with the setting and topic with the range of people observations contained in the data. Charmaz also mentioned credibility included categories that cover a large area of empirical observations. Charmaz described

originality as new insights, new categories, significance, both theoretical and social, and if it challenged or refined current ideas and practices regarding that topic. Further, Charmaz stated that resonance included concepts such as making connections between large institutions with individuals when the data indicated, and whether or not it offered deeper insights into the material. Lastly, Charmaz related that usefulness is information that the study might produce that people can use in their everyday lives. Charmaz also stated usefulness entails the idea that the study will produce further research interests in other researchers.

Conversely, Schensul et al. (1999) appeared to honor both traditions, positivist, and ethnographic research by understanding the importance of the concepts of reliability, validity, and trustworthiness. Schensul et al. (1999) also mentioned that they believed there were two principal ways that ethnography differs from positivist paradigms; (a) the researcher is an instrument, and (b) implausibility of rigid laboratory controls (p. 273). However, Schensul et al. (1999) then provided succinct definitions for each of those criteria.

Schensul et al. (1999) provided concise instructions for ensuring the qualitative researcher could adequately address the areas of validity, reliability, and trustworthiness. Schensul et al. (1999) took care to address validity in terms of internal, construct, and external validity. Essentially, the qualitative researcher must actually measure what they say they are measuring, they must be measuring what the research question(s) want measured, and those measurements must stand up outside of the researched group. In essence, it seems these concepts and constructs must ensure the researchers accurately

perform the research, and do so such that other researchers can closely follow the methods used and possibly replicate the study and arrive at similar conclusions.

Whereas, Charmaz (2006) seemed most concerned with exhaustively documenting the processes the researcher uses and arriving at creative, intuitive, and useful conclusions with social value or social change implications. Furthermore, Charmaz appeared to place high value on the artistry of the language used to relay the results of her qualitative work.

I used member checking to ensure the following criterion were addressed in terms of (a) reliability, (b) validity, and (c) trustworthiness in this study. The member check consisted of delivering the final data analysis of the situated structural themes as well as the general situated structure to the participants for review. I asked the participants to provide a brief written response to my analysis and the responses of those that responded were included as an appendix. The questions in this study employed the use of the definition of IPV as noted in a previous section. Therefore, the construct of IPV was operationalized using that definition. The time of batterer retaliation will be identified to ensure during and after court retaliatory violence were accurately portrayed.

Data Interpretation

Robbins (2006) articulated the need for researchers to first consider the means of data collection and subsequently envision how they will interpret the data (p. 19). Robbins used the protocol analysis method as developed by Giorgi as cited in Robbins (2006). In Robbins's study of joy, he combined the Imagery in Movement Method (Schneier as cited in Robbins, 2006) to assist overcoming what he viewed to be a "mild criticism" (p. 20) of protocol analysis; essentially an issue of state-dependent memory

and recall (p. 31). Robbins argued that his mild criticism of protocol analysis was that it relied upon participant memory of past events. I agree that memory recall is a complex process rife with difficulty regarding “objective truth.” Pope (1998) provided an erudite argument regarding “recovered memory” controversies and the issues of reliability and verifiability of those memories in a forensic setting. Robbins provided a sound argument for the importance of state of mind in participant recall of past events. However, because the participants were extreme cases and had presented their cases to the Elkin’s Task Force, it is possible that the significance of their traumatic life event and subsequent re-telling of the event through written form for the task force will have resulted in their moods being reacquired during the telling of their stories. This dynamic may have provided more clarity to their memories of the events. However, because of the profound trauma involved in violence between human beings and the possible subsequent psychological distress (e.g., posttraumatic stress disorder [PTSD]) associated with that violence, I did not use the Imagery in Movement Method because the possibility of the participants’ experiencing psychological decompensation or reactivation of PTSD symptomology from the depth of that type of recall.

I used the data collection method employed by Robbins and Parlavocchio (2006). Participants were asked to write a brief description of their experience(s) of incurring IPV during and/or after family court. They were also asked to write, in their words, body sensations, thoughts, images, and feelings that emerge during the writing process. They were also asked to describe or report metaphors that best fit the essence of experiencing that IPV. Each participant was offered to be left alone in the interview room to complete

the task. None accepted that offer preferring me to remain in the room. After the participant completed the narrative, they were instructed to read the narrative and, whenever they paused, to elaborate on what was being stated in as much detail as possible. I invited them to use their own words for detailed descriptions, and to use sounds, metaphors, or other types of communicative gestures when words fail. A research assistant then transcribed the narratives and interviews for analysis.

I ensured the participants' perspectives were provided a prominent place in the written report via my own "rich description" of the participants, and tastefully weaved direct quotes into the written study from the textual data (Creswell, 2007; Schensul, et al., 1999). As well, this study used member checking to ensure the participants had the opportunity to clarify or voice disagreement with the analysis.

Dissemination of Findings

Creswell (2007) stated he agreed with previous researchers regarding the utility of imagining one's audience reading the study as it is being written. This is a useful frame of reference and this method was used as well. I viewed the professionals currently working in family court such as judicial officers, administrators, and mediators as the interested consumers for this research. Moreover, scholars studying IPV were also included as interested consumers. Mental health professionals working with families with IPV as an issue and lay workers helping at women's shelters and victim's advocates were also targeted consumers for this research.

Additionally, the Association of Family Conciliation Courts (AFCC) might be interested in a synopsis of the outcome of the study. The California chapter is a group of

interdisciplinary professionals invested in assisting families. Lastly, there are separate organizations for each represented profession in family court divorce and child custody processes. For example, some child custody mediators are attorneys and retired judges, others are probation officers, and still others are mental health professionals. Their unique professional organizations may possibly be interested in my study.

There is a diversity of practitioners in the field of child custody litigation; therefore, it may not be possible to ensure all parties will find the results of this study relevant. Alternative means of disseminating the findings of this study might be to volunteer to speak on public radio or other public programs designed to inform people regarding family and divorce issues. Another alternative procedure might be to offer to write an article for professional organization's magazines such as the American Association for Marriage and Family Therapy (AAMFT). Lastly, as the functioning head of the state government, the office of the governor of the state of California was provided a synopsis of this study. Chapter 4 includes the details of the participant recruitment, data collection procedures, data analysis methodology, and how data were handled and stored securely. As well, data verification processes and how accuracy and quality of the data were ensured are explained.

Chapter 4: Results

Researchers have suggested that IPV was present in the relationships of many separating intimate partners (Ellis, 2008). Many of these separating intimate partners used family courts for assistance with creating appropriate parenting plans that facilitated rich and meaningful relationships between the children and both parents. Studies have

documented how children and parents fare in the context of coparenting relationships (e.g., Ahrons, 2006). Scholars have documented how IPV between coparents influences parenting plans (Bemiller, 2008; Hardesty & Chung, 2006). Still other researchers have documented how the court system can re-victimize the victims of IPV (Bemiller, 2008; Hartman, 1999; Shalansky et al., 1999). However, what has not been documented in the literature is the influence family court processes (e.g., court-ordered interventions, child custody evaluations, court hearings, and so on) have on the violence dynamics of the coparents. The results of this study provides an initial step toward filling this gap in the literature by providing an in-depth exploration of the phenomenological experiences of persons encountering IPV in the context of family court. I conducted interviews of 14 participants who provided their experiences of encountering IPV in the context of family court in detail. This chapter includes the details of the participant recruitment, data collection details, data analysis methodology, and how data were handled and stored securely. As well, data verification processes and how accuracy and quality of the data were ensured are explained.

Recruitment

The CPPA assisted with identifying the participants by using a broadcast e-mail to the association members. Initially, 20 participants responded to the invitation. Sixteen participants scheduled interviews. Two participants failed to show for their scheduled interview appointment. Equipment failure made two of the participant's data irretrievable. Thus, data from 12 participants were analyzed in this study. The data collection period began March 5, 2011, and ended April 23, 2011. Several (five) of the

participants indicated financial difficulty with traveling from Sacramento, California, to my private practice office in the California Central Valley for the qualitative interviews. Therefore, I sought permission to modify the existing Walden University IRB approval to allow for data collection in Sacramento, California, on April 16, 2011, at a University of Phoenix classroom. In the same request, modification was also requested to collect data in San Diego, California, on April 23, 2011, using a conference room at a large hotel. The IRB granted permission for the modifications via e-mail on March 24, 2011.

Data Collection and Storage

Upon arrival to the interview, each participant was given a Walden IRB approved informed consent form for signature (See Appendices C and D). These forms explained data collection procedures, as well as other important information including participant remuneration as noted above. Additionally, this form explained to the participant that they could discontinue the interview process at any time, and that their participation was strictly voluntary. Upon completion of the interview, the participants were provided the following: (a) mileage reimbursement, (b) a copy of the consent form, and (c) a \$ 5 Starbuck gift card. Participants traveling to the private practice office located in the researcher's home city were also provided \$25 for meal reimbursement.

Each interview room contained three microphones used to collect the audio from the interviews. The participants were provided instruction in the protocol analysis method (Robbins, 2006; Robbins & Goicoechea, 2005; Robbins & Parlavecchio, 2006), which consisted of me asking the research questions and the participants writing the answers to the research questions on a sheet of paper. The participants were then asked

to read back what they had written on the paper. When the participants encountered a natural pause during the read back, they were asked to expand upon the point they just read, or, verbalize the thoughts in their mind at that particular moment. This process was duplicated for all three of the research questions. A research assistant (a professional transcriptionist) then transcribed the interviews verbatim and the data were stored electronically on a Toshiba laptop computer having double-password protection.

Data Analysis

Participant Demographics

Twelve of the 14 participants reported demographic information. Tapes from two of the interviews failed making their data unusable. Two participants did not fill out the second page of the questionnaire – this was likely unintentional. The missing data were identified as missing in the PASW Statistics 18 program used to generate the descriptive statistics to ensure accuracy of the results. The ages of the reporting participants ($n = 11$) ranged from 35 to 55 ($m = 47.09$, $SD = 7.52$). The number of children each participant had ranged from one to four ($m = 2.17$, $SD = .835$). Just over half (58.3%, $n = 7$) of the sample ($n = 12$) reported having two children. The level of education (in years) ranged from 12 to 18 ($m = 13.83$, $SD = 1.95$). All of the participants reported having IPV as a factor in their relationship ($n = 12$); however, one participant reported having IPV as a factor in seven relationships. Children witnessed the violence in 10 of the 11 reporting cases (83%). The gender of the sample consisted entirely of females. Seventy five percent of the sample reported their ethnicity as Caucasian ($n = 9$), 16.7% reported being Hispanic ($n = 2$), and 8.3% reported using the “other” category ($n = 1$). Participants

reported having family court matters heard in the following California counties:

Sacramento County (33%, $n = 4$), Tulare County (16.7%, $n = 2$), San Luis Obispo County (8.3%, $n = 1$), San Diego County (16.7%, $n = 2$), Alameda County (8.3%, $n = 1$), Placer County (8.3%, $n = 1$), and Santa Clara County (8.3%, $n = 1$).

The Empirical Phenomenological Method

The empirical phenomenological method as developed and refined by Giorgi, (2002, 2008), Wertz (in press), and further described in the following literature (Robbins, 2006; Wertz, 1983; Wertz, 1985; Wertz, 2006; Wertz, in press) was then used to analyze the data. Figure 1 provides a graphical representation of the phases and flow of the analysis. Eidetic analysis was used during the initial phase of the analytical process in order to understand the individual essences of the experience. I read and re-read the transcribed interviews several times with a deep compassion or absorbed empathy for the participants' experiences (Robbins, 2006; Wertz, 1983; 1985; 2006). The goal was to become immersed into the first person descriptions of the experiences of the individual (Wertz, in press). I intentionally set aside scientific theories by bracketing, as best as possible, previous knowledge of the subject matter in an effort to capture the lifeworld [*lebenswelt*] (Wertz, in press) of the participants.

Flowchart for Data Analysis

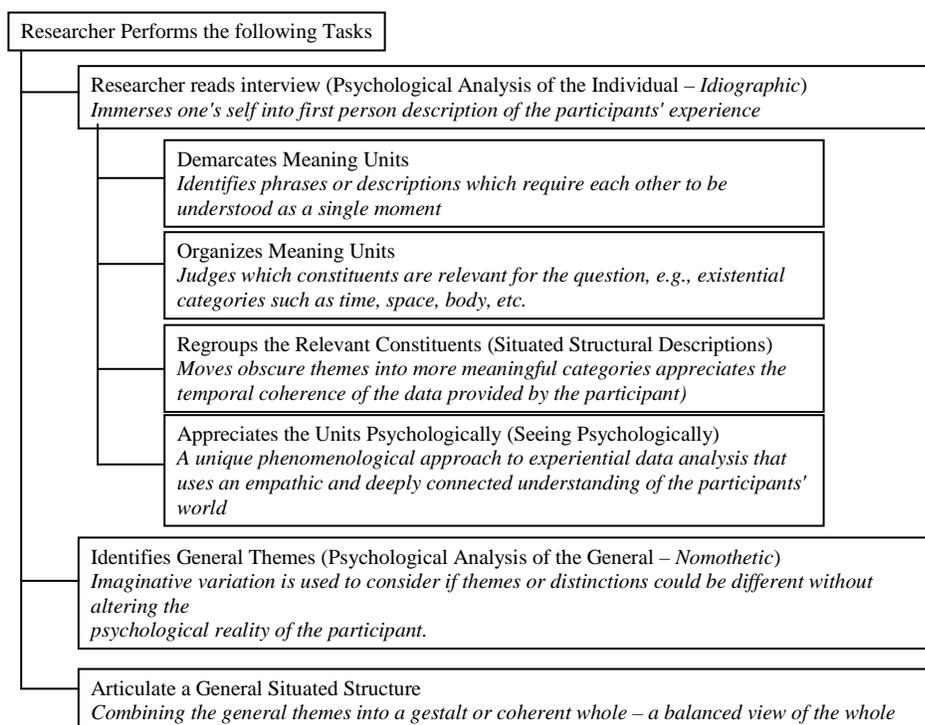


Figure 1. Chart adapted from Robbins & Parlavecchio, 2006; Wertz, 1985.

Meaning Units

Following those readings, the subsequent meaning units identified in Table 1 were delineated using a word processing program (Microsoft Word):

Table 1

Delineated Meaning Units

	Research Question1	Research Question2	Research Question3
Meaning Units	Victimized	Fearfulness	Increases abuser's anger
	Discounted	Powerless	No consequences for abuser
	Isolated/alone	Denial	Devastation

(emotional/financial)

No Protection	Need Protection
Not Believed	Questioning Self
Surreal	Felt Frozen
Cold System	Felt Ashamed
Family Law Unique	

Situated Structural Descriptions

The meaning units were then organized into existential categories to provide context for the analysis (Robbins, 2006; Robbins & Goicoechea, 2005; Robbins & Parlavecchio, 2006; Wertz, 1985; Wertz, in press). All of the participants reported numerous litigation incidents with family courts. Additionally, rather than ask one broad question, I asked each participant three qualitative research questions. Therefore, the existential categories were determined by the research question, as opposed to a specific kind of temporal or spatial category. Each meaning unit was organized in relation to their lived experience in the context of interacting with the family court for child custody litigation. Thus, the existential category will be in terms of distinguishable moments (Robbins, 2006; Robbins & Goicoechea, 2005; Robbins & Parlavecchio, 2006; Wertz, 1985; Wertz, in press) in the perspective of either of the following: (a) interacting with professionals working for the family court, or (b) interacting with the abuser. General

themes were then formed from the meaning units. Each situated structural description was created by shaping the meaning units and existential categories into a narrative from the world of the participant. General themes were identified as themes appearing in all or most of the narratives. This was performed by using the method of “imaginative variation,” (Robbins & Parlavecchio, 2006). This process required me to speculate if the phrases, themes, distinctions, and so on, could be different if absent or dissimilar from the narrative without somehow altering the psychological reality of the individual. Table 2 provides a listing of situated structural descriptions:

Table 2

Situated Structural Descriptions

	Research Question1	Research Question2	Research Question3
Themes (Situated Structures)	Family court experiences were surreal	Fearfulness	Family court increased the anger
	Feeling alone and isolated	Felt frozen	The abuser was perceived to be using litigation to devastate her emotionally and financially
	Not feeling believed by the courts	Felt ashamed	Perpetrators were perceived as having no consequences for their malevolent behavior
	Perceived the courts wanted them to forget	Felt powerless	

about the past
abuse and
move on

Fear of calling Denial
attention to
one's self

Experience of Questioning
courts as a self
cold system

Perception Fight back
that family
law differs
greatly from
criminal or
civil law

Perception Need to
that the courts protect
want to keep children
you in the
system

Loss of Made the
Money decision to
(expensive) leave

Perception Some cultures
that the court accept
does not violence
protect

Feeling
victimized by
court and the
abuser

Seeing Psychologically

Each of the themes is presented below after being read with deep empathy and psychological connection to the participant's world. In this section, I intentionally provided liberal inclusion of the participants' textual data to support the themes and to honor their lifeworld (*liebenswelt*) in the sharing of their stories.

Research Question 1

“What was it like to have encountered and endured intimate partner retaliatory violence during and after family court litigation?”

For research question 1, all 14 of the participants provided their experiences in the form of a “present moment experience.” In other words, they reported the experience as if they were in the moment during the telling of the story.

Family court experiences were surreal. Many of the participants indicated the experience of interacting with family court as being surreal in terms of a bizarre nature or unreality. This indicated a tone or overarching platform from which to begin the process of analysis.

Participant: It was just, it was like being in a, you know when you go to a carnival and they have those mirrors where everything is all distorted.

A different participant: It was surreal; the surroundings around me were very surreal during that point in time. Confusing. And, I didn't know if I was coming or going with my children through the system. It just felt like a vicious cycle and when was it going to end.

Feeling alone and isolated. Another theme was the experience of being alone and isolated while being observed and judged negatively.

Participant: You FEEL ALONE. You feel like basically you are an actor, on center stage, and the spectators hate your act.

Not feeling believed by the courts. Uniformly, all of the participants indicated the people in the family court system did not believe their version of the events between the co-parents.

Participant: You are humiliated, you are stripped naked of your rights as an individual, your feelings are not validated, your evidence is not taken under consideration, the gravity of your situation is diminished.

A different participant: We went to court and in court; I found it to be very odd that they didn't believe anything I said. They wanted to see proof, and then OK, I understand that, so let's set another hearing and let me show you what I have. And despite the fact that he did do time in jail, none of that really mattered in the judge's eyes. All they cared about actually in mediation, and in front of the judge, was that dad have an opportunity to raise this child. And, I agreed with that but I didn't want my child to endure the same kind of pain and suffering that I did.

A different participant: ...and the immediate process began with a TRO and him being lead out of our house by the police, which I just felt that bricks had been lifted off my shoulder. This followed with a few weeks of; I think it was three

weeks of no contact, by court orders. He was not allowed to contact, e-mail me, the children, or myself. I used that time dealing with the emotional repercussions of the children explaining why this had had to happen, why this was the best for the time, for them. And then, all turned around completely the day he had retained an attorney. And, once he retained an attorney, we went back to court and I was accused of lying. I was accused of twisting the facts. I don't think I had ever been in a position, personally or professionally, where statements that were given were just not considered fact. I'm a nurse. I report data, behaviors, etcetera, to physicians, hospitals, administration, other nurses, and I had just never been in that situation at all. I was strongly pressured to remove the protective order or they would try to take the children away from me... that was always the threat. They would try to take the children away from me because I was not the parent trying to share the children...and would lose the order.”

Perceived the courts wanted them to forget about the past abuse and move

on. Many of the participants were told to simply forget about the past verbal and physical abuse in order to move forward with a parenting plan.

Participant: She [my daughter] did tell me a couple instances about ...another time we did go to court because stepmom had been hitting her with a fly swatter and pinching her. And so, we went back to court we were in front of commissioner _____. And commissioner _____ told me that I was jealous because he had remarried and those were the words that he used. I mean that she used, that I was jealous that he had remarried and I needed to get on with my life

and stop making these allegations against dad and the step mom. I just felt completely like somebody had slapped me and left me standing there. I was just wowed. I don't understand. Cause, she just basically said that I want you to remove all the fly swatters in the house and nobody is to be pinching the child anymore. And so, my child ultimately was protected, I mean no custody or visitation changed, it continued the way it was. He was reprimanded for pinching or hitting her with a fly swatter, but, at the same time I was being told to stop it, get on with your life, get over it kind of thing.

Another participant: It was like, they didn't listen to, they didn't care that he had done anything before. They kind of like pooh-pooed it. Like, what he said was more important than the evidence that I had. That's what I found that was so horrible was that it didn't matter who I was dealing with, was that they believed what he said rather than anything that I could have brought them. You know, I had police reports, I had the police report where he had been to jail you know, it was like; it was like none of that mattered anymore, because that was past. It's almost like, it's like, every time that he did something it was like, it was like, it was a fresh start. We're gonna start from just what he did just right now.

A different participant: I've done so much to try to empower myself and not be involved with anything that has to deal with...with domestic violence...and all the work that I've done to keep my son safe and myself safe and to, to know how

it was that I got involved with such a person. But even though I keep saying I'm not a victim, the family courts keep us together making me his victim, still. And, the family courts continue to to victim me, so to speak. I'm you know, we can't co-parent, we can't do all these things together because of the, the abuse we have, that he, he abused both of us. And, the abuse that he gave us was mental, verbal, um, emotional, and he physically abused, sexually abused both of us. And, they want us to get along great, just have a good time, you can get together at parties and everything. And they still, they can send him to class for anger resolution and all that, but when he doesn't think he's done anything wrong, and it was all my fault and everything else, even the psychological evaluations, all say there is no remorse, he doesn't feel that there was anything wrong. But somehow the courts just keep looking at me like I'm just the person who's noncompliant.

Fear of calling attention to one's self. Participants expressed a fear of negative consequences if they were to call attention to themselves. They appeared to believe they had to be very careful about appearances so that the judge or other family court professionals would not judge them on behaviors or words taken out of context.

Participant: I didn't present the email because I didn't want to call attention to myself and I knew that both those judges knew this woman very well and then would say, oh, that is the litigant that caused all these problems. You know what I mean?

Experience of courts as a cold system. Participants reported that their experience of family court is like interacting with a system that is cold and impersonal.

The general feeling of most of the participants was that interacting with the “system” was like dealing with an impersonal thing that did not foster some modicum of personal dignity for the court and the participant.

Participant: So the family law facilitator who helped me was an attorney, she was a bar member and she was very, very nice and very helpful. But, it was difficult to see her because in [deleted] County it is very different from here [refers to a different county]. If you need to see the family law facilitator, you have to line up outside the courthouse before 8 o’clock in the morning, and they only see the first five people in line. I am not kidding you. They only see the first five people in line. So, I would get up in the dark, you know, and put on a coat and hat and gloves so that I could be one of the first people...and it took me about three or four tries before I got to this gal.

A different participant: I wrote that I see the family court system as a big silo in which the petitioner, me, is a cow and each time I go to court, and I’ve seen it before too, that um...I feel like I’m being milked, in a sense, that, um, I go to court, and um, you know they, they...we sit there for a couple minutes. They do their so-called rhetoric and they nod their heads, uh huh, uh huh. And then, we get sent out and we go back...the back door to so called...barn doors so to speak. And, we go to graze. Which I interpret that as getting fat again, more money and then to come back again. And so, I just see this as a big circle. You know, come to the silo, and we’ll pretend that we’re doing you justice, and uh, oh no you have

to come _____ oh we can continue with this. I mean the legalities of the things that, oh no, we can't talk about that now. That's another issue. Come back and we'll talk about that. Oh! You have to have a motion for that. And, you know the courts...they only see...they have these certain papers, and this is kind of what I was talking about. They only look at what is on...at what is on the dock and that is only what is put forth in front of them of what they want to see. And, you know they don't even have a clue you know what. They only see a very minute prospective of who we are and what we've been through.

Perception that family law differed greatly from criminal or civil law. One participant offered an astute observation of how differently the codes and laws are interpreted and administered in the family law milieu as opposed to a criminal court.

Participant: When I was, when I was the uh, worked for the police department and when I did these _____ reports for [deleted] county for this probation department, you know the penal code is pretty cut and dry, the health and safety code, and the vehicle code, you know those things all make sense to me. And, I dealt with those most of my professional life and it is, you know the _____ code and you pretty much figure out what you can and can't do on the road. Family law is such a departure. And I later learned even to this day I learn through there _____ that the family code is, I think I mentioned to you, its just because there such broad discretion there the family code...its just a suggestion, but its frustrating.

Perception that the courts want to keep you in the system. Many of the participants expressed the feeling that the courts keep them in the system for financial reasons. Most participants expressed a degree of frustration with the amount of time, money, and inconvenience the court-ordered interventions cost them.

Participant: I feel like I'm in quick sand...the more that I try to get out, they, the more that they want you in there. They want you to be engrossed. They don't want you to be healthy. They want you to stay there 'cause they know. THEY know! Me, a mother, who's been through domestic violence, and has been fighting for her children for years and years. They know that she will do anything. And, they know that that is somebody that's gonna stay in the system and she will find whatever she has, every last penny to keep it going. Not because she's keeping it going because she's keeping it going, the courts make it keep going. Because, again, you've got to pay your attorneys, got [to] file papers, it goes round and round and round. You know, I've spent \$80,000. And you know, even to, the problem with that is that, even though you're divorced, it still isn't finished. It's the custody. Then after you get the divorce, then you have the next level. You have the property settlement, then, you have the next level of custody. And that's the one where they love...they love that because children stay...a certain...cause they know that from whatever age you separate to the point the child is 18, they can have a hand on those kids, and once you are in the system, they will not let you go.

Loss of money (expensive). Several of the participants mentioned the issue of spending large sums of money on litigation and/or related costs such as therapy, child custody evaluations, and so on. Additionally, finances were used as a way to “punish” others as well.

Participant: And then my ex husband had done a lot of things to me, the financial thing, the uh...actually caused me to lose my business, the one that I did the industrial machine tools and the house that I lived in. He would say under his breath, “uh you better get your wallet out.” Uh, you know, meaning that he was going to make this expensive, and uh, I didn’t know what he meant at the time because I was self-represented.

A different participant: “Um, so then, eventually J_____ had it set up so to where there was garnishment sent to his parents, because he was working for his parents at the time. And um, so they were sending child support, and that was a big hardship, and he didn’t want that. So, he quit working for his parents and he started his own business. Well, when you are self employed they don’t garnish your wages, and so it was up to him to make the payments. He wasn’t making the payments. Eventually, a contempt case was filed against him, and so he got on welfare. He has another child, an older teenage daughter, and so he was able to get on welfare.

I spent over a quarter of a million dollars of my settlement case.

Perception that the court does not protect. Some participants reported family court personnel as making them more vulnerable to the abuser. The idea of protection for self and children is a strong theme throughout the data. Indeed, the majority of these participants reported experiencing the family court as exacerbating the dangerousness of interacting with the abuser vis-à-vis the parenting plan.

Participant: Uh, someone had told me about the “Safe at Home” program, which is run by the secretary of state and – well uh it’s a program for qualified victims of domestic violence. There are different levels of service. What one of the things that they do is they give you an ID card, it’s a state ID card with a fictitious physical address, and your mailing address is with them. And then, they re-mail to your home, uh your mail. And then there are other things, depending on the severity ... the district attorney’s office does intakes for that, and if you qualify, then uh, then you have whatever it is that you have with them. And I wanted to make a fresh start here.

Now I am in the court room and explained to the judge that I was in the “Safe at Home” program and the judge said to me, first of all I never heard such a thing, (even the poster is in room 201. And, if you just look to the right its right there). The judge said she never heard of this thing and if you want to see your child you will be giving him your address, end of story, you pick. And, the judge said, “I am going to give you”... I forget how many days, 10 or 15 days... “and then we will be back here and you decide what you are going to do.”

But anyway, the “Safe at Home” program told me to bring an advocate with me from the DA’s office, and so I did. And, when we approached the bench and went to sit down, the judge looked at the advocate and they must know each other because you all see each other in the hall ways, and looked at her like a cockroach, “What are you doing here?” And, the advocate explained what her reason for being there was and the judge looked at me and said, “I’m not buying your victim nonsense...” and ridiculed and humiliated the gal from the DA’s office. It ... wasn’t the one that helped me originally, but it’s some cute little blond girl who was almost in tears when she walked out of there. She said she couldn’t believe it. And she will discuss this off the record; she won’t discuss it on the record.

Anyway, so I gave my current address so I could continue to see my child.

A different participant: I don’t want to be a victim but, somehow the court continues to keep us together to some degree, and continues to have us co-parent for the sake of our son. So, I have to tolerate his phone calls with fuck-yous at the end of our phone conversations, or you know, um...and if he gets mad he ends the call with such words, and what I mean by such words, by calling me trash, piece of garbage, you’ll never amount to anything. Um, and I mean, and I still have to take these phone calls because we are supposed to, that’s coparenting. So, I still have endured these, these statements all the time. But that’s because the court wants us to co-parent, talk on the phone.

Feeling victimized by the court and the abuser. Overall, most participants reported a feeling of being victimized by the court processes and the perpetrator of domestic violence. Most of the participants reported feeling as if they were abused by the very governmental court system that was supposed to be protecting them.

Participant: One judge, it floored me, one judge when was, the person was shown our copy of the affidavit for the search warrant for the computer, [garbled] and the judge, um, children sexually explicit poses, uh, that judge to me it was at a case management conference, it wasn't at a hearing, and so neither myself, or dad was there. But, I believe, according to the canons of ethics, that this person has the ability to make a change right then and there. Instead, that judge said "I don't want to be part of this case anymore and passed it on to another judge." Um, that broke my heart, but that was also the same judge that removed her from me and uh, gave dad full custody of the child and put me on supervised visitation.

A different participant: The first 3 years was believing in the judicial system at first for about 3 years. Severe abuse occurred during this time to the point of I lost all hope in getting a fair venue to the judicial point. The next 3 years, the abuse was perpetrated via the legal system failing and prohibiting, or protecting my children, allowing my abusive partner, ex and his family, to use the judicial system that continued abuse with extensive legal means. Then the following 3 years, the next 3 years, I spent a lot of time self-analyzing. Because of my financial background, I actually went to the court and pulled several files and did

some excel spreadsheets and kind of drew my own conclusions what was really going on. Cause I had, you go from believing to not believing and you want to know why. So, I was in the why phase. I wanted to try to figure out, ‘...is this really as bad as I think it is?’ So, by pulling the documentation and doing my own analytical research, I came up with my own answers. And then that’s when I started to get into that action phase or the anger phase.

So I’m being financially devastated as well, stressed to the max. On the fourth psychological, I was put in with a counselor that I was ordered by the court that if I didn’t see him my kids would be taken away. All through the court system there was always that threat. If you didn’t pursue or do what they exactly tell you there was the threat of losing your children. And of course, what does a mother do? You know it’s like the carrot at the end of the stick. So, on the fourth psychological, the psychologist got very abusive in the office. He took a notebook out of my son’s hands...(because we’re all traumatized we learn to write things down...so...when we go to where we need to talk about it, we could)...like this [motions how the psychologist ripped journal out of child’s hands]...and he took the tablet, ripped it in half, threw it in his face, stood up and kicked my briefcase across the room.

Interviewer: The psychologist did that?

Participant Responds Back: Yes. And I got up, and got my briefcase, and grabbed my two children and started walking out. And the whole time he’s screaming at my back, “if you don’t stay here I will write a bad report and you

will lose your children.” Come to find out, I did some research on this psychologist. At the time, he was under probation and wasn’t supposed to be seeing anybody, for abusing a private client. But yet, this is the psychologist the judge insisted I go see. So, when I went back in the courts and I got reprimanded for walking out of the office...and I told the judge right to his face, I finally realized what was going on. I said, “You sent me to a psychologist that needed a psychologist.” And he [the judge] just sat up there and laughed his tail off.

A different participant: Um my son comes, when he’s at the house, he locks the doors and the windows and he always feels like, he himself always feels because he [father] said, you know, one day you’re [the mother] gonna be swimming in a quarry and no matter all these things...we keep bringing to the court. I’m always gonna be part... I’m always gonna be his victim. But, mostly because of the family court is making me be his victim. They still want me to be his victim, through orders, coparenting, and there’s no way you can actually tell parents, somebody that things...you know, that all these things are ok...to beat somebody, to abuse somebody, to sexually molest, take my child...and the courts calls it... What I don’t get is that the court says it’s not what, well we don’t condone his behavior what he’s doing with your child, but we don’t see it as sexual abuse because it was just lack of knowledge of permissible types of touching. That’s what the judge said! And I have the transcript where he says that, but now when I brought that out, I opened to the court because the judge’s wife was opening up a

child abuse center. It's [the transcript] no longer in the court's file. It was taken away. But, I have three copies of the original transcripts that I have spread out...not at my house. And, the judge feels that... "No, he never said that." But lack of knowledge of permissible types of touching, said to me, that means we should excuse him for what he did to him...and that everybody that sits in jail right now that did the same thing to other...to children, it was just lack of knowledge...they should be out. And they don't see it as sexual abuse.

...Oh he was playing with them [son's testicles], and he said he kept doing it, and he [the judge] said, "Why did you do it?" and he [father] said, "Because I knew he liked it." And I like, "How do you know your son liked it?" And he goes, "Because he got a woody. And he got this erection and you could see his little erection coming to life." He would go in to detail and to me somebody that could talk about something like that and it's not sexual abuse it's just you know, as... his dad actually talked about stuff like that he did with another child. Um, the _____ psych eval said that his... there was a scale, or some kind of a testing that they gave us and it showed that he [father] is capable of committing sexual crimes.

A different participant: You know, suddenly there's intimidation involved... and the way things would just change rapidly, you know, overnight. Oh, you're great, you're the most awesome mother. You know, subpoena me into court. This is my first monitor, "subpoena me in to court, you know, I'll go in and testify that

you should be seeing your children every day.” One week later, screaming at the top of his lungs in the San Diego Quail Gardens “you’re kidnapping your children. I’m calling the police. I’m calling the children’s father.” Screaming! I had people coming up to me asking me if they wanted me to call the police on the monitor.

Research Question 2

“What were your reactions to the violent incidents?”

For Research Question 2, the participants consistently provided their experiences in two distinct categories, (a) feeling reactions, and (b) thought reactions. The feeling reactions were organized into present moment experiences. The thought reactions were organized into a linear decisional process.

Feeling Reactions

Fearfulness. Participant: The next time was during, within you know, quite a few periods, almost like a clump, in succession while I was pregnant. We had just moved to America so this friend, these best friends, our best man at the wedding, had come to stay with us with a girlfriend whom we’d never met. They, she had a lot of issues in regard to alcohol and they wanted to party a lot. So they got really drunk. Of course I was 6 months pregnant and wasn’t really into that we were living in a little tiny place that’s probably the size of this office. So it was, they were being really loud. I was tired. I told them, “could you be quiet?” And he actually attacked me in front of them. I think he was pretty embarrassed about it. Then he literally made them pack their bags. He drove them to the

airport, dropped them off at the airport, came back and told me it was my fault that I'd ruined their vacation and that he had to take them to be dropped off at the airport. Of course, which I really felt that it was my fault. I mean I was, I was horrified that he'd done that and of course, you know, he told me he had to do it because of me. Obviously, it was all my fault. That friend didn't actually talk to us for 2 years and my...he made me write them a letter apologizing.

Felt frozen. Participant: I felt trapped. My reactions were frozen. A lot of the times I would just end up...because he really didn't really know what to do because things were so off the wall he just would [participants stops talking]. Well, I'll never forget the time I was in my garage folding laundry at the washing machine and dryer. And I was locked in the garage. And I knew I was frozen. But I continued to just fold laundry.

Interviewer Asks: He locked you in the garage?

Participant responds back: Yeah. So I knew at that time...I knew I was just frozen when I didn't react to try to escape. I just continued to fold the laundry like nothing happened.

A different participant: And [he] just continued to interrogate me, following me everywhere, screaming at me... Then I walked into the living room, and I was probably as close...as I am to you, just standing there listening to the tirade, cause I know about him. When he gets drunk, he just rambles. He's an evil drunk and so I tried not to engage, but, so I honestly did not see it coming. Never thought

that he would actually attack me. And, he said out of the blue, again, I don't know if it's necessarily out of the blue because, I mean, he had actually did it. I mean obviously, he's drunk, screaming, you know volatile. He said I'm so tired of your shit and hit me in the mouth. Struck me in the mouth. And I felt the blood trickle down my face and in disbelief that I'm bleeding. I can't believe I'm bleeding. And so, I turned around to leave to get away. He grabbed me by, we were, the way our house is, is out on the living room kind of like the hallway. So, it's off the kitchen and then our son's room would be butting up against the little entryway for, so it's the entryway that would separate the living room and then the boy's bedroom and the kitchen is off to the right of that. So, I turned around to like, go around that to get away from him, and he grabbed me by the neck and started choking me. I'm almost 5'4" at the time I was 120 lbs. He is 6'1" and that time, probably 230 pounds...so obviously [he] over powered me...grabbed, started choking me. You know, enraged, drunk. I could feel, I could feel him really choking me and I remembered things going through my head. Am I gonna die? And I'm gasping for breath. And I'm like, I'm calling out, and I'm calling for my son's name. I'm like, Help! And so J____comes around the corner. He's 6 years old, and he, the baby at that time was only 3. And that's a whole other story.

Felt ashamed. Participant: I was ashamed that I, that I stayed with him and it got to this situation...

A different participant: ...Because of my background working for a police department in a major city as a civilian employee, I felt that I was better than that...being a victim of domestic violence. I was in denial at first and then ashamed for letting it happen to me because it happened more than once.

Felt powerless. Participant: I remember the first one as though it was this morning, but it was back in October 4, 1994. We were invited to a party by a friend of mine who was an attorney. When I was getting dressed I recall my husband who, my husband was somewhat edgy about what I was wearing. He said to change my clothes. I didn't. he took his hand... grabbed my neck and put me up against the bathroom wall. He was choking me. I felt my life slipping away by his grip. He said, "Never ignore me and do as I say." He took my dress and cut it up in pieces and made me wear a turtleneck. This was the beginning of the hell I was about to endure. From cut up dresses, checking on my phones, throwing the used condoms in my face. Forcing me to have sex with him when I didn't want to. Um asking me to buy make up to cover up the bruises. Cleaning food off the walls, threats of throwing me into the quarry and making sure my body would not surface or else putting me through the auger at work where he used to work as a brewer operator where they would burn just wood and stuff like that through the auger and it mulches it up and he would always threaten me about putting me through the auger. By this I mean, my feelings were that every time that an incident happened it got to the point that I never knew if I was going to be if I was going to be alive.

I was so numb at times that I just, I don't remember, I can't even think about the feelings, when you say the feelings of how I felt, I mean, I was so numb after a while, like I said I didn't feel it anymore. And that's why I think sometimes staying with him probably at the time, knowing now that, because with the family courts I have to relive it all the time. And with him I was always numb. I didn't, feel anything, I didn't.

A different participant: He would break things and I remember one time in particular we were at Target and he went to open his truck door and the door shut and smashed his finger and he got so mad he took about 20 steps backward and ran toward his truck as fast as he could and bashed in the side door with his foot. I was like, Oh my gosh! One time he dropped a call on his cell phone and he threw his cell phone so hard it busted out the dump truck window. Those are the kind of things, so it wasn't physical abuse towards me but it was lack of impulse control, those kinds of things. He did at one point in time... my dog got in a fight with his dog, we have animals, separate animals prior to the relationship, and he got my dog and put her in a headlock and punched her about 5 times as hard as he could in the head. All the time my kids are seeing this. You know to the point where my dog pooped all over herself and it was just horrible. And you know, I'm thinking in my head, you know he's got some issues (laughs) and uh but uh, um the relationship continued.

A different participant: ...So he raped me. I had, before I had my two children, I had miscarried twins. And I, when the first one happened and the doctor said no, one is still alive, so he put me on bed rest. Well that one passed on basically 3 months in. And I had to go in for a D&C. So I went in for the D&C and I got home and I was on some pretty tough drugs but I was awake and my then husband said that I looked sexy... I had a D&C...that I looked sexy and he proceeded to rape me and I was crying. I was going like this [making hand gestures] saying, "I just had a D&C!" And he went on and did his thing. And I remember getting up and going to the toilet and wiping all this massive amount of blood and going back to bed...and he went out and fell asleep on the couch. So, that was the actual rape, and of course, I was asked why didn't I report him. Well I was a newlywed...and you know, I came from a good family. I'm thinking I'm going to do what it takes, try and make this work. And it takes a long time to realize you married someone that is really a socio, I mean crazy. He's, you know, he's not sane. And because they're so good at telling you you're the one, you're insane, you're, it didn't happen.

A different participant: So the girls would come home with red marks, fingerprints, bruises. I thought I was doing the right thing and reporting it to the court appointed psychologist. The court appointed psychologist didn't do anything. She just kept saying she would work with father to get him to, everybody said not lay hands on the girls. And um, asked for anger management

therapy for him and his attorney argued it and he never received that. And I think what happened, this was 6 years ago, and I think looking back now what happened is that this empowered more and more to become more aggressive with the girls and to get by with more because he was able to.

And um, they would come home with stories of the younger one, I don't think we had text back then, calling or emailing me that my younger daughter was put in a bathroom Friday afternoon after school and not let out til Monday morning. She was made to eat dinner in the bathroom. I told the custody evaluator that my daughter, obviously I'm saying this as a third party, that my other daughter was telling me this and she was, and the younger one was telling me this. We went to court and he said I was exaggerating.

Incidences happened at school where he [father] hit my younger daughter [name deleted] at school and dragged her across campus. The school became involved. Several times the school called CPS. Each time it was blamed on me until um, let me make sure. In March 2007 the um, his attorney and the custody evaluator, and the court appointed psychologist um got together without my knowledge and put together an ex parte to move the girls from my custody, I think 60 me and 40 to him at that time. This post judgment... and send them up to Oregon to an aunt's house they had never been to, his sister's. And, we had a brand new judge on the bench. The girls were not even given 24 hours and they had to leave school and go off to that aunt's house on a farm and stay for 2 weeks. And sadly, at that

point I was not allowed any communication at all with the girls. No notes, no phone calls, no emails, anything...nothing...vice a versa.

...and then they came back and they were put in...all had decided that dad was too angry. These same psychologists...that dad was too angry to take the girls immediately. But, they felt they needed to remove [the children] from me so these reports didn't keep happening at the violence. Mind you, these reports had police photographs; they had two very high functioning incredible young ladies, articulate young ladies at that point stating what had happened. And their stories collaborate and there was no... later an evaluator that looked at the material... there was never an exaggeration above and beyond. It was this is what happened, that's it. And so, we were separated and it took us three years to come back to a 50/50 custody. And it was horrible.

Denial. Participant: ...during the time I was married to my ex husband I was denial most of the time that I was being abused. I did not see myself as a victim of domestic violence although there were, he was very violent and there were many occasions where he...I thought I was going to die. But, I have dissociative disorder so I would kind of "leave" the room when he was bettering me. And, the other part of it is that my sister was also a victim of domestic violence. And I saw her as a victim of domestic violence. Her husband was really classic "textbook" everything...that you would...the worst case scenario that you could hear. I mean he would time her going to the grocery store and look at the receipts. I mean he was just so ridiculous and over the top, that of course, I

thought of her as battered. But, my own situation I didn't see was an abusive situation because he only got violent sporadically.

Thought Reactions

Questioning self. Participant: I'm scared and that moment...also in the balcony, it was...you know are these seconds when you think, "What if he is just playing, he wants to push me over the balcony, you know you don't know what to believe."

A different participant: He, for years, he really made me look like I was crazy. Like it was all in my head. For example, I remember one time I put my keys on the kitchen counter. I know I did 'cause I always...I'm very creature of habit. I do the same thing over and over again. And I put my keys, on the counter like I always do, and I remember I went back about an hour later to go somewhere and I went, "Where's my keys?" He said, "I don't know where did you put them at?" I said, "I always put them when I come in the house...I put them on this counter. Where are they at?" And I looked and I could not find them. They were like totally somewhere else. He said, "See I told you, you're crazy, you freak out...and whatever." He would do things like that or he would tell me something, and like you said this. "No, I didn't, it's in your head." "See how you get things mixed up?" I'm like, "what?" And I was desperate so... And I would always doubt myself to the point I knew I needed counseling.

A different participant: He became abusive when I was pregnant and so, this may sound weird...having a religious background... I thought that God was punishing me for leaving my son's dad and I felt like this was something I had to endure and had to put up [with] because I walked away from that relationship...and I had always been taught despite my mom and dad's divorce, that you married for better or worse and you didn't divorce...that that wasn't right in God's eyes. So, I thought I was in a sense being punished and that I had to endure this abuse.

Fight back. *Participant:* With my daughter's dad, he was physically abusive towards me to the point where he would hold guns to my head. We fought all the time, and when I say we, I had to hit back in order to defend myself. For the longest time I wouldn't and it just got to the point where I knew I had to or it wasn't going to change.

A different participant: Then my son, at the time my son was just a toddler and he had to not only witness the abuse but he was also part of the abuse which lead me to make the decision if I didn't get out, he was either going to kill me or the kids...There was one incident I did see and I was put in a very bad situation to where I actually put a gun to his head. And, I told him that... "If you hit him [the child] one more time I have to kill you. I'm sorry but you can't hurt him." So again, I thought I had brought this upon myself and we didn't discuss this, this wasn't something...because to everybody else in society he was a very well respected person. He was a good guy. Everybody thought, oh, he was, oh, you

know, when you thought of a good upstanding citizen, you thought of him. So, this was something that just happened behind closed doors.

Need to protect children. Participant: He would break things and I remember one time in particular we were at Target and he went to open his truck door and the door shut and smashed his finger and he got so mad he took about 20 steps backward and ran toward his truck as fast as he could and bashed in the side door with his foot. I was like, 'Oh my gosh!' One time he dropped a call on his cell phone and he threw his cell phone so hard it busted out the dump truck window. Those are the kind of things...so it wasn't physical abuse towards me, but it was lack of impulse control, those kinds of things. He did at one point in time...my dog got in a fight with his dog...we have animals, separate animals prior to the relationship, and he got my dog and put her in a headlock and punched her about 5 times as hard as he could in the head. All the time my kids are seeing this. You know to the point where my dog pooped all over herself and it was just horrible. And you know, I'm thinking in my head, you know he's got some issues (laughs)...but uh, um the relationship continued.

A different participant: So the girls would come home with red marks, fingerprints, bruises. I thought I was doing the right thing and reporting it to the court appointed psychologist. The court appointed psychologist didn't do anything. She just kept saying she would work with father to get him to...everybody said not lay hands on the girls. And um, asked for anger

management therapy for him and his attorney argued it and he never received that. And I think what happened, this was 6 years ago, and I think looking back now what happened is that this empowered...more and more...to become more aggressive with the girls and to get by with more because he was able to. And um, they would come home with stories of the younger one, I don't think we had text back then, calling or emailing me that my younger daughter was put in a bathroom Friday afternoon after school and not let out til Monday morning. She was made to eat dinner in the bathroom. I told the custody evaluator that my daughter, obviously I'm saying this as a third party, that my other daughter was telling me this...and she was...and the younger one was telling me this. We went to court and he said I was exaggerating. Incidents happened at school where he hit my younger daughter [name deleted] at school and dragged her across campus. The school became involved. Several times the school called CPS. Each time it was blamed on me...

Made the decision to leave. Participant: There's one incident in particular where my daughter, she was only 3...I didn't realize, we were caught up in a fight and I didn't realize that we were both bleeding and didn't know where the blood was coming from, didn't know what had happened. I know that we had been wrestling with the gun and I had ran to the phone to call 911 and he tackled me and so I got up to run to the other phone in the living room and then I heard this little voice saying, "Mommy." And...I just snapped out of it. And, I looked down and she is pointing at the ground and she said, "blood." And I was

like, “STOP STOP!” And he just kept on and I said, “stop, stop, one of us is bleeding, one of us is hurt.” And I looked down and I realized there is this blood just dripping out of my hand where I had been holding the gun from the barrel and apparently when he pulled it away from me...he had cut my...

Interviewer: Ripped your skin?

Participant responds back: ...Yeah. And, I was bleeding and he was bleeding because I had hit him in the face and it was just a mess. Anyway, I realized at that point, because my daughter started having nightmares after that that I had to do something because they were being affected by it.

A different participant: So we moved back here and what...the last, the last major incident was that we got into a fight and he grabbed my hair again and threw me again up against the wall and called me a fucking bitch. And uh, I, I, looked over my sh...I looked over my shoulder and I see my 7 year old daughter just standing there, just looking horrified. You know, she had such...she's horrified. And uh, I looked at her and I thought to myself, oh my god, she's going to think that somebody...that it's ok for somebody to do this to her. And I never equated that it was perfectly unacceptable that he would ever treat me like that. That it wasn't ok...to treat me like that. In my head, it was perfectly reasonable that he would be like that with me. But, I never wanted her to think that and that was basically what prompted me to...to say I've had enough. It was because I was here, I had seen my sister kind of get on her feet that I thought, even though I never told her

what was going on, I thought maybe if she can do it, then I can do it. She had four kids. She left her abuser when they were 6, 5, 3, and 2, and I thought if she can do that, then I can. So that's pretty much...that was it the last.

Some cultures accept violence. Although only two participants voiced the complexity of cultural or ethnic mores and how they are viewed within the milieu of family court processes, it is being included here because this issue is prevalent in the author's clinical experience in the family court processes.

Participant: ...because of my culture...the way we are Hispanic, you know, and the guys always abuse the girls. That's just in our culture... that is how it is. And when they find out that you're Hispanic, that just means you have to accept it and move on...

A different participant: And the judge being so biased, I am consider...it... what have I done to you? ...because I am a woman? Is it because the way you've been taught not to believe in the claims of domestic violence? Or is it because you yourself went through a divorce 2 years ago? What if it is something that because the father of my son is coming from an Islamic religion and the judge claimed _____ is it that the Shariah law coming into our court system through the back door?

Research Question 3

“What processes about family court exacerbated the violence?”

For Research Question three, these extreme case participants indicated the family court processes uniformly provided a milieu in which the abuser could continue to exert some form of abuse or coercive control upon the victim.

Family Court Increased the Anger

Participant: OK, I said most, if not all the processes exacerbate the friction. My ex-husband enjoys litigating, insulting me in court, making derogatory comments that don't necessarily rise to the level where he would be reprimanded, but just getting in...little jabs in, and he gloats when he perceived that he won. He was very frustrated after our last mediation session because the mediator picked up on his hostility and told him this wasn't a war. And her report, I don't remember the mediator's name, she really got him for the first time. I think I had a mediator that understood what I go through and it reflected in her report and I was, on the one hand, I was relieved that she was able to see some of the things that I have no other way of letting the court know. And I wanted to say, but I didn't, you know this is how you see him acting here when he is supposed to be on his best behavior...you can imagine what I'm on the receiving end of. And so I was gratified that the mediator was the one who told the court, but at the same time, I was nervous because now he perceived that he lost something. So now that we're done with this, what is he going to have cooked up for me?

A different participant: I want it to be clear that [name of county removed] court system –juvenile court system raped my family. Raped is a very powerful word, but that is what happened to my family.

The Abuser Was Perceived to be Using Litigation to Devastate Her Emotionally and Financially

Participant: Well it was my ex in-laws, the grandparents getting drawn into the case and using the services of [name deleted], the public defender, which is their son in law's brother, to exacerbate over 80 court appearances or plus...would have to go back through the 9 volumes. That's what exacerbated...was that they were controlling and wanting to financially and mentally devastate me.

A different participant: The court system has completely failed me. And, like I was just saying, I'm 55 years old now and all I want right now...is the court system has taken so much away from me in regards to the quality of life with my children. I've missed so much. I've missed a lot of field trips, I've missed vacations, I've missed parties. I've missed school events. Because the system is, you know, you can only see them this time. And, the minor's counsel supported a domestic violence person whose vengeance is so great of me...[he] would rather see me dead than have a quality of life with our children. And so, I have nothing left. They've taken everything. I've filed bankruptcy. I've spent \$80,000 and I'm worse off than I was then. And that's where...kind of the beginning of what we were talking about. They know that women like myself, who have been in the system, they are like a bear cub. You...that's my children and I will come after you. I am going to protect them. But the system has totally beaten me up. And, like I said, its quick sand. The more I try to...at this point it's like, if the kids

want to see me, they're gonna see me at this point. If they don't, then I can't do anything about it anymore because, you know, it hasn't gotten me anywhere and it's just gotten me heartache. It's gotten me bankrupt. I have no...I have nothing left and it's actually hurt my relationship with my children. Now my children and I are back in counseling. And my focus with our therapist...the first thing I told her is that I want to rebuild my relationship with my child, with my older child.

Perpetrators Were Perceived as Having No Consequences for Their Malevolent Behavior

Participant: Ok basically I feel that the way that it exacerbated the violence was due to the non response of anything, and the way they pooh-poohed everything, which really kind of empowered him to really feel like...again he could do anything and there were never any consequences and there were never going to be any consequences.

A different participant: Court orders weren't enforced, even if something is on a piece of paper in my situation, they weren't enforced. And, if somebody didn't obey the court order, they were just told, "Don't do that again." There was no sort of back up of reinforcing what was ordered. So, it was a constant going back to court, or just...oh well, you go show up to pick up your child and you're waiting an hour, you're waiting two hours.... There's no show. And you just wait. (silence).

General Situated Structure

The Beginning of Awareness

The beginning of each participant's journey to family court began with experiencing intimate partner violence. The participants' responses to this violence generally occurred within the context of two primary states, (a) feeling reactions, and (b) thought reactions. Participants consistently reported experiencing feeling states in themes such as, feeling frozen (fear), feeling powerless, or initially denying the violence. One participant reported that she simply continued to fold the laundry when the abuser locked her in the garage, as if nothing was happening. One participant described being frozen with fear for an entire night, afraid to even use the bathroom in order to avoid being beaten or killed by her intimate partner who was sleeping in the bed next to her. Some of the participants chose to remain in the abusive relationship despite the violence for various reasons. One participant reported being raped by the abuser just a day after vaginal surgery following a miscarriage. She stated she came from a good family and she was determined to make the relationship work despite the abuse. Other participants chose to remain to ensure the children had both parents during their childhood years.

Eventually, the majority of the participants chose to leave the relationship when they realized witnessing the violence was harming children. During a violent episode, one participant actually considered how she might kill herself and her child to avoid a more excruciatingly painful death from being stabbed by her intimate partner. She reported considering, in terrified seconds while being held at knifepoint, how she might ensure the infant fell several stories to the pavement below so that the infant would die

quickly and with minimal pain along with the mother. Several of the participants reported experiencing disbelief at how the relationship became violent and often doubted their own perception of the reality of being abused by the perpetrator. All of the participants had children for whom they were primarily responsible. They also reported significant intrapsychic conflict between (a) wanting the children to have contact with the perpetrator, while (b) ensuring the perpetrator would not harm the children.

Some of these participants indicated they had to fight back in order to protect either the children or themselves from experiencing further harm from the perpetrator. One participant indicated she had been involved in many physical altercations with the perpetrator. She provided an incredibly powerful look into her world when she stated:

...I know that we had been wrestling with the gun and I had ran to the phone to call 911 and he tackled me. And so, I got up to run to the other phone in the living room. And then, I heard this little voice saying, "Mommy." And...I just snapped out of it. And, I looked down and she is pointing at the ground and she said, "blood..."

From the participant's point of view, she clearly stated she had to fight back or she and her child would have experienced abuse. A different participant explained that she would engage in fistfights with the perpetrator because if she did not, he would not respect her enough to stop hitting her. She stated a family court professional and the minor's counsel told her to stop dressing like a gang member. The participant explained they mislabeled her as a "cholla," and reported feeling as if they simply expected her to

endure intimate partner violence because she was Hispanic and mistakenly labeled a gang member.

Leaving the Intimate Partner Violence for a Different Kind of Victimization

Once the participants decided to end the violent intimate relationships, they chose to use the family court to assist them with restraining the violent partner from committing further abuse on them and the children, as well as to legally formulate and maintain a parenting plan. One participant reported the court granted her request for a temporary restraining order, which prohibited contact between the perpetrator and the mother. The restraining order also ordered no contact between the perpetrator and the children until the next hearing several days into the future. She reported using that time as a respite from the violence and turmoil, as well as an opportunity to explain to the children what was happening to the relationship.

The participants consistently reported feeling victimized by the family court system. For example, one participant reported using a particular program for victims of domestic violence sponsored by the District Attorney's office in which victims of IPV could retain a confidential address to assist with keeping them safe from the perpetrator. One family court judge reportedly told the victim that [the judge] was "...not buying her victim nonsense..." and that the victim needed to give the abuser her home address to facilitate the parenting plan.

Un-Reality and Abuse by Proxy

The participants experienced a sense of unreality due to experiencing both physical and verbal abuse. The participants reported experiencing a state of significant

vulnerability that subsequently facilitated this sense of unreality. A few of the participants described this as a “surreal” feeling. One participant likened this feeling to seeing the world through the distortions of mirrors similar to those found at carnivals and amusement parks. Bench officers and other family court professionals added to the participants’ sense of unreality when they disbelieved the participants’ version of events and then further verbally abused the participants during court. The participant that was told by one bench officer that they [the judge] was “...not buying their victim nonsense...” experienced that interaction as harsh and abusive coming from a person (a judge) with considerable position power. Further, one participant described interactions with a seasoned family court professional as cold and abusive. Below is that participant’s description of the interaction:

...And I’m crying and I’m hysterical. And she comes out of her office and she sees me sitting on the chair and she says to me, she says to me, (yelling) “Sit down there.” I try and explain to her what’s wrong and she says to me (yelling and stern) “Sit down and when you’ve stopped crying I will talk to you!”

From the lifeworld of the participants, these harsh and abusive interactions seemed to further distort their sense of reality and they experienced this as being re-victimized.

Another participant described a different bench officer allowing the sexual abuse of a child by labeling the molestation as inappropriate touching – not sexual abuse. The father (perpetrator) reportedly admitted in court that he would grab the child’s testicles because the boy liked it and the touching gave the child an erection. The mother stated

she had copies of the transcripts that verified her story. A different participant reported that a bench officer found evidence during a case management conference that there was child pornography on the perpetrator's computer. The participant stated the bench officer used legal processes to avoid handling that evidence during the case management conference and gave the case to a different judge. The participants experienced myriad feelings in response to these problematic encounters with family court professionals such as: (a) feeling horrified, (b) powerless, (c) astonished, (d) angry, and (e) helpless. The participants were attempting to use the family court in the appropriate manner hoping for protection and assistance. However, they reported they received the opposite. Rather than provide them with protection from the abuser for themselves and their children, the participants reported that the bench officers and other family court professionals became the abusers by proxy. As well, they experienced the court as being more concerned about the perpetrator having adequate time with the children than being concerned about the safety and welfare of the victims (the other parent and children) of the perpetrator.

The System as Disbelieving and Insensitive

The participants uniformly reported many of the family court professionals as not believing their version of the relational dynamics between them and the perpetrator before, during, or after family court litigation. Rather, the participants reported these family court professionals told the participants to forget about the past in order to move forward. The participants experienced these directions to forget about the past and move forward as insensitive and abusive.

Forget the Abuse – Are You Serious?

Many of these participants experienced situations and injuries similar to a military combatant. For example, a perpetrator under the influence of alcohol held one participant at knifepoint, threatening to kill her. She was holding her toddler and desperately trying to react in a way that would help her and the child escape. A different perpetrator raped a participant while she recovered from a D&C procedure. Still another perpetrator held a different participant hostage in a hotel room, raped her, and she was unsure if she would survive the night. These participants felt anger and dismay among other feelings at the family court professionals telling them to simply forget about the past and move on.

The Court is Now The Perpetrator's Weapon

These participants reported experiencing the perpetrator using the court system as a vehicle to further control and hurt them. One participant reported that her ex-husband actually enjoyed litigating:

My ex-husband enjoys litigating, insulting me in court, making derogatory comments that don't necessarily rise to the level where he would be reprimanded, but just getting in...little jabs in, and he gloats when he perceived that he won.

Another participant reported that her ex-husband used strategic legal maneuvering to avoid paying child support to the point of purposely crashing his vehicle to begin a long process of faking a disability injury. Yet, another participant reported her ex-husband told her to "get her wallet out" because he would use litigation to destroy her financially. Participants reported spending large sums of money on litigation. One

participant spent over 80,000.00 dollars. A different participant spent over a quarter of a million dollars. Several of the participants reported being labeled as alienating parents because they reported the child abuse perpetrated by the other parent to child protection agencies, as well as other professionals involved in the process (e.g., minor's counsel, child custody evaluator, and so on). They reported feeling hopeless and helpless when judges, minor's counsel, and other family court professionals told them to stop making "fraudulent" or "excessive" child abuse reports. Each of those participants believed they had hard evidence that the children were being abused. One participant reported:

...And I think what happened, this was 6 years ago, and I think looking back now what happened is that this [lack of consequences] empowered more and more to become more aggressive with the girls and to get by with more because he was able to. And um, they would come home with stories of the younger one, I don't think we had text back then, calling or emailing me that my younger daughter was put in a bathroom Friday afternoon after school and not let out til Monday morning. She was made to eat dinner in the bathroom. I told the custody evaluator that my daughter, obviously I'm saying this as a third party, that my other daughter was telling me this and she was, and the younger one was telling me this. We went to court and he said I was exaggerating. Incidences happened at school where he [father] hit my younger daughter _____ at school and dragged her across campus. The school became involved. Several times the school called CPS. Each time it was blamed on me...

Several of the participants reported being ordered by the court to attend child custody evaluations. One case was ordered to attend *five* such evaluations. Others reported being ordered to attend anger management classes, and/or parenting classes. One participant recalled a court hearing where an evaluator recommended her as the parent that should have primary custody of the children. She reported feeling astonished and angry when the judge allowed the father's attorney to object to that evaluator as being biased for the mother and for a different evaluator to perform a separate evaluation.

Most of the participants reported experiencing continued verbal abuse by the perpetrator at the child exchanges or via the court-ordered telephone contacts. One participant reported that her ex-husband called her names and cursed at her during these telephone contacts prescribed by the coparenting classes. This participant reported:

I don't want to be a victim, but, somehow the court continues to keep us together to some degree, and continues to have us co-parent for the sake of our son. So, I have to tolerate his phone calls with fuck-yous at the end of our phone conversations, or you know, um...and if he gets mad he ends the call with such words, and what I mean by such words, by calling me trash, piece of garbage, you'll never amount to anything. Um, and I mean, and I still have to take these phone calls because we are supposed to...that's coparenting. So, I still have endured these, these statements all the time. But that's because the court wants us to co-parent, talk on the phone.

These participants experienced a sense of profound hopelessness. They also seemed to feel what appeared to be a type of frustrated resignation at having to obey

court orders that exposed them to continued abuse. They reported giving themselves up for further abuse in order to ensure they have time with their children. One participant gave the following explanation for continuing to expose herself to the unrelenting abuse:

Me, a mother, who's been through domestic violence, and has been fighting for her children for years and years. They know that she will do anything. And, they know that that is somebody that's gonna stay in the system and she will find whatever she has, every last penny to keep it going.

The participants consistently described the perpetrator as being someone skilled at being abusive and somehow looking innocent to the court. One participant stated that an overseas court seemed to listen to her and exhibited compassion for her plight because the father had abducted the children and taken them overseas. However, that same participant indicated she was shocked and astonished that professionals from the United States legal system blamed *her* for the father taking the children and not giving them back. She reported being told it was her fault the father was not giving the children back because she did not have a court order; yet, and allowed the children to visit the father overseas.

Many of the participants were eventually awarded primary custody of the children after the litigation. Tragically, some of the participants experienced a distinct emotional distance from one or more of the children because of the protracted litigation. Some of the participants reported intentions to engage in counseling with the children in order to begin the process of repairing the relationship:

The more I try to...at this point, it's like, if the kids want to see me, they're gonna see me at this point. If they don't, then I can't do anything about it anymore because, you know, it hasn't gotten me anywhere and it's just gotten me heartache. It's gotten me bankrupt. I have no...I have nothing left and it's actually hurt my relationship with my children. Now my children and I are back in counseling. And my focus with our therapist...the first thing I told her is that I want to rebuild my relationship with my child, with my older child.”

In the end, all of the participants indicated they felt that most, if not all, of the family court processes exacerbated the violence.

Experiences in Chronological Order

Viewing the data in chronological order reveals these participants first entered into awareness that they were experiencing IPV at the hands of the abuser. They experienced various feeling states such as, anger, denial, shock, and even questioned themselves as to the reality of their experiences with the perpetrator. These participants then allowed themselves to acknowledge they were being abused in some way, either by means of physical abuse (rape, assault, held hostage, and so on), verbal abuse (called names, threats of harm/death, degraded), or the children were being harmed (molested, physical abuse, emotional abuse). Allowing themselves to acknowledge the abuse resulted in intense feelings of shame, embarrassment, fear, and anger. Oftentimes, the participants reported the one major event that acted as a catalyst for them to leave the violent relationship was when they realized the children were being exposed to the violence.

Once the participants left the relationship they reported seeking assistance from the family court system. Participants reported that the abuser used the family court system to further abuse them vis-à-vis such means as: (a) using child exchanges to verbally abuse and intimidate them, (b) using court hearings to insult them and disparage their character, (c) using well-intentioned court-ordered interventions such as coparenting to further verbally abuse them, and (d) using excessive litigation to financially devastate them. The participants reported the experience of feeling abused by some family court professionals through verbal reprimands from the bench officer, cold treatment from family court personnel, and biased treatment from some mediators, certain minor's counsel, and certain child custody evaluators. The participants experienced recurring episodes of the various feeling states with the family court processes that they experienced at the hands of the perpetrator of the IPV. Once the number of court hearings receded, many of the participants reported experiencing a profound loss of dignity, loss of relationship with their children, and feelings of loneliness, emptiness, plus emotional and financial devastation.

Moving Beyond Victimization

Yet, many of these participants became aware of an organization that sought to recognize problems with the family court system and actively pursue change, the CPPA. Every participant reported feeling a tremendous responsibility to assist *any* agency, organization, or research projects designed to improve the family court systems. While these participants reported being angry about the identified failings of the court system in their individual cases, the majority of the participants' holding this activist perspective

did not appear to be motivated by a need for cold-hearted revenge against any one person, court, or agency. Rather, the participants verbalized a burning desire to protect the children that will be exposed to future family court litigation. These participants appeared to find meaning and take solace in their efforts to address and correct the problems with the perceived failings of the family court system in their cases and cases of their colleagues.

Verification of Trustworthiness/Authenticity.

The situated structural descriptions, as well as the general situated structure (the gestalt or coherent whole), were electronically delivered to the participants for verification of trustworthiness/authenticity of the analysis of the textual data. The participants were given a 10-day period in which to provide their feedback via e-mail or fax. Eight of the 14 participants responded in the requested time frame. All of the participants expressed their opinion that the analysis of the textual data was accurate. One participant stated, "Your analysis makes sense. It eloquently places our feelings, experiences into appropriate categories. Somehow you have been able to make sense of the surreal experiences and learned helplessness so many of us went through. I cannot only relate but grow personally from your analysis. This validates my own lonely experience. I am in complete accord with your analysis of my statements." Another participant commented on the accuracy of the analysis and stated, "Your analysis makes sense. Not only does it make sense, you captured sentiments that I thought were subtle and would be overlooked. You unearthed them and hit the nail on the target. I'm not sure if I'm elated or if I've been exposed or both."

Another theme expressed by participants regarding the accuracy and trustworthiness of the analysis was that the abusive experiences were so similar between the participants that they were sometimes unsure if they were reading about themselves when reading quotes from a different participant. For example, a participant stated, “Some stories that I read, I remembered telling you...only, it turned out that it wasn’t me. The person said ‘son’ and I have daughters. And I think, ‘wow’ it is amazing that my story can come out of someone else. What I need to continue to know is that I am not alone.”

Another poignant theme was that the reading of the data analysis was emotionally painful for the participants. One participant offered this comment, “I wanted to be able to take my time and process your study. I needed time alone to read this. So many emotions rise to the surface when reading about the other women in the study.” A different participant commented, “Rick, When I read the responses, the first and most powerful feeling was that I could feel the pain, hurt, frustration and the injustice that we felt throughout our litigation.” A different participant wrote, “I have reviewed the analysis...[the analysis] seems good and is emotional to read it....brings very bad memories back to me.” Another comment regarding the emotional impact of the data analysis stated, “Rick, this is just outstanding. I was moved to tears reading the words that were spoken by the women and so carefully preserved and organized by you. What an outstanding thesis this will be.”

Lastly, one participant made the critically important observation, “What surprises me still is that, even as a person who has been in a domestic violence relationship, I had

preconceived ideas of who your subjects were; that they would be uneducated. Instead, what I read was one was a nurse, a police officer, a business owner, someone in finance. And I have to repeatedly remind myself, even if I or anyone else was uneducated, that still would not have meant that I deserved to be treated like a dog. Even dogs don't deserve to be beaten.”

The member checking process provided convincing evidence of the accuracy, trustworthiness, and appropriate scientific rigor of the analysis of the textual data. The verbatim electronic textual responses provided by the participants were compiled and formatted into a Word document and included in Appendix J. Verbatim transcripts of the actual interviews were formatted into a Word document and included in Appendix I.

Summary

In this study, I sought to understand and document the lifeworld [*lebenswelt*] experiences (Giorgi, 2002; Giorgi, 2008; Robbins, 2006; Wertz, 1983; Wertz, 1985; Wertz, 2006; Wertz, in press) of participants with IPV as a factor as they interacted with the family courts in California. The theoretical lenses through which the violence dynamics were understood were the violence and batterer typologies found in the following studies (Jaffe et al., 2008; Johnson, 1995, Johnson, 2005; Kelly & Johnson, 2008; Holtzworth-Munroe & Stuart, 1994; Holtzworth-Munroe et al., 2000). Another theoretical lens used was how the elements of power and control (Graham-Kevan & Archer, 2008; Johnson, 1995; Johnson, 2005; Kelly & Johnson, 2008) assisted with the differentiation of the types of violence.

Data analyses revealed that the participants uniformly began their journey through family court by initially gaining a specific awareness, slowly, of being a victim of IPV. The next stage(s) of awareness for these victims of IPV was becoming conscious of the fact that the children were witnessing the violence. Subsequently, these participants became acutely concerned that this exposure to the violence was harming the children. During these early stages of awareness, the victims' reactions were consistently reported to occur in two principal states, (a) feeling reactions, and (b) thought reactions. The feeling reactions were more primal along with a myriad of feelings such as: denial, deep shame, panic, anger, and astonishment. These feelings remained prominently in their life experiences throughout their interactions with the perpetrator and the family courts. Once the participants realized the children were being harmed by witnessing the violence, the participants' protective instincts seemed to take over and at that moment or stage of their awareness and experience; they made a conscious decision to leave the violent relationship. These participants described feeling alone and isolated at times, especially when they were extricating themselves from the violent relationship. The participants reported experiencing hopelessness at times during their interactions with the family court, as well as experiencing feelings of helplessness, anger, astonishment, and frustration when the family court professionals did not believe their version of the violence dynamics in their cases. The participants reported experiencing verbal abuse by some family court professionals, along with incurring continued abuse from the perpetrator vis-à-vis good intentioned court-ordered interventions such as, coparenting classes or child custody evaluations. Ultimately, the participants reported the outcome of

their extreme cases was tremendous financial losses for some participants, profound and chronic emotional distress for all, and in some cases, emotional distance from the children they tried so desperately to save from a perpetrator of IPV.

Rather than remain helpless victims of these tragic circumstances, the participants eventually mobilized their resources and focused their energies into highlighting the weaknesses in the family court processes by creating or joining an agency dedicated to protecting the children. The resounding purpose of these “overcomers” was to ensure children exposed to the family court system are protected from further abuse by the perpetrator or abuse from the family court processes. One participant eschewed the term “victim” and chose rather to use the term overcomer for her case. Chapter 5 includes a discussion regarding the results of the data, implications for social change, and recommendations for action based upon the results of the data analysis.

Chapter 5: Discussion, Conclusions, and Recommendations

Interpretation of Findings

According to the key findings of the data analysis, the participants initially experienced profound fear, shame, and denial at the first realization they were victims of IPV. Subsequently, the participants endured a lengthy period where the perpetrator used the court processes to further abuse them, and experienced some court processes as surreal, cold, biased, and abusive.

The phenomenological method as developed by Giorgi (2002; 2008) and further described by Robbins, (2006), Wertz, (1983; 1985; 2006, in press), was used to analyze

the textual data. As noted previously, these participants reported extreme cases of problematic family court interactions (e.g., extreme case sampling).

Research Question 1

Many of the participants indicated the experience of interacting with family court as being surreal in terms of a bizarre nature or unreality. Another theme was the experience of being alone and isolated while being observed and judged negatively. Uniformly, all of the participants indicated the people in the family court system did not believe their version of the events between the coparents. Participants expressed a fear of negative consequences if they were to call attention to themselves. They appeared to believe they had to be careful about appearances so that the judge or other family court professionals would not judge them on behaviors or words taken out of context. Participants reported that their experience of family court is like interacting with a system that is cold and impersonal. The general feeling of most of the participants was that interacting with the system was like dealing with an impersonal thing that did not foster some modicum of personal dignity for the court and the participant. One participant offered an astute observation of how differently the codes and laws are interpreted and administered in the family law milieu as opposed to a criminal court.

Many of the participants expressed the feeling that the courts keep them in the system for financial reasons. Most participants expressed a degree of frustration with the amount of time, money, and inconvenience the court-ordered interventions cost them. Several of the participants mentioned the issue of spending large sums of money on litigation and/or related costs such as therapy, child custody evaluations, and so on.

Additionally, finances were used as a way to “punish” others as well. Some participants reported family court personnel as making them more vulnerable to the abuser. The idea of protection for self and children is a strong theme throughout the data. Indeed, the majority of these participants reported experiencing the family court as exacerbating the dangerousness of interacting with the abuser vis-à-vis the parenting plan. Overall, most participants reported a feeling of being victimized by the court processes and the perpetrator of domestic violence. Most of the participants reported feeling as if they were abused by the very governmental court system that was supposed to be protecting them.

Research Question 2

For Research Question 2, the participants consistently provided their experiences in two distinct categories: (a) feeling reactions, and (b) thought reactions. The feeling reactions were organized into present moment experiences. The thought reactions were organized into a linear decisional process.

Feeling Reactions

The participants reported feeling ashamed, powerless, and in denial regarding being a victim of IPV.

Thought Reactions

The participants reported experiencing thoughts such as questioning themselves, desiring to fight back against the abuse, needing to protect the children, finally making a decision to leave the abusive relationship, and two participants reported thinking that the family courts did not correctly take important aspects of their cultural mores into consideration during the litigation. For example, one participant stated she was Hispanic,

and as such, she believed the family court professionals expected her to accept the abuse because it is “normal” in their culture.

Research Question 3

For Research Question 3, these extreme case participants indicated the family court processes uniformly provided a milieu in which the abuser could continue to exert some form of abuse or coercive control upon the victim. Participants reported the litigation processes themselves increased the perpetrator’s anger if they perceived they had “lost” their case or did not get exactly what they wanted in court. The abuser was also perceived to use the expense of litigation as a tool to emotionally and financially drain the victims. Lastly, the perpetrators were perceived as having no consequences for their malicious behaviors.

Batterer and Violence Typologies Revisited

In this study, I sought to understand the lived experiences of the victims of IPV through a phenomenological (Giorgi, 2002; 2008; Robbins, 2006; Wertz, 1983; 1985; 2006; in press) lens as the participants experienced the family court processes. A point of significant interest was how, or if, batterer and violence typologies (Jaffe et al., 2008; Johnson, 1995, Johnson, 2005; Kelly & Johnson, 2008; Holtzworth-Munroe & Stuart, 1994; Holtzworth-Munroe et al., 2000) with a focus on the elements of power and control (Johnson, 1995; Johnson, 2005; Kelly & Johnson, 2008) could be useful in understanding the emergent qualitative data.

Jaffe et al.’s (2008) approach of understanding IPV cases in terms of identifying how *pattern, potency, and primary perpetrator* (p. 504) are present in the dynamics

provided a context for this part of the data interpretation. All of the participants made it unambiguous in their interviews that they never initiated physical violence. Rather, they reported the other parent as the *primary perpetrator*. Physical violence was present in all but two cases. Participants described varying degrees of intensity (*potency*) of the physical violence from facial bruises, ripped skin, bloody lips, and body bruises, to vaginal and anal bleeding and tearing from being raped. The perpetrator used choking in some of the cases. Deadly weapons were present or used to threaten and intimidate the participants in at least three of the cases. Participants described other types of physical violence such as, being held against their will in hotel rooms, held against their will in bedrooms in a house, or locked in a garage laundry room. One perpetrator reportedly terrorized a participant for several years threatening to kill her and leave her in a quarry or destroy her body using an auger. That same perpetrator threatened to cut the brake lines to her car if she made him angry. One participant reported that her ex-husband would give her a date rape drug and rape her or sexually abuse their child while she was unconscious. Though I did not ask specific questions concerning alcohol or drug use, the interview data revealed that alcohol or drug use was prevalent in the majority of the cases during the times of the most intense violence. Thus, each perpetrator in every case evidenced a clear *pattern* of exerting coercive control over the victim for several years.

The descriptions of the participants (victims) in the previous paragraph would fit the coercive controlling violence type as described by Kelly and Johnson (2008). The primary perpetrator or initiator of violence was the other parent who used fear, intimidation, coercion, and physical violence to control their victims (Graham-Kevan &

Archer, 2008; Jaffe et al., 2008; Kelly & Johnson, 2008) and essentially evidenced the behaviors of an intimate terrorist (Johnson, 2005). Additionally, all participants except two reported having used physical force to fight back in some fashion against the perpetrator. However, they stated this violence was a reaction to protect themselves and/or their children. This physical violence in the form of resistance from the victim against the perpetrator fits the description of the violent resistance type described by Kelly and Johnson.

Every one of the participants described the perpetrator as using family court litigation, child exchanges, and other family court related interventions as opportunities to intimidate, bully, verbally abuse, and otherwise instill fear or emotional pain on the victim. One participant described her exhusband as being associated with a major corporation that made computers and other electronic devices. She reported being electronically stalked via her cell phone and computer, as well as having her bank accounts and other secure electronic data “hacked.” Though not physical in nature, this type of violence fits the coercive controlling violence type as well (Graham-Kevan & Archer, 2008; Jaffe et al., 2008; Kelly & Johnson, 2008).

Batterer types did not emerge from the qualitative data. In order to tease out batterer type, specific information must be obtained to differentiate between the subtypes of batterers. Holtzworth-Munroe and Stuart (1994) theorized that some of the batterer subtypes could be differentiated by their relative states of emotional distress (borderline/dysphoric batterer), their previous or current criminal records and frequency of extra-familial violence (generally violent antisocial batterer), or if the perpetrator only

battered family members (family only batterer). Understanding that the collateral data used to differentiate batterer subtypes is quite complex, the above discussion used the obvious distinctions as a gross comparison for this discussion. Yet, the intimate partner of the participant held hostage in the hotel room who choked and raped her and then threatened suicide might fit the subtype of a borderline/dysphoric batterer. On the other hand, cultural implications and lack of additional descriptive data negate a convincing identification of the batterer subtype for that case. The participant whose intimate partner threw the used condom in her face after forcing her to be sexual with him, frequently threatened to kill her and bury her in a quarry, might fit the generally violent antisocial batterer subtype. However, it is unclear if he had a lengthy arrest record or if he engaged in frequent fistfights with others outside the intimate relationship.

It may be more efficacious and informative if perpetrators of IPV were identified in accordance with the type of violence in which they engage. For example, Jaffe et al. (2008) seemed to be content to refer to perpetrators of IPV as either primary perpetrators, or simply perpetrators. Graham-Kevan and Archer (2008) referred to perpetrators of a certain type of violence (intimate terrorism) as intimate terrorists (IT); based upon Johnson's theoretical constructs (Johnson, 2005). While they stated mostly men were IT's, they also reported that some women were also IT's. Graham-Kevan and Archer asserted male and female IT's were similar; however, men used a wider variety of controlling tactics than did women.

Limitations of the Study

The analysis of these data were based solely upon participant self reports as provided in qualitative interviews. Likewise, the participants were not asked specific questions regarding the IPV dynamics in their relationship. No court documents were used to compare the interview data with the data in the court file. Additionally, the expartners of the participants were not interviewed. Thus, the results of the study cannot be generalized to a larger population.

Further, a reasonable argument against the above analysis can be made that the violence in some cases was mutual or situational couple violence (Jaffe et al., 2008; Kelly & Johnson, 2008; Graham-Kevan & Archer, 2008). This argument would be based upon both of the intimate partners being physically violent toward the other. The tendency to offer the self in a positive light and blame others for the violence might have unconsciously affected the recall of the participants. Conversely, one might argue that both of the coparents were evidencing a sort of mutually controlling violence (see Graham-Kevan & Archer, 2008). In other words, both of the intimate partners were engaged in controlling behaviors against the other.

However, Graham-Kevan and Archer (2008) postulated that women using violent resistance against an intimate terrorist only used controlling behaviors in context specific settings. Graham-Kevan and Archer suggested that while women can indeed be intimate terrorists, more women used violent resistance in intimate relationships than act as intimate terrorists. One of the limitations of the Graham-Kevan and Archer (2008) study

was that they used an “artificially constructed data set” (p. 546). Despite that limitation, their results seemed to be congruent with the growing body of IPV typology literature.

In light of the discussion regarding use of control in intimate relationships, in the present study, the types of coercive control used by the perpetrators were too pernicious to fit the type of violence referred to as situational couple violence. Nonetheless, Jaffe et al. (2008) recommended using a multimethod assessment, which involves collecting data from collateral resources (criminal history, police reports, hospital reports, and so on) to understand the violence dynamics. Jaffe et al. also recommended identifying the primary perpetrator, potency of the violence, and appreciating the patterns of violence and coercive control to get a more holistic view of the violence dynamics. I did not collect the suggested collateral data from a multimethod assessment; therefore, the violence type(s) in the present study’s data cannot be convincingly identified.

Lastly, it was remarkable that no men chose to participate in the study. Two males contacted me to inquire about the study. One male did not follow the protocols for entering the study so was not able to participate. The other male stated he was from an organization that represented men’s rights in the family courts. He stated he would broadcast the study invitation to his group; however, none of those members responded.

Implications for Social Change

Scholars are achieving a finer-grained view of IPV in terms of differentiating the type of violence (Jaffe et al., 2008; Johnson, 2005; Kelly & Johnson, 2008) as well as types of batterers (Holtzworth-Munroe & Stuart, 1994; Holtzworth-Munroe et al., 2000). An improved understanding of how power and control assists with the differentiation of

the violence types (Graham-Kevan & Archer, 2008; Jaffe et al., 2008; Kelly & Johnson, 2008) has also been achieved. However, some risk management professionals exclaimed the family court in California is in crisis in terms of dealing with IPV cases (K. Borders, personal communication, March 22, 2010). While there have been excellent advances in scholarly knowledge regarding violence in intimate relationships, it seems practical application of this specialized knowledge, at least in the family courts in California, has not been uniformly applied. This study adds to the scholarly literature regarding IPV by documenting the thick, rich descriptions of the life experiences of individuals incurring violence before, during, and after family court litigation. These experiences highlighted how certain aspects of the family court processes exacerbated the violence during and after family court litigation. These data can assist with developing targeted safety strategies for processing cases with IPV as a factor, as well as developing IPV training designed to improve the current knowledge of family court professionals, judicial officers, child custody evaluators, and other agencies that assist families with creating and maintaining parenting plans.

Many of the participants in this study reported a significant lack of concern and understanding from the family court professionals for the IPV in their cases. My anecdotal experience is that family court professionals in the state of California have not been provided training in the more recent scholarly understanding of IPV. During this project, I developed a pilot training for family court professionals regarding violence types (Jaffe et al., 2008; Johnson, 2005; Kelly & Johnson, 2008), batterer types (Holtzworth-Munroe & Stuart, 1994; Holtzworth-Munroe et al., 2000), and how power

and control assisted with the differentiation of the violence dynamics (Graham-Kevan & Archer, 2008; Jaffe et al., 2008; Kelly & Johnson, 2008). This training was delivered in one California County to several family court personnel, judicial officers, local attorneys, and other agencies that assisted with domestic violence cases. The training was well received; yet, it was remarkable that this specific IPV knowledge (much of it published between 1994 through 2008) was not common knowledge amongst these family court professionals. As part of the California Administrative Offices of the Courts (AOC), the Center for Families, Children, and the Courts (CFCC) is dedicated to improving the quality of justice and meeting the needs of the families using the courts. The CFCC will receive a copy of this work, as will the Governor's office. The CFCC will be provided an opportunity to review the pilot training developed by me during this study and implement this innovative knowledge into its court professional training materials.

Family courts provide an important service to separating families by assisting with the legal aspects of terminating intimate relationships. Ellis (2008) found that at least half of intimate partnerships have experienced physical violence between the partners. No commonly accepted empirically established screening instrument currently exists to assist with identifying IPV in family court cases (Ellis & Stuckless, 2006). Scholars (Jaffe et al., 2008) suggested that until an empirically established screening instrument is accepted, practitioners must be knowledgeable regarding the types of violence and use a multimethod assessment when handling separating families with IPV as a factor. Practical application of the data from this study can assist family court professionals in California, as well as family court professionals across the nation, to

understand better how family court processes exacerbate the violence in cases with IPV as a factor.

Recommendations for Action

Narrow the Gap Between Academic Knowledge and Practical Application

The participants in this study uniformly expressed a desire to have their stories told to policy makers, decision makers, and other influential individuals in the public and private sectors. Their passionate desire is to tell their stories so that others who follow them will not experience the same tragedies. Those participants have joined an organization dedicated to giving their stories a voice and takes significant steps to have those voices heard by the appropriate local governments, as well as the national government. These participants unselfishly took the time and emotional risk to describe their heartbreaking experiences with family court in rich detail for this project. My experience working as a family court mediator provided a more intimate working knowledge of the training and routines of family courts across the state. Family court personnel professional training and development has not included the innovative IPV knowledge (Holtzworth-Munroe & Stuart, 1994; Holtzworth-Munroe et al., 2000; Jaffe et al., 2008; Johnson, 1995; 2005; Kelly & Johnson, 2008). Integrating this state-of-the-art knowledge into the California court personnel training curricula will take a major step toward narrowing this gap between academic knowledge and practical application. Additionally, the innovative IPV knowledge (Holtzworth-Munroe & Stuart, 1994; Holtzworth-Munroe et al., 2000; Jaffe et al., 2008; Johnson, 1995; 2005; Kelly &

Johnson, 2008) along with the results of this study should also be required training for new judicial officers, as well as continuing education for seasoned judicial officers.

Process Cases With IPV Exclusively

Throughout this work, several researchers suggested IPV is common amongst intimate partners (e.g., Archer, 2000; 2002; Ellis, 2008). Anecdotal experience with cases involving IPV indicate that some coparents desire to use mediation to negotiate a parenting plan and are oftentimes successful in reaching amicable parenting plan agreements. However, to avoid the problematic issues such as those found in the results of the present study, it is suggested courts have one exclusive department that solely hears family law cases with IPV as a factor. In so doing, court personnel can closely monitor important safety precautions for these cases, and modify these precautions appropriately as circumstances warrant. Moreover, courts should consider not placing cases with IPV as a factor on a “fast track” type of calendar because safety procedures might become less stringent resulting from the swift processing of cases in that milieu. A more thorough discussion regarding suggestions for judicial practices can be found in Froyd and Robbins, (2011). Lastly for this section, courts should consider ensuring all cases with IPV as a factor have a multimethod assessment (Jaffe et al., 2008) performed the by court-connected mediator.

Establish a Local Review Committee for Complex Cases

Superior courts should establish a review committee at each county court hearing family law cases consisting of two judicial officers with training in family law and IPV (current knowledge as described in this work), two family court services staff (one

manager, one mediator), one private mental health professional specializing in child custody evaluations, and two staff members from local battered women's shelters. These committees should convene monthly to review family law cases appearing more than three times for court hearings in 6 months. This review is not a "clinical staffing" per say, as one might find in a mental health clinic. Rather, the purpose of the review is to identify unhelpful, unprofessional, or unhealthy professional influence from these chronic or complicated cases. Leadership of the committee should change on a quarterly basis. The committee should carefully consider any child safety complaints from parents or providers. For example, are safe exchanges needed to reduce the child's exposure to verbal abuse that takes place at unsupervised exchanges? In addition, committee members should carefully consider therapist input to ensure the therapist(s) performing individual therapy for family members are not overstepping their bounds by providing parenting plan recommendations when they are not conducting a child custody evaluation. Such recommendations can confuse bench officers, mediators, and the family members. Other works (Froyd, 2011; Greenberg et al., 2003) provide a more focused discussion of the important differences between forensic experts and treatment experts providing the court information about family members in complicated child custody cases.

Furthermore, this review committee should review all IPV cases each month to assess for the following: (a) proper identification of violence type, (b) need and use of separate sessions for the mediation sessions, (c) use of safety precautions for victims and children in the parenting plan (safe exchanges, and so on), and (d) a risk assessment for

current parenting plan in terms of violence type, batterer type, and existence of other lethality risk factors (Jaffe et al., 2008).

Establish a National Review Committee for Legislation Oversight

A national committee should form to begin implementing the new IPV knowledge into local family courts nationwide. For a different project, Froyd and Robbins, (2011) performed a brief sampling of domestic violence statutes in states other than California. None of the statutes from any sampled states differentiated between types of violence. This new focused and nuanced understanding of the types of violence (Kelly & Johnson, 2008) has been slow to filter to family courts, as well as slow to be introduced into state legislation. A national committee specifically created to encourage promulgation and acceptance of this new IPV knowledge can subsequently assist with getting this new knowledge entered into individual states' legislative agendas.

Recommendations for Further Study

In this study, I collected and analyzed data from 14 participants. While these data provided important information regarding the research questions, these participants were all females who reported to be victims of IPV. Future studies are needed to inform the literature of how family court processes influence males with IPV as a factor in their cases. Additionally, perhaps future researchers might choose as participants, persons who have been identified as perpetrators of domestic violence by family court professionals or child custody evaluators. A qualitative study could provide data from identified perpetrators of domestic violence so that a deeper understanding of their experiences can inform family court processes.

Nearly all of the participants discussed the perception that one or more of the family court professionals (judicial officers, mediators, administrators), as well as other mental health professionals assisting with family court cases (child custody evaluators, therapist, and so on) evidenced bias in some form. One participant reported a family law judicial officer as having a religious bias, which allowed for the abuse of women to be introduced into the family court. Another participant reported experiencing a different judicial officer as having a bias toward men. Yet another participant reported experiencing a bias against her from family court professionals because of her ethnicity. Perhaps a future study could capture certain trends in judicial decisions that might reflect an inappropriate or unintended bias. Studies designed to capture those trends might be an excellent way to ensure continuous improvement at each local court.

I worked as a mediator for a family court for 7 years prior to conducting this study. During that time, continuing education was conducted annually at statewide and regional conferences. While domestic violence was a required continuing education course to take each year, no specific course recalled from recent attendance addressed the violence and batterer typologies (Holtzworth-Munroe & Stuart, 1994; Holtzworth-Munroe et al., 2000; Jaffe et al., 2008; Johnson, 1995; 2005; Kelly & Johnson, 2008) or how power and control can assist with the differentiation process (Graham-Kevan & Archer, 2008; Jaffe et al., 2008). While it is understandable that new knowledge takes time to filter down to the practitioner level, I was surprised that these new studies have not been integrated into mediator and other family court professional training, not just on a state level, but also on a national level.

My working as a family court mediator might have produced either of two extremes seen quite often from professionals in the field, (a) a bias that only men are batterers and there is a long way to go before it gets better, or (b) a bias that the gender activists have distorted the IPV literature so much that men are not treated fairly in the family court processes. In reality, I think my doctoral training in research and evaluation has possibly made me biased against bias! Nonetheless, my awareness is that family court professionals can oftentimes have a profound impact on the lives of the people using family courts for assistance. Court professionals (including me), need to ensure biases are recognized and eliminate them. When this is not possible, professionals are ethically required to respond appropriately such that biases will not harm the clients or consumers. My education and clinical training as a licensed marriage and family therapist included the teaching of the Hippocratic Oath – do no harm. That is my goal (or, perhaps bias?) and seems to be the genuine goal of many of my colleagues even though we sometimes fail in that regard.

In addition, because of my clinical training in person-centered psychotherapy, bracketing or suspending knowledge of the issues being discussed was relatively effortless. The effort was in remaining fully present with the participant during the entire interview in the interview room. Focused attention and active listening seemed to facilitate successfully achieving the required epoché (Wertz, in press).

Almost all of the participants verbalized feeling a sense of relief directly after the interviews. As they experienced the active listening posture of the researcher, they seemed to become more relaxed, spontaneous, and careful to ensure they provided

enough detail for the research questions. Several of the participants welcomed the opportunity to participate in the member checking procedure. Additionally, at least three of the participants spontaneously initiated a statement that they strongly desired to collaborate somehow in other research or future projects, or work in the field of assisting families with IPV as a factor.

The interviews with the participants had a significant impact on this researcher. Having these individuals share their deeply personal stories for this project was a distinct honor and privilege. As well, the intensity of the emotion was, at times, deeply penetrating and painful. Tears were shed during the interviews, as well as during the data analysis processes. The passion to share their stories to make system improvements by each of these participants caused this researcher to have a profound admiration for these tenacious souls. I wish each of them Godspeed and an eventual deep abiding peace.

Whether one labels violence between intimate partners, domestic violence or intimate partner violence, it is still a poorly understood dynamic between people who share an intimate relationship. Moreover, professionals helping families with IPV as a factor, whether they are government employees, private practitioners, or volunteers, all respond to IPV in differing ways. Well-intentioned helpers can oftentimes cause indirect harm to victims of IPV when they do not understand how to identify the violence dynamics (Jaffe et al., 2008; Johnson, 2005; Kelly & Johnson, 2008). Additionally, understanding the elements of how power and control can assist with differentiation of violence type (Graham-Kevan & Archer, 2008; Jaffe et al., 2008) can aid well-meaning helpers and increase the chances for a safer parenting plan for the victims and the

children. The tragic experiences of the individuals in this study point to the considerable need for the dissemination of the current typology paradigms to family court professionals, as well as other professionals that assist families experiencing IPV.

References

- Ahrons, C. (2006). Family ties after divorce: Long-term implications for children. *Family Process, 46*(1), 53-65.
- Allen-Collinson, J. (2009). A marked man: Female perpetrated intimate partner abuse. *International Journal of Men's Health, 8*(1), 22-40. doi: 10.3149/jmh.0801.22.
- American Psychological Association. (2009). *Guidelines for child custody evaluations in family law proceedings*. Retrieved from <http://www.apa.org/practice/guidelines/child-custody.pdf>
- Anda, R. F., Felitti, V. J., Bremner, J. D., Walker, J. D., Whitfield, C., ... Perry, B.D. (2006). The enduring effects of abuse and related adverse experiences in childhood: A convergence of evidence from neurobiology and epidemiology. *European Archives of Psychiatry and Clinical Neuroscience, 256*, 174-186.
- Archer, J. (2000). Sex differences in aggression between heterosexual partners: A meta-analytic review. *Psychological Bulletin, 126*(5), 651-680.
- Archer, J. (2002). Sex differences in physically aggressive acts between heterosexual partners: A meta-analytic review. *Aggression and Violent Behavior, 7*, 313-351.
- Arnold, G. (2009). A battered women's movement perspective of coercive control. *Violence Against Women, 15*(12), 1432-1443. doi:10.1177/1077801209346836.
- Babcock, J. C., Costa, D. M., Green, C. E., & Eckhardt, C. I. (2004). What situations induce intimate partner violence? A reliability and validity study of the proximal antecedents to violent episodes (PAVE) scale. *Journal of Family Psychology, 18*(3), 433-442.

- Babcock, J. C., Miller, S. A., & Siard, C. (2003). Toward a typology of abusive women: differences between partner-only and generally violent women in the use of violence. *Psychology of Women Quarterly*, 27(2), 153-161.
- Bemiller, M. (2008). When battered mothers lose custody: A qualitative study of abuse at home and in the courts. *Journal of Child Custody* 5(3-4), 228-255. doi: 10.1080/15379410802583742.
- Bettinger-Lopze, C. (2008). Jessica Gonzalez v. United States: An emerging model for domestic violence and human rights advocacy in the United States. *Harvard Human Rights Journal*, 21(2), 183-195.
- California Codes. (n.d.). California Law. Retrieved from <http://www.leginfo.ca.gov/calaw.html>
- California Codes. (n.d.). Code of Civil Procedure § 526 (a). Retrieved from <http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=19850729455+0+0+0&WAISaction=retrieve>
- California Codes. (n.d.). Family Code § 3044 (c). Retrieved from <http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=27320321778+8+0+0&WAISaction=retrieve>
- California Codes. (n.d.). Family Code § 3170 (a). Retrieved from <http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=4169355027+2+0+0&WAISaction=retrieve>
- Campbell, J., A., Jones, A. S., Dienemann, J., Kub, J., Schollenberger, J., O'Campo, P., ... Wynn, C. (2002). Intimate partner violence and physical health consequences.

Archives of Internal Medicine 162(10), 1157-1163.

Campbell, J. C., Webster, D. Kozoil-Mclain, J., Block, C., Campbell, D., Curry, M.A., ...

Laughon, K. (2003). Risk factors for femicide in abusive relationships: Results from a multisite case control study. *American Journal of Public Health*, 93(7), 1089-1097.

Capaldi, D. M., & Kim, H. K. (2007). Typological approaches to violence in couples: A critique and alternative conceptual approach. *Clinical Psychology Review*, 27(3), 253-265.

Catalano, C. (2007). Intimate partner violence in the United States. (Report No. NCJ 210675). Retrieved <http://bjs.ojp.usdoj.gov/content/pub/pdf/ipvus.pdf>

Charmaz, K. (2006). *Constructing grounded theory: A practical guide through qualitative analysis*. Thousand Oaks, CA: Sage.

Clarkin, J. F., Kernberg, O. F., & Somavia, J. (1998). Assessment of the patient with borderline personality disorder for psychodynamic treatment. In J. W. Barron, J. W. Barron (Eds.), *Making diagnosis meaningful: Enhancing evaluation and treatment of psychological disorders* (pp. 299-318). American Psychological Association. doi:10.1037/10307-011. Retrieved from <http://ezp.waldenulibrary.org/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=pzh&AN=1998-07858-011&site=ehost-live&scope=site>.

Corvo, K. (2006). Violence, separation, and loss in the families of origin of domestically violent men. *Journal of Family Violence*, 21(2), 117-125. doi:10.1007/s10896-005-9011-1.

- Creswell, J. W. (2007). *Qualitative inquiry and research design: Choosing among five approaches* (2nd ed.). Thousand Oaks, CA: Sage.
- D'Ambrosio, D. (2008). Advocating for comprehensive assessments in domestic violence cases. *Family Court Review*, 46(4), 654-669.
- Dutton, D. G. (2006). Domestic abuse assessment in child custody disputes: Beware the domestic violence research paradigm. *Journal of Child Custody*, 2(4), 23-42.
doi:10.1300/J190v02n04.
- Dutton, D. G., Nicholls, T. L. & Spidel, A. (2005). Female perpetrators of intimate abuse. *Journal of Offender Rehabilitation*, 41(4), 1-31. doi:10.1300/J076v41n04_01.
- Dutton, M. A., & Goodman, L. A. (2005). Coercion in intimate partner violence: Toward a new conceptualization. *Sex Roles*, 52(11/12), 7430756. doi: 10.1007/s11199-005-4196-6.
- Dutton M. A., Kaultman, S., Goodman, L.A., Weinfurt, K., & Vankos, N. (2005). Patterns of intimate partner violence: Correlates and outcomes. *Violence and Victims*, 20(5), 483-497.
- Eckhardt, C., Holtzworth-Munroe, A., Norlander, B., Sibly, A., & Cahill, M. (2008). Readiness to change, partner violence subtypes, and treatment outcomes among men in treatment for partner assault. *Violence and Victims* 23(4), 446-475. doi: 10.1891/0886-6708.23.4.446.
- Elias, P. (2010, March 13). Judge faces election after unpopular decision. *The Fresno Bee*. Retrieved from <http://www.fresnobee.com/2010/03/13/1858033/judge-faces-election-after-unpopular.html>

- Ellis, D. (2008). Divorce and the family court: What can be done about domestic violence? *Family Court Review*, 46(3), 531-536.
- Ellis, D., & Stuckless, N. (2006). Domestic violence, DOVE, and divorce mediation. *Family Court Review*, 44(4), 658-671. doi:10.1111/j.1744-1617.2006.00117.x.
- Elrod, L. & Dale, M. (2008). Paradigm shifts and pendulum swings in child custody: The interests of children in the balance. *Family Law Quarterly*, 42(3), 381-419.
- Emery, R. E., Otto, R. K., & O'Donohue, W. T. (2005). A critical assessment of child custody evaluations: Limited science and a flawed system. *Psychological Science in the Public Interest*, 6(1), 1-30.
- Frederick, L. (2008). Questions about family court domestic violence screening and assessment. *Family Court Review* 46(3), 523-530.
- Froyd, D. R. (2011). *Family therapists assisting in court related cases: Maintaining impeccable clinical and ethical integrity*. Manuscript submitted for publication.
- Froyd, D. R. & Robbins, B. D. (2011). *Batterer and violence typologies for family court IPV cases: Putting research to practice*. Manuscript submitted for publication.
- Gelles, R. J. (2007). The politics of research: The use, abuse, and misuse of social science data – the cases of intimate partner violence. *Family Court Review*, 45(1), 42-51.
- George, M. J. (2007). The "Great Taboo" and the role of patriarchy in husband and wife abuse. *International Journal of Men's Health*, 6(1), 7-21.
- Gerwartz, A. H., & Medhanie, A. (2008). Proximity and risk in children's witnessing of intimate partner violence. *Journal of Emotional Abuse*, 8(1/2), 67-82. doi: 10.1080/10926790801982436.

- Gilgun, J. F. (2005). Qualitative research and family psychology. *Journal of Family Psychology, 19*(1), 40-50.
- Giorgi, A. (2002). The question of validity on qualitative research. *Journal of Phenomenological Psychology, 33*(1), 1-18.
- Giorgi, A. (2008). Concerning a serious misunderstanding of the essence of the phenomenological method in psychology. *Journal of Phenomenological Psychology, 39*, 33-58. doi:10.1163/156916208X311610
- Glass, N., Perrin, N., Hanson, G., Mankowski, E., Bloom, T. & Campbell, J. (2009). Patterns of partners' abusive behaviors as reported by Latina and non-Latina survivors. *Journal of Community Psychology 37*(2),156-170.
- Graham-Kevan, N. & Archer, J. (2003). Intimate terrorism and common couple violence: A test of Johnson's predictions in four British samples. *Journal of Interpersonal Violence, 18*(3), 1247-1270. doi: 10.1177/0886260503256656.
- Graham-Kevan, N. & Archer, J. (2008). Does controlling behavior predict physical aggressions and violence to partners? *Journal of Family Violence, 23*(7), 539-548. doi: 10.1007/s10896-008-9162-y.
- Gravetter, F. J., & Wallnau, L. B. (2007). *Statistics for the behavioral sciences* (7th ed.). Belmont, CA: Thomson.
- Greenberg, L. R., Gould, J. W., Gould-Saltman, D. J., & Stahl, P. M. (2003). Is the child's therapist part of the problem?: What judges, attorneys, and mental health professionals need to know about court related treatment for children. *Family Law Quarterly, 37*(2), 39-69.

- Hamel, J. (2009). Toward a gender-inclusive conception of intimate partner violence research and theory: Part 2 -- new directions. *International Journal of Men's Health* 8(1), 41-59. doi: 10.3149/jmh.0801.41.
- Hardesty, J. L. (2002). Separation assault in the context of post divorce parenting: An integrative review of the literature. *Violence Against Women*, 8, 597-625. doi: 10.1177/107780120200800505.
- Hardesty, J. L., & Chung, G. H. (2006). Intimate partner violence, parental divorce, and child custody: Directions for intervention and future research. *Family Relations*, 55(2), 200-210. doi: 10.1111/j.1741-3729.2006.00370.x.
- Hardesty, J., Khaw, L., Chung, G., & Martin, J. (2008). Coparenting relationships after divorce: Variations by type of marital violence and fathers' role differentiation. *Family Relations*, 57(4), 479-491. doi:10.1111/j.1741-3729.2008.00516.x.
- Hartman, J. L. (1999). *Beyond the gatekeepers: Court professional responses to municipal domestic violence cases in an urban area*. Unpublished doctoral dissertation, University of Cincinnati retrieved March 23, 2010 from <http://criminaljustice.cech.uc.edu/docs/dissertations/Hartman.pdf>.
- Holtzworth-Munroe, A. & Stuart, G. L. (1994). Typologies of male batterers: Three subtypes and the differences among them. *Psychological Bulletin*, 116(3), 476-497.
- Holtzworth-Munroe, A., Meehan, J. C., Stuart, G. L., Herron, K., & Rehman, U. (2000). Testing the Holtzworth-Munroe and Stuart (1994) batterer typology. *Journal of Consulting and Clinical Psychology*, 68(6), 1000-1019. doi: 10.1037//0022-

006X.68.6.1000.

- Horn, C., Snyder, B.P., Coverdale, J. H., Louie, A.K., & Roberts, L. W., (2009). Educational research questions and study design. *Academic Psychiatry, 33*(3), 261-267.
- Howells, N. L., & Rosenbaum, A. (2008). Examination of sex differences and type of violence exposure in a mediation model of family violence. *Journal of Emotional Abuse, 8*(1/2), 123-138. doi: 10.1080/10926790801985991.
- Jaffe, P., Johnston, J., Crooks, C., & Bala, N. (2008). Custody disputes involving allegations of domestic violence: Toward a differentiated approach to parenting plans. *Family Court Review, 46*(3), 500-522.
- Johnson, M. P. (1995). Patriarchal terrorism and common couple violence: Two forms of violence against women. *Journal of Marriage & Family, 57*(2), 283-294.
- Johnson, M. P. (2005). Apples and oranges in child custody disputes: Intimate terrorism vs. situational couple violence. *Journal of Child Custody, 2*(4), 43-52. doi: 10.1300/J190v02n04_03.
- Johnson, M. P., & Ferraro, K. J. (2000). Research on domestic violence in the 1990s: Making distinctions. *Journal of Marriage & Family 62*(4), 948-963.
- Johnson, S. M. (1994). *Character styles*. New York, NY: W.W. Norton.
- Judicial Council of California: Administrative Office of the Courts. (2009, July 29). Retrieved from <http://www.courtinfo.ca.gov/jc/documents/reports/072909item3.pdf>
- Kelly, J.B., & Johnson, M. P. (2008). Differentiation among types of intimate partner

- violence: Research update and implications for interventions. *Family Court Review*, 46(3), 476-499.
- Kracke, K., & Hahn, H. (2008). The nature and extent of childhood exposure to violence: What we know, why we don't know more, and why it matters. *Journal of Emotional Abuse*, 8(1/2), 29-49. doi: 10.1080/10926790801982394.
- Kurian, J. R., Olesen, K. M., & Auger, A.P. (2010). Sex differences in epigenetic regulation of the estrogen receptor-alpha promoter within the developing preoptic area. *Endocrinology* 151(5), 2297-2305.
- Linehan, M. M. (2000). Borderline personality disorder. In A. E. Kazdin, A. E. Kazdin (Eds.) , *Encyclopedia of psychology, Vol. 1*, (pp. 440-442). American Psychological Association. doi:10.1037/10516-163. Retrieved from <http://ezp.waldenulibrary.org/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=pzh&AN=2004-12755-163&site=ehost-live&scope=site>.
- Mathis, R. D., & Tanner, Z. (1998). Effects of unscreened spouse violence on mediated agreements. *American Journal of Family Therapy*, 26(3), 251-260. Retrieved from Academic Search Complete database.
- Mertler, C. A., & Vannatta, R. A. (2005). *Advanced and multivariate statistical methods* (3rd ed.). Glendale, CA: Pryczak.
- Miller, M. K., Flores, D. M., & Pitcher, B. J. (2010). Using constructivist self-development theory to understand judges' reactions to a courthouse shooting: An exploratory study. *Psychiatry, Psychology, and Law*, 17(1), 121-138. doi: 10.1080/13218710902930309.

Minuchin, S. (1974). *Families & family therapy*. Oxford, England, Harvard U. Press.

Nastasi, B. K., Moore, R. B., & Varjas, K. M. (2004). *School based mental health services: Creating comprehensive and culturally specific programs*. Washington, DC: APA.

National Scientific Council on the Developing Child. (2010). Persistent fear and anxiety can affect young children's learning and development: Working paper #9.

Retrieved from

http://developingchild.harvard.edu/library/reports_and_working_papers/working_papers/wp9/

Niolon, P. H., Whitaker, D. J., Feder, L., Campbell, J., Wallinder, J., Self-Brown, S., & Chivers, S. (2009). A multicomponent intervention to prevent partner violence within an existing service intervention. *Professional Psychology: Research and Practice, 40*(3), 264-271.

Occam's Razor. (n.d.). In *WordNet Search online*. Retrieved from

<http://wordnetweb.princeton.edu/perl/webwn?s=occam's%20razor>

Pope, K. S. (1998). Pseudoscience, cross-examination, and scientific evidence in the recovered memory controversy. *Psychology, Public Policy, & Law, 4*(4), 1160-1181.

Popper, K. (1998). Science: Conjectures and refutations. In E. D. Klemke, R. Hollinger, & D. W. Rudge (Eds.). *Introductory readings in the philosophy of science* (pp. 38-47). (3rd ed.). Amherst, NY: Prometheus.

Pruett, M. K., & Jackson, T. D. (1999). The lawyer's role during the divorce process:

- Perceptions of parents, their young children, and their attorneys, *Family Law Quarterly*, 33,283-310.
- Rennison, C. M., & Welchans, S. (2002). Intimate partner violence (Report No. NCJ 178247). Retrieved from <http://bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&iid=2024>
- Robbins, B. D. (2006). An empirical-phenomenological study: Being joyful. In C.T. Fischer (Ed.), *Qualitative research methods for psychologists: Introduction through empirical studies* (pp. 173-212). New York, NY: Academic Press.
- Robbins, B. D., & Goicoechea, J. (2005). The psychogenesis of the self and the emergence of ethical relatedness: Klein in light of Merleau-Ponty. *Journal of Theoretical and Philosophical Psychology*, 25(2), 191-223.
doi:10.1037/h0091259.
- Robbins, B. D., & Parlavecchio, H. (2006). The unwanted exposure of the self: A phenomenological study of embarrassment. *The Humanistic Psychologist*, 34(4), 321-345.
- Roberts, T. W. (1994). *A systems perspective of parenting: The individual, the family, and the social network*. Pacific Grove, CA: Brooks/Cole.
- Schensul, J. J., & LeCompte, M. D. (Eds.). (1999). *Designing and conducting ethnographic research: Ethnographer's Toolkit* (Vols.1-7). Lanham, MD: AltaMira.
- Scott, D. L., & Kunselman, J. C. (2007). Using profile analysis for assessing need in domestic violence courts. *American Journal of Criminal Justice*, 31, 81-91.

- Seamans, C. L., Rubin, L. J., & Stabb, S. D. (2007). Women domestic violence offenders: Lessons of violence and survival. *Journal of Trauma & Dissociation*, 8(2), 47-68. doi:10.1300/J229v08n02_04.
- Shalansky, C., Ericksen, J., & Henderson, A. (1999). Abused women and child custody: The ongoing exposure to abusive ex-partners. *Journal of Advanced Nursing*, 29(2), 416-426.
- Smith, E. L., & Farole, D. J., (2009). Profile of intimate partner violence cases in large urban communities (Report No. NCJ 228193). Retrieved from <http://bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&iid=2024>
- Stahl, P. (n.d.). *Parallel parenting for high conflict families*. Unpublished manuscript. Retrieved March 26, 2010, from <http://www.parentingafterdivorce.com/pdfs/ParallelParentingForHighConflictFamilies.pdf>
- Straus, M. A., & Gelles, R. J. (1986). Societal change and change in family violence from 1975 to 1985. *Journal of Marriage & Family*, 48(3), 465-479.
- Thoennes, N., Salem, P., & Pearson, J. (1995). Mediation and domestic violence: Current policies and practices. *Family & Conciliation Courts Review*, 33(1), 6-29.
- Trochim, W.K., & Donnelly, J. P. (2007). *The research methods knowledge base* (3rd ed.). Mason, OH: Thomson.
- Ver Steegh, N., & Dalton, C. (2008). Report from the wingspread conference on domestic violence and family courts. *Family Court Review*, 46(3), 454-475.
- Weisinger, H. (1985). *Dr. Weisinger's anger workout book*. San Francisco, CA: Volcano

Press.

Wertz, F. J. (1983). Some constituents of descriptive psychological reflection. *Human Studies*, 6, 35-51.

Wertz, F. J. (1985). Methods and findings in an empirical analysis of "being criminally victimized." in A.Giorgi (Ed.), *Phenomenology and psychological research* (pp. 155-216). Pittsburgh, PA: Duquesne University Press.

Wertz, F. J. (1987). Common methodological fundaments of the analytic procedures in phenomenological and psychoanalytic research. *Psychoanalysis and Contemporary Thought*, 9(4), 563-603.

Wertz, F. J. (2006). Phenomenological currents in 20th century psychology. In H. Dreyfus & M.A. Wrathall (Eds.), *Companion to existential-phenomenological philosophy*,(pp. 392-408). Oxford, UK: Blackwell Publishing.

Wertz, F. J., Charmaz, K., McMullen, L., Josselson, R., Anderson, R., McSpadden, E. (in press). *Five ways of doing qualitative analysis: Phenomenological psychology, grounded theory, discourse analysis, narrative research, and intuitive inquiry*. New York, NY: Guilford Press.

Appendix A

Donald "Rick" Froyd

	Detailed description	Duration	Exact location	Communication Format
Step 1	<p>Contact Connie Valentine, the past president of the California Protective Parents Association PO Box 15284, Sacramento, CA 95851-0284 to request her assistance with distributing the flier announcing my study to the e-mail list of the members of her association. This agency was instrumental in encouraging people to participate in the Elkin's Task Force.</p> <p>Ms. Connie Valentine, M.S. California Protective Parents Association, Past President www.protectiveparents.com 916-233-8381</p> <p>.</p>	1 day	Personal Private Practice Office in Visalia, CA.	E-Mail
Step 2	E-mail the fliers to Connie Valentine for subsequent delivery to their list of members with e-mail addresses.	1 hour	Personal Private Practice Office in Visalia, CA	E-Mail
Step 3	Schedule telephone conferences with participants as they reply to e-mail to coordinate the delivery of the consent forms and other materials explaining the study.	5 Days	Personal Private Practice Office in Visalia, CA.	In person and/or via e-mail
Step 4	Schedule meetings to collect	4-6 weeks	Personal	In Person

	data via in-depth interviews.		Private Practice Office in Visalia, CA.	
Step 5	Visit Clerk/Recorder office of each superior court in each participant's County to review the litigant's files.	4 weeks	County Superior Court of each litigant.	In Person
Step 6	Transcribe verbatim textual copies of the audio recordings of the interviews.	2 weeks	Personal Private Practice Office in Visalia, CA.	In Person
Step 7	Code and analyze the data from the interviews.	4 weeks	Personal Private Practice Office in Visalia, CA.	In person
Step 8	Contact all participants to schedule member-checking validation.	2 weeks	Personal Private Practice Office in Visalia, CA.	Transcripts of interviews sent and responded to via e-mail.
Step 9	Convert findings into results section of Dissertation, complete all other sections of dissertation and submit for committee approval.	4 weeks	Personal Private Practice Office in Visalia, CA.	In person
Step 10	Disseminate to parties noted in COMMUNITY RESEARCH STAKEHOLDERS AND PARTNERS section of the IRB	2 weeks	Personal Private Practice Office in Visalia, CA.	In person and/or via e-mail.

Appendix B

Elkins Family Law Task Force

FACT SHEET

ADMINISTRATIVE OFFICE OF THE COURTS
455 Golden Gate Avenue
San Francisco, CA
94102-3688
Tel 415-865-4200
TDD 415-865-4272
Fax 415-865-4205
www.courtinfo.ca.gov

Elkins Family Law Task Force

The Elkins Family Law Task Force, chaired by Associate Justice Laurie D. Zelon of the Court of Appeal, Second Appellate District (Los Angeles), was appointed in May 2008 to conduct a comprehensive review of family law proceedings and recommend to the Judicial Council of California proposals that will increase access to justice, ensure due process, and provide for more effective and consistent rules, policies, and procedures.

Committed to Equal Justice and a Collaborative Process

The Elkins Family Law Task Force was appointed in response to an August 2007 California Supreme Court opinion, *Elkins v. Superior Court* (2007) 41 Cal.4th 1337, which held that marital dissolution trials should “proceed under the same general rules of procedure that govern other civil trials” (*id.* at p. 1345). The charge of the task force is to propose measures to improve efficiency and fairness in family law proceedings and ensure access to justice for all family law litigants.

Family law cases are critically important to litigants, children, and families, as well as the community at large. The increasing demands on courts dealing with family law cases include complex legal issues, the high volume of cases, and staggering numbers of self-represented litigants—in many communities, over 75 percent of family law cases have at least one self-represented party.

At its initial meeting in June 2008, the task force defined values that have guided its work and will inform proposed recommendations:

- Ensuring justice, fairness, and due process in family law;
- Ensuring meaningful access for all litigants;
- Using innovative techniques to promote effectiveness and efficiency;
- Improving the status of, and respect for, family law litigants and the family law process; and
- Securing adequate resources, including existing, reallocated, and new resources.

Elkins Family Law Task Force

The task force has sought input from all stakeholders, including litigants, attorneys, judicial officers, and court staff and will continue to do so as it develops its recommendations.

Guiding Principles

The work of the task force is guided by the following six principles:

1. Courts will ensure consistent and timely access to equal justice for all individuals, families, and children in family law proceedings.
2. Statutes, rules, procedures, and practices will protect procedural fairness and the due process rights of parties as well as seek to increase efficiency, effectiveness, consistency, and understandability. Simplification must not diminish due process rights. Task force recommendations will be evaluated for their potential impact on due process, fairness, and effective and timely access.
3. Court services, procedures, and calendaring should address the needs of parties— whether attorney-represented or self-represented. They should also be adapted to the complex and diverse needs of individuals, families and children in court. In making its recommendations, the task force will be cognizant of the various challenges litigants may have accessing the courts, including language barriers, cultural barriers, and disabilities.
4. The task force will identify the resources courts require to handle increasingly complex and demanding family law caseloads. Investing in the modernization of family law courts will improve the quality of outcomes for Californians and enhance the priority given to and status of family law proceedings.
5. The task force is aware of the unique opportunity to make far-reaching, positive changes in family law. The task force is mindful of the long-term impact of family law on individuals, families, children, and society.
6. The task force will develop its recommendations through an inclusive process that relies on consultation with interested stakeholders and the public, as well as coordination and collaboration with ongoing related projects and efforts to improve family law.

Diverse Membership With Extensive Expertise

The 38-member task force includes appellate court justices, judges, court commissioners, private attorneys, legal aid attorneys, family law facilitators, self-help center attorneys, court executives, family court managers, court administrators, and Elkins Family Law Task Force *Page 3 of 5*

legislative staff. Members have extensive experience in all aspects of family law and represent courts and diverse cultural and economic communities from throughout the state. A roster of members is included at pages 4–5.

Input Sought Through Several Channels

The task force has been seeking input in a variety of ways, including:

- Focus groups conducted across the state;
- Research on best or promising practices both within and outside of California;
- Presentations from task force members and other experts about different aspects of the court process;
- Public hearings;
- A survey of bar members;

- Public comment, solicited via the Web, e-mail, and regular mail; and
- Circulation of draft recommendations for consideration by the public and the courts.

The Elkins Family Law Task Force welcomes written comments and specific suggestions from interested stakeholders. Please e-mail: elkinstaskforce@jud.ca.gov.

Contact:

Patricia Rivera, Administrative Coordinator, Center for Families, Children & the Courts
patricia.rivera@jud.ca.gov

Additional resources:

General court information, www.courtinfo.ca.gov/reference/4_12courtssupct.htm;
 Supreme Court, [www.courtinfo.ca.gov/courts/Elkins Family Law Task Force](http://www.courtinfo.ca.gov/courts/Elkins%20Family%20Law%20Task%20Force)

Roster of the Elkins Family Law Task Force

Chair

Hon. Laurie D. Zelon

*Associate Justice of the Court of Appeal,
 Second Appellate District, Division Seven*

Members

Ms. Tülin D. Açikalin

*Managing Attorney
 Bay Area Legal Aid*

Hon. Sue Alexander

Commissioner of the Superior Court of California, County of Alameda

Hon. Lorna A. Alksne

*Judge of the Superior Court of California,
 County of San Diego*

Hon. Irma Poole Asberry

*Judge of the Superior Court of California,
 County of Riverside*

Ms. Kathy Bañuelos

*Counsel
 California Senate Judiciary Committee*

Mr. Richard Barry

*Attorney at Law
 San Rafael*

Hon. Louise Bayles-Fightmaster

Commissioner of the Superior Court of California, County of Sonoma

Hon. Jerilyn L. Borack

*Judge of the Superior Court of California,
 County of Sacramento*

Ms. Linda D. Daeley

*Family Law Manager
 Superior Court of California,*

County of Orange

Ms. Julie C. Dodge

*Family Law Facilitator
Self-Help Center Attorney
Superior Court of California,
County of Stanislaus*

Ms. Patricia Foster

*Director, Family Court and Special Services
Superior Court of California,
County of Tulare*

Ms. Ana María García

*Supervising Attorney
Neighborhood Legal Services of
Los Angeles County*

Hon. Michael J. Gassner

Commissioner of the Superior Court of California, County of San Bernardino

Hon. Barry P. Goode

*Judge of the Superior Court of California,
County of Contra Costa*

Mr. José Octavio Guillén

*Executive Officer
Superior Court of California,
County of Sonoma*

Mr. Vahan Hovsepien

*Director, Family and Children Services
Superior Court of California,
County of Butte*

Hon. Joan K. Irion

*Associate Justice of the Court of Appeal,
Fourth Appellate District, Division One*

Hon. Irwin H. Joseph

Commissioner of the Superior Court of California, County of Santa Cruz

Hon. Mark A. Juhas

*Judge of the Superior Court of California,
County of Los Angeles*

Mr. Lawrence E. Leone

*Attorney at Law
Los Angeles*

Mr. Drew Liebert

*Chief Counsel
California Assembly Judiciary Committee Elkins Family Law Task Force*

Ms. Margaret Little, Ph.D.

*Senior Administrator
Family Law and Probate
Superior Court of California,*

County of Los Angeles

Ms. Judy B. Louie

*Director, ACCESS Center
Superior Court of California,
County of San Francisco*

Hon. Patricia M. Lucas

*Judge of the Superior Court of California,
County of Santa Clara*

Mr. Mark E. Minyard

*Attorney at Law
Newport Beach*

Ms. Suzanne Clark Morlock

*Family Law Facilitator
and Self-Help Center Director
Superior Court of California,
County of Tuolumne*

Ms. Sandra Joan Morris

*Attorney at Law
San Diego*

Ms. Lorie S. Nachlis

*Attorney at Law
San Francisco*

Hon. Kimberly J. Nystrom-Geist

*Judge of the Superior Court of California,
County of Fresno*

Ms. Rebecca L. Prater

*Staff Attorney
Office of the Family Law Facilitator
Superior Court of California,
County of San Diego*

Hon. Vance W. Raye

*Associate Justice of the Court of Appeal,
Third Appellate District*

Mr. Stephen B. Ruben

*Attorney at Law
San Francisco*

Ms. Caron Caines Smith

*Family Law Case Coordinator Attorney
Superior Court of California,
County of Ventura*

Hon. Nancy Wieben Stock

*Presiding Judge of the
Superior Court of California,
County of Orange*

Mr. Hugh K. Swift

Executive Officer

*Superior Court of California,
County of Amador*

Hon. B. Scott Thomsen

Commissioner of the Superior Court of California, Counties of Nevada and Sierra

Mr. Peter M. Walzer

*Attorney at Law
Woodland Hills*

State Bar Liaison

Ms. Sharon Ngim

Program Developer and Staff Liaison, Standing Committee on the Delivery of Legal Services The State Bar of California Office of Legal Services, Access & Fairness Programs

AOC Lead Staff

Ms. Diane Nunn

*Director
Center for Families, Children & the Courts
Administrative Office of the Courts*

AOC Staff to the Task Force

Ms. Bonnie Rose Hough

*Managing Attorney
Center for Families, Children & the Courts
Administrative Office of the Courts*

Ms. Katie Howard

*Supervisor
Center for Families, Children & the Courts
Administrative Office of the Courts*

Ms. Patricia Rivera

*Administrative Coordinator
Center for Families, Children & the Courts
Administrative Office of the Courts*

Ms. Julia Weber

*Supervising Attorney
Center for Families, Children & the Courts
Administrative Office of the Courts*

Appendix C

CONSENT FORM

You are invited to take part in a research study for improving family court procedures where Intimate Partner Violence (domestic violence) is a factor in the case. You were chosen for the study because you participated in the Elkin's Task Force call for information, or, because you responded to a flier announcing this study.

This form is part of a process called "informed consent" to allow you to understand this study before deciding whether to take part.

This study is being conducted by a researcher named Donald "Rick" Froyd, Jr, who is a doctoral candidate at Walden University.

Background Information:

The purpose of this study is to develop a deep understanding of a person's experiences of incurring domestic violence while using a family court in California for obtaining assistance with (a) a restraining order, (b) a divorce, and/or (c) a child custody order. As a participant, you can help the researcher develop a better understanding of the needs and desires of persons who experienced Domestic Violence and used the family court for help.

Procedures:

If you agree to be in this study, you will be asked to:

- Participate in one 45-90 minute interview regarding your experiences of using the family court if your case involved domestic violence. These interviews will be audio recorded.
- Participate in a validation process where you will review a draft copy of the interview and ensure the accuracy of the data
- Review the final analysis of your case specifics and have an opportunity to provide a written response and have your response included in the dissertation appendix.

Voluntary Nature of the Study:

Your participation in this study is voluntary. This means that everyone will respect your decision of whether or not you want to be in the study. If you decide to join the study now, you can still change your mind during the study. If you feel stressed during the

study you may stop at any time. You may skip any questions that you feel are too personal.

Risks and Benefits of Being in the Study:

You may feel some emotional discomfort when discussing the incidences of your domestic violence experiences. However, your participation may play a significant part in helping researchers understand the dynamics of assisting family law cases that have domestic violence as an issue.

If necessary, the researcher can provide you with the names of three American Association for Marriage and Family Therapy (AAMFT) approved Marriage and Family Therapists in your area to assist you should you feel the need to process your discomfort with a therapist. The cost of the therapy will be yours, not the researchers. The researcher will only provide the referral information.

Compensation:

Each participant will receive a \$5 gift card to a coffee house. The researcher will use his professional private practice therapy office for data collection. Each participant will be asked to travel to this office for data collection. The researcher will request each participant to provide their home address to facilitate the calculation of mileage reimbursement. The rate for reimbursement will be based upon normal government travel expense, for example, 44 cents per mile. The participants will also be provided \$25.00 to purchase a meal during their trip to the researcher's office. Additionally, if you so desire, you can receive an electronic copy of the final study.

Confidentiality:

Any information you provide will be kept confidential. The researcher will not use your information for any purposes outside of this research project. Also, the researcher will not include your name or anything else that could identify you in any reports of the study.

Contacts and Questions:

You may ask any questions you have now. Or if you have questions later, you may contact the researcher via (Redacted for confidentiality). If you want to talk privately about your rights as a participant, you can call Dr. Leilani Endicott. She is the Walden University representative who can discuss this with you. Her phone number is (Redacted for confidentiality). Walden University's approval number for this study is **IRB will enter approval number here** and it expires on **IRB will enter expiration date.**

The researcher will give you a copy of this form to keep.

Statement of Consent:

I have read the above information and I feel I understand the study well enough to make a decision about my involvement. By signing below, I am agreeing to the terms described above.

Printed Name of Participant

Date of consent

Participant's Written or Electronic* Signature

Researcher's Written or Electronic* Signature

Electronic signatures are regulated by the Uniform Electronic Transactions Act. Legally, an "electronic signature" can be the person's typed name, their email address, or any other identifying marker. An electronic signature is just as valid as a written signature as long as both parties have agreed to conduct the transaction electronically.

Appendix D

For Participants in Sacramento, California and San Diego, California

You are invited to take part in a research study for improving family court procedures where Intimate Partner Violence (domestic violence) is a factor in the case. You were chosen for the study because you participated in the Elkin's Task Force call for information, or, because you responded to a flier announcing this study.

This form is part of a process called "informed consent" to allow you to understand this study before deciding whether to take part.

This study is being conducted by a researcher named, Donald Froyd, Jr. who is a doctoral candidate at Walden University.

Background Information:

The purpose of this study is to develop a deep understanding of a person's experiences of incurring domestic violence while using a family court in California for obtaining assistance with (a) a restraining order, (b) a divorce, and/or (c) a child custody order. As a participant, you can help the researcher develop a better understanding of the needs and desires of persons who experienced Domestic Violence and used the family court for help.

Procedures:

If you agree to be in this study, you will be asked to:

Travel to a location provided by telephone or e-mail in either Sacramento, California or San Diego, California

Participate in one 45-90 minute interview regarding your experiences of using the family court if your case involved domestic violence. These interviews will be audio recorded.

Participate in a validation process where you will review a draft copy of the interview and ensure the accuracy of the data. Review the final analysis of your case specifics and have an opportunity to provide a written response and have your response included in the dissertation appendix.

Voluntary Nature of the Study:

Your participation in this study is voluntary. This means that everyone will respect your decision of whether or not you want to be in the study. If you decide to join the study now, you can still change your mind during the study. If you feel stressed during the

study you may stop at any time. You may skip any questions that you feel are too personal.

Risks and Benefits of Being in the Study:

You may feel some emotional discomfort when discussing the incidences of your domestic violence experiences. However, your participation may play a significant part in helping researchers understand the dynamics of assisting family law cases that have domestic violence as an issue.

If necessary, the researcher can provide you with the names of three American Association for Marriage and Family Therapy (AAMFT) approved Marriage and Family Therapists in your area to assist you should you feel the need to process your discomfort with a therapist. The cost of the therapy will be yours, not the researchers. The researcher will only provide the referral information.

Compensation:

Each participant will receive a \$5 gift card to a coffee house. The researcher will conduct the interviews in Sacramento, California on April 16, 2011, and in San Diego, California on April 23, 2011. The location will be provided to the participant either by e-mail or telephone to the participant prior to the interview. Each participant will be asked to travel to that location for data collection. The participant will be reimbursed 44 cents per mile for the travel from their home to the interview location. Additionally, if you so desire, you can receive an electronic copy of the final study.

Confidentiality:

Any information you provide will be kept confidential. The researcher will not use your information for any purposes outside of this research project. Also, the researcher will not include your name or anything else that could identify you in any reports of the study.

Contacts and Questions:

You may ask any questions you have now. Or if you have questions later, you may contact the researcher via or at, or (e-mail). If you want to talk privately about your rights as a participant, you can call Dr. Leilani Endicott. She is the Walden University representative who can discuss this with you. Her phone number is (Redacted for confidentiality).

Walden University's approval number for this study is 02-01-11-0344643 and it expires on January 31, 2012.

The researcher will give you a copy of this form to keep.

Statement of Consent:

I have read the above information and I feel I understand the study well enough to make a decision about my involvement. By signing below, I am agreeing to the terms described above.

Printed Name of Participant

Date of consent

Participant's Written or Electronic* Signature

Researcher's Written or Electronic* Signature

Electronic signatures are regulated by the Uniform Electronic Transactions Act. Legally, an "electronic signature" can be the person's typed name, their email address, or any other identifying marker. An electronic signature is just as valid as a written signature as long as both parties have agreed to conduct the transaction electronically.

Appendix E

A Research Study Invitation**You Are Respectfully Invited to Participate in a Study**

Walden University is conducting a study that seeks to examine the experiences of persons who have experienced intimate partner violence (domestic violence) and have used the family court system in California for help with any or all of the following:

- A restraining order
- A divorce
- A child custody plan.

As a participant, you can help the researcher develop a better understanding of the needs and desires of the victims of domestic violence when using the family court system.

Of course, please know that your identity will be kept confidential. You are invited to participate in this study if you are:

- Between the ages of 18 and 64
- Have experienced domestic violence and used the family court in California for divorce litigation.
- You desire to assist in developing ways to improve the family court processes as they relate to intimate partner violence.

If you are interested, please contact this researcher via e-mail at (Redacted for confidentiality) and I will provide you with more information.

Donald "Rick" Froyd, Jr., M.A., LMFT, NCC, HS-BCP
Doctoral Candidate, Walden University
(Redacted for confidentiality)

Appendix F

CONFIDENTIALITY AGREEMENT

Name of Signer: (Redacted for Confidentiality)

During the course of my activity in collecting data for this research: “Retaliatory Violence After Family Court: Victim Safety After Family Court Litigation in Intimate Partner Violence Cases,” I will have access to information, which is confidential and should not be disclosed. I acknowledge that the information must remain confidential, and that improper disclosure of confidential information can be damaging to the participant.

By signing this Confidentiality Agreement, I acknowledge and agree that:

1. I will not disclose or discuss any confidential information with others, including friends or family.
2. I will not in any way divulge, copy, release, sell, loan, alter or destroy any confidential information except as properly authorized.
3. I will not discuss confidential information where others can overhear the conversation. I understand that it is not acceptable to discuss confidential information even if the participant’s name is not used.
4. I will not make any unauthorized transmissions, inquiries, modification or purging of confidential information.
5. I agree that my obligations under this agreement will continue after termination of the job that I will perform.
6. I understand that violation of this agreement will have legal implications.
7. I will only access or use systems or devices I’m officially authorized to access and I will not demonstrate the operation or function of systems or devices to unauthorized individuals.

Signing this document via the e-mail address in the signature block, I acknowledge that I have read the agreement and I agree to comply with all the terms and conditions stated above.

Electronic signatures are regulated by the Uniform Electronic Transactions Act. Legally, an "electronic signature" can be the person's typed name, their email address, or any other identifying marker. An electronic signature is just as valid as a written signature as long as both parties have agreed to conduct the transaction electronically. University staff will verify any electronic signatures that do not originate from a password-protected source (i.e., an email address officially on file with Walden).

Signature:

Date:

Appendix G

-----Original Message-----

From: Weber, Julia <Julia.Weber@jud.ca.gov>
To: Rick <rickfroyd@aol.com>
Cc: donald.froyd@waldenu.edu <donald.froyd@waldenu.edu>
Sent: Thu, Jun 10, 2010 3:48 pm
Subject: RE: contact

Dear Mr. Froyd,

Thank you for getting in touch with me about your project and for calling this week to inquire about getting permission to talk with people who have had family law cases. If you are working directly with individuals who have litigated or are litigating in the court system, they are in the best position to give you information about their family law matters. As we discussed, our office does not have the authority to refer prospective subjects, provide permission for you to discuss family law cases with litigants, or to access family law files.

If I can help in any other way, please let me know.

Julia

Julia F. Weber
Supervising Attorney
Center for Families, Children & the Courts
Judicial Council of California - Administrative Office of the Courts
455 Golden Gate Ave.
San Francisco, CA 94102
415-865-7693, Fax 415-865-4399, julia.weber@jud.ca.gov
www.courtinfo.ca.gov/programs/cfcc

"Serving the courts for the benefit of all Californians"

Appendix H

Certificate of Completion

The National Institutes of Health (NIH) Office of Extramural Research certifies that **Donald Froyd** successfully completed the NIH Web-based training course "Protecting Human Research Participants".

Date of completion: 06/03/2008

Certification Number: 43790

Appendix I

Interview Number 1

Rick: OK **Question 1**

Participant So you just want me to read you back

Rick yes and when you read it back and when you encounter a pause, a natural pause you can either expand on what you are saying or if something, another thought comes into your mind about what you just read, probably share

Participant During my marriage, because of what I actually started with I thought your questions was during the domestic violence and then after the family court system. So I really sort of define how things were in my marriage because during the time I was married to my ex husband I was denial most of the time that I was being abused. I did not see myself as a victim of domestic violence although there were, he was very violent and there were many occasions where he I thought I was going to die. But I have dissociative disorder so I would kind of “leave” the room when he was bettering me. And the other part of it is that my sister was also a victim of domestic violence. And I was her as a victim of domestic violence. Her husband was really classic ‘textbook’ everything, that you would, the worst case scenario that you could hear. I mean he would time her going to the grocery store and look at the receipts. I mean he was just so ridiculous and over the top that of course I thought her as battered. But my own situation I didn’t see was an abusive situation because he only got violent sporadically. You know, obviously there was the whole honeymoon period, but our honeymoon period lasted a good 50 (?) months. I mean we had really I thought, now that I’m saying that, I’m thinking how ridiculous (laughing) that I’m even saying that. But so because

Rick: so you just felt like that ridiculous that you

Participant Now I’m hearing myself say it was really lovely because actually (laughing hysterically) it really was a crazy emotional up and down. But I came from, I mean we came from a very dysfunctional family. So that was nor – you know that up and down sort of never, never having solid ground. That was normal. That was just, you thought that was what life was supposed to be. So I think that, because of you know our horrible

childhood that you know it was very. I, I left home, I married him after knowing him for 6 weeks, I'd just turned 18. I mean I was so ready to get out of my dysfunctional family life and build you know, paint the white picket fence (laughed) that you know, I talked about this with a few people and I didn't realize to build a house you know you need to have a foundation first. For me it was like ok I've got to do these three steps you know, you get married then you have children and then you live happily ever after. And of course, you know, that just didn't happen with him. So I think that it wasn't until after I left him that I realized that he really, the extent how much he abused me. Because even after, after he left, I still, I still saw him as the person who made all of the decision and knew what was best and um, and so I don't know. I just kind of saw, it took me a long time to I've written here that out because my, in my head, I'd painted such a fabulous picture of who we were that it took a long time for me to get out of the denial and see. But of course, the problem with that is then when I get to family court I was treated the same by my partner that I had been. So I was treated the same with them. I was abused by the system. I went to get help and they told me I was crazy. Um, he actually, well OK. How we ended up separating was, splitting up was that I had told him that I wanted, we were living, I met him in England so we moved here and then we moved here and then we had a child and then we went back to England and had another child and then we came back here. See, my situation was like if I could just get things right, then everything would be ok. So I would relocate, we moved 20 times in the time that we were together. We were constantly moving because if I could just make everything perfect, then he wouldn't be so abusive. Or maybe that was me, just my home life I was just always so used to no normality that that was uncomfortable. So we moved here and I saw other women who were single mothers who were working and getting a large amount of money in child support and had every other weekend off to go have fun and I just thought I want that. And so, I don't want to have to deal with this. He was never good at keeping a job so I was constantly being the supporter as well as everything else so it was just so exhausting that I thought well shoot, I could get him to have to pay me money and I wouldn't have to live with the abuse. So I thought well I'll just leave. And I was

having amicable conversation with him, we'll work it out. And then you know, and then I'll have that life. But of course, when I said that I wanted a separation he got very angry and he would, so if he was angry and became violent I usually left the house because I was in fear. And he knew that so he would sometimes tear the house up so that I would leave. And so he did that. I left and I stayed with a friend. He called me the next day and said I'm still angry, I don't want you here. He did it the next day, I'm still angry and basically what he had done was he sold all of our belongings in 3 days. He'd taken the girls out of school they were 4 and 7 at the time. And he flew back to England. So I came home to a house that looked like a crime scene. I mean it was demolished. Anything that he couldn't sell, he smashed to pieces. All of my clothes were shredded. It was, I had a beautiful antique armoire that my mother had bought me from Sweden that we had shipped over. That was, he had put an axe through it. He tore, anything that he, all of our pictures that he tore in half. Just everything, everything was gone and the girls were gone. So basically when I went to go get help from the family court system, they had, they basically treated me just the same as he did. They told me you know, that I was stupid. Those were the words that he used too. He used, to control me he really made me feel like I was the words he would use for me would be crazy or stupid. So I believed I was crazy because he drove me crazy, but of course I was erratic a lot of the time. I was so, I was either in fear or everything is ok. Of course you know can't ever behave like you're that things are normal. So I was at the time, I was crazy. I was very erratic. And the other thing was that he always told me how stupid I was. So I never felt like any decision that I ever made were the right decisions. I never tried to do anything or you know, I never tried to be educated or anything like that. Because he would tell me that I was stupid so I believed that. So then the family court system really treated me like I was stupid. When I tried to get help from them .. he took them two times. So the first time he took them, the police were called immediately, the FBI got involved the child abduction unit basically said you either bring the children back or you know we'll extradite you and you're going to jail. So I got them back the first time. It took 2 months to get them back. Well, in the mean time, custody never got sorted out. We were

married in England so after I got the girls back here and he went back. Two weeks after he had moved back there and taken my girls, he um, he got involved in a relationship with my best friend. He moved in with her, left the children with his mother, so when he brought the girls back, he told me basically, um if you'll take me back, I'll quit with her. And he told her you know I might not come back. And I said, no thank you, that's fine. So he went back and he got a divorce in England because we were married in England. But custody never was decided. I had no attorney so he accused me of adultery, got a divorce. In England if you are found that you are the one in the wrong, the other person gets everything. So when he went back to England with the girls, he took most of the credit cards. He opened up another bank account in our name. he just went wild over there. Owned a house there. Basically when he got a divorce I ended up owing all of the debt that he created and he got the house. Now I'm here with two children, he's not paying child support. He's now bought a new house, 4 bedroom house with a swimming pool and he's living with my now ex-best friend and I have the children. Well, I didn't do anything with regards to custody. I couldn't get child support because I didn't have money for an attorney and I thought well I'm not going to be able to serve him or anything, there was just no way. So basically I had the girls here, he was living a new life there and I made an agreement that he could have the girls every summer. So he paid for the girls to go in the summer. And that way, even though he wasn't paying me child support or anything I had two months that I work, you know I was working more than I was working before so I could save enough money to support the three of us when they were here. I had three jobs, I worked seven days a week without a day off. I think I did that for nine months straight the first year that they were with me. I worked from 6 in the morning until 10 at night and on weekends I worked from 7 in the morning to 4 in the afternoon. So I worked one job until 3 in the afternoon, go to another job till 10 at night and I had third job on the weekend. It was just insane. Anyway I got kind of sick of that and I found out he was coming here to visit the girls 2 years after he moved. So when he came, I served, had papers served on him for child support and for custody. I did it without an attorney so of course I didn't know about the system, anything about the

system. I was pretty much go in blind. So basically he took the papers back to England, had his attorney write a letter to the judge here saying I am the attorney. They are divorced there's no issues here and this has already been dealt with in the English court system. Apparently, the court contacted me and left a message on my answering machine that you know, we don't know what to do we got a letter we think this case has already been sorted out in England. So I did not ever get, received that message. But it is in the family court documents that they left a message on my answering machine. So a few months later, of course, not knowing that they had done that and cancelled my hearing, I got a notice in the mail saying, you know, this is not an issue with this court here. So now there's still no, nothing going on. Well 2 years go by and I send the girls to England. They are now 8 and 11 and he decides that he does not want them to come back. So he keeps them and I am begging him, send me my girls back. He says no. and I think, you know do what you want I'm contacting the FBI again. Right, you would assume the FBI after dealing with you the first time, we're going to do something the second time. And this is where, this is where I say this is where my nightmare begins because I go to, I call, the first person that I call is um, you know the national hot line for Rick: child abduction?

Participant no I didn't call them. I called uh..... uh Adam Walsh's hot line. Its for the children. For exploited children I called them and they said where is your custody papers. I say there are no custody papers. The court dropped my custody case. Well we can't do anything without that. I go to the police. I say they've dealt with this before. The policewoman says and you put them on that plane. It's your fault. So I think she Rick: garbled

Participant yes, oh no, she was angry. She was angry at me. She was very angry cause I was begging her you need to, the FBI has done this before, the child abduction unit helped me before. And she says well if you've done this before, what the hell did you put them on a plane for you idiot?! Basically, I'm stupid. And you know, all of those years I know that I'm stupid so I'm taking I'm absorbing the stupid. So from there I'll contact the child abduction unit, which is in Salinas, 20 minutes away where the main court

house is in Monterrey. I go to Salinas, the child abduction. I call the child abduction unit, the woman in the child abduction unit. I tell her, I give her this information. By the time I drive to Salinas she had called him and had a conversation with him and he had told her that I am on drugs, I'm crazy, I've been abusive to the children that he is making sure that they are safe and he wants them there. So by the time I get there and now I'm hysterical because the police haven't helped the other people say they can't help me, so by the time I get there I'm obviously, I'm a little bit of a mess. And she comes out and she says, I just talked to him and she said you know you are out, you're shaking and you're acting really funny and he told me you're on drugs and it looks like you're on drugs.

Rick: did she really say that?

Participant yeah, and I said, I'm not on drugs. I have these kids for years, this, this is crazy and I'm trying to explain to people how, and they are just looking at me like I'm nuts, and he's so rational and he's so nice on the phone and he has this great English accent and he put the girls on and they are so happy. And she said, you're children are fine. So there's nothing I can do. You know you put them on the plane, he says you don't want them, you know, so I can't help you. Go to the family law again maybe they can do something for you. So she sends me into the courthouse to where I go and I know her name and she leaving the courthouse now but she was horrible to me. I go into the family court services and the woman that is in charge.

Rick: garbled

Participant yes, and you know they have the little bell, the little ding, ding, ding, ding and they have the people coming in to talk about their child support issues and minimal things like that and I go in and I'm so upset and distraught, I've been told by 3 people that there is nothing they can do for me and my children have (laughing so much that it is garbled) and I want them back, and all I thought that all I had to do was just call somebody and they were going rescue me. Very naïve. So I go to ring the bell and I am so upset and distraught and I say that I've been told by the child abduction unit that I need to see this person. And they say, let me get her for you, sit down and wait. And I'm

crying and I'm hysterical. And she comes out of her office and she sees me sitting on the chair and she says to me, she says to me, (yelling) sit down there. I try and explain to her what's wrong and she says to me (yelling and stern) sit down and when you've stopped crying I will talk to you!

Rick: and she said it in that kind of tone?

Participant Oh she was livid with me. I was so upset and she just, the more that I was and just trying to explain to her how horrible my situation was she screamed at me – sit down and shut up and stop crying and then I will talk to you!

Rick: wow!

Participant so, now I'm sitting in chair even more distraught and it was horrible and I'm watching people come in and (garbled and low voice) you know he's not paying me and you know just things that are of no importance whatsoever. And I'm like thinking you know this is an emergency and no, it was not an emergency to them, it was just some crazy hysterical chick sitting in their office bawling (laughing). I finally realized, I've been sitting here for hours and waiting for this woman, so I did what I used to do was suck it up (silence)

Rick: did you give up?

Participant No, I stayed. I went in to her of- I told her I promise I won't cry anymore. I went in to her office I sat down. I tried to be really calm and quiet and explain to her. By now I am acting like the perfect victim because I'm not asserting myself anymore. And she tells me well I don't know what you think we're supposed to do for you. This is a Hague Convention case. That's something we can't do for you. You go down to the law library and look it up.

Rick: you've been moving your hand as if, in a dismissive gesture

Participant so um

Rick: so she was dismissive of you?

Participant OH she was very dismissive. She told me to just go off to the law library and figure it out. Well you know, I've been told I'm stupid for many years. I'm just a waitress, like working these crappy little jobs for minimum wage trying to get by and I'm

hearing something the Hague Convention which sounds really impossible to start with and you know go to law library and figure it out. You know law library to me is like I don't know.. (laughing) I know now what a law library is. But so basically, off I go. I went home. I called some attorneys and every single attorney I called said, I'm really sorry but that's, I'm gonna need this is an international case and I'm gonna need \$50,000. And that's what I was quoted and this was (laughing) that's a lot of money that I didn't have. So basically, I did nothing. I met a lot of people on the way who you know changed my way of thinking. So, we'll get back to that later, so basically I feel like the family courts system then battered me. I did get the children back, um. So and so we will probably talk about that I won't tell you how yet because that's not part of this but I was again had to go deal with the finality of things here in this court in Monterey county. But even still, I'm treated, I was treated, even after him abducting them and everything, I'm still treated like you know I was, I felt like I was being treated like and it might just be my perception, but it was like, none of that past stuff happened. This has got to deal with your children, so forget all of that. Forget all of that stuff that he did and even the actual evaluator actually said he learned his lesson, he won't do it again. So after everything was dealt with he got more custody after his abductions and the custody evaluation, everything we went through, they gave him more time than what we originally had when there was no custody whatsoever. He got them more and the English government is appalled because they said he should, (mocking tone) The American government is not going to let them come back here. You're fine, don't worry about it. When it goes to court in American, you're going to be fine. You're never going to have to come here again. They'll know how danger it is for him to have them back in Europe. (stopped mocking tone) But no, the custody evaluator decided that he should have more time with there and that he won't do it again.

Rick: was that an evaluator a private or was he a part of

Participant an evaluator for the Monterey County court system

Rick: ok, so for family court

Participant for family court after I (garbled) convention and got them back here. So basically they got more time. Now the danger was that because he's in Europe, he can go anywhere and disappear. I mean he could literally even now pick up and go to Prague, it be pretty damn (garbled due to laughing).. So yeah

Rick: is that the end of it

Participant NO, so I want to say the last thing is that after, after everything was final, even when I had full custody. So I continued to feel uneasy and feel that my decisions were wrong. I still thought I was crazy and thought of myself as stupid and so it did take a lot of years to realize that I was very intelligent so I did go back to school and became a paralegal, obviously after the experience I had I learned I was pretty clever in law. I did not have an attorney and I got, I went through the Hague Convention (garbled)

Rick: Wow

Participant so um, yeah eventually 10 months later. So now, even though I have full custody of the children I still am fearful of the decisions that I make. I was offered a job, I was offered a job as a TV presenter to be on a tour for the comedy channel and I couldn't that the job because my fear was that as soon as he found out that I was traveling for 6 weeks at a time then he would come back to court and take my girls. And I, and I believe that. I, in my head I still believe that even though I know it's not rational for me to think that. And then the other thing is that he continues to batter me through the children. So

Rick: say more about that please

Participant he would use them, they were his little tools. And you know, having them for 10 months what he told them was that I didn't them anymore and he didn't know where I was. So for 10 months he was feeding them that I didn't want them anymore and you know he didn't know where I was and I called and you know and he would say, Oh sorry yeah, no we're not interested and hang up the phone pretending like I was telemarketer. I never for 10 months had any contact with them. So by that time that I did get them back they were very, very angry children. I mean they were furious and it's my youngest of my daughters are now 20 and 17. My 20 year old now is like this and she

hated my guts and she just couldn't wait until she was 18 so she could go back to England. And ever since she turned 18 he has not seen her since. Which you know it's obvious he was only using her as a tool. But my younger who is 17 now is still very verbally abusive to me. She's very aggressive, very angry and she was more his favorite. He talks to her weekly. His phone calls with her are really manipulative. She'll get off the phone and she won't speak to me for a few hours. He talks, they talk to each other like she still sounds like a little girl when she talks to him. And when he leaves messages he still sounds like he's talking to a 6-7 year old. So there's that behavior that you have to behave like a good girl, it's very manipulative and typical and do you want me to keep going or

Rick: I think that's , we're sort of like, we're at a stopping place for the first question, right. I'm going to go ahead and press stop.

Participant OK.

Rick: This is the **second research question**: What were your reactions to the violence incidents:

Participant Ok so my reactions to the violence were Ok, so think I need to go through a few of the instances, um. The first time he abused me or physically abused me was during my first pregnancy. So we had been together for a year. And I know now that this is usually when battering starts. But I've heard

Rick I shook my head, oh my god (participant is laughing loudly), someone, that you created a child with, you are still carrying the baby

Participant right

Rick that was my head shaking, sorry

Participant I, I, since then a lot of studies that usually battering starts during pregnancy I realize now that I'm nothing special. (laughed a lot) I'm not unique. So basically, yeah he started abusing me when I was pregnant. We had a fight over ants in the house, he didn't do the dishes. So of course I was being irrational about it then he pushed me. The next time was during, within you know, quite a few periods, almost like a clump , in succession while I was pregnant. We had just moved to America so this friend, these best

friends, our best man at the wedding, had come to stay with us with a girlfriend whom we'd never met. They, she had a lot of issues in regard to alcohol and they wanted to party a lot. So they got really drunk, of course I was 6 months pregnant and wasn't really into that we were living in a little tiny place that's probably the size of this office. So it was, they were being really loud. I was tired. I told them, could you be quiet and he actually attacked me in front of them. I think he was pretty embarrassed about it. Then he literally made them pack their bags. He drove them to the airport, dropped them off at the airport, came back and told me it was my fault that I'd ruined their vacation and that he had to take them to be dropped off at the airport. Of course, which I really felt that it was my fault. I mean I was, I was horrified that he'd done that and of course you know he told me he had to do it because of me, obviously it was all my fault. That friend didn't actually talk to us for 2 years and my, he made me write them a letter apologizing. So they actually are now still friends. But he, we didn't speak with them for 2 years. So then after we had the baby he decided to of course this was the honeymoon phase after the abuse so we had the baby within a few months he spent all of our rent money. She was born on the 31st. he spent all of our rent money on gifts for me instead of paying the rent so we got kicked out of our apartment and of course that was my fault because you know he spent that money on me and why wasn't I grateful that he bought me gifts. So we ended up staying at a friend's house in their garage with the baby until they had a (garbled) roommate. They kicked out one of their roommates so that we could then move in with these friends. It was a three bedroom house and we had one of the rooms. So the next abuse incident happened so actually there was a good cluster of them during my pregnancy and then right after she was born there was a lot of tension because of the crying and everything. So we had gotten, I was trying to sleep and I was breastfeeding at the time, since she was crying so I wanted to get some sleep. And I think I came out of the room and said you know can you keep her quiet or something and at that point in time my milk came in so I took her to take her back into the bedroom to be, to breastfeed her hoping that maybe that would get her quiet and I could give her back and try to get some sleep. He took that as I had embarrassed him in front of everybody in the living room so

he followed me back and attacked me. We got into a huge fight. None of the people in the house called the police. The neighbors called the police. He got me into the room and was strangling me and I was screaming and had the baby and so the police came. And of course when the police came I had marks on my neck so they arrested him for domestic violence. That was the only, ever time because of course that was all my fault. I had, even though I said to them, nothing happened. They saw, that was the beginning of when they had to prosecute regardless of whether you would say anything or not the law had just changed, I believe. That they had to take you away. But of course because I wouldn't be a witness they you know they can't really keep him for very long. So they told him of course that he had a restraining, we have restraining orders and he wasn't allowed to you know be around me. So we just moved. We moved out of the county so that they wouldn't have to deal with that problem anymore. And then of course, we moved back to England. We came and forth quite a lot. So we moved back to England. He told me I could make everything pretty there. My next start over. So the next incident was very violent and that was when my, our oldest daughter was it was it was three days, it was the 23rd of December. That day is always, even now, it's a traumatic day, I have major post traumatic stress disorder. So we were living in this apartment in England and it was a flat and it was just a massive flat and I could tell you that the windows were as big as this whole wall. And there was a window seat. And the window, and because the building was ancient, the window literally opened and there was no screen or anything and its 6 floors down. 4 floors down is the bank, the roof of the bank. So literally if you jump you are jumping 4 floors to the bank. So December 23rd we have a party and I now know that most of the aggression was alcohol related. I'd pieced that together later. So we had a dinner party and he had spent a load of money on it. A case of wine for Christmas but of course he had to do things extravagantly. So his extravagant thing for Christmas is that he is going to buy a case of wine, red wine cause he's just started enjoying red wine. I wasn't (garbled and laughing) so he had friends over and they drink most of the wine. He is very pleasant and fabulous and charming and they are having a great time and off they go home and then something happens and I

can't even tell you what happens but we're starting to fight. And I decide that I need to leave. I've learned that I need to leave. I need to exit. So I leave and I walk to my parent's house which is 5-6 blocks away. And I'm at my parents house and I'm telling them he's drunk and that I had to leave, he's getting angry and I don't want to fight so I leave. I'm pretty upset. So now he's there alone, he's drunk, he's angry and he's there alone with our daughter who is asleep. Who is 2, in a month she's gonna be 2. I'm thinking you know I need to go back and get her because I don't know if he's going to pass out or what he's going to do if she wakes up crying. He's obviously not going to be able to handle her. So I go back. And as soon as I get in the door and I pick her up then and trying to do it all quietly so that I don't even, he doesn't know that I'm there and he hears me and he sees me taking her out of her bed. And he gets really angry and aggressive and ushers me, somehow we end up in the room and he punches me in the face so I'm bleeding. And I can't tell you where I'm bleeding from I just know that he's punched me in the face and I'm holding our daughter and she's is petrified and she's clinging to me. And then I'm on the window sill and the window handle is here and he's pacing back and forth and he has a knife. And he saying I'm going to have to fucking kill you now. I can't believe you're doing this. You're going to make me have to fucking kill you. And I'm being nice and calm and I'm being, I'm just thinking, this isn't happening. You know, all I have to do is keep her ok and so when you say how is my reaction to the abuse, my reaction as far as I'm concerned is very rational. I'm thinking very straight now. I'm thinking survival watching him pace back and forth. And I'm thinking in my head. I'm thinking one of two things cause he's gonna kill me with that knife so I can't let my baby see her mother be stabbed to death by this man who is still, he's not even there anymore. His eyes, he's possessed. I've never seen anything like that and I don't ever want to see it again. It was absolutely horrifying. It was like the devil was in that room with me. And I'm deciding in my head that the smartest thing that I can do right now is jump out that window and if I land right I'll make sure that she dies so that she doesn't have to any pain and hopefully I'll die too. And hopefully the impact will be enough that we won't have to do that. She won't have to see me be

murdered. And in my head that is perfectly rational (laughing) and um, there at that moment that I reached to grab the handle of the window sill thinking if I get it right, turned right, I can do it fast and he won't be able to grab me. And um, he dropped, he passed out. He passed out right on the floor right in front of me and I jumped over him and I ran out the door. And then the next day I went back with him. (laughing loudly) and in my head I was so ready in time to never do that again. But the family influence, if that had happened in America I would honestly have said that would have been it. But his mother you know this is now what the next day is the 24th. His mother comes over to my house and says I'm going to ruin the family Christmas and how dare I leave him and he's so sorry. He didn't mean it. And I said to her, I don't think you really understand. He's been to jail for this and she says to me, you're a liar. And so I think she's right. And of course he goes out and buys me all of these gifts and everything's fine and it'll never happen again. I went way over the edge. I realize I went way over the edge and I apologize, and I will never do that again. And I will never do that again. And I know, and I know I didn't believe it but I wanted to. And I'm going to ruin this Christmas and how in the hell am I going to leave him. At that point in time I wasn't working I don't believe, he was working. So I couldn't have left and I just, I know I'm trying to justify my behavior. I do. So the next thing that happened was a few months after that. I got pregnant again. I had our second child. That right! And she was 3 so this has got to be another year on, so he went for a whole year without abusing me. So our new daughter is 4 months old and his mother makes this pact that she's gonna babysit once a week. And she's gonna babysit every Thursday night and so she comes over every Thursday night and we're supposed to go out and have fun. But of course, you know it's all on her terms and I don't want to go out on this one Thursday night. And she comes over and of course he loves the Thursday night because really what that's about is going down to the pub and drinking and I don't want to go down to the pub and go drinking. I'd rather stay home. (laughing and garbled) Now when I was pregnant with our second child he got into a car accident and totaled our car. Drunk. He didn't drive it drunk. He said he couldn't drive. He knew he couldn't drive. So his friend who was drunk with him said,

well I'm fine, I'll drive. So we had no car at this point in time. So we're walking down to the pub and I'm thinking I don't to walk down to the pub. I'm getting aggressive and saying, screw you, you go down to the pub. I don't want to go down to the pub, I'm sick of going out Thursday nights cause your mother tells us we have to go out Thursday night. I want to stay home and I'm going home. And I start walking home all determined like I'm going home! I'm not being told what to do. I'm no child. And I go into the house and he is running after me and he has this big work boots on (garbled) and I'm like make it just in to the living room where his mother is sitting with our newborn child. He grabs my hair and he is so furious and he throws me up against the wall and he's beating me and stomping on me and his mother is mortified. She's never seen, she didn't believe it but now she's seeing it. And she pulls him off of me and I can't remember if he goes home with her or what happens so I'm blank at that. But, my reaction to the abuse is just, don't feel. I was really good at dissociating. I was really really good at like Ok disappear. I can do it really (garbled) when I get into a situation that is uncomfortable for me So at that point in time she told him that he needed to go see somebody. And her, and she told me once, if he ever gets like that again that um, yeah if he ever gets like that again you need to just come to my house and stay with me the night. So her answer to him abusing me was I should leave with house with the children and walk to her house and stay with her for the night. And I actually did one night, go up and stay at her house a few months later, I think. Um, so then we move again. We're always moving. We move again and we buy a house, our final move when we bought our house in England. And uh, his mother sent him to the doctor to see somebody. So he came back from the doctor and said that the guy says basically that I was crazy and of course that's why he got so angry so it was me. It was all my fault that he abused me. And that he, that he just needed to learn to meditate and calm down. And that maybe he should some martial arts or something. To get that out of his system. And I believed what the guy said, he may have not even have gone anywhere, but (laughing and garbled) so another confirmation, I'm crazy, I'm driving him to do this and it's all my fault. So by this time I'm a total wreck and I'm absolutely a nervous wreck. I

actually go to my doctor cause I'm so stressed that I can't even, I think I was having problems sleeping, just major (stumbling over words) I had hit a level of trauma that I couldn't even I was a nightmare. It was awful. So I went to my doctor who told me basically, we know all about you. And um, and he told me that I needed to go see a shrink, I think. And at that point in time that was just confirmation that I was really crazy so I never went and saw anybody after that. I just never (spoken very softly not audible) so that was, that was uh that was pretty much it except for the last incident which was when we moved to America. And now when we moved back to America we moved back because my sister had left her husband . she'd gotten into a big house and she'd gotten on her feet again and I came to visit her and I think, I think maybe ... (asked you a question and you replied, no, I'm good) OK. I was thinking. I'm wondering maybe if subconsciously I really wanted to get some support here where I knew I wasn't getting it in England, you know. The doctor told me I was crazy and I think after my sister leaving her husband I really needed to see how to do it, maybe. Subconsciously anyway. But I just, see I never talked to my sister about the abuse because I was so busy keeping, making my life look better than hers. I wouldn't admit to her what was going on. So I was, really alienated myself from a lot of the help I possible could have gotten. But at that point in time it was like how do you ask for help cause you've made everything look so fabulous. So we moved back here and what the last, the last major incident was that we got into a fight and he grabbed my hair again and threw me again up against the wall and called me a fucking bitch. And uh, I, I, looked over my sh, I looked over my shoulder and I see my 7 year old daughter just standing there, just looking horrified. You know she had such, she's horrified. And uh, I looked at her and I thought to myself, oh my god, she's going to think that somebody, that it's ok for somebody to do this to her. And I never equated that it was perfectly unacceptable that he would ever treat me like that. That it wasn't ok. To treat me like that. In my head it was perfectly reasonable that he would be like that with me. But I never wanted her to think that and that was basically what prompted me to to say I've had enough. It was because I was here, I had seen my sister kind of get on her feet that I thought, even though I never told her what was going

on I thought maybe if she can do it then I can do it. She had four kids. She left her abuser when they were 6, 5, 3, and 2 and I thought if she can do that, then I can. So that's pretty much. That was it the last.

Rick: this is going to be the **last question** what processes about family court exacerbated the violence?

Participant Ok basically I feel that the way that it exacerbated the violence was due to the non response of anything and the way they pooh-poohed everything which really kind of empowered him to really feel like again he could do anything and there were never any consequences and there were never going to be any consequences. So the first thing I believe was the beginning of him, what I believe could have stopped everything from escalating is still, I still blame myself because uh, when he abducted the children the first time, the FBI wanted to prosecute him and I blamed, I begged them not to. And the reason being was that I was scared that he would retaliate. I was so fearful that he was going to retaliate in some way. Now it sounds ridiculous, because hello, when you punish somebody for something, they're really likely to do it again. So I feel like actually really am responsible for the first part of him feeling empowered that he could really do anything that he wanted without having any consequences. And ultimately when I did finally get to court in England if you could see his body language, he was on top of the world in his element during the court hearing, during the trial. He was really cocky and laughing and just you would have thought he was just on the winning team. He was cheering, you know rooting for his team. And I watched his demeanor change as the court process went through. So maybe I should kind of explain what happened for you to understand. Because I feel that the American family court system treated me completely from the English court system. Which was really horrifying that my situation, really wanted me to, wanted America to do something about what had happened. Because I didn't see the girls for 10months I finally found out how to do the Hague convention myself. When you do the Hague convention paperwork it goes through the justice department in Washington DC and then they give all your paperwork to the country that is you know, and then that country takes action. And the Hague

convention, I don't know if you really know of any convention. The Hague convention just establishes jurisdiction. So Hague convention basically a trial that establishes this country is in charge of these children and where they are supposed to be custody wise. So my Hague convention was just basically to say you know either yes America is where the children belong and they are the ones that are responsible for you know dealing with the children or you know England is where they are supposed to be and you're gonna have to you know go back to court here. The process was because my case here had been thrown out when I tried to get custody of the girls legally here and the judge didn't do anything and nothing ever happened. When he took the girls he went to the English courts and filed for custody. So I find out that he's getting custody and of course he tells the court in England that he doesn't know where I am. Well the English courts have to find you, not like here where you just post it you know in the newspaper for 3 weeks and then can't find him, sorry you win. There they found me and sent paperwork to me. So I get this paper and now I'm really upset because 1 – I've been told that I can't get my children and I don't know, there's nothing that the family court system here can do for me because it's not established but these new court papers that I'm seeing OK, he's written down that it's never been, we've never gone to court for custody. You need to turn that over (you replied, no we're good) so that was what really instigated me 10 months later to find help. I, had kind of given up and become, you know, adamant that there was nothing that I could do. I didn't have \$50,000 for an attorney. when I got that I was just _____ to take some kind of action. You know, he was going establish that they were there even though, you know I'd had them here all this time. So I started asking for help and I got, I contacted somebody who contacted somebody else, saying I got the paperwork for the Hague convention. I still, I called Washington dc who is the one who deals with it. They helped me. I put all the paperwork together gave it to them. They then went to England and stopped the proceeding in England that were about to happen. They literally go to that, they literally showed up at his house at 4 a.m. I've been told, went through the house. Made sure the children were there, confiscated all of their passports. Yeah they took action immediately. And then a trial was set. Well in England

if your child had been abducted to England, the English government pays for you to have a representative and they pay for it in court. So I got, not only did I get a solicitor, but I got a barrister. Now a solicitor in England is like an attorney. A barrister is the only person that can represent you in a supreme court, which is where I went. I ended up going to basically a supreme court here. So I ended up going, my case was taken, the barrister that ended up with my case, was one of the main people that wrote the Hague convention. (laughed a lot) So, I'm a b, it took me this crisis to believe, I'm now a believer in , I have a faith, I have my own god. I'm not religious and I definitely have come to realize that there is somebody that taking care of you. So all of these things happened in succession very rapidly. So when I get to England and they say that the problem is now that there had been a case 2 weeks beforehand where there was a Hague convention case where the child had been order to be returned to the other parent in Sweden, and they were very concerned because it was a similar case to mine. My children at this point in time were saying all sorts of things that their dad told them to say, that would allow them to stay with him. So they had really fascinating stories, some, there were all sorts of things and they were very conflicting. One of the stories was that I had bolts, that I would bolt them into their bedrooms at night and not let them out all night long. But then the other story was that they were so starved and I never fed them that they would have to sneak out in the middle of the night to eat dry pasta. So the stories weren't working for, luckily he hadn't thought out these stories very well. The other story was that I was so lazy the house was so ____ that I just, I had piles and piles of laundry and I would not do any laundry whatsoever that I would just buy them new clothes instead of doing laundry, but of course then the story was that I'm so poverty stricken that I couldn't afford anything so I couldn't afford. So there was all of this conflict of the stories, it just didn't work. Luckily for very trained child (laughing and garbled) psychologist that interviewed them. And I believe that if they had said those things here that I believe (garbled) I have no faith in the system here whatsoever. I really have seen enough that if my children had told stories like that and my husband had confirmed that they would truly believe it. So I feel like in the English court system, they

really worked in my favor. They really were, they were horrified what I had gone through and how I had been treated here by all of the people that should have helped me. So they had to establish that too. They had to establish that I had been trying to find help. And I even had to go as far as calling all of these attorneys that I had called and asking them, do you remember me calling you and a few, there were two attorneys that wrote letters saying, yes she called my office and I couldn't help her and I never heard from her again. I told her that I couldn't help her. So I had a lot of evidence that I had been trying to get help. What ended up happening was that so when we get there to the court the problem was that one case, a week before my case had been decided, the child was ordered to go back. The child was the same age as my oldest child he did not want to go back to the parent when they put him on the plane, he went crazy. They had to turn the plane around. And so even though they ordered the child to be returned, they couldn't. At that point in time, they couldn't. So they were, so they just basically said, look this is what case has come up. This might be the precedence that this judge is going to take. We really don't think that you know, we really don't think that you are going to get your children back. And you know, I just said that well I'm not losing anything by coming here. You know, I'll be, and I had made, I had made peace with whatever was going to happen. I had really made peace. Um. And I was ready to just go home without them if I had to and move on. Um. So we're in court and I'm watching as my, his barrister is now realizing OK the judge is really in tune and seems to be, anything that my barrister said, he would say "Oh, yes." "Where is Pacific Grove?" "Its near Pebble Beach." "Pebble Beach!, I went to Pebble Beach once! Well it is beautiful there. What a beautiful place that is." How lucky – you could just tell that the judge was really warming up to my solicitor and my barrister. And of course I see his body language start shrinking. And I see his council really starting to worry. And there are again some things that had happened to where our case couldn't be heard immediately. So there, he presented my case for the first 20 minutes so then it was like, it was lunch time. So the judge said lets close for lunch and then we'll take testimony and you know. Well we go to leave for lunch and of course he, he realizes that if he loses, he is going to jail. So

panic started. So he works out with his attorney to make a deal with me that I will not have him prosecuted if I give up the children and there's no actual judgment made yet. That he will settle with me, give me my girls back as long as I promise that I will not prosecute him. So my barrister of course words it and says to me he looks me in the eye and says, I'm telling you something right now. We're going to sign this paperwork and he says, you personally are not allowed to try to get him prosecuted. he says to me, that doesn't stop me from prosecuting him, or wanting him prosecutor helping the government prosecute him, he said. And it doesn't stop the DA from just prosecuting him. And he's really believing the DA in America are gonna just be handed this case and prosecute him. He really thought, OK this woman has gone through hell, they're gonna correct it, they are going to correct all the mistakes that they've made. So, so the English government is trying to do what they can to secure that obviously they're thinking OK the government in America is going to do something about this. They are going to make sure the children are protected. They are going back home with you. He said the most crucial part right now is that we need to make a deal how you're going to exchange the children because this is the danger zone. Usually when we settle like this, the person will disappear. And we're in Europe and they can go anywhere. And so he is saying we got to really secure the return immediately, like we got to get this sorted out. So we're doing all of this, trying to get flights so that we are immediately put on a flight so he can't, it was like, 2-3 hours of whirlwind of oh my god I'm getting my girls back. So the only time I felt victimized in England was when they called, it's probably the same as family court services, they called a mediator to help us mediate transfer of the children. So got my solicitor and barrister in, there's these long halls, with these tables. I've never seen anything like it here, but it's you know, - massive, massive, beautiful cathedral building and there's all of these weird so, so we're in this long hall and they have these tables, probably the length of this room before there's another table and uh so the parties are not allowed to be anywhere near the other party's table. So we go off to another table way down the hall with the mediator and it's just me and the mediator and him. And she's sitting in between us and he's bawling. And this is the first time that it clicked with me in

my head and I believe he is a sociopath, it was the first time that I really registered, I've seen this crying before and it's so quick, he can turn it on (clicked her fingers) like, but it was the first time it didn't work on me. It was like I had, he had flipped the switch and done a crying, but it flipped a switch in me and I just for the first time I just saw the game. And, it was a woman mediator and he cried like he turns on the tears and he's devastated and I'm trying to say, OK how are we doing this? You know, I'm very let's get the job done. And he's crying and holding on to this woman and she's caressing him and he is so upset and she looks, and I say, you know,

Rick: She did actually, you're not embellishing this, she's caressing him, he's holding her

Participant NO! This is happening! He's upset, she's trying to calm him and she's feeling terrible for his situation and I'm just seeing this scene going holly crap, I would have so fallen for that. Like Oh, my God! (laughing) You know it had been so long, he tortured me for so long, I can't believe this guy, what a game. I mean, he would've gotten an academy award for that. And he's saying, she just doesn't understand I'm giving up my children. I'm like giving them up and (sounded like the participant was crying – imitating the man?) and she said to me “can you have a little bit of sympathy for him? He's got to give up his children right now.” And I laughed. I said are you kidding me?” Did he feel sorry for me? This is me. This is me for 10 months distraught, not being able to talk to my children. Him telling me that I'm horrible. I mean, just, I'm evil, I don't deserve my children. I mean just horrible things. I had, luckily I had it recorded, so that was more evidence. But she's feeling this like I'm just this heartless bitch who had, who was upsetting him because he was going to have not see his children for a while. And I just, I laughed and I got up and walked away. And he tried to. It was so funny because he was still trying to convince, maybe, or I don't know if he really at that point, realized just how much he glossed it, because it wasn't working on me anymore. And I walked straight back to my solicitor and my barrister and sat down and he stood over the table and at that point in time my barrister got up and said get away. And he was still trying to talk to me, you don't understand, I blah, blah, blah. I was like

(made mocking sound) and laughed. And really it was so empowering because the barrister said get – go away from her. You are not allowed near here. This is our table, you have to go over there. I mean he just said, go back to where – Back to where you came from was what I was hearing, but it was like, go back to your solicitor, you are not allowed anywhere near here. And it was so, for me, it was empowering. For me it was like I realized oh this is how he felt all of this time. And it was the only time I ever felt like I really –

Rick that was a really great story. I really like that. I'm going to move us along though. I hate to rush

Participant no, no I understand. That was, that was the only time that I felt

Rick – by a mediator in England

Participant in England. So next we have basically I think how he convinced everybody else that I was crazy here, like when he talked to the child abduction unit. It was like, they didn't listen to, they didn't care that he had done anything before. They kind of like pooh-pooh it. Like, what he said was more important than the evidence that I had. That's what I found that was so horrible was that it didn't matter who I was dealing with, was that they believed what he said rather than anything that I could have brought them. You know, I had police reports, I had the police report where he had been to jail you know, it was like, it was like none of that mattered anymore, because that was past. It's almost like, it's like, every time that he did something it was like, it was like, it was a fresh start. We're gonna start from just what he did just right now. And it's not very big. Don't worry about all that other stuff that he'd done. It was always crazy. So um, then the other way he did that was when he wrote to the court. He had an attorney write to the court and say, you know it's already done. They didn't ever ask for evidence. They never said ok. It could have been, it could have been from just anybody. How did they know it was an attorney. I mean they just never inv. They never did, follow through with anything, they never checked anything up. So next was the fact that he didn't get prosecuted when we came here. They didn't want to. They never found him guilty of

anything there because we stipulated, so they didn't want to deal with it. Do you need to turn it over yet?

Rick: it's getting real close. I keep looking

Participant ok.

Rick: not to rush you, but I may have to stop this and turn it over.

Participant no, no, no, no. That's fine. Ok so then because he lived in another country, when we got here I of course then had to file court documents here to try to get custody. Um and start all over again. The first thing they have you do is go to co-parenting class. Well, he's in another country so he just can't attend. But of course, it's regulated that you attend. So I had to pay for his class even though he couldn't go. Next they ordered him because of everything that was going on, because I was still, because he was still, I was still scared he was hatching a plan to get them back, because he would call them and talk to them and they would whisper and I knew something was going on. So I went to court and said I need the phone conversations recorded, he's, ONE I can't even communicate with my children for one. I mean they were just, they wouldn't speak to me. They were so hostile towards me and then he would call, he could call every single day. It got, it was crazy. How he was playing, he was keeping up that game with them. And then he still to this day, really do believe that I didn't want them and that the only reason I went back to get them was because they were happy.

Rick: so you're saying, can I repeat that back to you

Participant uh huh

Rick you said, they still to this day believe that you didn't want them?

Participant they do believe

Rick both your kids

Participant they do believe

Rick I'm going to turn this tape

Participant – ok

Rick no, looks like we still have 10 minutes left on that so

Participant I still have not been able to address the issue. The other thing that he did was that he constantly told them that I was, you know, I was, up until a few years ago, they would still call me crazy. Everything was you're crazy. I won't allow them to say that word. I realize that was really a trigger for me. So that word is not allowed. If anybody every calls me that I just say no I'm sorry I'm not, please don't call me that again. Because it really did affect me.

Rick good for you that you said that

Participant I really believe that words affect you. So, I'm of the belief, I guess I'm cognitive thinker. So then the other thing was that there, he was having these phone calls with them all of the time. And so he kept the, you know, spinning all of the time. And I was really concerned that he was going try to get them again. Like take them. Not only that it was like he was trying to give them information of how he could still get custody because it still wasn't established yet and that we were going to court and this is what you need to say to get them to, you know. So I got it ordered, I got it ordered that the phone conversations all had to be recorded. The judge ordered that he record the phone calls. And then send the tapes to me. That's so ridiculous.

Rick what a nightmare

Participant so of course we get these tapes that are completely dubbed. You know, I still have all of the tapes that he gave me which of course don't disclose all of the conversation that he was having. So he got to record his own conversations with them.

Rick this doesn't make sense

Participant I know it doesn't make any sense. Next was while they were ordered to do a psych evaluation I had to pay for the psych evaluation and of course because he could only come, like he has to physically fly in, so they didn't have to do all of the testing on him. Now I'm realizing that's completely irrelevant, I'm sure anyway, cause you can get away with doing whatever you want with those tests, I think. So the tests that he had to do, he didn't do them. And when he had his interview he admitted, I may have pushed her around occasionally. So as far as I'm concerned he admitted the domestic violence. Not only that, but I had the police report from when he was arrested for domestic

violence. And so he had reported domestic violence, I had reported domestic violence there's a police report on domestic violence but in the psychological evaluation, it says there may have been some domestic violence. Not, it's established there was, it might have happened.

Rick: so this is not a psychologist, this is an evaluator for family court services

Participant this is family court evaluation

Rick I'm nervous, I'm turning the tape over

Participant so the next part which I already talked about which was that the evaluator said that there may have been domestic violence rather than there was domestic violence. And therefore, because there's domestic violence we have laws that say..... The children are supposed to go with the person who is not the perpetrator. That of course, that doesn't happen, which I'm sure you're finding in your, in your little study here. Basically the next thing was after I got the girls back, the evaluator decided that he should have more time than he ever had even when we had we made up the arrangements ourselves when there was no courts involved whatsoever. Which was he was having them for the summer. Well, that wasn't enough time for them to have with their father, they established. So he should have them for Christmas and for the whole of the summer. So now keep in mind he had never paid any money in child support and I had had them for 5 years at that point in time, with no child support whatsoever. And so, so when they went to decide he probably should pay for child support, he was, you know we were supposed to hand in our income and expense declarations and all of that. Keep in mind that I'm living in a country, probably the most expensive county besides Beverly hills, actually my apartment is the same size as my friend's in Beverly hills and I, we pay the same amount of money. So I'm living somewhere where I have to pay a huge amount of money just to provide housing for my children. But of course, you know, our system is not set up to look at, you know, they just crunch numbers, that is a basic number. If I was living here, maybe it would be different. But I'm living somewhere that is ridiculous. And so, he is ordered to obviously produce the same thing. Well, because he lives in England it's done different. So he's self employed so of course we can't ever prove how

much money somebody is doing for self employment. So they say, can you give us your IRS forms. Well they do it different in England than they do it here. So he says. And so “I can have my account write something.” So of course he gets obviously a friend to write, ok he only makes this amount of money. So he was ordered to pay me \$100 a month. For 2 children which I have pretty much 90% of the time. And would they back date it – NO. So they didn’t back date it even though they had, when we refilled our papers, they used the same number for our paperwork where I had established 3 years beforehand, tried to establish custody, they used that case number, but they did not back date it for that date. They decided, this is happening right now, this is the first paperwork even though we dated back then, we’re not going to do that cause he’s special. He lives in England. So I got to pay for the psychological evaluation, \$5,000. I had to pay for him to attend the co-parenting class even though he’s not going to attend it and they accept that he can’t attend it so of course I still have to attend it. Although I have been the one that has been letting them go to England and therefore, I have been co-parenting, they have established that I never provided, I never stopped him from having access to the children. He did. I’m sure that he would have benefitted from a co-parenting workshop, which I already knew about and whatever, so. That’s how I feel like I was, that caused a lot of problems and gave him a lot of feeling of power. And then the final thing was that even though he had abducted the children twice, there, when I went to court, that was the first year that they had just begun the child abduction prevention paperwork. That paperwork had just begun which is as you know the document that they have to give a certain amount of money, sort of like a bond, they have to put a bond of a certain amount of money for the children to be able to leave and that bond is supposed to be spent if the children disappear. That money is supposed to be spent getting the children. And supposed to prevent you know with this large amount of money, obviously they are going to want that money rather than take off with their kids. Well because the custody evaluator said that he’s not likely to ever do it again, they decided that was not relevant. So there was no, there was never child abduction prevention order. So that uh..... the part that was most angering about that was that the custody evaluator and the

order actually finally said that if he does goes somewhere with them, he has to give me notice of where they're going to be, when the times that they are going leave are, what telephone and contact information, and so of course the first year that he got them back he ha, ha, ha, took off. The first time that he got them back, he took off to France. Now, I've already told them that he had father and stepmother live in France, his mother and stepfather live in Spain. He could go anywhere. He could go anywhere in Europe. But of course, he's not going to do that. So of course the first thing he did was that he books them to go off to France. And I call and say, where the hell are you going> and he says none of your f-ing business. And I don't hear from them for 3 weeks. So I called, I actually cause of my post traumatic stress disorder, I think I got in such a panic, my attorney didn't know what to do and I actually called the psychological evaluator and left a message saying, I just need you to know that my children are gone again and its all your fault. I think I made him feel bad. I kind of hope I made him feel a little bit bad. He's now retired. And I just, yeah. That's pretty much it. Europe is horrified with everything that's gone on. They just really thought they'll never come here again

Rick you got t he kids back?

Participant I have the children

Rick ok, alright we've answered those then. I'm going to go ahead and stop the tape.

Interview Number 2

Rick We're recording. So when, as you read them back, if you want to expand or it's a natural pause is really what I'm looking for, you make a hand signal, or any kind of body movement, that's ok, and then I'll just tell ya. Is that OK. OK, I'm ready.

Question 1

Participant it's frustrating. Very, very, the whole experience has been very horrible. And I need some (garbled) It's like we can't never get out of this situation. Because it's like we're still in it, because we are. They still know how to try and control us. And then, (long silence) it is (spoke very low) mostly control by them. The court system tells us to forget it and that it's the past. I had one kids in minor's counsel tell me to that's in

the past that we just need to forget it and just move on. And I remember my response to her was sure if you don't want to get _____ if that's the _____. So how can we just forget. We can't forget. I don't think they understand the situation. The things we go through. I don't think

Rick: that someone would say something like that to you.

Participant um, huh

Rick move on

Participant just forget it, it's in the past. Like nothing we went through is like whatever. It's all in our heads. Because that's how they make you feel. You feel like you're the crazy one. You need to be able to just move on, cause you did something. You obviously did something to provoke this person. I thought are you crazy? And that

Rick: so you feel blamed?

Participant yeah! They do blame us and so like if you say, oh this they did this and this, they look at you like, OK, what did you? Or because your heritage, I'm Hispanic. You're just acceptable for us so we should learn how to accept it and move on.

Rick: could you say more about that?

Participant uh, because of my culture the way we are Hispanic, you know, and the guys always abuse the girls. That's just in our culture, that is how it is. And when they find out that you're Hispanic, that just means you have to accept it and move on, cause that just the way you _____.

Rick: so the system, the people you interact with, the mediators the judges, those people say, Oh well that's your cultural stuff, it's ok for men to beat women.

Participant um hum. And they even got to the point where they told me I need to thought how I dress and how I, people were like my, I shouldn't wear brown lipstick and they told me when you go to court or whatever you need to not wear brown lipstick. And I was like, why is that? Oh because you look like a chola, and I was like, I would never be associated with a gang member. I _____ my whole body, I always hung out with upper class people I never even associated with these people that categorize me in this because I'm Mexican?

Rick: chola, is that the word you used

Participant Yeah, chola is like a gang member

Rick: a female gang member

Participant yes. And I was like what? I never got _____ cause my mom had always raised us to do better than being in a gang. We could never hang out with or associate with Mexican people. I didn't have Mexican friends, that's the funny thing. And I never had a Mexican friend my whole life because my mom never want us to get into that gang life or get caught with those people. So we were taught white folks or black will have our friends. And for them to categorize me and I thought are you kidding me? Because I am this Hispanic girl now and it's ok for me to get abused? It was like swept underneath the seat because you're Hispanic. That's what you're supposed to accept. That is just crazy. Um, they act like we asked for it. They really do. Like we did. They act like we asked to get beat up, to get abused. They act like it's our fault, cause what did you do, what did you do? And like you're kidding me. What did I do?

Rick: they actually asked

Participant yeah! Yeah. They hear counsel, what I'm having trouble with right now. She's puts it all on me. I'm like you're really kidding me? It's all my fault? Like right now, I'm in my situation because she can't, she told me cause I don't listen to her. So I don't listen to her, I'm in this thing longer. So I looked at her like you're kidding me? Like OK, whatever. Cause I'm not going to listen. Because I didn't do nothing wrong. I know I didn't do nothing wrong. But I'm just stuck now. Because I'm in the system. I'm stuck. And uh, I knew there's this one judge, I _____. He asked me why I had kids with him if he was such a bad person. And I remember believing, remembering saying, cause they are good at making us believe they are not that bad person. They control us when we think, they control us what we should say, they controls everything. Like they try to fill our minds. They tell us how we should feel. You know what I mean? Like, where we say this is not normal, NO, no it is normal because it's all in your head, you're crazy! You get to the point where one time my ex husband wanted me to go back and believe I was crazy. He sent me to the doctor to try to get me some Paxil or

something cause I had 2 personalities and I go and tell the doctor there is nothing wrong with me and he take me aside and he said, what is going on? I say, he thinks I'm crazy. And I'm telling him I'm not crazy because I'm not live his life somewhere. _____ get to the _____ of the time that _____ breaking up and I was I don't want to live this life no more. And he said, I know you for a while, I don't think you're crazy but here's the Paxil if you want to take it. But I said no. I never took it and he brought it up to court. I said, Diego, You took me to the doctor to get this Paxil. I never asked the doctor for it. And he's like, yeah I know you never took it. Exactly. The judge said why bring this up then, she never took it. Why bring it up. And I was like, that doesn't make no point, right. No I'm not crazy, I'm just not taking his shit no more. And uh, they tell us what, like I was telling they tell how we should feel and then even to this day even when we go to court, he tries to control me, you know what I mean? He knows what buttons to push. So he'll do it and then when I react to it, see I told you she's crazy! I told you! And it's like, are you kidding me?

Rick: he does that in the courtroom

Participant um hum. When we go to mediation he'll say something and I'm like Diego, you're the one who gets ____- whatever it is and he is like No, no. The he goes, I told you she's crazy, I told you. So he goes and shits on me and I'm like well Diego you know what, because he uses his, his parents are pastors, so throws that up a lot. You know I'm a pastor's child, I'm the good one. And I'm like are you kidding me. You're the devil's child, that what you ought to call them. Because he knows how to control you. He had me to the point where my mom saw a change in my lifestyle. Like when I married him and then I was with him I was very, very (short silence) I want to say shy, it was more like don't speak to me unless I have permission I guess for him. So like we were throwing snowballs at a family function and he was like let's go. I was like OK, let's go. That was not me. I was so tired of fighting I was tired of fighting with him. So basically,

Rick: you were fist fighting?

Participant yeah, he was basically, first, at first it was I really love you. I really love you. And he really got me believing well he really loves me. He would tell me all the time, I

really love you that's why we don't have sex a lot because I really love you. Any guy would just want to use you just for sex. And I was like Ok and I started believing it. Well he really does love me so when it turned to abuse, physical because he loves me, cause I said something I shouldn't have said. You know what I mean? And then it just got worse from there. And then finally after 7 years of it I finally ____ . Because when he did it, he choked me in front of my son. He was like 3 years old. 3-4 I said that's it. That was my I thought of fighting back. There's something inside of you snaps, and then you fight back. But after that I just started fighting back. I said that's it. I'm not going to allow you do this to me no more. And like a year later we got divorced.

Rick: hmm

Participant I don't know what it is. I was watching that Tina Turner movie and the same thing happened to her. She was you know how she was getting abused and then that one day that little thing when she just snapped and she started fighting Ike back? I know what it's like. You know what, that reminds me that choking from your dad, so we take it, take it, take it. And there's something in it that just snaps and we collapse and that movie reminded me of me cause I remember when I threw that fit and I started fighting back. And he started knowing that he was losing control. Because I wouldn't allow him to hit me no more. That was my way of getting out. And now I don't let him tell me, like I try not to let him control me still, but he still shows that he, he's going to be the man. You know what I mean?

Rick: No. Say more about that.

Participant Uh, control to be the man. Like right now, my kids are taken away. Because of ___ he wanted my son. But the courts: you're wrong you're just saying that. You know I have proof from CPS everything is backing me up. It happened. And uh, but because he is a pastor's son, and he learned his lesson, so took a slap on his hand and he learned his lesson and he won't do it again. So now he has my daughter and my son. What are you kidding me? Are you really kidding me? And they want me to just forget about it and say I lied? That's what I'm going through. Because they are telling me to say I lied about the abuse, I lied about the his physically hurting me and sexually

molesting my son. I won't, I said I'm not going to lie. I'm not going to sit there and say it just so I can have my kids. I'm not going to do it.

Rick: wow

Participant yeah. So this is a whole crazy mess.

Rick: wow

Participant um hum.

Rick: so are you done with

Participant yeah.

Rick: wow, I'm going to stop.

Rick: OK, so we are getting ready to read back. The question was what were your reactions to the violent incidents?

Participant My reactions were when it first started I really believed I did something wrong. I believed it was me. (short silence) At first I was shocked. Like there's no way that this could happen to me. Cause I always told myself I would never get into a situation like that. No way. This is not going on.

Rick: what was happening?

Participant when he first tried to, like at first, like I couldn't talk with my friends, I couldn't – it started off slowly, not all once it happened (laughing) When we were first married it was like you can't talk to your friends, all your friends are flirts, there was all these reasons why. I couldn't talk to my sister. There was always one after the other. The family, I couldn't take to my sister or my family, cause my family was really, really close. So he basically isolated me by myself. And starts real slowly because I love you. Cause I love you. I really care about you I care about what kind of person you are. So he started doing it and Ok, OK maybe he just loves me and then my friends all left. And it's funny because after I got divorced they all came back. And I asked them, why did you guys leave me and because of him, they didn't like him. You know what I mean? So every time you came around we went to the mall because he was your husband. And I was like, wow. How come you guys didn't tell me what he did. You didn't want to listen. You were not ready to listen. And I wasn't. I wasn't ready to, when you're in

there, you can't see out. You're stuck in like this how do you say it, like a box and all you see is what he tells you, what you should see. And then you can't see. Oh, there's something going on. And he went No. This is all in your head. Cause he loves me. You just don't understand. He's just jealous cause he loves me so much. Cause every girl wants to be loved. That's all it is. We all want to be loved. And uh, like I told you, the previous question. He, for years, he really made me look like I was crazy. Like it was all in my head. For example, I remember one time I put my keys on the kitchen counter. I know I did cause I always, I'm very creature of habit. I do the same thing over and over again. And I put my keys, on the counter like I always do and I remember I went back about an hour later to go somewhere and I went where's my keys? He said I don't know where did you put them at? I said I always put them when I come in the house I put them on this counter. Where are they at? And I looked and I could not find them. They were like totally somewhere else. He said, see I told you, you're crazy, you freak out – and whatever. He would do things like that or he would tell me something, and like you said this. No I didn't, it's in your head. See how you get things mixed up? I'm like what? And I was desperate so. And I would always doubt myself to the point I knew I needed counseling. And I told my counselor at the time and I said, I don't know if I am just going crazy or what but this is dadadadadada. You know and I talked to her and I seen her for a year. She finally said (this?) is not truthful, it is not you. It's him and she _____ there's something wrong, because it's not you its him and we found out he had a lot of issues. You know, he just had a lot of issues that he was doing it on to me because he knew she would control (orders?)_____. and then he got me convinced that I should see a counselor, that's why I saw her for a year. Because the counselor didn't know what she was doing, cause she's crazy. And I believed you know because I believe in marriage and stuff and he would tell me I should just stop, so I did. I should never have stopped and I stopped after a year cause he convinced me that she didn't know what she was doing. So I said whatever. But she did, she made stronger than I thought I was and that was when I started fighting back. And I started and that's it. I did not allow him to hit me no more. I remember the first time I fought back. He was shocked. He was very,

very shocked. He was like what the hell. I said I'm not gonna let you hit me no more. And then he did it, I think a couple more times and then he was like I was fighting back.

Rick: what did he do?

Participant he would shove me, he would slug me, he would pinch me, he would give me bruise on my arms. And when he would give me bruises I was sooo embarrassed with my mom. Cause I knew my mom would _____ you know, make me leave and I had my son and uh, _____ I would be getting bruises all over I wear long sleeved shirt, I wouldn't seen them for a while, I wouldn't talk them for months. My mom knew I was scared. She knew cause she said that did you change. And I didn't realize that but when they told how I went I was all quiet and I'm not a very quiet person. He would hit me, he would slug me, he would basically when I was pregnant with my second son we got into a fight and he hit me in my pelvis. And I was like are you kidding me? Then I ended up losing, I had a _____. Like that, what he done to me. It was like the most you could ever do to anybody. You know what I mean. Like I started hating him even more. My daughter, because when I was my son, they told me not to be stressed. And my daughter, he had an affair, and I went to my friends house, that's when he was having an affair with my friend. and she told my ____ that well his girlfriend hit him with a board, I go a 4x4? Yeah, and I got bruises, they hit me in my stomach. I knew they were trying to kill my daughter. Basically cause why you hit me in my stomach? I'm 8 months pregnant, you know what I mean. Are you really freaking hitting. So he, I took it that he was going to hurt my daughter. So they picked all of the wood up and some guy took like a truck _____ and they called the police and they took me to the hospital. And they told me you need to leave, this is crazy. I had a scratch on my face, I had bruises and they were like you need to leave this is not normal. You got to think about your kids now. It's about your kids now. They had one of those counselors come in and talk to me and I swear I remember this talk because it was this girl who was _____ herself and she came and she had a cut right, a scar on her lip she said Lupe, I know you are not ready to listen, cause I've been there and done that, but you see this scar and I said yeah. She said this is how my boyfriend, not my boyfriend now, but he did the same thing. He cheated

and she got a knife and she cut me and then it was like a big scar. You know, like I remember. She said but you know what though, it taught me to be strong and I got out of it. If I can do it, you can. You need to leave because this is not worth it. You know what I mean. I was like yeah, what's next. What if you, what if she would have killed my daughter? You know what I mean. So that is when I left. I left after that and I never went back.

Rick: wow

Participant yeah, because and then he would hit my son and I would get, I'll always protect my son. Like, he was like spanking him, in the schools and they would get to the point where they wouldn't tell him anything about what was going on with my son if he acted up because they knew he was going to spank him and he would spank him. And so they even got to the point where they wouldn't tell him nothing, they would tell me. The teacher one time, my son's preschool teacher, I never tell your husband anything because he's too rough with your son, he hits him too hard. Like I know that and I had to make excuses for him at that time because I was embarrassed at that time. And I was like, I know, yeah I know. And then uh, so she would tell me if it was my son I would deal with it, I would never tell him because he started hitting him, he would ----- when he starts hitting my son I would fight back with him. I said you what? Me, this is my _____ this is my son he won't never touch my son and I'll always fight back for my son. And he started realizing I was protecting my son. So he knew I would not let him touch my kids. (garbled – was speaking very fast) If I know that you touched my kids or anything, I wouldn't let another guy touch my kids. He got me jacked up. Me, I could deal with it cause I'm an adult. But my kids, no. They're too little. They don't understand. And so yeah. I think, yeah.

Rick: is that all the words on the paper?

Participant umhum

Rick: you feel like you.

Participant so once I went to counseling, she convinced me, it wasn't me, like I said. And ----- and I started believing in myself and I started fighting back.

Rick: you would physically fight back?

Participant umhum. Basically I would punch him I would slug I would kick him. She showed me some moves. She did. She showed me like go for the groin. Go for the eyes. She said you have to. This is what you have to do. I said yeah. So she knew. She said you're not ready to leave yet. So when you know you're ready, you're gonna leave. And I never _____ at that time. And she said right now, you don't to hear people, what they tell you. Right now you're stuck. Because I understand. You have your family and you need to be by yourself and your son. You know what I mean. Cause she really knew. And she said ok, but until you make that choice, I'll help you survive. So didn't understand at that time but now getting out of it I understand what she was telling me. Yeah so she really really did tell me that. And she never pressured me to leave him because she said I know you're not ready. And that's what I tell girls when they get abused, I say no, you are not ready. But when you are ready you will know when the times coming because you know. You know. I will be here for you. But until then, when you tell somebody something they are not going to listen to you, they are not going to listen to you because I've been there and done that.

Rick: the victim

Participant yeah.

Rick: the female victim

Participant yeah the female victim.

Silence for a period of time

Rick: did you just get sad

Participant huh?

Rick: did you just get sad or were you

Participant you know I was thinking like my mom during my second birth, my second pregnancy, she would give me a lot _____ and I know its God to teaching us something. I don't believe it was him, but I wonder if it was because of abuse or what, where was God? I always have it in the back of my head.

Rick: the baby that died?

Participant um hum. It had to be God, you know what I mean. So when I asked the doctors, were like it was a lot of _____ you know, were you stressed. I said yeah, I was. Because of the abuse. I know how it feels. I can't blame him, because I need to let that go. You know what I mean. But he does a lot of, he talks (?) me a lot, I should say.

Rick: how awful. I mean really, really awful. I'm so sorry you lost your baby.

Participant it's really been tough. _____ That's the sad part. Cause that's the only time, me and my 2 other sisters were pregnant at the same time. So I always thought that we were the

Rick: oh, cause their babies are now 12.

Participant yeah, they're 12 they are all born one month apart and that was the hardest.

Rick: I'm sorry that happened.

Participant yah.

Rick: are you ready for the **3rd question?**

Participant ok.

I think, when they tell you to forget. Like I tell you before they tell you really this is the _____ way to go.

Rick: and who is they

Participant uh, the judge had told me that. The mediator did, uh, the kids minor counsel. They all tell me forget it, why bring up the past. It's already in the past. You've already moved on. So why bring it up. I'm like are you kidding. Then they make you believe that if you do say it, you're crazy. You just say that to hurt dad. You just want to get back. It's like you're kidding me. So all this is in my head. I just made up all of this story. Basically. They make you really want you to believe it's all in your head. There's no way. Because if you tell me that I _____ they turn everything around and they ask you why did you let it go as far as you did. Why did you stay in that relationship?

Rick: they actually asked you that question?

Participant um hum. They asked me that. I was shocked. I was like what?!

Rick: who all asked you, do you mind if I ask that

Participant no, no I was in court, it was in a hearing. I thought it was for. (word sounds like it starts with S secretaries?) _____ asked me why did you stay for as long as you did? If he was abusing you, why did you stay as long as you did? And I was like, What?! And I was like shocked. Are you kidding me? Have you ever been abused. I don't think you guys have. Cause if you have, you know it's our survival. You know what I mean? We stay because they tell us they will kill us you know what I mean. There's nobody gonna love you like I do. They tell you all this stuff and you believe what they tell you. It's like your survival. You know what I mean. I stayed as long as I did because I was raised Catholic.

Rick: so you're religious beliefs

Participant my religion and my mom always taught us you get married, you're married for life. Suppose you got kids, you will stay with the fath- the baby's daddy. So I had that in my head. I had to work on this marriage. So then my point to myself is that I am never going to have a guy, or _____ you know what I mean. That was my point of no return. So I was waiting and waiting and I was praying to God please let this idiot have an affair. Six – 7 years of that. Cause now I know I didn't fail. I think that's what it was. Cause my mom always taught us you make your bed, you are in it. That was my morals. And I did make my bed so that was my thing of I always told myself that _____ gonna deal with that. But I did _____ like abuse and stuff I always thought about _____ because I dealt with it because I was trying to. I wanted my son to have a _____ and once he told me _____ tell me about the sex abuse. I said I wouldn't _____ anymore than that. So it was just stuck. So they really tell you to forget it. They ask you that questions. And I was appalled that they even asked those questions. They make you feel like you're a liar, and like I said they make you get back at your ex, just get back at them. One time I went to mediation and I requested that

Rick: separate?

Participant separate medication. She yelled at me! Lynn Sensor(?) that lady, she yelled at me! She said, why are you asking for separate mediation. I'm like because I'm tired at being abused. Have you looked at the history, there was recently abuse, a couple months

before. And she said no. Unless within a week or two, we're not having no separate thing. And I said are you kidding me?! She said yep. And then I was like, well _____ whatever. But yep they tell you that to your face. it's like you have no, its like they have no shame. Like its all your fault. You should have known, you should have known better. Like I told you they asked me, why did you marry him. Why did you have kids with him if he was such a bad person why did you have kids, why did you marry him? Yeah, it was my mistake. But they don't tell you that at the beginning. They don't say this is the kind of person that I am. Here's the contract. You know what I mean. They don't come with a warranty. I mean they don't tell you what they are. You're lead to believe what they want. Like with him, this was my bad. I married him 2 weeks after I met him. Because he convinced me that he was a pastor's son that he would always love me, nobody's gonna love me like him. That's right. Nobody loved me loved me like him. Cause after him, I never let a guy ever kiss me again. I've never been, nobody should be like this. Like that. I have some guys try to control me because they know they can't control me. Cause I know I'm no _____ now. They leave. I'm not putting myself through that again. I'm not getting remarried because I'm scared. I really am.

Rick: you're scared to marry again?

Participant umhum. I've been single, well, I have a boyfriend, but I've been divorced for 8 years cause I've been scared. And he doesn't understand. He thinks I'm waiting for him. _____ I'm not getting married. And like I'm you're sick because if I haven't got back to now, why would I go back to you. So yeah, _____ think I'm wait for him. He doesn't understand that I'm scared. He jacks me up. He really is. It's just like, I don't know. There are lot of people I talk to about the abuse about. They always don't want to get married again. _____ this thing. (loudly) Hell no, we don't want to go through that again! We all think the same way. It's funny how when people go _____ abuse, you know. Cause we kind of all have the same, same old _____ (noise in room). I started that. I'm like why are we all scared, cause we don't want to go back to what we had.

Rick: you don't want to risk that again

Participant and I finally got my life back, cause I'm going to counseling right now. And she finally said why are you scared to marry? I can't understand why. I was like, whatever. I don't know, there's nothing like _____. Because I'm scared.

Rick: you're going to counseling? With a therapist?

Participant yeah, she's awesome.

Rick: that's all the words on the paper, you feel like you've finished that question?

Participant yeah because what the courts they literally tell you because I think just because it your culture. Because my friend was white and she was going the same for child custody, because she's white, she said her husband hit her. Oh they made a big deal , oh _____ go to class. She had to do all these classes to get custody, or to see the kids. I was like, are you kidding. When I said that, they didn't say forget about it. So it's like two different outcomes.

Rick: you don't understand why the Hispanic culture is allowed to have wife batterers and the Caucasian culture's not?

Participant yes. And I didn't understand that. Because she was _____ the guy she was white. Because she said he hit he had to do the battery classes. I never done any classes or counseling. She's got 2 kids. And I was like are you kidding me?

Rick: did you have to do battery classes?

Participant no, I had to do anger management class. He had to, but he never completed those courses. But I did it because it was court ordered cause obviously you can't let go of the past. I said are you kidding me? So

Rick: so that's why don't have primary custody of the children?

Participant I can't let go of the past correctly. I can't let go of the past. That's what I told the. Is there a correctly class, give it to me cause I want to take it. How do I forget?

Rick: how often do you see the kids?

Participant I see the kids once one hour every Friday.

Rick: is it supervised?

Participant yep, I'm on supervised visits. Because I'm a wreck.

Rick: you're a wreck because you can't let go of the past?

Participant that and really the whole thing happened because I wanted to go to Texas, cause my job is relocated to Texas 2 years ago. And uh, the kids minor counsel was always on my side until I wanted to move. Once I wanted to move she pulled everything and I found out she's against me moving. She said _____. And so she, what she did was she tried to say that it was all my fault, that I'm crazy that I lied about everything. I was like, why did they assign you on my case for 6 years or 5 years because you're on my side you believed that child sexual molestation, you believed the abuse. The one time I _____ I'm making everything up? So I was like whatever. She was the one _____ report out. Where _____ (she is speaking so fast it is difficult to understand what she is saying). I'm not letting you put this on me. I'm not _____ because you're making your mistakes. You know what I mean. I'm not. Yeah when they tell you to get over it. Yeah like I was telling my friend, she got full custody and all this because she, batterer, I was wow, are you kidding me? But my outcome was totally different. So I couldn't, I don't understand.

Rick: did the violence increase or the controlling increase

Participant someone told me, after I left him, that he knew that he knew that he couldn't control me no more, when we went into court he started controlling me like, try to make me believe the stuff, I would come out and tell the truth. That it was the way it was. He would have a whole different story. Like the sexual abuse. He knew that my son would go back to him. So _____ So OK you admitted it. You think I don't know who touched him. But it was so all my family was there right now. My son was 5 at the time. I'm like, you think that my son doesn't know who touched him. You know what I mean. So like stuff, like he made it sound like it wasn't even his stuff. Because I'm jealous cause he had an affair. Are you kidding me. Did I ever fight for you and he's like no. Ok then that's just how you felt you would _____ it's over. He really had in his head that I really did want him. And I'm like, you're crazy. You, you, got issues and he tries to control me so bad that right now if he sees my family like at Walmart, he'll follow them to get, for them to acknowledge him. And he goes wherever I'm at. Like if I this

facility (?) he _____ where I live. All the churches. There's a Jack in the Box right here on the corner of my house. He goes to that Jack in the box not the one by his house. And he can tell exactly where I'm at. He can tell me where I'm at where he's seen me. I'm like how can you always see me but I never see you. I told my counselor that. She said because you're not looking for him. He's looking for you. I don't understand that concept. I was like what? She said, he is looking for you, you are not looking for him, you're done. And honestly, (speaks quickly, can't understand) I really move on, that's the sad part because I...I... and I think I've made peace with myself and I've dealt with all my faults (?) I mean that's what it is, I don't know.

Rick: OK. I'm going to hit stop

Final statement: I really think the court system, going through all of this, I always believed the court system or the police or somebody _____ respect could not be no wrong. You know what I mean. And then for them to let you down, especially when you have abuse or something and then they say you got to deal with it special case what do you call it high-risk case.

Rick: high risk

Participant when they have to deal with that, it's a whole different story. It's like they don't want to listen to you. They don't give you time to tell your story. They don't they look at you, right away they look at you as a minority, that's what it is. You're a minority you _____ then come back

Rick: as you talk about this, the cultural aspect, ethnicity is big for you in your case?

Participant yeah. And they totally think I am a cholla, a gangster. They think I'm one of those. And I'm like why? Because I'm Hispanic? And yeah, they're gonna _____ - and I just laughed and I'm like, if you knew, I didn't come from that culture. "I only speak Spanish...but right off the bat - do you speak Spanish, honey do you need an interpreter?" I'm like what? Do I need an interpreter, what, WOW – (laughing)

Rick: you've done a really helpful thing for me. I'm so impressed that you drove all the way down from Sacramento. And I'm good, I've gotten all the information I need. And

you look like you said this was good for you to talk about. So relief of some sort just to sort of be listened to at some level.

Participant yeah, because we don't have a voice in the court

Rick when you say we, who is we

Participant just mothers, or victims of abuse because

Rick victims of abuse, ok so that's we

Participant yeah, they don't hear us. Because we all have to be lying. There's no way we've all been abused. And if we are abused, it's our fault because we stayed

Rick yeah ok

Participant because we stayed

Rick: I'm going to end the interview and we are going to stop

Interview Number 3

Rick: She is going to read back **Research Question 1**.

Participant

Being a victim of domestic violence is like having a stigma. The family court system makes you feel like a criminal, uh they put you under the scrutiny, they have been taught not to believe when there is a custody dispute, in claims of domestic violence especially that are made by women... so in a few words: You FEEL ALONE. You feel like basically you are an actor, on center stage, and the spectators hate your act.

You are humiliated, you are stripped naked of your rights as an individual, your feelings are not validated, your evidence is not taken under consideration, the gravity of your situation is diminished.

After a while being in Family Court, from the victim you become again victimized. This time it is by the family court.

Rick:

That is a pause, can you expand on that for just a minute, what you just read. You sort of paused there, can you say more about that?

Participant:

Yeah its very ironic that you put so much hope in your judicial system and that the judicial system is there to protect your life and you find out that you can't ___ in to the system and nobody really believes in your claims nobody is there to actually even investigate farther to find out what has happened in a situation and just everybody wants to set it aside and just get there to that 50/50 custody and just terminate it.

Rick: be done with it

Participant: Be done with it but if the other party makes a claim like in my situation where the father in retaliation filed a domestic violence claim against me based on no evidence no police report, nothing. Then the court sustained that and kept it for 3 ½ years in the system.

Rick: with no evidence?

Participant: with no evidence and then they even made a ruling on it and granted the restraining order against me.

Rick: for three years?

Participant: Three, it has been actually for 3 ½ years.

Rick: Wow!

Participant: And the father falsified the content against me for sending two polite emails regarding the uh day care verifications and for the nonpayment of the daycare and other accusations based on again no evidence. And the judge after 3 ½ years when these claims, they were filed, he made a ruling and he found me in contempt in 5 counts and he's going to order on 5th of April 26 days in the county jail.

Rick: you are going to jail?!

Participant: I'm not going to go. I am not going to go. I am going to fight it. I have a I took an attorney and he is going to prove the judge he is totally wrong and he is doing a huge misconduct of judge.

Rick: so that is going to cost you more money?

Participant: Yes, another \$40,000 only to defend this.

Rick: \$40,000?

Participant: yes

Rick: That was the retainer fee you paid for the attorney?

Participant: That is what he told me it is going to cost. I paid him for the initial consultation \$5,000 and I have to pay him another \$5,000 and he thought the judge is not going to accept a new trial. We have to go to court of appeals to be another \$40,000 on top of this so it is going to cost me, if we go to court approximately \$80,000 and I already spend \$70,000.

Rick: my goodness. You must have a good income.

Participant: I did ____ my savings for the past 20 years. That's where it came. And my 401K is totally depleted now.

Rick: Wow

Participant: So this is the court system.

Rick: Ah, I'm sorry I asked two questions, and I'm glad but Ok can you remember where you left off?

Participant: Yes,

Rick: Thank you so much. This is very important, what you are doing and I, I am very honored that you are doing this, so please continue.

Participant: So the court what it does is raping you from your constitutional rights and you are at risk not only to be exposed to more action of violence as it was in my case from the actual perpetrator but even to lose the custody of your child. And the court is threatening your plan the plan that if you are continuing to expose the violence which they consider it unfounded even with the police report they threaten you that you are likely to lose the custody of your child. So the Family

Rick: Could you say more about that please?

Participant: Yeah. So what is happening is like in my situation um because the actual perpetrator could not access me to again abuse me uh through his community he puts people to follow me he had an individual one evening when I took out my son out of the

car threw a bottle of wine and it passed inches by my head and it was witnessed by somebody who immediately called 911. He had people coming to my apartment and threaten to actually take my life, kill me. I had people following me to the exchange place and it was witnessed by my attorney and staff at the ____ The police went home to that individual and again the judge say next time if this happens I will take draconian measures but again denied my restraining order again and again and again. And for 3 years I had to live under constant fear I put cameras around my house I had to buy a home defense gun and I had to always change the way I would you know going and Rick: traveling

Participant: coming back home. And live under this constant fear because I knew the system is not going to protect me I have to do it myself. And you feel, it's so surreal it feels like I fought for 20 years to come in this country where it saying you know America is the country where it is the freedom of speech and where people they have their life, that's what their ancestors fought for and this is American and this was so disappointing to see that America that was my ultimate to dream. That it doesn't even protect my constitutional rights. It doesn't matter that I am a foreigner, I still have a green card here and I came to actually bring my knowledge which I acquired in Romania and in Britain to build the economy in this country and this country didn't pay for my education. And I have tried like everybody else in this country but I am stripped of my rights as an individual and as a woman. And to me that would, it was something unbelievable that there is nobody to protect me. Nobody to protect and even the judge. And the judge being so biased I am consider it what have I done to you because I am a woman, is it because the way you've been taught not to believe in the claims of domestic violence or is it because you yourself went through a divorce 2 years ago? What if it is something that because the father of my son is coming from an Islamic religion and the judge claimed ____ is it that the Shariah law coming into our court system through the back door?

Rick: so Muslim judge and Muslim husband? Is that what you just said? I'm sorry.

Participant: yeah. So...

Rick: so you think they might be using Sharia in disguise

Participant: I don't know but I saw the judge in multiple situations now with sexual abuse where the mother and the father are both Muslim and he is taking no action in contrary he is granting 50-50 custody and I went to talk to this woman I befriended her and it is horrible in that case. The boy is 8 and it is unbelievable we, we, you know, 90 percent evidence. I cannot 80 and the judge still granted 50-50 custody.

Rick: Do you remember where you left off?

Participant: Yeah. So the Family court what from my experience is they believe in the smooth talker, the controller, the abuser, and especially the people they have enough money to get himself a tough lawyer, who will make you look like a villain in fact you know the actual victim is made to look like a villain, an hysterical person, a liar, an unfit mother, a mentally unstable person. And it ~~does not matter you~~ Your PAST does not matter anymore, your good conduct it doesn't matter, your professional attitude it doesn't count, the testimonials that vouch for you from friends from your church from your work, the witnesses that support you... nothing counts anymore in a family court. So your are becoming, otherwise you are given a new identity. And it is all in that judge's power. The power of the BLACK ROBE, that kills the RIGHT of being a Mother and a WOMAN, the right to be protected against the abuser.

So you are totally alone and you just feel sucked in a BLACK HOLE with no return to the LIGHT.

Rick: Black hole.

Participant: and that's how it feels that you entire _____ there everything, you assets, um your savings,

Rick: everything

Participant: everything it _____ your energy, your hope, your total hope, you had this huge hope as a mother you bring another human to life, you know, it is a child who needs your protection and you feel that you basically you cannot offer it unto your child that protection. And that uh really sad. I mean some people that are in that situation I have

been there in the first year I was there. I was desperate I didn't know what going to happen to me nor my child.

Rick: um desperate

Participant: I had, yeah. And I almost had a nervous breakdown because I was I felt cornered.

Rick: you felt cornered and this was did you say how many years ago?

Participant: So I started in going to court in 2007

Rick: goodness that is a long time. I am so sorry for your pain.

Participant: yeah, I have pain.

Rick: yeah, are you OK?

Participant: no response

Rick: OK. This is very important information for me and I appreciate you sharing it with me.

Participant sounds like she is crying – lots of sighing

Rick: Do you need a break or would you like

Participant: No that's ok, that's ok.

Rick: Research Question 2? Are you ready

Participant: Sure, sure. Yeah.

Rick: you just let me know if you need a minute to relax?

Participant: No, no I am OK.

Rick: Probably while you are writing I'm gonna get up and make myself another cup of coffee and if you want water or whatever, OK. I am looking for the essence and you are doing a nice job. You like man, a black hole. You know, you really I think you are catching this just like I would like to get it. Your ex-husband was violent with you and so I would like for you to talk about and there is no time frame on this either before during or after family court whenever, what were your reactions, what were your reactions to the violence.

Participant: OK

Rick: I am just going to step over here and I am going to stop recording now.

Question 2

Participant: So first I would like to mention that myself and the father of my son were never married. The first incident started when I moved in with him after about 4 to 5 months of dating. the incident started with some kicking a garbage can, kicking the wall and throwing the iron at me. I was very fearful and run outside of the house and try to get away in my car. He jumped on my car, hitting and kicking and I didn't get a chance to close the window he grabbed my hands through the open window. He is 6 foot 1 or so and he took the keys and forced me to go back in the house. He was jumping he was totally on my car and I was really scared because it was the first time when I see that face like really like a wild animal with no rational behind his look and I was really scared I started to hyperventilate and , I was totally shocked . I felt powerless because he would not let me go, he would not um drop his hands from around me and so

Rick: so he was ____

Participant: yeah and he was doing it harder and harder and I, my heart, I was so scared that I was really, I felt that I am going to faint because I couldn't breathe anymore and I started to cry and I was screaming for help and I was asking him to let go and when I started to the moment he loosened his um grip and

Rick: and so you gasped

Participant: Yeah, I was gasping for air

Rick: OK and that's when he let go, OK

Participant: that's when he let go and I started to cry and I it was like, the way to describe it is like that calm before the storm, you know you see the emotions, the tensions building up, you don't understand it why the person is getting so angry from a normal form of question that anybody would ask in partnership and you know then you ask another question that you know the breaking you know the, all of a sudden the break of emotion.

Rick: so suddenly after questioning it's just a total change?

Participant: A total change,

Rick: so no rational

Participant: so then the storm hits. You can't understand it how a person could just suddenly have that explosion of anger from just a question. And

Rick: when they weren't like that just a minute ago and then suddenly whoosh

Participant: exactly

Rick: OK

Participant: exactly and um its um you know after all the break of the emotions and the violence that is happening is that you know it is like a cycle then the person is starting to you know to feel in a way powerless and they start to pray for your forgiveness.

Rick: OH, Oh perpetrate the batterer

Participant: right, and then he starts to pray for your forgiveness and what have I done? You know I am really sorry, and you know for , for me being that the first thing he done even so I was confused, I was really, it was a person I really felt in love with and

Rick: a nice person showed up and asked for your forgiveness

Participant: right, and he , and he just had an outburst of anger I am totally shock and then I don't really know what to do and you know it that fear, that you know well what if it going to happen again? And you know after the first thing you kind of try to give the person the benefit of the doubt and then you know the person is trying to manipulate you that it is your fault that you are provoking these reactions

Rick: to blame you

Participant: and then you know is that you kind of start to take that blame that maybe it is my fault

Rick: you believe it

Participant: You know I am asking these questions, you know maybe he is getting angry that I am asking him you know why are you doing this things, you know all these women are calling you at home, uh why are you not telling

Rick: Those were the questions you were asking him that made him mad?

Participant: Well, another question on the first incident it was he had some friends over for some drinks and one of his friends say that his dad went to Romania and other

Ethiopian country and that he was having sexual acts and you know that's with the women that are really cheap. And you know, first of all I was insulted because that's being it doesn't mean all the women are the same like in every other country you will find these type of people that they will do it for money. And he was telling of the Mohammed was my boyfriend that they you know they should go together to eastern Europe and they were talking more about to Romania and I thought that was very disrespectful toward me as a woman and as his girlfriend. And after everybody had left I say to him that I, I explained to him how I felt. And I told him also that I felt hurt and I felt disrespected and I felt that he would really go to eastern Europe instead of like visiting my country with me he would go for a different purpose and that's when you that his anger erupted.

Rick: and that is when he threw the iron and

Participant: right and then he actually had done a big hole in the wall

Rick: OK

Participant: and that's when I, that's the huge reaction

Rick: OK

Participant So you know to me they were like normal questions and you know a normal conversation you have with a man you are dating and especially you want him to validate your feelings, you know if I feel that way we should be able to have a normal conversation and it wasn't like in our case a _____ manner it wasn't that _____ and what have you done and so forth. It was trying to explain to him how I felt as an individual.

Rick: yes, yes

Participant: and that was for me one more I think it was I more surprising you know to see that reaction

Rick: that he had such anger, yes I understand

Participant: so later on you know there wren other incidents that were happened, but um I think that the second incident that was more dramatic is when we are in _____ before Christmas and actually he got very upset that I was crying. I was crying because um you

know he really didn't consider to buy a Christmas present for me and he only dated Christian women and

Rick: so you need a custom

Participant: you need a custom and it's something if I was celebrating his holy days, Islamic holy days, you know I felt that he could do the same, especially you living in united states and he knew how important Christmas was for me. And I felt hurt and I was crying because I was, I was also questioning what am I doing with this guy. And I was really thinking at the table in the front room and I was really soaking my eyes out and he told me to stop and he was already in bed and he told me to stop and I just say I feel hurt and I can't stop. I was just crying and he got so mad he jumped out of the bed he grabbed me from the table, he pushed me really hard against the wall and he put his hands in my neck and he was trying to strangle me.

Rick: he was actually closing off your airway?

Participant: he was closing off and I was, again, I could not breathe and I just, I screaming and banging on the wall and trying to get his hands off you are killing me, stop and again it was like trying to gasp the air that is the moment he let go. And he had this wild animal look that is just, at that moment I said this was really close next time could be that I might not be alive and that was the moment when I decided to, I have to move out. And after the incident to meet with the entire change of the person, the entire change we were like 10 floors up 10 or 11 floors hotel in las vegas and he went on the balcony saying that he is going to jump and commit suicide and

Rick: because you left him

Participant: yeah, if I leave him and because of this what happen

Rick: Oh, oh

Participant: But I knew he, deep inside I knew he wouldn't do that because , I just knew

Rick: you felt it was an act

Participant: Yeah, that it was an act. So you know, I had to go on the balcony and he was pretending he was going to jump out and then I tried to pull him back and he was not like going over, he was

Rick: you were a little afraid he would jump

Participant: I was a little afraid .

Rick: OK

Participant: I was a little afraid, yeah. But deep inside I knew that it was an act but at the same time my concern was I was so scared of heights

Rick: especially 10 or 11 floors

Participant: but one of my concerns was what about if he is going to, putting on act that he is trying to push me out?

Rick: you became fearful for your safety

Participant: I was fearful. I was really fearful and I was really scared I didn't know what to do. I am thinking what about if he is going to you know do something another fight here in the balcony and then say it was an accident.

Rick: goodness

Participant: so I was really scared. I really didn't know what to do and I try to kind of calm him down and get him in the hotel and

Rick: and nobody heard this and came to your aid

Participant: no, nobody came I banged on the wall

Rick: you were banging the wall, I heard you say that, wow

Participant: so and I was scared because he is a tall guy he is a really tall guy and he's been in the merchant marine in Iraq and I was really, that night it was the scariest of my life I would say.

Rick: that was the scariest moment of your life.

Participant: I'm scared and that moment also in the balcony it was you know are these seconds when you think what if he is just playing, he wants to push me over the balcony, you know you don't know what to believe.

Rick: throughout participants statement above kept saying yeah, yeah. After "what to believe" Rick says: I want to clarify something. Twice you said it got to the point where you were gasping for air before he let go. Does that mean that you were going to pass out and die or

Participant: yeah, I felt like I was passing out I mean I felt like suddenly really dizzy, I felt like it was a high sound in your ear

Rick: a noise a ringing pitch

Participant: right like that I felt a tremendous heat and I just thought that if he is going to push even harder I'm not going to make it.

Rick: my goodness

Participant: and that, it was the end. The worst part was that after you know I wanted to get out of the room, he would not let me.

Rick: he kept you hostage

Participant He did not want to let me, he would say No I don't want you I want you to stay with me here I don't want you to leave and we had, there were two like two bed and I wanted to sleep in the other bed and he said would not let me. He put me to sleep the wall and even when I got out at night to go to the bathroom he came with me. He wouldn't let me go out of the room, out of his sight and

Rick: what was that like for you?

Participant It was, you when you feel like a prisoner, you feel like a prisoner and that is the fear, the fear is really it is very big. I was starting to think how could I escape. You start to think what if I try to run and you know and that little door how that the metal it is kind of hard because it is the first click and it doesn't open and when _____ and I am thinking that it is not going to give me enough chance to get out and what if that is going to feel even a more angry and I am here on really 10 or 11 floor and he could say that I was drunk or something and he would make it look like an accident and he will get away with it. And I was all this like you know your thinking is so rapid um you feel really totally powerless and

Rick: powerless

Participant Its and it's you feel as though, that uh that I was getting my heart beat was getting really fast and I just, you don't know what to be the best thing to do it was I had _____ in my mind things of escaping but I didn't know what would be the best option to take and I'm thinking if maybe I just do what he is telling me to do maybe then he will

calm down and he is not going to hurt me. And would that maybe be the best thing because there is no way I can fight with him I knew that. There is no way I mean I couldn't even resist. And I knew that there was no way you know

Rick: so your only option was to do what he said and just go back to sleep

Participant Yeah. And the worst part was that in the morning he actually you know basically raped me because we didn't, I didn't try to have consensual sex with him and he forced me to have sex with him and it not only that but that was the moment when actually my son was conceived and it is very clear because first of all I uh with my former fiancé before we met, we tried I tried to get pregnant and it didn't happen and now I shouldn't have got pregnant because it was in a way it was a time right after the normal female menstrual cycle but when I go to my doctor she said it is because probably you were in such a tremendous threat that your ovulation had produced earlier because of the stress you were under.

Rick: oh I see

Participant and it was also, he was the person we were taking precautions. I was taking precautions with him and he's done everything in that morning kind of to show me that he could control and my feelings they really don't count. That you know he is the one in control and he decides what he is going to do and that was you know it's a very strange feeling and you know you can't talk to anybody about it because you know you feel even my friend, I felt if I would tell them about this experience, um they would look at me and they would say Brindusa why didn't you leave him before you know we told you that he is not the right guy for you that you know they would blame me and I thought maybe you know I deserve this because its true I haven't listened to any of them and I stay with this guy even though deep inside I knew he was not the right person for me. Uh he was not as big on having the same educational level, he was not the type of person really I should be involved and how am I going to justify what feelings that I've fallen in love with him they ask me for what, why? Because he is a good looking guy and so all this

Rick: it sounds like he blames you. It sounds like you are afraid your friends are blaming you and now you are blaming yourself.

Participant Yeah and I was blaming, at that point kind of blaming myself

Rick: gosh! Wow!

Participant and you know I just didn't know what to do and after all this has happened in the morning I told him I want to go home. I don't want to stay anymore in bed. I just want to go home. And I called my best friend uh and he said why are you calling her and I said because I need to wish Merry Christmas to her. I need to call her and she is Romanian so I call her and I said you know I need to pretend that I am minding you know here, because he is here with me and he doesn't want to let me out but I need to move out tonight when I get home can I please come to your place? And he was there what are you saying and I said he is going to ask to talk to you so I do not say anything what we talked about so he insisted to talk to her and wish Merry Christmas.

Rick: um.

Participant so you know that is when I told him that I really don't feel comfortable to stay anymore there and he decided too that it is best to return and that evening when we got home you know I just didn't even tell him that I was going to leave. I went and took few things and when he was taking a shower I actually took my car and went to my friend. Cause I was so scared of you know what is going to happen and then next day they decided her and her fiancé, because they are older, they decided to come with me to get to help me to pack some of my stuff and you know I, he, he allowed me to get things but not with them and at some point you know when I was packing and I took a bag like with my with some items like cosmetics, he pushed me in the wall you know and he said Oh Oops you dropped your box. So there were um

Rick: very mean

Participant Yeah very very mean things

Rick: intimidated you

Participant and I, after to, you know that I stayed with my friends for 2 weeks and um I, I realized it was a delay in my cycle. It was actually that time it was before it was something

Rick: actually figured out you were pregnant

Participant Yeah, and that is when I decided to take the test and I found out I was pregnant and the bad part it was understand that you know my friends in a way wanted uh I don't know what it was but my friends decided to tell Mohammed that I was pregnant without, without you know finding out first from me that would be something _____ (--- able)

Rick: right

Participant in her mind it was that its best that if he knows that maybe this way he is going to go to counseling and change his attitude. And that was a big mistake and uh it was a moment of - and so a decision he wanted me back. He said he would go counseling and anger management plus

Rick: did he go? Did he go to counseling with you?

Participant No, no.

Rick: K

Participant so when I decided to uh I was still not sure if I wanted to go back but I still had a lot of stuff at his place and I said I would stay I would not move back I could come and stay temporary to see how that things would work.

Rick: give it a try

Participant give it a try.

Rick: so you were kind of stuck, weren't you? You were pregnant, you didn't know, then at the same time you had your stuff over there you couldn't get.

Participant and he did _____ He decided to go and actually have a talk with my friend that I stayed at to go and talk together and um ask advise and then maybe then start take some you know to go and see a counselor. It was all a façade because he _____ and at the end what he has done basically he said that he wants me to have an abortion and he would want her to convince me to have an abortion.

Rick: wow

Participant and the next, I was in the process of to buy a house. So I was looking to buy and I was going through the paperwork and he came back that evening and he told me that he, that he was very grateful that he metted my friend that they talked and he doesn't

want me to buy a house that he want me to stay together with him that he is going to work on himself but it is best for the child that if we stay together

Rick: goodness

Participant it was something unbelievable to me a normal person would not do that. Why would you build hopes in another person? Why would be uh so mean to another human being? I, there is something I would probably never understand. But he knew that the next morning they were supposed to meet with me during the next evening they were supposed to meet with me to tell me to have an abortion. That he really didn't want this child.

Rick: goodness

Participant so I, you know, I felt something was not sincere. I don't know I felt, call it a woman intuition

Rick: yeah. This is so important. This is really good information. Thank you so much. So is there more on the papers or did you kind of cover most of it?

Participant I, I think I uh, uh I just say about the blame and I wonder if it was my, it was my fault and what I think it was, I was ashamed. I had a, I was ashamed that I, that I stayed with him and it got to this situation and

Rick: how long was this for? That you were ashamed and you were struggling with this, how, how, was that like 6 months, 2 years...?

Participant It was, well it was about 8 months and then after the last incident then uh it was a period of time when I didn't talk to him and again it was for my pregnancy uh, you know

Rick: It was ____ goodness gracious that's a long time

Participant until, until I gave birth.

Rick: alright. How are you doing? Can we move to the next question? Do you feel like we finished that?

Participant yeah. We can. I'm sorry I didn't

Rick: NO! you, please don't apologize. This is. You are doing great. You are doing exactly what I am asking you to do and that is fabulous. Thank you so much. So I am going... do you need to take a break or

Participant no I'm

Rick: OK, alright. So here is the last research question and I am going to hit stop.

This is the read back of Question, **Research Question number 3**

Participant So what I feel is that the family court system had increased the conflict between us and I feel that his anger is increasing instead of diminishing.

Rick: do you have a sense of what, how that, how the court process is doing that?

Participant well I think it, one of the thing is uh because initially he had uh the visitation was supervised. Then, then his anger, that he was not successful in the first year with the custody that make him even more angry, that's why so he had all these people

Rick: so he had to do this supervised visits first and then complete the treatment program?

Participant No. No he was not asked to do anything, no program. The only reason he, the court made him have supervised visitation is because he threatened on several occasions that he would take our son out of the country. And because three individuals that he made these statement to, they came to court including a licensed day care provider that is the only reason the court had granted supervised visitation.

Rick: you had primary custody, then?

Participant I have primary custody, physical custody, but he gets visitation rights every other weekend, you know vacations and so forth and

Rick: ok. So you think that going back to court, sorry that I am interrupting you but

Participant no, no, no that's OK

Rick: so going back to court increases the anger?

Participant going back to court increases, definitely increases the anger and especially uh for depending and so what the other person is trying to achieve. I think for him and so having to pay child support, having to pay money which uh which he never wanted to do that is uh has really increased his anger.

Rick: and what is that, how do you experience that anger increase? I mean, what does he do to you?

Participant Uh apart from putting other people to harass me that has happened for about 3 years

Rick: right, right

Participant he has been filing so many malicious papers in court from stating that I want to kill myself, kill him and kill my son, to and that what actually the judge say that he believe and granted his restraining order that his life was in danger. That was the restraining order he granted in January of this year that

Rick: against you

Participant that it was valid. That he believed in his claims. That's correct. Till, so from, from this type of filing

Rick: and you never made any of those threats?

Participant I had never, even, we had an evaluation with a psychiatrist that was appointed by the court

Rick: yes!

Participant and actually this judge selected a psychiatrist

Rick: yeah!

Participant he selected and he was so disappointed when the when the evaluation report came that he disconsiderated it totally. He disconsidered even the recommendation of the psychiatrist who actually recommended to the court that I get full physical and legal custody. He said that uh, he believed that Mohammed suffered so putting my paranoia and he is not a good candidate for psychotherapy. He commended my, I mean he found of course with me some issues but he commended me he said for the level of empathy I had for in general for people and also for Mohammed and that I never spoke any bad things about Mohammed and he was totally surprised that is what he put in the report that usually people blame each other for everything happening into their lives and you know its always, they have to deal with it. And uh he also talked to the FBI agent that was allocated to my case by FBI and of course accused me that uh I was lying about it and

that probably FBI calling for my green card and the evaluator talked to the FBI agent and he said the same I cannot disclose the information we have on this individual but we can tell you that he has the profile of a kidnapper and we do have other information on him that we cant release unless it becoming a criminal case.

Rick: Wow!

Participant and still the judge called me a liar in court.

Rick: wow!

Participant and even with this report. So I said well if, if with the subject matter expert is not believed and this report that we paid money for is not even taken under consideration by the judge, then you know who else he would believe? So that was uh one of the issues we always had but every single motion he would file, every single accusation he would bring then you know the judge had more sympathy for the for Mohammed than he had for me. Even though, when it was like uh very substantial evidence that he would put people that demonstrated that the guy was stopped by you know was stopped by a terrified mom ___ also by my attorney who saw that this individual was following me because I just had an appointment with my attorney and we were reading this evaluation report and

Rick: yeah, yeah

Participant and he saw this individual following me He Muslim he you know he has a video camera on his _____ and still the judge refused to take any action.

Rick: goodness gracious

Participant so it was , it was something that I felt I'm you know I'm fighting with the _____, with the wind, I don't know

Rick: you are fighting with, say that again

Participant fighting with the wind mill

Rick: yes, windmill, I got ya, yes

Participant and I, I just, I just that is he waiting for something drastic to happen and I just I'm hoping that that is when I went and bought I don't like guns I hate guns. I went and bought this home defense gun.

Rick: you fear for your safety and you're afraid something is going to happen, Yes?

Participant and that is what and that is what has been my concern and its its really tough when to live like that its really tough. And its been and also to have this, this fear that when you know that when the child is old enough he could take away and leave and my son has been telling me for the past 6 months that his father is keep telling him that one day he is going to live with him and he doesn't need his mommy and he's got a big family and he's keep telling this to our son that he will take him away from me and I have to live with this fear because the, even the FBI told me that through the open borders there is nothing they can do. He could leave at any time, out of the country. There are no checks through the Mexico border or Canada borders and once he's out its very hard to bring my son back because none of the middle eastern countries are, they respect the Hague convention or there are no signatory of the Hague convention. So...

Rick: my goodness!

Participant so it, you know, the judge, you know what the judge told me why I don't put the chip implant, implant a chip in my son? And _____ they have not even been validated or recognized by the FDA. What am I going to put a chip that they put in the dogs? They say it ridiculous! PAUSED so, he, and in, in the last judgment he make he say that my claim are totally exaggerated and inflamed that he doesn't believe for a second that my son would be taken out of the country.

Rick: and what is that like for you?

Participant for me that, that I feel, you know what else can I do? If that happen? You know, I would just have to, uh raise a lot of money to be able to if I would be able to find mercenary that would be willing to go with me to Jordan or Iraq.

Rick: that sounds scary

Participant and I, I talked to somebody who is the children were taken away and she had to do that. She had to go to Libyan to bring her children away and it is something that

Rick: she had to hire somebody to go get the kids?

Participant yeah, she has been in the papers, yeah. And I talked to her and it is something that the two of the mercenaries they were arrested and it is something you see in the movies, that's for sure. That you have to go

Rick: you said surreal earlier

Participant it is surreal, you have to go with guards, you have to do a lot of training to know how to shoot and you have to go there and you don't know if you are coming back. And it is, it is something it is not a fabrication, its not a paranoia no matter how the court is trying to make it. I talked to the district attorney from San Jose, Julian da Silva, and she tried to talk to the judge to tell him, to explain to him the real danger and how much they deal with situations that these people they wait until the child will be 5, 6, 7 and they prepare for a number of years to get out of the country.

Rick: you are talking about Muslims?

Participant yeah, and how many cases they deal with and how many they actually manage to stop. Because not everybody is so lucky to have uh, uh, you know a relative that they work for airline that _____ every single day the airline and you know, he didn't want to listen. He actually really did not want to talk to her.

Rick: did we cover everything that you wrote?

Participant Yeah, and what I know the one of the important thing is that the saddest part is that he takes out his anger out on our son for several years. And unfortunately until my, our son kind of became to an age where he could really tell what is happening and one day when I pick him up and he had marks on his face, and when we do the exchange at the, in front of the police, he went straight to a police officer and he came out of the car and said, my dad punched me in the face. And he had a mark and he asked me, he said, Mam I will take a registration number, you have to go and report this. I went and reported. I told, they passed me from police to police because at the end I had to go to where the child, where the father of the child lives because they say that's where probably had happened. I went there this individual took my son that it was less than 4 year old in a room and my son was very scared to say anything. Then they told me that my son is probably confused, that he say that yes I was in my daddy and my mommy

because they forced him to call the father's girlfriend mommy and they both slapped me. And I said well if he is talking about his father's girlfriend, but we don't know that! And then they assigned investigator. He called me and he told me that I really don't understand you complaint. When I was growing up my dad was beating up all the time, was actually slapping us and it was very normal for our education. What is wrong with you people these days? Oh so if he does get slapped now, that's a reason for a filing a claim of uh abuse?

Rick: the CWS worker said that?

Participant no, the investigator from the police.

Rick: Oh, OK

Participant so

Rick: guess maybe I can see a police, its not right though, if. Absolutely not

Participant I --- garbled

Rick: who --- good for you

Participant the chief of police, exactly

Rick wow

Participant they don't do anything, that is the problem of the system. Child protective services they, they came, they talked to me they went to the father they talked to other people that they witnessed when my son came back and they got his father and his girlfriend they beat him up and at the end they say, well, um it is that the report was not clear, they didn't have enough evidence. Um and I wasn't the one who filed the claim to CPS. I took my son the next day because he was very traumatized. I took him to the doctor and he was, he was in a very bad shape, in a very bad shape. He was, he wasn't even allowed a doctor to undress him or to take his pants down. He went under the table and he was crawling like this and he was screaming, do not touch me! Don't touch me! And the doctor said, I am sorry but I have to call Child Protective Services something in not right and she looked at his face and said this is something is not right with this child. And now they are using this I making false claims to CPS, uh I'm harassing the father. PAUSE Therefore he needs continuation of a restraining order that the judge of course

did not grant it. PAUSE... and my son has tremendous problems in preschool hitting other kids, and ___ punching and in the face and kicking and

Rick: goodness gracious

Participant and he is only, now he's 4 ½

Rick 4 ½, he's still little. PAUSE. We covered most of it?

Participant Yeah.

Interview Number 4

Participant It was horrifying. It was unstable. Constantly living in fear. Very heavy. I felt misunderstood. I was ignored. It was being on a roller coaster ride. It made me feel very doubtful, that things were my fault. It was a lot of chaos. I didn't know if you were coming or going. Things were unexplained. Feeling of being in panic mode. Which lead to being isolated. Feeling immobilized, like a vicious cycle of the highs and lows. It lead to being very mistrustful in people. And insecure.

Rick: it's a pause right there, could you say more about that, if it's ok I want to move that microphone a little close. Is that OK?

Participant Sure

Rick: I going to get up and move it. What was that, you just read about mistrustful of people. Is that what you said?

Participant Yes. (length of silence) mistrust of people when you're young you told when you need help you call the police. When you're young you're told if you need help you call out and you reach out for help. And when you call _____ and you're not given assistance or help or you're ignored, that leads to a mistrust in people and the systems that you were supposed to be able to trust when you were told always to trust.

Rick: thank you. Is there more to what you wrote?

Participant there was very angry, um it was I think helpless. It was surreal; the surroundings around me were very surreal during that point in time. Confusing. And I didn't know if I was coming or going with my children through the system. It just felt like a vicious cycle and when was it going to end.

Rick: did you cover what was on the paper

Participant I covered what was on the paper

Rick did you want to say anything else about that

Participant (long silence) very scary. Place to be for a mom with her kids

Rick could you say more about that

Participant a piece of paper or our system can't really protect you. When somebody is going to be _____. And that's a scary scary place to be when you decide to pick up and leave just with your children, for the safety of your family. And then you trust the system that supposed to help you to protect you and they fail you and your children.

Very very sad. That being I have two children. A 17 year old now and my youngest 9 year old. It's sad being, like I separated from my 9 year old since he's been 3. But still have my 17 year old son. Very sad. I was just thinking he's a broken for that to be a result of domestic violence and a broken system. The combination

Rick; you don't get to see your children

Participant I don't. Sad

Rick that's very sad

Participant yeah, very sad

Client is smiling but tearful. I'm going to stop, OK

Participant um hum

Rick this is the answer to the **second question** which is " what were your reactions to the violent incidents?"

Participant at first with the domestic violence it didn't start out that way, so the answer to that question, really is twofold. _____ my experience. Because it actually starts out with the cycle, very complementary. Everything looks very good on the outside and uh but you're gonna be happy, you're gonna be rescued your knight in shining armor. Uh, that's the white picket fence, the car, the ocean view home, the whole 9 yards. So it starts out actually very lovely looking on the outside, but behind closed doors it's a different story. So I guess with the cycle being it starts off with the honeymoon and everything great. It starts to, things start to develop that you didn't see before, at first you just ignored. Ignored it and made excuses and justified, it get justified, justified a lot of the behaviors and I learned to really enjoy the work. And my outlet is going to my job, I'm a courier and at that time I was fortunate enough I took my oldest son to work with me a lot. Because I didn't want to leave him at home. And when I was pregnant I felt safe enough because I was pregnant and I had my other son by my side with me. So. It was a coping mechanism and I exercised to escape at times it was very heavy I would go down to my mom's and take a weekend trip and just try to get out of the house. I didn't know if I was coming or going. I felt trapped, my reactions were frozen a lot of the times I would just end up _____ because he really didn't really know what to do because things were so off the wall he just would _____

Rick that's a pause, can you say elaborate more on that?

Participant well, I'll never forget the time I was in my garage folding laundry at the washing machine and dryer and I was locked in the garage and I knew I was frozen but I continued to just fold laundry.

Rick he locked you in the garage

Participant yeah. So I knew at that time I knew I was just frozen when I didn't react to try to escape I just continued to fold the laundry like nothing happened. Ultimately it lead to me leaving, my children at 6 mos of age was my youngest son and I was in my older son's room saying prayers with him and he had doesn't remember it. I asked him, he doesn't recall. I always wanted to know more about it what it meant to him and he just said mom, why aren't you protecting me? Those words – crying (not audible) and it was at that time I knew I didn't care where I went but I just wanted out. I didn't want anything and I had prayed and prayed that something, anything would open up, to just get out. And between the children, I was scared because I just felt like I didn't want this

relationship not to work out. And I'm gonna raise 2 children on my own. But yet (crying) place, more damaging to stay for my children and myself. So my youngest was 6 months this year I was (not audible) held over my head and he would take him from me and would do everything in his might to take him from _____. but I knew I couldn't stay. So I left. Ultimately I took the boys down the street to an apartment close enough by where he could still see his dad and that where I could just close the door and have peace and quiet which I thought I would be able to close the door and have peace and quiet. I was just trapped in another home.

Rick can you say more about that?

Participant trapped and living in fear. The chaos. Being exhausted. Being, leaving my son to go see his dad, picking him up and not being old enough yet to really be with him. And he's still trying to nurse and he's still trying to take care of him, dealing with the abuse through his father through him. Dealing with trying to raise both the children.

Rick when you say abuse, is it physical abuse or was it more of a control, locking you up and just terrorizing that way?

Participant I was abused with more emotional and physical abuse. There was some point in time physical abuse would only I'm not going to say what only abuse is abuse but would be preventing me from leaving the house

Rick kept you hostage then

Participant I guess so, that's the accurate way to say it. I guess me wanting to be there. The subtle forms of abuse, I would be washing dishes and and like God's done a lot of healing in my life. I used to hate washing, I used to love washing dishes, but I used to hate washing dishes for a very long time because every time I would wash dishes it would register to my mind the garbage disposal going on on my hands. I'll never forget I was washing dishes and (tape misfed)

Rick: research question three. We had a technical glitch and we are going to redo one and two after this. Ok, please continue

Participant so the process about family court that exasperated my particular experience through the court system is two-fold because I was not only in family court for a year I also was in the juvenile dependency court for a year. And those two systems are two different birds. So it more like what part of these systems of the process failed my family. The system is cookie cutters. Case plans are cookie cutters; they are not tailored for individual families. There's the cookie cutter and they place it on each family and some of the issues aren't even the problems in the family so they are very unrealistic orders. Court orders weren't enforced even if something is on a piece of paper in my situation, they weren't enforced. And if somebody didn't obey the court order, they were just told, don't do that again. There was no sort of back up of reinforcing what was ordered. So it was a constant going back to court or just oh well, you go show up to pick up your child and you're waiting an hour, you're waiting two hours.... There's no show. And you just wait. (silence)

Rick what's going through your mind right now?

Participant waiting and waiting and not knowing if my son was going to be returned to me or when he would be returned to me. Then trying to get the order enforced and everybody would find, well it could have been read this way or maybe you just didn't see

him and he was there. And with all the excuses people would make for a simple order, here meet at three o'clock, you be there at three o'clock. Sure error for margin, yeah, half an hour late, things come up but 2 hours later. Two hours later. Or not showing up at all. Not showing up at all and then you're just there and oh the order could have been misread. It could have looked this way. Go back to court to get it more clearly written out so we the police department can read the order. (silence) the systems that are in place in family court systems from my experience was the issues in my specific case my children. (silence) was just that you're just a case. You're not people. You're not a family, you're just a case, you're just a number. Let me shuffle you through and we're going through our day and we're shuffling cattle. And they had their agenda and they're going forward no matter what is going on in your world. That's my experience. It became not even about the case, my children, this became about their system and them making sure they check off their check, that they're doing what they're supposed to do. To protect themselves, that they did everything they were supposed to do in their system to cover their bases. Attorneys would be joking with attorneys. The good boys system can't cant' bust the system, can't say something's wrong against another attorney because they all work with each other. They're not going to give it up. They don't do it. Even if it's wrong what they're doing. Court appointed attorneys never meeting with your children, but making recommendations for your children not even knowing your kids. Not even knowing what your kids are saying. Not even if you asking to meet with your child to hear what they're saying, they don't do it, but yet will make a recommendation. Attorneys not even showing up to the dates you are supposed to be there and you're sitting there waiting and there's no attorney there. You just close one chaotic store to open a whoooooole different _____ chaos. And then before you knew it you're just so sucked in to it and you're in the system going through their rigamarole. Being told you have to do this and that. (silence) good thing it's not independents. (silence) in tight knit communities, in small communities there's so many conflicts of interest and people involved in cases, in my case specifically had nooooo business being involved in, should have excused their self, shouldn't have been in it. Corrupt. System is corrupt. Special the juvenile court system. Instead of _____ money. (silence) not about doing truly the right thing by a family. (silence) but their job is to truly protect children, not put them with abuse people or abusive people. (silence) a lot of times parents have truly tried to protect their child, looks like the crazy parent, especially women. Everything goes good and bad and all, there a lot of women that do a lot of horrific things. And there's a lot of men that do a lot of horrific things, but you sit down and talk with a child and listen. And when somethings not matching up with paperwork, not matching up to who you're sitting across the meeting and your reading something, something I would very caution people to look at, cause what certainly is written in a document is not always the truth. (silence) attorneys didn't follow through, judges didn't follow through. The court orders that were made and the abusive parent walks out laughing and now even more chaos they cause, they can still abuse you but they did not directly indirectly _____ (not audible) and they use abusive tactics along with a broken system, double whammy. (silence) conflict of interest is a big one. In our case we were guided to get custody evaluations done. You got a court system they automatically in some cases they say we don't know

what to do here, you're gonna go get a custody evaluation. When the parents, or the party involved in the case, is dating somebody out of that office, that would be a big conflict of interest. A psychologist has nooooo reason to be the evaluator on our case, but she was. I later found out.

Rick: she was dating you're ex?

Participant her intern was. The intern in her office was. He was good. He was really good. He knew what he doing. He ended up dating somebody else in the child welfare system as well. (silence) yeah.

Rick you feel like you reached the end of that

Participant I have! I want it to be clear that _____ court system –juvenile court system raped my family. Raped is a very powerful word, but that is what happened to my family.

Interview Number 5

Rick If you would, please read back your pages and then at the natural pause, just either fill in either what is going through your mind or if you want to expand on what you just wrote.

Participant OK

Rick: and if you read to a part where you just don't have the words and you need to make a sound or a gesture,

Participant like

Rick: yeah, yeah exactly OK good

Participant OK I said this, the Family Courts in both jurisdictions I litigated in were perplexing. That's an understatement. Um but it really is, it was perplexing. My case originated in _____ County. My daughter at the time was 5 years old. My ex-husband had been violent with me and with my teenage son from a previous relationship but never with her. And this is where I'm going to expand because I really did not know how to articulate this, but one of the things I could never figure out was why he was violent with

me and with the teenage son, but had never harmed my daughter. And uh, I didn't have an epiphany until much later and I was very honest with the mediator, which I will read that to you here in a minute. And I did tell the mediator, honestly I had never seen him strike my daughter. And I knew that there was some problem with him and then much later I realized what it was and I did include it in what I thought the issue was but my daughter was, had been a toddler, a kindergartner up until this point. So she was very compliant. But, I felt that she was at risk because as she's growing she becomes more will full. And then her trigger temper on the part of my ex-husband seemed to kick in when there wasn't compliance or there was some argument, which you would get from a wife and which you would get from a teenager. But, not from a compliant 5 year old. So that explained to me why at the time, I mean I was honest, I didn't say he beats her every day. I said he has not, but, you know, but I didn't know that at the time. But it made sense to me all of a sudden. So anyway, I had copies of police reports I also had an emergency protective order. Not at the time, but these were copies of documents that came up during the relationship. And the attorney I had at the time said the mediator would have access to these, including a confidential CPS report. I brought copies with me to the mediation session. My ex and I were seen separately. To my surprise, the mediator refused to look at the paperwork that I brought in regarding the domestic violence, saying they hadn't been filed with the court. While my attorney eventually filed them, I decided to become self represented after that lapse on his part. (laughed) I thought I don't need to pay you thousands of dollars to mess me up like that (sounds like she may be crying now) because usually the first mediation session kind of sets the tone

and it creates the status quo. So that was fatal. He was from another, he was from _____ county and he may have been unfamiliar with rules of court or whatnot. I had actually known him for a number of years and he did specialize in family law but he said (loftily) "Oh, no, the mediator will have all that information." Then I thought, great the mediator has and ___ I want to talk about it and she's like "oh no, we're not going there." I said OK. So anyway I became self represented after that. Those papers were eventually filed and then when the judge saw them he ordered a limited scope evaluation to see if there would be a finding of domestic violence. I waited for almost a year and never heard from Family Court Services in _____ County about the limited scope evaluation.

Rick: a year

Participant It was 8 months. But it did become a year. So uh I just patiently waited because you don't want to make a pest of yourself with the people like that and I had never been through this before so I didn't know how long it took. I thought maybe budget cuts, staffing, and un

Rick so you were intimidated a little bit

Participant well I didn't want to, like when you call Family Court Services, there's a recording saying you can't talk to your mediator and it is kind of like we don't want to talk to you anyway (laughed) It was just kind of like back off and sit over there and when we need you we'll let you know. And so I didn't want to appear to be aggressive for anything like that with them. And since I had never done this before I didn't know how long it was supposed to take. And of course I was self represented then so I just had to rely pretty much on google to figure out how things worked. You know that was my new

attorney it was google (laughed a lot) So anyway after 8 months, that was the other thing, I was concerned because I had heard from my attorney before we parted ways that my ex-husband who was now living here in _____ county was thinking about getting the case transferred here to _____ County. And I found out through Craig's List, not Craig's List, Google, that uh some counties handle these limited scopes of evaluation in-house, which _____ county was going to do. But other counties outsource them to the private sector. And we had been ordered to pay for this limited scope evaluation, I think the judge said \$200 and some for me and \$300 and some for my ex-husband, which was manageable, but when you read about counties that outsource these things you are talking about thousands and thousands of dollars and no really no, no custodial determination is made until that happens. So it is almost like if I don't get this resolved in this county and I end up having to do it in _____ County will I need to come up with \$12,000? You know, so I felt like it would be unfair for the new county to have to deal with this because in the police, I had a whole list of witnesses, you know law enforcement officers that came to the house, whatnot and I didn't have the financial where with all for them to come and testify here in you know _____ It was really important that even if they determined that this was the correct jurisdiction that at least that aspect of it be done there. And as I felt, I went to the family law facilitator in _____ County to ask what do I do, I've been waiting and I need to have this done before and then of course my ex filed for the change of venue. So the family law facilitator who helped me with an attorney, she was a bar member and she was very, very nice and very helpful but it was difficult to see her because in _____ County it is very different from here, if you need to see the

family law facilitator, you have to line up outside the court house before 8 o'clock in the morning and they only see the first five people in line. I am not kidding you. They only see the first five people in line so I would get up in the dark you know and put on a coat and hat and gloves so that I could be one of the first people and it took me about three or four tries before I got to this gal. and like I said, she was very helpful and she asked me for my email address. So I gave her my email address and I actually didn't find out until much later that she was an attorney. She was very laid back kind of hippy like you know and I thought she was some clerk that did paper work or paralegal or something but she was a real bonafide bar member. And so about 10 days later she emailed me and she said that she apologized that it had taken so long that apparently Family Court Services had received the request from the judge but they had completely forgotten about it. And that they only did five per month and that there was a que and they couldn't put me in a que as if had I been on the list. Since the judge ordered it they corrected the problem and put me in the que then and so it was imminent but there was still no date. And the poor dear, when she sent me that email she had been corresponding with court employees about my case and the judge, and in fact her office was in between two judges chambers. And so she had emailed back and forth and her boss, who is also an attorney, wrote something really nasty and she, in other words, the attorney that emailed me instead of saying I'm sorry there was a delay, you're in a que, it should happen any day now, you know be patient. She did say that, but what she accidently, she didn't create a new email to me. She sent me the whole thread of confidential stuff. The judge was very professional in that you know this is to be given a high priority. Then her boss, who is an attorney said I

am so sick of this case. She said I am so done with this case and just really nasty stuff and then there was a comment that the judge made and so I saw that and I knew at the time that she inadvertently sent me that, that I probably was not supposed to have the judge's personal email address or anything like that so I just thought all I need to do is call Family Court Services and saying that can you tell me if I made the que, am I next, and I next? And so then we, my ex-husband had the motion to change the venue and we had a court date the following week. And so at this point I was desperate to find out you know what was going on because I had to argue --- self represented I had to tell, it was a different judge that we had for the change of venue. I had to explain why we should at least keep the case in this county until this limited scope evaluation was done and once it was done then we can go through the trial thing in _____ County but that it would be unfair to everybody and blah, blah, blah. And in support of my argument to keep the case there in _____ County, I wanted to include the email from the attorney with the family law facilitator but like I said her office was right between the judge that was hearing the motion for the change of venue and the original judge for my case. So they were working closely you know they were right there and I needed to ask this woman if I could use her email and was she aware of what she sent me and would it be OK because on the one hand it shows that, that I was done a terrible disservice you know for having to wait and wait like this. But at the same time I didn't want to print that email and put it in my paperwork because I thought it was sensitive for her, not for me. But so I couldn't get ahold of her on the phone so I drove up to the court house and she had an office with a glass window at the top, but it was that fuzzy glass that you can't see who is in there and

her light was on and she obviously had some one in there with her and I didn't have an appointment. And so what I did is I printed a copy of the email and I put it in an envelope addressed to her and it was only her office and nobody else has that office and put it under the door and I wrote a little note and I said I don't believe you intended for me to see everything that was in this email but we do have a motion to change venue and I want to show this new judge why I think we should keep it here. And then I left. I couldn't wait there to talk to her because she had you know it would be inappropriate and when I got home I had an email response from her that said that as of that day she no longer worked for the County of _____. So I think that, I didn't tell her I was going to use it, I asked for her permission. But because she is an attorney and because there are ethical things that maybe would have been worse for her if she hadn't told her supervisor what she did. And so I think she went and told her supervisor and her supervisor either fired her or yelled at her and she resigned. Because while she was helping me her supervisor, who is also an attorney, was yelling at her. I thought that was really unprofessional. And it was just a really high stress thing. If you could picture a line of litigants out the door who want help and they only take the first five, and so when we went to the hearing for the change of venue, I didn't use the email. I didn't present the email because I didn't want to call attention to myself and I knew that both those judges knew this woman very well and then would say oh that is the litigant that caused all these problems. You know what I mean?

Rick: you were worried

Participant Yeah, I was worried that just trying to go along with the program.

Rick what did that feel like

Participant well, you know these people, in theory, these people are public servants and you shouldn't have to be afraid but in reality they are very powerful people who have created this system that is very confusing and _____ for example nothing that I did, OK, nothing that I read translated to that when it was actually happening. When I was, when I was the uh, worked for the police department and when I did these _____ reports for _____ county for this probation department, you know the penal code is pretty cut and dry, the health and safety code, and the vehicle code, you know those things all make sense to me. And I dealt with those most of my professional life and it is, you know the _____ code and you pretty much figure out what you can and can't do on the road. Family law is such a departure. And I later learned even to this day I learn through there _____ that the family code is I think I mentioned to you its just because there such broad discretion there the family code its just a suggestion but its frustrating for litigants to go for example I've been to the law library and tried to read things you know because everybody said oh we can't give you legal advice. I'm not asking you for legal advice, tell me where the book is. And I read the book and the 3044 of the family code seemed to apply in my case. But what actually happened was just mind boggling. So anyway we left _____ County. So _____ County never knew really, I never made a spectacle of myself. I just sucked it up when the judge said yeah we are sending it to _____ County. I cried. I cried. I went to the back of the court house and I sobbed for about 45 minutes because I dind't – in the back of the court house nobody can see you. It's kind of like a shipping/receiving whatever it was. I didn't want anybody to see me because up until

that point I had just tried to be very keep a stiff upper lip and just you know. I almost. I don't know. Maybe. HHHH It was just, it was like being in a, you know when you go to a carnival and they have those mirrors where everything is all distorted. I mean that is how the whole thing felt to me. But I did cry that day because I knew, when I looked at my witness list, you know these were all Petaluma police officers, neighbors who had witnessed the domestic violence then if we went to trial in _____ County that I would not be able to afford that paper. The neighbors probably wouldn't charge me, but the police officers have a pretty _____ travel time and I knew that things were getting off to a wrong start you know. So anyway that was _____ County. And then my ex husband had done a lot of things to me, the financial thing, the uh actually caused me to lose my business the one that I did the industrial machine tools and the house that I lived in. He would say under his breath uh you better get your wallet out uh you know meaning that he was going to make this expensive and uh I didn't know what he meant at the time because I was self-represented. You know I quickly became self-represented when I realized just from reading a lot on google really that is where I got my education on family law uh and uh. Anyway, so since I had pretty much lost everything uh I decided to move to _____ county to be closer to my daughter because at that time I only had her every other weekend and I was driving from Petaluma to the central valley or from Petaluma to Turlock. And that was when gas was like \$4.50 a gallon and uh I had a job but I constantly had to ask for to leave at 11 o'clock on Friday so that I could be in the central valley in time for the court said I could pick up my daughter. And uh, so my son has moved out, he's going to school in Davis, there is no reason why I can't live in the

central valley. And the fact that I don't know anybody there and uh you know how do you get a job in _____ county if you don't have a home in _____ county and how do you get a home in _____ county if you don't have a job in _____ county. And so, uh one of my concerns was what my ex husband had in store for me when I came here and uh someone had told me about the Safe at Home program, which is run by the secretary of state and – well uh it's a program for qualified victims of domestic violence. There are different levels of service. What one of the things that they do is they give you an ID card, it's a state ID card, with a fictitious physical address and your mailing address is with them. And then they re-mail to your home, uh your mail. And then there are other things, depending on the severity of you know they have intake, like the district attorneys office does intakes for that and if you qualify then uh, then you have whatever it is that you have with them. And I wanted to make a fresh start here. I thought at least I don't have to commute and I had gone to the DA's office uh, not here, but in Los Angeles county, uh just because I had to be there at the time that someone said go in there and talk to them and fill out the applicaton and talk to the intake person and they'll let you know right away, but they did tell me that I qualified especially since I had to have ongoing contact with this gentlemen because of the custody issue. So it was , it was, I don't want to use comforting because it unraveled from there but I had to come to the court, to the court clerks office to get our custody trial because _____ county just sends things in a box and they end up put away somewhere there in the court building and you have to initiate, to trigger something to happen. So, I asked the clerk and she said no problem she said we need to enter the docket information into the computer, if you want to come back

in the afternoon we will give you your new case number and blah, blah, blah. So that was it and then for one of my visits, weekend visits with my daughter at the time I was staying in Elderwood, most beautiful place in Elderwood, and when I returned my daughter that Sunday at 6 p.m., you know my daughter obviously mentioned to, actually my ex husband spotted my car got back on the freeway and headed east on the 198 which is not the way to get to Petaluma so knew something was up. And of course my daughter must have shared with him that you know we were in town. So he filed, this is all here by the way, I wrote all this down. He filed some paperwork demanding I disclose my residence address to him. As a condition of participating in the Safe at Home program, you cannot disclose your address to the batterer. I could have probably joined the Safe at Home program before but actually I couldn't have because he knew my home address. So if your batterer knows your home address, it doesn't matter how severe the case is that it is pointless, and if you ever give your address to your batterer then you are outted from the program, according to their rules. And I noticed that, anyway we had our trial but, lets see I won't go there yet, because that's not here. For this particular issue we had to go to court and he demanded that I give him my home address. Oh I mentioned to the judge that I was in the Save at Home program. And by the way, the lobby in room 201 had a great big poster of the Safe at Home program, OK. In _____ County. Now I am in the court room and explained to the judge that I was in the Safe at Home program and the judge said to me, first of all I never heard such a thing, even the poster is in room 201. And if you just look to the right its right there. The judge said never heard of this thing and if you want to see your child you will be giving him your address, end of story, you

pick. And the judge said I am going to give you I forget how many days, 10 or 15 day and then we will be back here and you decide what you are going to do. So uh I called the Save at Home program and they suggested that I bring, well actually it is a little more complicated than that, but I'll give you the short version. Because it did end up in another department and that judge didn't know anything about it but that judge made a phone call and was talking to someone at either the AOC oh no at the secretary of state and the AOC and I know because somebody told me. And they were saying they couldn't find anything _____ about it. But anyway the Safe at Home program told me to bring an advocate with me from the DA's office and so I did. And when we approached the bench and went to sit down, the judge looked at the advocate and they must know each other because you all see each other in the hall ways, and looked at her like a cockroach, what are you doing here. And the advocate explained what her reason for being there was and the judge looked at me and said, I'm not buying your victim nonsense and ridiculed and humiliated the gal from the DA's office. It wasn't Sheila. Sheila was the one that helped me originally but it's some cute little blond girl who was almost in tears when she walked out of there. She said she couldn't believe it. And she will discuss this off the record, she won't discuss it on the record. Because nobody wants to. Anyway, so I gave my current address so I could continue to see my child. So as far as the highlights of what the court has been like, or me personally, I don't know, I can't speak for other people, but that it how it was for me.

Rick its pretty much the gist of what you wrote?

Participant uh huh

Rick how you doing

Participant fine

Rick you OK

Participant yeah

Rick we are going to Research Question 2 but I need short break to go down the hallway.

Would you like a break.

Participant Yeah, actually I would.

Rick I'm going to stop the tape right now and we'll pick up

Participant yeah I'm gonna run out to

Rick we are continuing with client This is after the break after the first research question as a follow up comment

Participant There was, the Safe at Home program was created in 1999 so for a judicial officer to not have heard of the program in 2008 or 2009, was very sobering to me.

Rick sobering?

Participant yes, that this program which is run by the government in _____ had been in effect for so many years yet here in _____ county the bench officers had no clue. Not just one but another bench officer didn't know what it was.

Rick I'm trying to imagine what that feels like for you. Sobering...

Participant well then I knew that I was dealing with something very, very different than what I thought it was, the whole system. That it was just absolutely

Rick and what's it like to experience that?

Participant Uh, frustration, but then I was, what motivates me is my child, and so I had to get to the bottom of this, like a Nancy Drew mystery. See I just try to approach it like a Nancy Drew mystery. There is something going on behind the scenes that most litigants really don't know about.

Rick yes, and I see the tears in your eyes

Participant – laughs

Rick are those tears of frustration?

Participant uh

Rick anger?

Participant I'm just remembering what that felt like because I actually spoke with the bill's author, it's a state senator who now she lives in San Diego a I'm trying to remember her last name. but she is the mother of that bill that created the Safe at Home program. And that she now works for a very well known public policy law firm in _____ and when I found out about this I drove to ++++++, I went to the capitol and I went to go see the representative for our district here and although he wasn't in

Rick Nunez?

Participant No, it was the guy who was also in the newspaper but he

Rick the guy with

Participant No, he was driving drunk leaving a gay bar in _____

Rick holy cow

Participant laughing

Rick I need to make a comment to my machine – from the time I said this was a comment we are not going to transcribe. But parenthetically we are going to keep it and going to figure out what to do with it, it is important information, but it can't go with the other stuff. I'm a little pressed for time cause I've got somebody coming in at three. So what you are telling me is super duper important. OK I want you to know that I hearing every word you say. I don't know what I'm going to do with that, but I'm not just going to let it go.

Participant ok to wrap it up real quick I didn't see the guy that _____ saw his assistant, capital –

Rick aide or something

Participant yes, and this guy was absolutely fantastic he's formerly in the military, he was a military strategist and he said to me you know there's a lot of different ways to skin a cat. How I would approach this if I were you is I would go straight to Deedee, the bill's author because they are very protective of these bills that they created and were active and what not. So let her know whats going on. And he gave me Deedees home phone number and I spoke with her and I said Deedee I just want to let you know whats going on and she told me that when this program was created that they did have some contact and met with the judicial council and the AOC but there was never any follow up also ran into a gal in the line in the filing clerks office who _____ in the courts like I do. We were just stuck in a long line reading something she was standing next to me and she said Oh the Safe at Home program. She said my ex husband was in the county jail here in _____ for 8 months for beating me severely and I was in the Safe at Home program and

my judge ordered me to give him my home address. So this is just a random encounter in room 201. So anyway that is domestic violence in the courts.

Rick OK thank you so much. This is really valuable for me I want you to know that and I thank you for this. I've got a 2 more questions

Participant OK

Participant that's fine. You said we had about an hour and I think you mentioned it to [name removed] said is that all? (laughs a lot) I think that we've got surprises for you, but anyway.

Rick What were your reactions to the domestic violence incidents?

Participant at the time they occurred or right after they occurred? This is really just a recap of what we discussed when I just first got here that because of my background working for a police department in a major city as a civilian employee I felt that I was better than that, that being a victim of domestic violence. I was in denial at first and then ashamed for letting it happen to me because it happened more than once. While I did report each incident, including one to CPS about what my ex did to my son, I thought that we should attempt counseling, which we did. It was unproductive. I eventually realized how clueless I had been. Now, for example, if I read about domestic violence its almost like I'm reading about it for the first time, even though its not the first time I've read about it because before I was reading about it as it pertained to other people. Now I've gotten over the being shamed part and I just want to educate myself so that I never

ever allow myself to be in a relationship where you have that kind of dynamic and uh that's pretty much it.

Rick thank you. Next question I'm just going to share with you that from a researcher's point of view I want ask you a gazillion questions and I'm going to adhere to my program here. OK What processes about family court exacerbated the violence? What processes made it worse or made it better. Does that make sense?

Participant OK, I said most, if not all the processes exacerbate the friction. My ex-husband enjoys litigating, insulting me in court, making derogatory comments that don't necessarily rise to the level where he would be reprimanded but just getting in little jabs in and he gloats that he perceived that he won. He was very frustrated after our last mediation session because the mediator picked up on his hostility, and told him this wasn't a war. And her report, I don't remember the mediator's name, she really got him for the first time I think I had a mediator that understood what I go through and it reflected in her report and I was, on the one hand, I was relieved that she was able to see some of the things that I have no other way of letting the court know. And I wanted to say, but I didn't, you know this is how you see him acting here when he is supposed to be on his best behavior you can imagine what I'm on the receiving end of and so I was gratified that the mediator was the _____ (rick cleared his throat) but at the same time I was nervous because now he perceived that he lost something, so now that we're done with this, what is he going to have cooked up for me. You know, so.

Rick: man that great, this really, thank you very much. You're finished with that piece?

Participant un huh

Rick I'm going to go ahead and hit stop if that's OK.

Interview Number 6

Rick so if you would be ready to read back and at your natural pauses just sort of expand

Participant given the fact that I have had several domestic violence experiences throughout my life which have produced family court hearings, obviously because we had children, I would say each are different, different domestic violence experiences plus different court experiences that followed. In my first experience I was young and did not know what the court process was all about and I sort of expected couples to fight and for you not to talk about the abuse in court because that was not a place to air dirty laundry.

Rick at the pause, could you go ahead and expand on it.

Participant Yeah, uh, being young I know that I heard a lot about domestic violence um, I did not witness so much of it but I had heard my mom discuss what had happened between her and my father growing up. And so I just kind of thought that was something everybody did.

Rick so they were violent, your parents?

Participant yes, I kind of just expected that to be a part of every relationship and being young and ignorant I didn't know any better and it was kind of a shameful thing. There wasn't a whole lot of really physical experiences with my son's dad, but I know, in particular there was one time that the police had to be called and of course I didn't want to press charges because I thought we needed to work it out and I thought it was just something that was normal. Never came up in court because again I just did not want people to know that that was something that was normal in our relationship. Luckily dad and I at that time despite what we were going through, we were still friends. And we wanted that friendship to continue and we did so and we only had the one court hearing which thank God was wonderful and today we are really good friends. Always have been really good friends, he's married. I'm really good friends with his wife and he turned out to be a really good guy. And so I am grateful for that, I'm grateful. I'm grateful that my son, I asked him when he turned 18 is there anything, anything at you ever regret about the - your father and I raised you? And he told me no. And that was a wonderful blessing, that you guys never fought, you always worked together for me. And that was just really wonderful. Though we only had that one court experience and we were both willing to work together and we always, actually after the fact, even though there was a court order in place, that we had visitation every other weekend we didn't follow that because we did what was best for our families. So that was a really good experience. Never had to go back if we ever had issues we would talk it out, we would discuss it, it was really great. He's now 19 and doing wonderful. But that was my first. My second experience, unfortunately my daughter was born and after I became pregnant was when

he became abusive. I was not married to son's dad nor was I married to my daughter's dad. He became abusive when I was pregnant and so, this may sound weird, having a religious background I thought that God was punishing me for leaving my son's dad and I felt like this was something I had to endure and had to put up because I walked away from that relationship and I had always been taught despite my mom and dad's divorce, that you married for better or worse and you didn't divorce that that wasn't right in God's eyes. So I thought I was in a sense being punished and that I had to endure this abuse. With my daughter's dad, he was physically abusive towards me to the point where he would hold guns to my head. We fought all the time and when I say we, I had to hit back in order to defend myself. For the longest time I wouldn't and it just got to the point where I knew I had to or it wasn't going to change. Then, go back to my notes.

Rick Good, good.

Participant so I also experienced emotional and psychological abuse with him, always being told I was never good enough, those kinds of things. Then my son, at the time my son was just a toddler and he had to not only witness the abuse but he was also part of the abuse which lead me to make the decision if I didn't get out he was either going to kill me or the kids.

Rick so he was abusing your son?

Participant yeah. And a lot of it I did not see. There was one incident I did see and I was put in a very bad situation to where I actually put a gun to his head. And I told him that if you hit him one more time I have to kill you. I'm sorry but you can't hurt him. So again I thought I had brought this upon myself and we didn't discuss this, this wasn't something, because to everybody else in society he was a very well respected person. He was a good guy. Everybody thought oh he was, oh you know when you thought of a good upstanding citizen, you thought of him. So this was something that just happened behind closed doors. There's one incident in particular where my daughter she was only 3 I didn't realize, we were caught up in a fight and I didn't realize that we were both bleeding and didn't know where the blood was coming from, didn't know what had happened. I know that we had been wrestling with the gun and I had ran to the phone to call 911 and he tackled me and so I got up to run to the other phone in the living room and then I heard this little voice saying, Mommy. And I just snapped out of it. And I looked down and she is pointing at the ground and she said blood. And I was like, stop, stop! And he just kept on and I said stop, stop, one of us is bleeding, one of us is hurt. And I looked down and I realized there is this blood just dripping out of my hand where I had been holding the gun from the barrel and apparently when he pulled it away from me he had cut my

Rick ripped your skin

Participant yeah. And I was bleeding and he was bleeding because I had hit him in the face and it was just a mess. Anyway, I realized at that point, because my daughter started having nightmares after that that I had to do something because they were being affected by it. So I waited until the opportune time. There was some other stuff that had happened in between that time I had caught him, doing pornography with the children.

Rick with the children?

Participant yeah, yeah and at that point I was very naïve. I didn't know what to do. I knew it was a violent situation. I knew if I acted on anything that either myself or the kids were going to be the ones to suffer from it. So I thought my solution to the problem would be to finally get rid of the relationship and keep the kids safe. I had put everything outside of the house when he went to go dove hunting.

Rick everything being?

Participant all of his belongings. And waited, you know that was my opportune time cause I knew he was going to be gone most of the night and a good portion of the day and then he came back home the next morning. He kept on and kept on to try to get me to open the door trying to get the kids to open the door by saying he had toys for them. He eventually ended up breaking the window which cut the kids, which I called 911 because I didn't know what to do. I knew he was coming in and was probably going to hurt us pretty badly. So they came, they arrested him and found out, and I was totally naïve to the fact, that he had been under the influence of drugs. So he was arrested and he was arrested for felony child abuse, he actually got convicted and that's another issue I have with the DA's office and making deals with criminals. But he was actually convicted corporal punishment to a child. And I don't understand that considering, anyway. So we went to court cause that was our final separation. We went to court and in court I found it to be very odd that they didn't believe anything I said. They wanted to see proof and then OK I understand that so let's set another hearing and let me show you what I have and despite the fact that he did do time in jail none of that really mattered in the judge's eyes all they cared about actually in mediation and in front of the judge was that dad have an opportunity to raise this child. And I agreed with that but I didn't want my child to endure the same kind of pain and suffering that I did. I did not know at that point if that was going to happen. Although he had never physically hurt my daughter, that I was aware of, he still physically hurt my son and myself and I did not know if it was going to get worse.

Rick and this was several years ago this case

Participant this case was actually in 1997, so yeah

Rick thank you

Participant and so when I took the kids to counseling after that because I wanted – they were having really bad nightmares, I mean, not doing well. My daughter has this great fear of windows in any room. She does not want to be anywhere near a window which is understandable. I took them to counseling I took them to _____ Youth. They went through 6 months of counseling, separate counselors and there was some other stuff and again I was naïve at reporting things, how things got investigated. I just did not understand that part of it. So when I went in to _____ Youth and I told them everything that we had experienced during the relationship, I just thought that was for a background for them to know how to treat the children

Rick you were trying to give as much information as you could, be very honest.

Participant and that can actually turn around and backfire in family court. But after the 6 months of counseling and working with the therapist they told me that they felt that my son had been sexually abused by my daughter's dad and that my son had in turn acted this out on my daughter, which I knew that because I had caught them. My son at the time was, let me see, she was 3 and he was 5. And when I asked him where did you learn this from, where did you see this? He pointed toward my daughter's dad and my daughter's dad of course immediately, How dare you? And became abusive.

Rick at your house, not at the

Participant before we separated when I had caught them. But during the therapy, this came out during therapy and I didn't know until after the fact.

Rick thank you, ok

Participant and so when I had went back to court to explain what we had discovered. Well I did not have the therapy records with me because I did not know to bring them. I gave the judge names and dates and the conclusion that they came to and what do we do from here kind of thing. And the judge basically looked at me and said you're lying. And I said well

Rick did he actually say that?

Participant I, I really don't know. That is the impression I got. It's been so long

Rick that is important your experience was that you were told you were lying

Participant yeah. And because I didn't have the documents there in front of me again, at the time I was only 24 and was not very, you know didn't understand the process of how you obtain things and what you need to bring and it was like that. So basically my daughter's custody arrangement I almost felt like it was forced. Forced to forget about everything we had gone through and just work toward the best interest of the child not taking that into consideration. The normal visitation and custody arrangement back

during that time was basically every other weekend a couple days a week. Well then my daughter's dad wasn't happy with that. He wanted her on his days off and so the judge agreed that every day off that he had that he could come and pick her up. She was only three at the time and so he had for 2 overnights. Because there was so much physical abuse in this relationship, I never wanted to take him back and continue to push. I never, had a different fear at this point and that was of losing my life. And so at the time he was going to the police academy to become an officer. Fortunately, he didn't pass the psychological exam and because I had a restraining order against him he was not allowed to be an officer. But none of that was taken into consideration, of course, in the courts. So I just I kind of did a you know just explained to my daughter, honey if you're ever, if you don't feel comfortable if you ever hurt, if you ever you know, then please tell mommy and we will go from there. Growing up she never told me anything. She did tell me a couple instances about this that, mom there was another time we did go to court because stepmom had been hitting her with a fly swatter and pinching her. And so we went back to court we were in front of commissioner Perez and commissioner Perez told me that I was jealous because he had remarried and those were the words that he used. I mean that she used, that I was jealous that he had remarried and I needed to get on with my life and stop making these allegations against dad and the step mom.

Rick: and what was that like for you?

Participant I just felt completely like somebody had slapped me and left me standing there. I was just wowed. I don't understand. Cause she just basically said that I want you to remove all the fly swatters in the house and nobody is to be pinching the child anymore. And so my child ultimately was protected, I mean no custody or visitation changed, it continued the way it was. He was reprimanded for pinching or hitting her with a fly swatter but at the same time I was being told to stop it, get on with your life, get over it kind of thing. And so, that kind of left me feeling like wow OK I was just trying to protect my child, but apparently that is not what I am supposed to do at this point. So growing up Jessie has, she has dealt with a lot of continued emotional abuse. She's had to witness a lot of physical abuse, because the physical abuse where it left off with me it started with his wife. And so she had to deal with that growing up, which really had bothered me. But again because of what I had went through and I kick myself in the butt for this all the time, I have a weakness in standing up to the court system and being re-victimized by dad and being told that what I am doing is wrong and that I have the fear of him hurting me more so. So she is doing OK (laughed) I kind of left it alone from there. With my, but I have noticed, let me go back to that for a minute. I have noticed that growing up through the years he has this continued need to control me kind of usually done through my daughter. One of things I have never ever, ever, ever done is trash the other parent in front of the child because that only hurts the child. You know, it made my angry adult feel better for a little bit, but ultimately we were damaging that child. And I've always been very big you don't get a child involved in adult conversation or in an adult conflict. And unfortunately he's always felt differently about that and he has always felt that anything that needs to be relayed to me has to go through our

daughter. So that is one big difference we have because I don't feel like she should be in the middle of anything. We're 2 adults we should be able to pick up the phone and talk to each other. Um, so and another thing they kind of a big issued I had with the courts was they ordered him to attend a batterers program. So they interviewed him, I don't know if it was done over the phone, personally I don't know and I didn't know until years later when I got involved in my last custody case and that they interviewed him for this domestic violence batterers program and then they came back saying Oh, he doesn't meet the qualifications. You know, whatever this ____ he doesn't need it. Then later on in the file there is a note that says we received the police report, we've now contacted him to come back in and re-interview because now they realized, wait he was lying to us he really does have these issues. I don't, from what I have seen in the file he never did complete the batterers program. And the courts never did follow up on that kind of stuff. Unless you bring it to their attention they are not going to go out and chase people, but yet I didn't know that that was in the file. So there might have been other ways I could have protected my daughter growing up and kept her from the violence she experienced there with him, his household. But I was unaware of this. Now with my youngest daughter, (sighs) with my youngest daughter it has been a completely different story with the courts. It seems to me like there was a definite change in the way the courts perceived child rearing as far as they now believed that a parent should have equal time with their children despite anything to do with safety or domestic violence or drugs and alcohol despite any of that the child still needs to have equal time with both parents. Now I do not know why how that ever came about. I have no idea but that's what I experienced going back to court. With my youngest daughter

Rick this is fairly recent then?

Participant yes, she was born in 2005 (crying) um, and we have been to over a 100 hearings

Rick I'm sorry did you say 100 hearings

Participant since she's been born

Rick in _____?

Participant and (garbled) continued abuse ____ court system

Rick now is this the same dad, this is a third dad?

Participant yeah. Third dad and no I wasn't married to any of them. Um so with my youngest daughter there was never any physical abuse towards me. There was physical abuse towards objects around me there was physical abuse

Rick: what does that mean

Participant he would break things and I remember one time in particular we were at Target and he went to open his truck door and the door shut and smashed his finger and he got so mad he took about 20 steps backward and ran toward his truck as fast as he could and bashed in the side door with his foot. I was like, Oh my gosh! One time he dropped a call on his cell phone and he threw his cell phone so hard it busted out the dump truck window. Those are the kind of things, so it wasn't physical abuse towards me but it was lack of impulse control, those kinds of things. He did at one point in time, my dog got in a fight with his dog we have animals, separate animals prior to the relationship, and he got my dog and put her in a headlock and punched her about 5 times as hard as he could in the head. All the time my kids are seeing this. You know to the point where my dog pooped all over herself and it was just horrible. And you know, I'm thinking in my head, you know he's got some issues (laughs) and uh but uh, um the relationship continued. My daughter, my youngest daughter was confused by me telling me no and him not listening.

Rick: he raped you?

Participant I have a hard time calling it rape just because it started out consensual but when I when I said stop, he didn't listen. Sexual assault to some extent I didn't talk to him close to 3 weeks afterwards and uh I found out I was pregnant and I met with him and explained I didn't know what I was going to do. I loved him. Kids are my life. So the alternative wasn't a possibility. And I knew I was going to have this child and I wanted the best I could for the child and so I told him let's work together on this. He told me, I knew you were pregnant. And I was like, what? (whispered) What do you mean you knew I was pregnant? And he's like, that's what I wanted. I'm going, Oh my gosh! Um, well at that time I had my own house I was doing fairly well, I had new vehicles, but I owned, (garbled) I was a very thrifty person, you know, I had money in the bank, I was secure. Me and the kids, we're doing ok. I have always been a single parent but my children have always been number one. Anything they needed, they had. Maybe not everything they wanted, but everything they needed, they had. So we never had to worry about anything like that. He came along and he took all that from us. Um, I, he had told me that he had, he knew a lot about me. That he had done some extensive research, had contacted all my friends and found exactly who I was. This scared me, because the way he called, the night I met him, he was (garbled) in a bar and had went to watch some friends who have a band. And I never wanted to go because with my Christian background I you know I didn't frequent those kinds of places. And uh, I finally gave in and went to go see my friends in the band and he was there. He was drunk and he wanted to dance a couple of times and I danced with him a few times and then he tried to kiss me. And I slapped him. And he said, uh, well you can't blame a guy for trying and I said, yeah you can. And (garbled) I grabbed my friend and I said we are going. And he laughed and he called me couple weeks later. And I said who is this? And he said oh Steve _____ remember we met in a bar and I went Oh my goodness, how did you get my number? Oh, I know a lot about you. And I'm going OK. Well part of me was frightened but given my domestic violence past and my low self esteem, part of me was

impressed. Oh! This guy wants to know more about me. Um, you know, now I'm a little bit more educated about what all that means and I should have ran but (laughs) anyway, um. So after I was pregnant and I (garbled) him, you've got your life, i've got my life and we can raise our child, you know, we'll work together. We'll do whatever it takes for our child. And he kept coming around, and coming around. And uh, eventually he started contacting my sister and my best friend. My sister and my best friend are the two closest people in my life. Um, my mom and dad are deceased. Um, so they were my everything. I, I also had a sibling that was 2 years older than me and him and I were best friends. You know, he was such a big part of my life. And uh, every time he came around, dad made sure that he made him miserable, go away, go away kind of thing. I had actually brought another one of my brothers, I have three brothers and two other sisters. Um, but had him into my house for a while, while he was trying to find a job, and dad managed to get rid of him too. And I didn't see the pattern as him trying to what – I, I

Rick: isolate

Participant Yes! Thank you, cause I'm blaming me and uh, next thing I know I'm getting a phone call from a realtor and I, (garbled) I need to come out and look at your house to put on the market. And I'm say, well what do you mean. I don't understand, I'm not selling my house. So, dad got a hold of us and, No, No, No No, this isn't dad's house. This is mine. And you know, I'm talking to him telling him you can't be doing this. You know this is my and my kid's life and no, you can't do this to us. Oh, you don't want nothing for us, you don't care about us, you don't care about this baby and he would eventually wear them down. Uh, him and his dad found another house out in the middle of nowhere up towards (garbled >>>springs?) and felt that was the perfect house for us. There was enough room for his business equipment and it was close to his parents you know and it was away from everybody I knew. And so, so it was a mess. I didn't realize until later that this is financial abuse, but um, I had profited \$100,000 in a settlement. He had went and told the loan officer that I was too sick, that I was on bed rest because of the pregnancy and so he needed to sign all the paperwork. Uh, I didn't know this until years after the fact, again when I got a really good attorney and he was able to uncover all this stuff. Um, so the loan officer took him for his word and when I went down, finally went down to sign the papers, she's like OK, we're paying off this, we're paying of this, and she told me everything, I'm going no, no, no, no, no. No, no we're not. He had bought a suburban um I was paying \$20,000 for that, he bought a travel trailer, I was paying \$15,000 for that, he had some tax liens on his record, I was paying all those off, um so basically about \$50,000 was going toward him and the other \$50,000 was going towards the house, which I purchased, which I was – I would (garbled and high pitched) that was fine. I told the loan officer I'm sorry but you know this, No, I need to go back and talk to him. And of course, I was confronted with – you don't care about us, you don't want this to work, you know, the baby means nothing to you. And Blah, blah, blah, blah, blah. And you know for many hours of crying and yelling and everything else I finally faxed the paperwork back, closed escrow and he got everything he wanted from the deal. We picked up the keys, I never got a key. I was told I didn't need a key. At

this point, he had really changed. He had really turned into something completely different. He would, before and now I can say this because I can see it. He pretended to be nice to me. He pretended that he wanted for the best despite everything, all the differences we've had. He pretended like he didn't understand. When we were trying to work on this that as soon as he got the keys, I was a bother to him, there was no more trying to pretend like he wanted things to work out. It was an absolute you're not getting a key. Ok. Well, why can't I have a key? You just don't need one. But I need to get back into the house if I leave. It was way out in the middle of the country and we had an alarm system and everything and anyway, he. I was having to climb through one of the windows. One of the windows had a lock that didn't work on it so I was having to slide it open. Nine months pregnant, climbing through a window to get in and out of the house. And um, a week and a half later after we, arguing and arguing. He finally threw a key at me and said there are you happy? My daughter was born a month after escrow had closed. A week and half after she was born. I was in the bedroom. I was, she was up on the crib and she was cooing and making noise and I was playing with her and I hear this voice from behind me say I hate you, you make me miserable. And I, I (garbled then whispered something not caught on tape) I turned around and looked. Are you talking to me? And I went oh my gosh, do we need counseling? What do we need to do to make this work? And he said Nothing. I got what I wanted you need to get out. And I went, oh my gosh! Wow! And he told me If you don't leave I'm going to make you miserable. He cut the propane lines, we didn't have heat, we didn't have hot water. Um, he messed with the electricity so it was to the point where it was iffy, sometime it would work, sometimes it wouldn't. Um he took the keys to the suburban that I had purchase for the \$20,000. And he told me, cause I was looking for the keys, and you know while this was going on, I'm going wait, something isn't right. I went to look for my keys and he goes, if you are looking for the keys I already took them. And I'm going, oh my gosh. So um

Rick: this is a nightmare

Participant yeah. It was horrible and I called an attorney at the time cause I used to work for an attorney and his name (garbled) come to mind. And I said I don't know what to do. I've never been in a situation where I've put up so much money so much material stuff which god hopefully means nothing to me but what do I do? And he says what means more to you? And I said, the children of course. He said, then get out. So I did and I walked away. I had nothing. Nothing, every penny I had went towards that house and he wanted the best alarm system and full carpeting and anything and everything we needed to get the house up and running. I paid for. And once he knew, and he actually had me sit down and call the bank and put my phone on speaker phone and make sure every one of those checks had cleared the bank including a \$2000 loan to his mom, before, the night before he told me, what he told me, to get out. He made sure that every one of those had cleared. So anyway after the fact, I left and that is when our court proceedings started. And we fought for 8 months in court back and forth, back and forth, trying to get the house back. Um, he was actually trying to force me to make the

payments while he was in the house. And see, I messed up really bad there because I put his name on the title. The lady that called me from the title company and said how do you want this put on here, you know, (garbled) sole and separate property, and I said, no, no, no. We're going to get married, we're going to be here forever. Put his name on there too. Worst thing I could've done. After 8 months after fighting back and forth in court our attorneys decided we needed to go to mediation and work this out. So we went in front of [name removed] (laughing) actually pulled me aside and he goes, this is the worst thing I've ever seen in my life! And he said, I don't know how to fix it. And um, which I didn't know at that time, the judges don't pull a litigant aside and talk to them (laughing). But he said, he said, I'm not supposed to be doing this.

Rick: well he's a mediator, not a judge

Participant yeah,

Rick: he's a former judge

Participant yeah and he you know was floored by it. And he actually saw exactly everything that dad had done and uh, he was able to. And sometimes I wanted to (not able to transcribe) and just frame them because for about 15 or 20 minutes he stood up and said [removed] is a little guy and he put him, he told him, don't hit me, don't yell at me, you're going to sit here and you're going to listen to me. How dare you do this to her? And he just, and dad was (whispered) he just kind of sat there like, he's not talking to me. (now raised voice) But anyway judge [removed] got it and I was really appreciative of that and unfortunately, he told me, I, because his name is on everything, well as far as the vehicle went and the travel trailer went when he purchased them, they were in his name because he purchased them. I was the, he never made payments on them. I paid them off, but they were still in his name. So that is how he got, got, you know, that worked out. He said because his name is on everything, he said I'm going to give him the suburban and the travel trailer. Yes, his debt is paid off. Um, but I'm going to give you back the house. Yes, that was a blessing, but at that time it was when the economy started to switch and so

Rick: less value

Participant – yeah and my payments were \$1700 a month which is something I have to try to do cause I'm a single parent. And I'm out in the middle of nowhere. Next to his parents.

Rick: god, another nightmare! My goodness!

Participant yes

Rick: just awful.

Participant so um, So had the house back and uh, so, and and let me back up a little bit as far as the child support goes because that is a form of financial abuse too. Even though he was court ordered he never would pay child support and I did everything I could to work with him. You know I told him to let's go down to the family law facilitator but he, get a modification so we can reduce the payments, just anything so that I have something for her. You know, if you could help out with diapers, but no, with anything. But that wasn't, he couldn't work with me on anything. He did the most bizarre things like I breast fed my daughter. He (____) in court and said I was using that against him so he couldn't have overnight visits. He would say, he, he used that as a form of control in the court, but and he, it almost got to the point where I thought the judge was going to tell me, to order me to stop breast feeding. And she was under a year old, and I'm going, please don't do this to her. You know, this is what he does for her... but he kept pushing me and pushing me and we would go back to court and back to court. Um we would go, yeah he would try to have me arrested for not providing enough breast milk during his visitations. He would, it was just a constant you know, everything I did was wrong. Um, I started feeding her peas when she was 4 months old. Oh, then he rushes back into court, I need to have her now, I need to have equal custody now because now she is eating so she doesn't need mom anymore. It was just one thing after another. And so I thought we had finally reached a point where we were OK. I wasn't pushing him for child support because I found that every time I pushed him, we were back in court. He was doing something to injure the child. Giving her formula to upset her stomach, leaving her in dirty diapers where she had extensive rashes. He would do anything, and I saw the pattern, and so I said, no what, I don't need child support, just leave her alone. Um, so then, eventually James had it set up so to where there was garnishment sent to his parents, because he was working for his parents at the time. And um, so they were sending child support and that was a big hardship and he didn't want that. So he quit working for his parents and he started his own business. Well when you are self employed, they don't garnish your wages and so it was up to him to make the payments. He wasn't making the payments. Eventually contempt case was filed against him and so he got on welfare. He has another child, an older teenage daughter and so he was able to get on welfare. It was just, its been one thing after another. We were going to our contempt hearings he had a, there was a case that was right before us, and uh, uh, there was a Hispanic male and female and uh, the mom spoke a little bit of broken English but not a whole lot, they had an interpreter there. And they were talking and that mom was insisting the dad give her child support but dad was disabled. And so commissioner Perez said you know, I can't bleed blood out of a turnip. Excuse me, he is disabled and there is just not a lot I can do about that. And she said what about his responsibility to his children, and you know, and anyway I kind of was watching Steve and I see that there's this big smile on his face and I'm going – what is he up to? Guess who gets in a car accident on the way home? And so now he's claiming to be disabled. So it just been a nightmare, one thing after another. So then the table's turned and he starts coming after me, you know, I need money for this, I need money for that. I need attorney fees. In 2007 me and my two older kids were a horrific crash and I eventually, I

had to end up settling because I needed the money to fight my custody case. And that is how I got this horrible scar.

Rick: I see the scar. They had to remove something?

Participant they had to fuse my neck.

Rick oh my!

Participant uh, cause my neck was fractured during the crash. A car hit us at about 70 miles an hour on the side. The _____ the top off

Rick: yikes!

Participant we flipped 3 times. My daughter was a mess, thank God she's ok.

Rick: my goodness!

Participant yeah! So he knew I was getting money and (laughed) the judge actually ordered me to pay his attorney \$10,000 of my money so that the playing field was equal. He actually made a comment in court that dad has a – I'm going to forget the names, how could I forget the names, um, dad has a smith & Wesson and mom has a bazooka or something like that

Rick howitzer

Participant yeah. And I'm just going, what!?! But anyway. He made lots of comments like Mom what I see here, you've set yourself out to sail on an ocean and you've lost your oars and there's no way for you to get back. And you've put yourself in this situation. And I'm going..

Rick: and what was that like for you to hear that?

Participant it broke my heart. It absolutely broke my heart because I knew and I tried to put myself in everybody else's shoes. I never jump to conclusions, I never judge other people, I try to think he doesn't know me. All he knows is what he sees on paper. All he knows is what's given to him and I try to understand that. And I try to process this in my head. It's not a personal attack, he just, and but inside I'm going my gosh, what have I done wrong? What did I do to get myself in this situation? How could I possibly make him see the truth? Um (quiet for a time, then sighs) anyway,

Rick: what was it that you just experienced there? "The participant made gestures with her hand and appeared to be overwhelmed" what was it that you just...

Participant Its just that at this point in time the judge had now said that dad had molested my daughters and there was child pornography on his computer. That they failed to do anything. Except point a finger at me. And yes they haven't got to that point yet that part of the story, but that still always is there. You know, all he knew was the fact in the case. And those were facts in the case, yet he ignored them.

Rick: that dad had molested your daughter, had he sexually abused is what you are saying? OK and that was verified and

Participant it was found to be inconclusive

Rick: ok, alright

Participant yet you would think when they pulled the computer and found child pornography that that would have substantiated it, yet it didn't.

Rick: I'm going to stop the tape

Participant but um, so I was ordered to pay dad \$10,000 which I didn't have at this time because my attorney that I found, he is the president and founder of the _____ child Abuse institutes in northern California, um I didn't care how much money it cost. I didn't care what it took I just wanted my daughter to be safe. And um, so every penny that I got when I first reached my settlement went toward fighting

Participant I spent over a quarter of a million dollars of my settlement case.

Rick: wow! So it was a big settlement. Wow! Bless your heart, my goodness!

Participant and uh,

Rick: I can't imagine what that must be like

Participant its been horrible, absolutely horrible because the people that you think are supposed to be there to help you with your children, don't. and I can honestly tell you that I will never, ever, ever, look at anybody in the system the same again.

Rick: in other words, you, when you say that, you look now with a jaundiced eye, if you will, at anybody in the system because you just can't trust them.

Participant yeah, yeah, Like I said before, I love children more than anything in the world and I would do anything for anybody's child and I would never, ever, ever, ever want to see a child get hurt and cause I've gone through my last child custody case my eyes have been open to so much and there are so many times where we should be close to them and I can't.

Rick: I'm aware that you have more information that I think can be helpful. We've been here for an hour and twenty minutes. And we've only asked the first question

Participant oh my gosh (laughing)

Rick and I've got two more. Now, here's what I want to do. I'm just going to share my thoughts with you openly. I'm aware, I'm very interested in your story. I think it's hugely important. I believe you answered question number 2 as we do this. I'm going to read question 2 to you and you tell me if you agree. If you don't agree then we'll need to figure it out from there. Question 2 is What were your reactions to the violent incidents? I heard you say that you would get in physical altercations with dad number 1 and 2, I believe, not so much 3. And then there were guns, there would be kinds of things, I think we covered that in the text. Do you agree?

Participant I agree. Yeah

Rick: OK. At one point you said that you were bleeding and one of your babies said to you, Mom, look there's blood and you said, said, Wow, and you go - I snapped out of it. And then he did not, he kept going. I believe that description really helped. For some reason, I don't know how yet, but I think just the way you said that was really important. And then Number 3 I believe you are answering that question now, too. What processes about family court exacerbated the violence? Do you agree with me that we're

Participant yes

Rick you're very thorough, you're very thoughtful and this is very helpful so I just wanted to sort of understand that because we are coming to that point where you said an attorney had to be removed because of something

Participant a judge

Rick oh a judge. OK. And that's because, that judge had to be removed because of that decision but that's because your attorney that you had told him, this is not ok, you need to remove yourself and you're saying he got repercussions from that.

Participant oh, oh, oh, I'm sorry. Um, no one attorney removed himself because the repercussions he was getting for being on the case. We've been through in total, well I think (long silence) 6 judges, I believe.

Rick: goodness gracious!

Participant yeah. One judge, it floored me, one judge when was, the person was shown our copy of the affidavit for the search warrant for the computer, the return of 260 and the judge, um, children sexually explicit poses, uh, that judge to me it was at a case

management conference, it wasn't at a hearing, and so neither myself or dad was there, but I believe according to the canons of ethics that this person has the ability to make a change right then and there. Instead that judge said I don't want to be part of this case anymore and passed it on to another judge. Um, that broke my heart but that was also the same judge that removed her from me and uh, gave dad full custody of the child and put me on supervised visitation.

Rick are you now on supervised visitation?

Participant no, thank God. My attorney was able to turn everything around. Um, it cost lots of money, lots of time. And there's 2 years of my child's life that I can never get back again because of the courts.

Rick: do you have primary custody again

Participant I do. I have both primary custody of her. Dad- we still have joint legal, which I don't really think is proper. Um, (can't distinguish if she said can or can't) have supervised visitation. There is no reason to have that, but he continues to control me through that. Um, threatens to take me back to court still. Saying, and mind you this just happened, uh September 30, 2010 I got her back. January 24th, I'm sorry, February 24th was when we had the final hearing where we agreed in mediation um, that he would continue to have supervised visitation and I would have full custody. Um so our case just barely ended and I know we are going to go back. I know this is a (garbled) I know he still continues to try to control me and I take my daughter to therapy and he is already threatened, if he doesn't know the dates and times, so I have reason to believe he's following me and stalking me. If he wants to know dates and times that she goes to therapy he has mentioned, called the therapist and told the therapist that mom has people coming in and out of her house at all hours of the night. Which isn't true. But my son's friend has lived with us since he was 18 and he works nights. So I do know that he leaves out my son's room so I have reason to think he's watching the house. Anyway all I know is that this has to stop. Its not going to end with this

Rick: ok. At this point it has been an hour and a half. How are you doing?

Participant I'm doing OK. I'm shaking like a (toy?) but I'm doing OK.

Rick: has this been, what's your experience of telling this story for the past hour?

Participant um, its hard, its hard because (short silence) I just, um, (silence and sighs, sounds like she is crying) There are so many litigants I know that um, they scream and yell that the judges are wrong, the mediators are wrong, the therapists are wrong, the minor's counselors are wrong, um and you go out there and they scream and yell about it and they have all these flaws and they have all these things and I just never have done that. I've always kept everything to myself and uh, and as I was telling you I don't jump

to conclusions, I don't judge people, I try to put myself in their shoes and understand that if they don't have all the facts, that they can't make decisions they need to make for the best interest of the child. In my case, um there is a lot of manipulations going on um, in order to make it so that not everybody had the facts that they needed and that is very unfortunate because it is hard to deal with an agency that is supposed to guard and protect our children.

Rick: always a (garbled)

Participant yeah, but that has a friend who was a lieutenant for the sheriff's department and was doing special favors for dad. And how it all started, uh, dad's ex-sister-in-law was a CSW supervisor on the case. And so everything was done to protect dad and to make me look like the one with the problem.

Rick: OK

Participant so ultimately, that filtered through the mediator as she's doing the limited investigation.

Rick: you mean she caught that, is that what you're saying?

Participant No. No, I'm sorry. It wasn't that, it was when the mediator requesting information it was left out that he had molested anybody that there was child pornography, all that was left out. So when the mediator made this decision to make a recommendation to the judge, the judge wasn't given all the facts because the mediator didn't have all the facts. And so unless all the facts are there for decision, a correct decision to be made, you're harming children. So its unfortunate that happens, it wasn't until we actually deposed the mediator in our case that we discovered that and it just blew, blew us away that she did not, she was not told any of this. And uh, what she advised, this agency can't be trusted for giving you all the facts especially when there things involved, then uh, I'm hoping and hoping and praying that this particular mediator will take that education and be able to have a better focus on children in the future. Um, rather than just go on relying on CWS and the sheriff's department because I can tell you and I can show you that what they do is not always in the best interest of the child. But uh, dad in the final case even went so far as to abduct my older daughter (garbled) and took off with her. The school called me as he's putting her into the truck. The school calling me please call 911 now. And I'm going why aren't you calling them? It was the sheriff that responded because _____ is not in an incorporated area. The ah, at that point in time dad didn't have a driver's license because _____ and his history of DUI. Sheriff had _____ at this point and of course that wasn't taken into consideration

Rick: 8 DUI's?

Participant yes, he has nine now. He's killed a lady in a head on collision um these are

Participant these are all facts, facts that can be proven or disproven by a simple run his name through the computer and look at his record.

Rick: sure

Participant and nobody bothered to do that. Everybody said, oh mom you just, you're making this up, mom you're mad, you're upset because of separation, mom you're trying to get him back. No, these are facts. If you just look, if you just take, don't, don't make a major decision here. Take a moment, this is a child's life.

Rick: did this case have minor's council?

Participant yes. Take a moment and go to a computer. Do your own research. Don't put a child at risk because you don't have the facts. Uh, so that was just really.

Rick: you know what, I would like for us to sort of end, if it's OK with you. Is this a place that's ok to end?

Participant Yeah

Rick: Yes? ... how do you feel now that you've done this.

Participant actually, in a way it kind of empowers me to continue to try to educate and fight for our children, for their rights, for what is their best interest.

Rick: OK. Alright. Thank you very much. I'm going to go ahead and turn this off, you're at a good place to stop.

Interview Number 7

Rick: the **first question** that the participant will read back is

Participant I feel like no matter what I do that is getting counseling for myself, taking co-parenting classes, classes for high conflict cases, etc. I feel like somehow I'm still a victim of my batterer, but largely because of the family court and what they order my son and I to do with the batterer despite the constant abuse. I feel we still endure

Rick can you say more about that. That's a pause can you expand on that a little bit

Participant I've done so much to try to empower myself and not be involved with anything that has to deal with, with domestic violence and all the work that I've done to keep my son safe and myself safe and to, to know how it was that I got involved with such a person, but even though, I keep saying I'm not a victim, the family courts keep us together making me his victim, still. And the family courts continue to to victim me, so to speak. I'm you know, we can't co-parent, we can't do all these things together because of the, the abuse we have, that he, he abused both of us. And the abuse that he gave us

was mental, verbal, um emotional and he physically abused, sexually abused both of us. And they want us to get along great, just have a good time, you can get together at parties and everything. And they still, they can send him to class for anger resolution and all that, but when he doesn't think he's done anything wrong, and it was all my fault and everything else, even the psychological evaluations, all say there is not remorse, he doesn't feel that there was anything wrong. But somehow the courts just keep looking at me like I'm just the person who's noncompliant. Like I don't want to like be the one who sends him the invitation to hey come on over and get together and it's like, being raped by a batterer. There's nights still that I can still remember that and I mean there's nights um, I still take medication and that was 1997 and there's still, there's still that times I wake up in a cold sweat. Um my son comes, when he's at the house, he locks the doors and the windows and he always feels like, he himself always feels because he said, you know, one day you're gonna be swimming in a quarry and no matter all these things we keep bringing to the court, I'm always gonna be part, I'm always gonna be his victim. But mostly because of the family court is making me be his victim. They still want me to be his victim, through orders, co-parenting, and there's no way you can actually tell parents, somebody that things you know that all these things are ok to beat somebody, to abuse somebody, to sexually molest, take my child and the courts calls it, what I don't get is that the court says it's not what, well we don't condone his behavior what he's doing with your child, but we don't see it as sexual abuse because it was just lack of knowledge of permissible types of touching. That's what the judge said. And I have the transcript where he says that but now when I brought that out, I opened to the court because the judge's wife was opening up a child abuse center. It's not longer in the court's file. It was taken away, but I have three copies of the original transcripts that I have spread out, not at my house. And the judge feels that, no he never said that. But lack of knowledge of permissible types of touching, said to me, that means we should excuse him for what he did to him and that everybody that sits in jail right now that did the same thing to other, to children it was just lack of knowledge, they should be out and they don't see it as sexual abuse.

Rick touched his genitals?

Participant HUH?

Rick he touched his genitals?

Participant oh he was playing with them and he said he kept doing it and he said why did you do it and he said because I knew he liked it. And I like, how do you know your son liked it? And he goes because he got a woody. And he got this erection and you could see his little erection coming to life. He would go in to detail and to me somebody that could talk about something like that and it's not sexual abuse it's just you know, as (noise in room) his dad actually talked about stuff like that he did with another child. Um, the _____ psych eval said that his there was a scale or some kind of a testing that they gave us and it showed that he is capable of committing sexual crimes.

Rick: Ok, ok so can you finish reading. That was very powerful material. I don't like moving forward without talking a little bit more, but we have to because we're out of time

Participant I don't want to be a victim but somehow the court continues to keep us together to some degree and continues to have us co-parent for the sake of our son. So I have to tolerate his phone calls with fuck-yous at the end of our phone conversations or you know, um and if he gets mad he ends the call with such words and what I mean by such words, by calling me trash, piece of garbage, you'll never amount to anything. Um and I mean, and I still have to take these phone calls because we are supposed, that's co-parenting. So I still have endured these, these statements all the time. But that's because the court wants us to co-parent, talk on the phone.

Rick is that the end of your

Participant umhum. I can see him drive by my house. He smiles at me as though he knows I can't get away from him and he still controls me. He flips me off in public and talks to others as though I have mental problems. He shifts all the attention to my mental state what the court did instead of the actual abuse. I feel that it's always, the court is always talking about my mental state instead of the actual abuse that happened. I was victimized once by the batterer and the second time by the family courts. Sometimes I feel like had I known what the family courts were going to do to us all these years and by years I mean this started in 1997 so my son was 1 ½ years old. He is now 15. Had I know what the family courts were going to do to us I would have stayed with the batterer and taken my chances of leaving one night without ever to be found again. The abuse of the courts (fought/thought) out ways what the batterer had done to us.

Rick is that the end of what you've written

Participant umhum

Rick this is the answer to the question what were your reactions to the violent incidence

Participant my reactions to the domestic violence incidences. I remember the first one as though it was this morning, but it was back in October 4, 1994. We were invited to a party by a friend of mine who was an attorney. When I was getting dressed I recall my husband who, my husband was somewhat edgy about what I was wearing. He said to change my clothes. I didn't. he took his hand grabbed my neck and put me up against the bathroom wall. He was choking me. I felt my life slipping away by his grip. He said never ignore me and do as I say. He took my dress and cut it up in pieces and made me wear a turtle neck. This was the beginning of the hell I was about to endure. From cut up dresses, checking on my phones, throwing the used condoms in my face. Forcing me to have sex with him when I didn't want to. Um asking me to buy make up to cover up the bruises. Cleaning food off the walls, threats of throwing me into the quarry and making

sure my body would not surface or else putting me through the auger at work where he used to work as a brewer operator where they would burn just wood and stuff like that through the auger and it mulches it up and he would always threaten me about putting me through the auger. By this I mean, my feelings were that every time that an incident happened it got to the point that I never knew if I was going to be if I was going to be alive. Um, if it was something I would completely go against, I just had to watch my way of how I would talk to him or how to try to um to calm him down because if not he would threaten there was this girl at his job whose son killed her. And put her body in the quarry but she surfaced up and he was constantly telling me how he would throw my body in the quarry so for the longest time I always had these fears of being in the water. I had, we got a pool and I could probably count how many times I had been in that pool because of the fear of being drowned. Um, the auger, how my body parts would be mulched up and then they would be burned in the incinerator. We had a wood stove at home and I just couldn't have the woodstove even going because I always felt like you know the ashes, like if I would find bones or something in the ashes. Um but if he, he would be having sex with other women and then he would come home and force himself on me and then when he was done, he would take the condom and throw it in my face afterwards. And um, he would tell me that the reason he would have sex with me is because it had to look like, I have to make it look like I satisfy my wife. And yet, I just, I, I, I didn't even know what to do at that point. I didn't want anything to do with him but he would still force himself upon me even though I would say no, um, he would black and blue me for my size. Um when he finally did, when I finally did tell him that I was going to he would pay for what he did to me, he said he goes to report some, he reported this to the police department and the police department said what did you do to her? And they said well what you did to her was rape. And if she calls it rape and they came and talked to me and his friends, he was friends with people at the police department, so they sat us all together to talk about this. And they said you don't5 your baby's father to go to prison, do you? And I was like, he looked at me and the police officer were all look at me like to say, you don't really want him to go to jail, do you? And I was, no. But at the time I kept saying no to myself but then how could I live like this all the time. And knowing what he was doing to Christian, too, our son. And um, he would he, sometimes when I would wake up he would sit there if I would wake up in a cold sweat he says, he says, I think you need to go in and get some medicine for psychosis or something. He says I think you're really loosing it I think you're having problems. And he would always try to shift the blame as though I had mental problems that I was dreaming up all this stuff. So I started keeping the condoms that he would throw in my face. I would actually put them in a zip lock bag and everything. Because I knew, he would always say, that didn't happen, that didn't happen. And so I started saving them in the bag and I would actually put them, I put them underneath the car, where the door, the tire of the van is, I hid them there. So he wouldn't find it. I put some clothes there all the time because I was always trying to leave and the one time I did try to leave, he cut the brake lines with my son, our son in the car. Um, he says, I told him, you could have killed me and you could have killed our son and he says, well that's two people I have less to beat the shit out of. He would just do I was so numb at times that I just, I don't remember, I can't

even think about the feelings, when you say the feelings of how I felt, I mean, I was so numb after a while, like I said I didn't feel it anymore. And that's why I think sometimes staying with him probably at the time, knowing now that, because with the family courts I have to relive it all the time. And with him I was always numb. I didn't, feel anything, I didn't

Rick: you answered the question perfectly. Thank you very much.
This is the answer to research **question 3**:

Participant ok, uh, for instance, uh, we were both, we both have to go to uh, for instance , we had , for instance we have to share our son 50/50 so we if like for instance we are at a ball game and my ex does not feel the restraining order staying 50 feet away from each other is quite 50 feet he calls the police department and actually makes a report in front of others, in the presence of our son and other people at the games or will have the officer walk off the yardage to make sure because he says I don't want to be accused of abusing her uh because the court says I have to be 50 feet away from her. Sees these are the things that the court does to kind of taunt us in a way you know, you need to be protected because you're such a frail little thing and I might beat you up. Um, confrontations at school where the school says you both can go to the school thing and you have to sit in one spot and you have to sit on another spot. The _____ of this stuff is that if I go in to my son's class to look at something, he will call somebody to come in or he'll leave reports, or he'll leave these notes on my car, saying you stupid bitch you were supposed to wait until I got there first or I'm supposed to leave second. He's always leaving these notes on my car how I'm always infringing on his time if I see him there with my son or anywhere where we're around if, if we're at a function outside in town, he'll look at me and say um, here come here. He would bring my son over to him and then he says, now say goodbye to mommy and he would take my son's finger and put it in a position to flip him off, to flip me off. And he would say, so he says, now tell mommy, what do you have to tell mommy when you say goodbye and my son would look at me and he goes, bye bye bitch. You know, things like that when the court says that we're supposed to be together he uses our son to do things like to be angry at me, he was like daddy had to go to jail. Daddy can't come to your birthday party. So then my son will say mommy because you put daddy in jail you're a bad mommy and then my son would hit me in the face because I, because he went to jail. I was, because of the process of the court I'm bilingual and I spoke to Christian, my son, in Spanish, started speaking Spanish. The court order me that I could not speak to my son in Spanish, because it was basically parental alienation I was using a code to speak to my son in a different language so in this way it would be outcasting his father. And um, he told the courts that he, like try to get an annulment from the church he wants it done on _____ because I did not disclose we were, I was not Hispanic. And he says, had you told me you were Mexican I would have never married you because Mexicans are nothing but garbage and piece of shits. And so he tells my son, still to this day, he's 15 years old, and he says, yeah you're cool up to one point. The other half of you that piece of shit you know so sometimes my son, you know he says, that's the reason why my dad doesn't have anything to do with me because

I'm a piece of shit. Just, now he's like showing them right now, he hasn't had any contact with my son for 4 ½ years and he actually had me put down as a vexatious litigant, me answering to him to all of this stuff that was going on as a violence. I keep bringing it to court and so the court now has labeled me as a vexatious litigant answering to his paperwork. And because he's always had attorneys and I can't afford them anymore, so he had me listed as a vexatious litigant and I told the judge I cannot be in court that day because I was having a kidney removed for cancer. And they said, well you didn't do the right paperwork and I said, your honor you said to just have a note from my doctor. And he said, yeah, I'm sorry but that's not the way it goes now I have to have, you have to submit it in the right format. So now, right now, he's doing all these things. He came _____ take away my son, everything I have. And I can't do anything because I can't file in court without having to post a bond for him for \$20,000 whether my paperwork has any merit or not, I'm restrained from _____ any paperwork in any court in California. He came by my house the other day and he ripped out of the parking lot calling me a fucking bitch and everything. Was pounding on the tables and all kinds of stuff so I called the police and the police said I'm sorry you're going to have to take it to family court. Family court. They won't even let me file a restraining order last week. I came to get a restraining order against this guy for what he's done, even recently because he said I'm a vexatious litigant so, I have no, I can't get away from him. And the court has all done this and, and the process that the court did to make it worse, is that the court knew that my son was being abused by his dad still and they assigned us to a social worker and my son was telling me that the social worker was telling him that my that if he kept reporting the abuse, that he would never get to see me again. And we'll take your mommy away and you'll never get to see her. They told my son that they would put him in a foster home where sometimes foster parents aren't very nice and sometimes they end up killing the foster kids. And I couldn't believe a social worker would be telling my son all this stuff. Well my son took his iPod and recorded her in a session when he was 10 years old. And after 3 months he says mommy you don't believe me mommy what he's saying, what she says to me so I told, he let me hear the iPod. And I called the director of CPS and he showed up at my house within 3, within ½ hour. He sat there for 3 hours. My son, my sister says I don't trust him. So my sister set up a camera in my house and to show where the director was sitting and the director was sitting there and he said yeah this is definitely not something we would do. I'm gonna talk to the courts tomorrow, you have a court case, blah, blah, blah. He did nothing. He showed up, he didn't even tell anything to the courts or anything and all this time I was trying to get rid of this social worker anyway because I could see that she was very biased. And all this time, my ex-husband kept trying to do and his attorney was trying to get me, trying to get charges against me for recording a social worker, which I wasn't there, trying to get my son to record.

Rick: let's stop here and

Interview Number 8

Question 1

Participant covered 9 years. The first 3 years was believing in the judicial system at first for about 3 years. Severe abuse occurred during this time to the point of I lost all hope in getting a fair venue to the judicial point. The next 3 years the abuse was perpetrated via the legal system failing and prohibiting or protecting my children allowing my abusive partner, ex and his family to use the judicial system that continued abuse with extensive legal means. Then the following 3 years the next 3 years I spent a lot of time self analyzing because of my financial background I actually went to the court and pulled several files and did some excel spreadsheets and kind of drew my own conclusions what was really going on. Cause I had, you go from believing to not believing and you want to know why. So I was in the why phase. I wanted to try to figure out is this really as bad as I think it is? So by pulling the documentation and doing my own analytical research. I came up with my own answers. And then that's when I started to get into that action phase or the anger things. I spent the next 3 years working with Connie Valentine lobbying or doing whatever I could to assist other mothers. I've had one or two mothers stay with me that needed assistance and to talk to them and to listen to them and to try to help them out.

Rick you mentored them in a way

Participant umhum. And I what was really worth it cause you spend so much time talking and interacting and it was so nice cause I got a call from one of the mothers about a month ago. I was in Sam's club and she telling me how much she appreciated my help and then everything I told her was hard to take at the time, but it helped her so much. I felt like maybe a little glimmer of hope that I helped somebody.

Rick oh, that's wonderful

Participant umhum.

Rick and that was that

Participant yep

Rick ok

Participant and I could kind of elaborate on quite a bit of this whatever you'd like to hear.

Rick when you did the spreadsheets, you pulled files from other cases, not just yours?

Participant right

Rick how many cases did you look at

Participant about 10

Rick about 10, ok. What did you find?

Participant exact same thing that happened in my case. I'll give you the reader's digest on my case. Domestic violence. Went in for retraining order, actually had two

restraining orders dropped. Forced into a psychological through the court system. Passed that one, forced into a 730, passed that one. Forced into another 730, passed that one. Forced into another psychological which was really bad

Rick you guys are paying money for this, right?

Participant Yes. So I'm being financially devastated as well, stressed to the max. on the fourth psychological I was put in with a counselor that I was ordered by the court that if I didn't see him my kids would be taken away. All through the court system there was always that threat. If you didn't pursue or do what they exactly tell you there was the threat of losing your children. And of course what does a mother do? You know it's like the carrot at the end of the stick. So on the fourth psychological the psychologist got very abusive in the office. He took a notebook out of my son's hand because we're all traumatized we learn to write things down. So when we go to where we need to talk about it we could. Like this. And he took the tablet, ripped it in half, threw it in his face, stood up and kicked my briefcase across the room.

Rick the psychologist did that

Participant yes. And I got up and got my briefcase and grabbed my two children and started walking out and the whole time he's screaming at my back, if you don't stay here I will write a bad report and you will lose your children. Come to find out, I did some research on this psychologist. At the time he was under probation and wasn't supposed to be seeing anybody, for abusing a private client. But yet this is the psychologist the judge insisted I go see. So when I went back in the courts and I got reprimanded for walking out of the office. And I told the judge right to his face, I finally realized what was going on. I said, you sent me to a psychologist that needed a psychologist. And he just sat up there and laughed his tail off. Knowing that exactly what he knew. But the whole game of my case is that my ex in laws son in law was a public defender. Who they paid to go after me because when I first went to him for help cause my ex was being very abusive the only words I ever heard from the grandfather is I will financially and mentally break you if you leave my son. And I didn't realize what that curtailed until I got drawn into the court system.

Rick he was not just making idle threats, was he.

Participant no, it was major. So this public defender, my new, stalked (?) me for 2 years and dragged me into court over 80 times. A lot of ex partes. My court file is 9 volumes long

Rick holy cow

Participant umhum. I kept being called in and called in and called in and called in. mine's 9. It's quite extensive but the whole idea was to stress me out over paperwork. Every time I turned around I had to do something. If _____ curtail, you know a

psychological, no 2 psychologicals, - I have to go back over my notes. 2 psychologicals, 2 730s and then that one. So the whole idea was to wear me down. And of course the public defender. I finally moved out of state when my kids got taken away from me and while I was out of state the worse thing happened. The public defender got caught with cocaine and 2 hookers in a motel room. And so I felt safe to come back to California. Cause once my kids are taken away he started putting more heat on. And doing some things that weren't too ethical. But I can't prove anything. So he got his hands slapped and he's back at work. And I pursued that by going through a couple different legal means and to no avail. And I finally saw my children about 5 years later. They left their father. My youngest one after she ran away 3 years prior to that and stayed in hiding for 2 years until his father would let him come home. And one of things that let him come home I had to sign off any ability to receive any kind of support from him for my son to come home. So I got my son back. So he's doing real well right now. He's almost ready to graduate sac state. And my oldest son is also graduated as an engineer. So I'm very proud of my boys even after all we went through we still kept a stable. Mom maybe might not have been so stable all the time. I was always stressed out. But I tried my hardest to keep a normal family going.

Rick you went for 5 years without seeing them

Participant umhum. And there was absolutely no contact and I couldn't get back in the court room. I made several filings and it's a long story, but when you have money and power in the other side of the family and people that are ingrained in the justice system, you don't have the chance.

Rick: go ahead

Participant what I did is I went to through the court system one day I was there and I ended up pro per you know after 8 years 128,000 later and I lost my kids so I'm in there pro per and I'm standing outside to have a lawyer on the other side tell on her his cell phone talking about if you put a little more stress on his client he could probably get the house cheap. And the light bulb came on for me. Cause being a financial officer said ok this isn't about the justice system; this isn't about getting a fair venue for these children or protect them. This is about how much money we can make. So I went upstairs and I copied down all the court numbers that were pro per that were 10 years old and those are the files I pulled. And it's very easy. You look at the income expense statement at the beginning of the divorce you see the progression and then the next thing I noticed as I was going through the files if there are contested it follows almost a cookie cutter in my case. I could see the same things happening toward s the end I pulled another, they usually do an income _____ about every five years. I notice how the assets were drawn and what they normally do in the 10 cases I saw, 8 of the cases the house went to the mother or the person that was mo less financially able to hang on to it. That is one thing I noticed. So let's give the house to the person that might not be able to hang on to it. Maybe at the end we can get it. And then my friends that found my house when I left

Rick you're talking about the attorneys

Participant yep the attorneys were getting it. When I left they did something in court and I was real lucky to find out about it but they had actually put my house up on the auction block. And was going to auction upstairs in the cafeteria at lunch time in the court house. And I came, well I was up in Reno, I took a job up there for 6 months to get away from Tom Warts, the public defender who I knew was as looney tunes as could be. Um, found about it, came back and barely saved my house. But see, I would've just been another victim. We worked her through the system and we almost got, they almost got the assets.

Rick good lord

Participant so almost all the cases if you look at them it's not hard to do the simple excel spreadsheet and say ok who was the victim, who claimed domestic violence, who received the assets, what they made them go through, what's the hoops they made them jump through and pay, what, another thing I would like to know the threats that they did because they are not supposed to be able to force a 730. But they are doing that, ok. And then at the end what's the results and now what's so sad is the children. You know, they are like ping pong, you know going back and forth the whole time through all the stress. I pulled a few cases that were, several were real fast like within 2 years. I want to also do that. There's no financial assets attached to them. They got through the normal process of the justice system.

Rick ok, I'm going to stop here. OK, this is the answer to research question number 2, could you just repeat, you said "I can do this in one sentence." And just go with it.

Participant Yeah I can do this in one sentence. For 8 years, you are so traumatized that you're mind is just spinning like a clock and you're just going from one day to the next. Um, I _____ any logic place, it's mostly you run out of emotions. You know, what's the next thing, what's the next thing, what the next thing. It took me about 8 years to where I start settle down and to get the logic side of my brain to kick in and say Why? I need to know why. I don't understand why this is happening. and that when I felt I was healing. Cause to be truthful the first 3 years is a complete, it just ran together. Um, emotionally you're a mess, an absolute mess. That's the only words I have for it. Until you get to the point you can logically think through the process and understand what is happening to you. You're gone. You know. I just hope I was a really good mother at that point (laughs) it's scary. Cause you go off into a fog. Because I got to the point I couldn't go to the mailbox because there would be

Rick paper in there

Participant paper in there. If I let my mind rest, I'm a mom, I have a ranch, I'm trying to raise two kids trying to _____ yada yada. And what made my case worse, it wasn't just my ex, my in-laws got drawn into the divorce. So if they weren't pulling me to court, he was.

Rick how did they do that

Participant the public defender was just their son in law, the cocaine addict. She was going to Reno and I found out, eventually through some relatives, how she was paying it, she was going up and cashing markers at Reno, getting cash. Coming back to pay him. So they were keeping the trump and guess where he worked, in the domestic violence. So he knew all

Rick all the legal ins and outs and loop holes

Participant and what to do. So

Rick my goodness

Participant I met Connie Valentine, about 6 years into this mess, bless her heart

Rick she's helped, didn't she

Participant she's a kick. I love that lady.

Rick OK that was interesting. Ok I'm going to stop. The 3rd question

Participant well it was my ex in-laws the grandparents getting drawn into the case and using the services of [name removed], the [title removed], which is their son in laws brother to exacerbate over 80 court appearances or plus, would have to go back through the 9 volumes. That's what exacerbated was that there're controlling and wanting to financially and mentally devastate me. At first I tried to be very cooperative to the point I got thrown into jail on abuse because I was so cooperative. The cooperative part of the part of being thrown in jail was grandparents had every Saturday visitation for 2 years. Rick in the middle of Saturday we're on the ranch. We had forage (?) all the forage things are on Saturday afternoon. We camp, we're fishermen, we love to go outdoors so there's about 6 times that I had to beg and plead for their 4 hours and what I did was I made a written or verbal agreement. Like I had to give them a whole day before I could take them to a forage meeting. All 6 incidences where I took my children and did something with them in those 2 years, she filed contempt charges against me. Wouldn't let me put any witnesses forward. All of the paperwork that she signed that we swapped days and when they threw me in jail they had me abused (lilting voice – high pitched) while I was in jail because they had the political connections.

Rick abused?

Participant it was the middle of December and I was dressed to go to work in a nylon skirt and a silk blouse. And they took my coat away and they threw me a 8x8 cement cell with no heat.

Rick holy cow

Participant yeah. And by about 2 o'clock in the morning I was blue in the face because I was past shivering I got on the block

Rick you were like hypothermia

Participant and put my top over my shirt and I shook to where I almost passed out. It was God's grace because the guard that was processing me was extremely abusive. She would come and be at my fact and scream at me and say if you step over that line I'm gonna hit you along side of the head and would walk me out of the cell and go over to the camera but it was a blessing because every time the door opened a woof of warm air would come in. it was a holding cell they called it. So I go in front of the camera and the camera won't work. She started ripping film out and she had a very colorful metaphor. I don't think that woman knew another descriptive adetejive form of the word. She scared me. She was so violent. So I walked back to the cell. She said, well I'll pull back out and if you don't do this I'm gonna, you know all sorts of threats. But I figured what she was up to. She was paid to do what she did. So I went out of the cell the second time the camera still wouldn't work. But it was a blessing because every time that door opened I got a woof of warm air. And I got warm. And the third time, I came out and the camera finally worked and I looked down, a lot of interesting pictures on the ground. And all I could do was smile. And then I went back in and I think the guard change at 2 or 3 in the morning, I can't remember, because I remember the guard sticking his head in there and saying, what are you doing in here? This is only a holding cell, its freezing in here. What did you do to piss off the judge? I'll never forget him saying that. And I looked at him and said, sir I didn't do anything that pissed off the judge, but money talks and BS walks. And that's all I can say. So he went upstairs and came back down and at 4 o'clock I got released. So I know what was going on with that situation. You know, that she was paid by the [title removed] to just make life hell for me while I was in there, or an excuse to get me, excuse to say I was combative or something. So I was being very very careful not to agitate her. You know somebody screaming at the back of my head I knew what she was up to.

Rick that is scary

Participant so I know what happened, you know, with money and politics. So that's why I was in jail for missed grandparents' visitation that were never missed. So it all stemmed around them using the judicial system to continue the abuse. Both restraining orders got dropped within 24 hours.

Rick the ones that you filed

Participant that I filed and I got the restraining order, it got served and within 24 hours it got dropped. Both restraining orders had very good circumstantial evidence attached to them but because of politics and the money they have and the ability they had, they didn't last more than 24 hours. Which was sad because they would have really gave me a lot of

relief from a lot of abuse. They actually pulled the car into the driveway on a 110 degree day. Parked right next to the window of my office and sit in there with the door shut and my kids would be crying, because they, would be just, my little one would be throwing up in the car because they were having heat exhaustion. Those are the way they were abusing them in front of me. And there was nothing I could do. I called the sheriff and the sheriff would show up and as soon as he saw them come around the corner, my ex would drive out. And another day where he had my son in a head lock, was dragging him off. I called the sheriff and he let my son go, my son ran back in the house. He runs next door to his mother's house and calls the sheriff and says I'm threatening to kill the kids. And of course, they had me come out with my hands up and I tell the officer, I said. He says I thought you were going to kill your kids. I said, no, no, no, no. I said I called you because he had my son in a head lock, was dragging him down the drive way. Please talk to my boys. I'll go in the other room. And what was so nice was the young officer had a gun on me and the older officer knew immediately I was telling the truth, told him to lower the gun. Because me and my sons didn't needed that pulled on us. You know, we're just standing there as defenseless victims. So I was so happy, lower the gun. I'll never forget that day I wanted to just give him a big kiss. And so he took my kids off to the other room. And then he came back and said you get you and your kids to a safe place tonight. But see how my ex turned that around? And see they knew the game. So politically he used the cops against me he used the justice system against me. So that's what happens when somebody has the power and the knowledge.

Rick and the position

Participant and the position to use it.

Interview Number 9

Question No. 1

Participant so responding to the question what it was like to have encountered and endured intimate partner violence during and after family court litigation. I personally was not intimately involved with a partner during the court litigation. I first sought counseling to pursue um, help in confirmation of the domestic violence, which I received from the counselor whom in various cases here, that confirmed there was verbal abuse and then there's psychological abuse and then there's emotional abuse and there's financial abuse. In my marriage that I lived with a partner I didn't have physical abuse going on but I had all four of the others. But on the second experience that I had after that 10 year marriage when I got a divorce and um moved to California, back to California where I'm from, my experience in that relationship was really worse because I wasn't intending to get married and I wasn't intending on that relationship. It's been documented that um, it was a form of rape, which is called by ___ (weis) coercion without a knife and a gun, but it is still rape. If the other party is not willing and tells the other party that they're not you know that they do not want to participate in any physical relationship. So I was forced and that marriage came from a forced pregnancy. Because of my faith that I didn't want to have a child and not be married. However, I met this person in church and uh they were asking for forgiveness over and over and over and

over and over and crying and crying and crying on the phone. And so I forgave this person and uh because I do not believe in abortion, that is my own personal, for myself. I don't put any one down for their own personal decisions on that. I chose to have my daughter who was born from coercion and rape. Because I met this person in church and they continued remorse, from what I understood, I thought possibly down the road if they were really really truly sorry and did want a marriage and wanted you know the child to not be you know, not having one parent, and etc. I thought maybe that would be the best choice if everything could be worked out.

Rick so what was this like for you

Participant it was kind of a scary because

Rick would you like water?

Participant sure. Wasn't sure 100 percent, another person expressed caring for me saying that they loved me on a continual basis. And I didn't know the person a long enough period of time so it was difficult for me to make that decision but you know but I didn't want you know the child to have only one parent and uh at the time I was still recovering you know from a divorce that I had, we had been, I was only maybe a year away from leaving, you know an unfortunate marriage that I tried very very hard you know to save, with my other three children. So I wanted to exercise faith in this situation, which I did but the other party was not honest and so that becomes a big problem. Even though I met this person in church they were not practicing the ethics or whatever that, so that you know, whatever that I believed what they represented themselves to be, that they were. So I later find out that all the crying over the sorrow of forcing me to have physical relationship or physical act was while they were drinking very heavily. I found this out later. That people if they drink severely, some people cry. _____ crying and it's so deep that they're you can hear their guts almost. I mean they're like and that's what I was hearing from this person and that's why I thought they were sincere. Come to find out,

Rick they were drunk

Participant yeah. So which leaves another part of the whole picture with this person because he apparently had a tremendous alcohol problem for a long period of time and then come to find out later he had a drug abuse problem prior to the alcohol problem that was I guess one of the parts of his experience in the church. He had given up the drug abuse but all he actually did was switch addictions to alcohol, which alcohol can be considered a drug as well. I mean, you know, it is to some degree called, just different form. So all that was hidden. I would see him coming to church and when I went out on a few outings or whatever none of that was involved and it was never discussed or talked about. So and the few times on Sundays that he didn't come to church, he had a big family and said you know, there were a lot of family events and his family background is

Hispanic and Indian and so uh I knew they had a lot of family events. They, there were 9 children in the family so they had many birthdays and many celebrations and later I found out some of the reasons he wasn't there at church because drinking on the weekends and then not coming on Sunday because of huge effects from the alcohol. So he was playing an instrument in the chorus he was speaking in the church he was doing outreach to the children and youth groups and all these things so it was very undercover, a part of his life at this time.

Rick how was that for you

Participant it was really hard for me to discover that because of after already having been forced you know

Rick you said it was hard for you

Participant it was hard for me because of the physical relationship that he had forced on me even though I distanced myself after that. He continued to try to you know pursue our relationship on the grounds that he was a sincere person and he was representing himself as being someone else actually. And then it was like a slip up, but had he been honest with all the other factors you know it would have been a more understanding picture for me. So for me it was very, lack of knowledge, lack of you know honesty, caused a deficit, whatever, caused detriment to my life. You know because you know when you see somebody in a position doing all these sorts of things you you tend to believe stronger what they represent what they are doing. You know he wasn't just somebody that came to church and sat there, you know. So that made it a harder picture to digest and so therefore I was having to you know see somebody who was sort of a dichotomy kind of a person. They're one way and then they're another way so I distanced myself even further I actually had moved back to California and was just settling in and so I would qualify having no home and no car at the time for a transitional housing program where, what put me in that area of _____, which was south _____. I don't know if you want all this detail but that put me in a whole other environment than what I was raised in. Even though it is the same town, _____ is quite diverse if you're living in different areas.

Rick OK

Participant OK. And so which happens in many big cities I'm sure. So therefore I was not in my normal environment, you know, where people I think more a little more real to their word. So

Rick do you feel betrayed

Participant oh yes I felt betrayed, very betrayed. Yeah, that's a good word. Betrayed and then violated of course goes with domestic violence. Violated again then I had no

not a very good resources to turn to at that time because I had temporarily moved there to have a place for one year for me and my children and I was going through for transitional you know meeting all the qualifications, maintain a home there for us that I qualified for Rick and the kids were with you

Participant yeah and uh so I didn't have I was starting over in, it is my home town but a lot of things change in 10 years, or 12 years so I was starting over and I didn't have a lot of connections as far as resources. I did go to WEAVE. I did go to further counseling that I requested. I went to the crisis pregnancy center actually and got counseling there and requested if they had a referral which they did to a to a very phenomenal I call her doctor of psychology and as well as she shared the same faith as I have and I don't know if her name is important. Her name is Dr. [name removed] she is very very good. And I further pursued the counseling there which helped a lot. But you know, like you said I'm still betrayed and I'm still as a woman carrying a child through you know a very unfortunate happening. So at the pregnancy crisis center they do offer you options those options weren't any that I felt good with. You know I felt the need to keep my own child and I'm a very prolife person so I believe that life overcomes anything. You know I believe that death is never the answer, you know. No matter what the horrors are you know as long as there is breath, there's hope. It's sort of one of my mottos you know what I mean.

Rick so you were lied to, betrayed, violated. You tried to escape a couple of these things, moved to a strange area and then

Participant well where I moved to is where it actually happened. Well so that would have been the process of re-starting my life, leaving another state and all that in the process I had to go move to a new area that I was not familiar

Rick so at the end you feel like your faith got you through this thing

Participant yes that is true and I give credit to counselors

Rick really cool helpers

Participant the counselors and therapy, you know and definitely there being there was a big help to me because they were able to confirm what I'm going through

Rick help you understand it

Participant and understand it. Because

Rick help develop a plan probably

Participant right they did as well as we each had counselors too, we have counselors and have session and stuff

Rick I'd like to move on to the **second question**. Would that be ok?

Participant go ahead, sure.

Rick could you just finish that thought though. Since we're talking about research question 2 you said some of the agencies that cut you off

Participant yes, they are not interested in how you feel or what you're going through. All they appear to be trying to do is prepare you to survive this system which is very horrible I've come to find out. This system is not what I grew up in cause I grew up in Carmichael California where it's warm and but the system now is very hostile to the family actually as a unit. You're feeling don't count, what you're going through doesn't count, why nothing matters except, except if you can speak only in facts, they don't want you to express any emotion. They don't want you to share any feelings or any human natural

Rick so this is really odd for you to be asked what your human feelings, things are about this

Participant yeah

Rick ok, thank you

Participant and just so you know the agencies that are promoting this type of behavior is CPS for one. In fact I'm sorry to say they're leading

Rick ok but this is going to be research question 3 so

Participant so they impact the court because I've learned the court system is, it has 3 floors. Simple but very interesting. The 3rd floor trumps everything in the court house. So there's family court, there's probate court, and then there's the child dependency court which is at the top. And anything that comes from that third floor, even if they write one sentence, if they pass it down to the other levels the judges and everyone step back and just put that sentence out on the table and shove all other documents aside. It doesn't matter what you have because the children protective services have it ordered unfortunately their agency doesn't research almost anything. I'm sorry to say. Them and lots of other people do cause you not to be expressing what is really going on. Cause if you start to express, they will cut you off.

Rick thank you for sharing that

Participant yeah

Rick so this is going to be **research question 2**

Participant what were your reactions to the violent incidents? I went to WEAVE which is an organization that helps women escaping domestic violence. And I sought counseling at the crisis pregnancy center now called Alternatives for Women of pregnancy. I left the area where I was temporarily qualified to complete a one year program for transitional housing as soon as my year was up I left it. In other words, I didn't have a place to go into right at the moment. But as soon as my year was up and this happened in the middle I pursued moving to another area because I did everything that they required. I got a good referral so I was able to move in to some apartments that were close by [name removed] where I was pursuing a degree in counseling myself and at the time I was also because of my experience I had also helped people that were going through chemical dependency rehab work and so I pursued that originally. So I also got an associates in that as well. However my desires kind of changing towards working more family related and children because of what I've survived. I want to pursue the counseling in the other direction. But to continue reading this. I left the area where I was temporarily qualified as soon as my year was up to bring a distance between the man that had coerced me, forced a rape on, to me and then I became pregnant. So he went to the church there I had attended so I had to find also a new church as well as move in to a new area close to the college community college where I was going pursuing my college degree. So I had to again change churches which is you know some people have a lot of internal with that too as well because you're just trying to get familiar with people and get started over you know

Rick why should you have to leave, why couldn't they leave

Participant that's a good point but the problem there was this person had been going to that church first and for a few years and all the people knew him and more, much more closer relationship to him and like I said he was very active in the church and I didn't actually share this with the church and with the pastor. And which you'll find is true the statistics that WEAVE have I wish were more run out to for you know for society to know about because one of their statistics is very true that the highest form of abuse that is least documented of reported is sexual abuse. They're very right and current on that. Because it is so humiliating and it's also the surrounding elements and the people, other parties can make the victim feel guilty or and so depending on your background if you never experience something like that, which is my case, you don't really know what to do, you don't know how to share that with people and then people don't always know how to respond to it or a lot of people are uncomfortable if you do share it and it just I found it was better to not share it.

Rick just keep quiet about it

Participant yeah that's what I found because you know there's a lack of understanding of what it's all about and people tend to come up with, they want to blame, when you just as well, they really don't know the story so they kind of look at it, it actually kind of equates the way the court tries to look at it. The court tries to look at things like, they throw in boxes. This is really good for your study. This is what I have survived. I learned in

college that stereotyping is one of the worst things that can be done in my training is pursuing counseling and psychology as well. However, in this society that we're living in this system is one of the biggest things they're doing is using stereotypes and putting people in boxes and the court is one of the biggest organizations that's doing that right now. And they have boxes for domestic violence or if you are surviving in if there is a father and a mother involved and it becomes a custody battle in some way or another and there is a child involved they tend to remove from the domestic violence box so to speak and then they throw you in a box they call the custody box and CPS is really good at doing that. I've discovered that they actually promote that being done.

Rick ignore the violence

Participant yeah and all of a sudden that is like history, it's ignored history and you're now in custody box number 1 where it's all about he said and she said so no one really cares that much because none of it becomes valid anymore because what she said gets qualified by what he said or it becomes a big fight in the court and honestly I've been told this and I sort of tend to believe the root is money because if it's in that box there's tons of court people and other people that that intermingle through the court system that get money off of this, this whole scenario. You have the court supervisors that supervise you and your kids for hours and you pay them money. You have all these court counselors you have court mediators who act as sort of counselors that I know for a fact it's been even in the news that they are not qualified. They don't have the training to do what they're doing. But yet they are in there doing it and then they write up all kinds of things about whatever party they don't favor. And that's the way this court thing works. They pick a favorite and it could and the favorite could be picked by CPS who passes their opinion down to the court in the matter of a sentence or two. The court picks that up because it's no research on their part. If they can take it from one organization that gave some kind of a favoritism to one party then they don't, they then start from there. They don't have to go back and research any history. We can just go from there and then we can just bad, build you a session with the parties and they will just look for things to write bad about the party that is not favored. And they'll just write tons of stuff down and it will be not even what you said. It will be twisted. It will be stories completely made up about you. And then you're back in court to try to battle not only the surviving the abuse you went, but you're then having to battle these false scenarios and stories built upon one group whose building upon another group who said one word. It's kind of like rumors that got passed down from one to the next to the next. And you're just keep building a huge story and then guess what. You throw more money into the court system because then you've got to hire this big powerful attorneys who most of us, especially moms, can't afford. And so therefore, you're scraping to find any attorney who, you know just paying money to get them to maybe get one decision changed. Then you've got mountains that are still lies told about you that you've got to maybe find another attorney down the road to help you because that one will only do a limited scope of one little piece because you aren't paying them enough to research. So as you keep going down this road, there's not enough money to research this so something else gets done wrong. So then you have a whole another mountain built up on another wrong foundation. And it

just keeps mounting up and mounting up and mounting up until without tons of money, you're like a little teeny fish swimming in this big ocean and all the big fish squashing further down until you pretty much drown at the bottom

Rick all right. Thank you.

Participant yeah

Rick so you feel like you got to answer that question?

Participant yeah.

Rick: Ok, all right. Now let's do the third

Participant what we were just talking about? And it relates to research. Here's my analogy for anyone who wants to hear it. According to my life experience and survival of CPS, who is an organization in _____ or California or many other places that is trying to supposedly protect children. I call them child endangerment services because they're endangering many children. Because of their lack of research, and my analogy is this, taking the notion again. We're a body of water. If you are at the surface, and this is what I call CPS, they're surficial um they're looking at the surface as they move from case to case because "they claim their case workers have too many loads, they're understaffed, they're under whatever reason they use as excuses. But this is what's happening. They're looking on the surface, at, when you have a big ocean or body of water, things rise to the top. And whatever rises to the top, floats. So if they will rise to the top and float, then some organizations such as CPS can see it because it's visible and it is now floating upon the top of the water. However, unfortunately they don't bother to look down like a you know like a gyser (?) would do. To go underneath and find out what what was it that let that object go to the top. You know, were there forces that that allowed it to make it up to the top. Were certain things you know, smothered underneath so that only certain things rose up to the top and were able to float? It could have been, you know, there's creatures under the sea, there are deep-sea divers, you know what I mean. There are those of us that that go in to the ocean that don't really live there. You know. We're not creatures of the ocean but we go down there. So I'm just using as an analogy that they look at what comes to the surface. And if it's something they see, they either can write that down, they can do something upon what they see on the top, but they do not research to find out what the cause are that brought it to the top. And that's my analogy of CPS. And that's why the children are being endangered and the court system is similarly following the pattern and working in conjunction and hand in hand with CPS in this type of observation that is on the surface.

Rick this is the answer to question number 3 and the participant indicated the last paragraph when talking about boxes that that belongs under the research question 3.

Participant ok so my process is about family court exacerbated the violence. Ok,. The processes began with stereotyping they began to stereotype a case and then they throw the case into boxes that they feel it fits. Unfortunately if a case began with the domestic violence stereotype then all of a sudden if there's children involved custody becomes an issues, obviously because one or both members are violent. However generally speaking, they end up throwing into the custody box and once they do that because children are involved then it's no longer the domestic violence is no longer even considered. It's as if that never happened and the entire case is just a story between what he said and she said. And all the court participants treat it as such. You become like a number. You don't have feelings anymore. You not even like a human being. You're just somebody who someone else is fighting, you're like two fighters in a boxing ring and you're both bad because you're fighting. And then there is a little child who's suffering. Even though you've gone there to get help for the child and yourself you become somebody looked upon as a bad person and you get yelled at by judges and you get all kinds of restrictions put on you, your children get taken away. Even though you are the victim of domestic violence in many cases your children are taken from you.

Rick did violence continue? I mean how did the children get taken from you?

Participant only one was taken and it was the daughter of the man who I know how the restraining order ____ in fact the restraining order is covering me and my other son that lives with me. And the judge that gave me, that granted me that restraining order said himself that this is one of the strangest cases that he's ever seen because he is granting me this restraining order because I have witnesses however he's leaving the youngest child, which is my little girl with the man, the abuser that is being designated at that very moment to have the restraining order placed upon him. And he is leaving custody in the hands of this man with the child.

Rick why did he do that

Participant because of CPS. Because of their little writings that some social worker had a feeling that this child is better off with the father. This is written, actually written and that she would only be exasperated to ____ with the mother because the mother, myself, happened to know of all the abuse and I was pursuing freedom for her life from this abuse. But he was able to deflect all of his abuse upon another person, an innocent party who was in my household and who absolutely had nothing to do with any of this. But he was successful in doing that by using my little girl as a pawn so to speak because at the time she was 4, highly influenced and intimidated by someone who has abusive traits and violence and this person, her father was able to coerce her to making some statement of abuse by an innocent family member in my house, who happened to be an older brother who never had done any such thing. But because she would say it, these social workers that he took her to say it to or told her to tell a teacher, or whatever answer, she did it and then she had been many times has been known to have told us that daddy buys her gifts and you know she has been bribed and intimidated. Basically bribed and threatened to do

so but no one has followed up on that. Because no one has researched her life in any way. They've just written it off as she's in good shape with him. So my other children were more fortunate because their father lived out of state and they were not really involved as much in his, except for being blamed by, except for him using them to blame his behaviors upon. He even had been acknowledge that there was sexual abuse, physical and verbal abuse in his family background and that his own father had and himself had participated in pornography. My oldest daughter said that he told her that he had either been involved in or knew of experienced child pornography which unfortunately is what happened with my daughter. My daughter has been sexually abused by him. And it's been covered up by CPS because of the fact that they made a bad decision so they have ignored doctor's reports and everything on my daughter. And they've pursued just leaving it like it was my son who was never involved. The problem is that 2 years later, one year later, after her living with her father, she was diagnosed with a urinary tract infections by me taking her to a hospital on one weekend that I was able to get her because you didn't follow the court order. And I had to get the police and they did honor the court order and I got, started getting her for my weekends that I had actually done the court process and earned back this custody that they wrongfully took. And when I forced him to abide by it, it was a court ordered agreement, that when there was a co-parenting sessions done, when this was done, and all these hoops were jumped, that I would then be progressively gaining my time back with my daughter. So the first Saturdays I wasn't getting he wouldn't give me those. He kept telling supervisors and people that I didn't complete everything, but he was the one that didn't complete the co-parenting. But nevertheless the police honored my weekend and on the first weekend having heard her symptoms of burning and itching in her private area and all these things, I took her immediately to the hospital where she was directly immediately diagnosed as having severe urinary tract. She required a high dosage of antibiotics, of which he didn't even take the medicine when he got her back on his time, my time ended. He didn't listen to me when I told him that she needed medicine. He acted like all she needed, maybe she needed some cough syrup or something. He told a police officer that he had gotten, because he thought I was not going to give her back, that he had called _____ so he had wrongly represented her health needs. And he took off with her so I had to get a court, it's called a police emergency medical escort down to where he lived. They took 24 hours later for me to get there with the police with the medications that she had started to take and the antibiotic if you start a dosage and then you go 24 hours you almost destroy the effects right off the bat. But that didn't matter to him. And so we got the medications to him but she didn't like them. I knew that I was able as a mother was able to get her to take them. I don't think he was able to the results are she has since had continual fevers. She's been, I've now recently gotten her medical reports. She's been taken into emergency rooms. She's had severe abominable pain, she's had back lower pain which is a result of kidney, it's already been proven that the traces of protein and things in her blood have started the process that goes in to your kidneys. But he's now masking her pain with Tylenols. I recently found out now that I'm getting my daughter again after her being taken away for another year because he made up a story about my other son on the second visit. CPS then placed him back in his full care because of lack of research again.

After he abducted her on what would have been my third weekend because he was afraid I would find out about of her physical ailments. And so therefore my daughter is still suffering medically. I feel inflamed areas on her back. She feels of low-grade fever every time I see her. She did tell me that she's passed out, she's had headaches in the back seat when I pick her up from school. She told me did I have Tylenol and I said no. She said daddy usually gives them to her. So I went to the Wal-Mart to try to find them, they didn't have the bubble gum kind.

Rick so this is really about the court processes the court ordered is that they can still control you and he's harming the child in your opinion and the court processes are continuing to facilitate that, to allow that to happen. Did I get that right?

Participant yes that is very correct. It's because of the court processes that my daughter right now is under medical neglect and medical duress because she can't really get medical help because he's not honest with the medical people and he's actually masking her condition and that's my most right now present concern

Rick and you're taking steps to address that

Participant I am but it's so hard because he's lying to medical people and then it goes on record and then they look it up when I go in, which I just recently got permission to go in on my own on the, because I had an attorney on a limited scope who pressed the issue that I could at least take her and he actually jumped up and said, well I would like to go, can I go, can I go? And the judge for the first time said no, that because I have a restraining order anyway, it wouldn't make sense for him to come where I am. So this new judge said no that won't be necessary she can let you know just like all I require is notification by both parties and that's where we are with that.

Rick ok, all right. Do you feel like you got to answer the question?

Participant yeah, I know I went off

Rick that's all right, that's important. But do you feel like you got to answer the question?

Participant um

Rick I thought you did a really good job.

Participant I hope so.

Interview Number 10

Question 1

Participant I wrote that I see the family court system as a big silo in which the petitioner, me, is a cow and each time I go to court, and I've seen it before too, that um and I have a big network and we all feel very similar in this regard. I feel that, I feel like I'm being

milked, in a sense, that um I go to court and um you know they, they we sit there for a couple minutes. They do their so-called rhetoric and they nod their heads, uh huh, uh huh. And then we get sent out and we go back the back door to so called, barn doors so to speak. And we go to graze. Which I interpret that as getting fat again, more money and then to come back again. And so I just see this as a big circle. You know, come to the silo, and we'll pretend that we're doing you justice and uh, oh no you have to come _____ oh we can continue with this. I mean the legalities of the things that, oh no we can't talk about that now. That's another issue. Come back and we'll talk about that. Oh you have to have a motion for that. And you know the courts they only see, they have these certain papers and this is kind of what I was talking about. They only look at what is on at what is on the dock and that is only what is put forth in front of them of what they want to see. And you know they don't even have a clue you know what. They only see a very minute prospective of who we are and what we've been through. And it's a matter of how we rely on our attorneys. How the attorneys are in a position where they can litigate, who can litigate better, how that's interpreted to the judge and she or he is going to keep that information or what they are going to do with it. And um, you know, then its, they just do what they want with it. And I can't tell you how many times that I've seen people it just absolutely phenomenal, that it's the stories and then the judges just look at you like um, fill out the paperwork and see us later. You know and you know I've been divorced since 2007 and we were separated from domestic violence in 2004. And it was 3 years of agonizing litigation. I've had three, two, 3111 evaluations. Probably six family court services. Minor council involved. And primarily, which it's taken a spin, primarily it started with me having full custody because the perpetrator or the, my ex-husband is an alcoholic and a Viet Nam vet who is untreated. And the court systems do not want to acknowledge that at some point the system needs to break and the people who come in to the system as regular divorcees or people who are, what the word

Rick irreconcilable differences?

Participant exactly! Then you know, that's fine. And then they'll file their certain paperwork and then, maybe in six months, they'll be on their way and most of them, I know a lot of people, they're already remarried. You know, they've gone on with their lives. You know, then the rest of us, who are a certain population that this is where the big hole is. They grab on to you and that's another simili that I feel is that, I feel like I'm in quick sand. The more that I try to get out, they, the more that they want you in there. They want you to be engrossed. They don't want you to be healthy. They want you to stay there cause they know. THEY know! Me, a mother, who's been through domestic violence and has been fighting for her children for years and years. They know that she will do anything. And they know that that is somebody that's gonna stay in the system and she will find whatever she has, every last penny to keep it going. Not because she's keeping it going because she's keeping it going, the courts make it keep going. Because, again, you've got to pay your attorneys, got file papers, it goes round and round and round. You know, I've spent \$80,000. And you know, even to, the problem with that is that even though you're divorced, it still isn't finished. It's the custody. Then after you

get the divorce, then you have the next level. You have the property settlement, then you have the next level of custody. And that's the one where they love, they love that because children stay, a certain, cause they know that from whatever age you separate to the point the child is 18, they can have a hand on those kids and once you are in the system, they will not let you go.

Rick who is they?

Participant the family court system. Absolutely. Family court system. Because it's a big, you know, what's the word? Um, big old boys' network kind of thing

Rick little boy's network

Participant little boys' network, yeah! Judges get paid by the courts. My council gets paid by the courts. Our taxpayers pays them. Attorneys. Um, judges won't see any cases come to their bench unless attorneys have, are there to litigate. And you know, minor council aren't gonna have, get paid by the courts, get free. Paid by the courts, which are taxes today, I mean our economy is the crap why are we paying for minor council when they, they are billing \$95 an hour to sit at their desk and email attorneys back and forth and make things go around in circles. Instead of really having something be done about. Saying ok you guys need to decide how you're gonna have the rest of you lives. You are the parent, you are the parent and you need, I'm here to be the mediator. Not to instigate this and keep this going. They purposely do this. They keep it going. And it, and even as I said, I've been divorced since 2007 and even as of recently, yesterday, my ex husband, I still feeling the domestic violence where, I feel comfortable in telling you the extent the email and things and because, and here's an example, as you know its Easter break. And part of our custody arrangement is that we're supposed to, which by way cost me thousands and thousands of dollars to get to this point. Um, share the spring break. Well the way that the orders are is that the dad gets odd years for special holidays, so therefore this Easter is dad's Easter time, unless, I'm Greek as I told you, unless Greek Easter falls, which it does this year, if Greek fall on American Easter, then it goes back to whatever, whoever has it. Okay. If Greek Easter falls on his year, I still get it because he gets, Greek Easter is always different.

Rick Greek Orthodox

Participant yes. It is, it only falls on American Easter every four years. So some years I will actually get two Easters because even, if Easter is on an even year and Greek Easter, I will get both. But this year it happens to be, I don't get either, because, so it kinda evens out. Because it's not only does Greek Easter fall on American Easter, it's not my year either. Okay. So, in April, April 1st I email the dad and said cause this is my weekend also. I have the first, third and fifth weekend. And I also fought for um because I'm also as a _____ a teacher, I want to be more involved in the kid's school so again thousands of dollars to negotiate more time with my kids. I got Wednesday afternoon to

spend with the boys for doing their homework and things like that. And also there was another issue. _____ cause the dad doesn't do that. So I had them this weekend. So I emailed the dad and I said, since you have them for Easter and this is my weekend, it sounds reasonable that I'll take them, cause its Friday, I get Friday after school Saturday, Sunday, which that would be my normal time. But I also get them Wednesday and I said so why don't we just split, I'll just keep them all the way through Wednesday, that way I have Tuesday, Monday and Tuesday, and then since you have, and then you can Thursday and Friday and then finish off the week, because then you'll have Easter with us. And he created such a mess. I never got back, he never emailed me back. I emailed him again, since I haven't heard from ya, I'm assuming the schedule is set. Which I didn't want to handle it that way because I don't want to engage any discourse with him. I either wanted a yes or no. Or you know, cause I learned, I learned with domestic violence with specifically my ex the best way to handle them is to, is to pretend they are young kids that you want, you're talking to them in a constructive way. You're still getting your point across but you're not being, you're not allowing any kind of criticism to come back. Because that just opens up the door for not getting to the issue. It's like, oh there you are! Now, nitpicking or quibbling or which is what he says. So I emailed him back and said I haven't heard so, therefore I couldn't make plans. Didn't wait, he waited purposely waited, this is his MO because he wants to cause problems, he waited until yesterday, Friday, to email me and said, Oh I suggest that we do this and this and this. So I'm thinking to myself, what do you mean you suggest, I had already, the orders are, and I had already made, the only difference is how we are going to split it the rest of the week. You take the, I'll take the first two you take the second two and everything else was already our time. So he created such a mess that he emailed the minor, he emailed me, again this is the part I'm saying that domestic, even though we are divorced domestic violence still continues through the email I still felt that he was pointing his finger at me, thumping his chest that means, like he used to do with his alcoholic breath and tell me I control you. If you ever divorce me, I will bury you. Well he tried burying me by trying to attempt to kill me that was what the beginning of the divorce was. He actually had me on the ground choking me, and my at the time, six year old saw it. So I managed to get away and he was arrested and he was put in detox and that's when I sought my first attorney and got the restraining order and that started the whole process. So um, you know in saying you know, I feel sorry for you, you're a sick person, you know I'm so sorry for you in a sad way, you caused me misery and now I'm getting; you know, and by the way, he's ccing them to the minor council. So that tells you what arrogance, not only arrogance, but there's a narcissistic sociopathic tendency involved in that. For someone who can blatantly think that they're being honest in a sense of normal conversation, that's it's no big deal and you know, I just couldn't believe the tone in that. And that's how I felt, you know you're miles away from me through the virtual email I still feel the thump of the chest, the finger on my chest, of the control. I control you, you will do what I want cause I'm the custodial parent and I am now calling the shots. And I'm gonna get back at you for everything else that you caused through our marriage, which he doesn't understand it was him. He was the alcoholic. He chose not to get treatment and he chose this path. So anyway.

Rick did you get all the way through that paper

Participant I just said extending his controlling finger, thumping my chest telling me that he is getting back at me for his misery

Rick OK, you did. This is the response to the **Second Question**

Participant What I was thinking when you were saying that, it's very ironic that, it's kind of significant, because almost 7 years to this weekend the domestic violence the initial domestic violence hit causing him to be arrested. Not that it hadn't happened many, many times before. But that was the actual one where I was hurt and bled and officers took pictures and things like that. Where a actual police report happened. The other times that happened that we, I chose not to do a police report because I did not want to get, I thought I was strong enough that I could handle it and we could get him help and we could save the children, cause my children were really young at the time. But what happened was, I came home from school on a Friday, like I said, 7 years ago and I can see it in my mind now. Came home 7 years ago and pizza, one of those bake in the oven, put that in the oven, when into my room to change my clothes, you know gonna feel like it was Easter break, gonna have some good times. But no. You know, I was in the bedroom I was changing my clothes and am I allowed to say his name or ex

Rick yes, whatever you want to say, we'll edit names out

Participant OK. And [name removed] followed me in to my room and threw a card at me. A business card where he had written down a telephone number saying he had gotten a call from the bank of America asking questions about authorizing an equity line, you know and him accusing me of opening up an equity line and how come I was doing that and spending money cause he was always, the paranoia part of him was saying that I was hiding money and frauding him and stealing money from him. And why was I doing that and I told him that I hadn't opened up accounts. Why would I do that? I froze the equity line because he was spending money on beer and the equity line was not for that. And I was told by many sources including the bank and friends saying that that obviously, that I could grieve it because anything purchased, purchased anything under \$300 should really not be used for equity line. Obviously not for 5 years. And um, I told him I hadn't opened it up and of course he did not believe me and he kept you know accusing me, screaming at me, thumping his fingers in my chest and just would not leave me alone. And just continued to interrogate me, following me everywhere, screaming at me and we were. Then I walked into the living room and I was probably as close to you as I am to to you, just standing there listening to the tirade cause I know about him. When he gets drunk he just rambles, he's an evil drunk and so I tried not to engage, but so I honestly did not see it coming. Never thought that he would actually attack me. And he said out of the blue, again, I don't know if it's necessarily out of the blue because I mean he had actually did it. I mean obviously, he's drunk, screaming, you know volatile.

He said I'm so tired of your shit and hit me in the mouth. Struck me in the mouth. And I felt the blood trickle down my face and in disbelief that I'm bleeding. I can't believe I'm bleeding. And so I turned around to leave to get away. He grabbed me by, we were, the way our house is, is out on the living room kind of like the hallway. So, it's off the kitchen and then our son's room would be butting up against the little entryway for, so it's the entryway that would separate the living room and then the boy's bedroom and the kitchen is off to the right of that. So I turned around to like go around that to get away from him and he grabbed me by the neck and started choking me. I'm almost 5'4" at the time I was 120 lbs. He is 6'1" and that time probably 230 lbs. so obviously over powered me. Grabbed, started choking me. You know, enraged, drunk. I could feel, I could feel him really choking me and I remembered things going through my head. Am I gonna die? And I'm gasping for breath. And I'm like, I'm calling out and I'm calling for my son's name. I'm like, Help! And so Jordy comes around the corner. He's 6 years old and he, the baby at that time was only 3. And that's a whole other story. He had a, [name removed] had a cast on his foot because [name removed] had run over him with the lawnmower and cut, chopped off his toes, because he was drunk. That's another story. So that was actually, now its March, so remember the domestic violence hit April, cause I already told you its almost 7 years to the day. So it really was the beginning of the end. And I had also started therapy and even the therapist said, you know [name removed], she goes, I've been in therapy, I mean a therapist for 17 years. I'm going to tell you, you are the second woman in 17 years that you have to get out. Your relationship to him is toxic. You need to get a divorce. So I really knew, unfortunately, that that was the beginning of the end. But I could not believe, actually that, I was actually hurt and that he was actually gonna kill me. And another side of that, is that, which is another caveat to, the reason I actually got out of it, too, not only was he drunk and what I wrote in my notes here, is that he was, I was able to get away because that part, but also, I can get him off balance. Because he also had a cast. He also had a brace. And the reason why he had a brace on his foot, on his leg, is because he had been, probably about 25 surgeries; cost my insurance company \$1 million. While we lived at the house in 2000 he had broken his leg power washing a gazebo. And we'd only been there 10 days. Christian was just weeks old and so as a result he broke his leg, like one of those Joe Theisman kind of breaks. A real bad break, K? However, the difference between that, Joe Theisman kind of thing and [name removed] is that obviously an athlete is motivated to heal. He was not. He did not want to give up his drinking. He did not want to give up his smoking. And he continued his little denial about that anything was wrong. He was in and out of the hospital like probably at least 25 times. Each time, each time not only would he be in there for the weeks of the surgery, but then he would have to go into the rehab part. Okay? So here I am with two children working full time. Little kids, working full time. Him in and out of the hospital. Anyways so that's kind of a side of the point. So you could see that, as a result of him not healing, Dr. [name removed] said you know what _____, we're gonna have to cut part of your leg. He says, well actually said we need to just amputate it. And there's just no way. You're, you don't wanna heal, you don't wanna stop drinking, and all the grafts, skin grafts would just slough off. He wouldn't take his meds because, we had home health nurses and they

said, you know what ____? There's no reason for it anyway. I said unfortunately his drinking is so heavy that all this heavy duty meds all it does is, this medication not being able to do anything. So I don't want to get too much into that because that's beside the point. I just want to show that, that was a contributing factor. The fact that he was off balance because of the boot he had on. Cause as a result the surgeon had to cut off the inside part of the bone, K? The infected part so he had to limp now forever, okay? So anyway, that's part of what I wanted to say. That, his drinking and the combination that he was kind of off balance, the way the boot was, are the only two factors that allowed me to probably get my wits about me to get away. And because I was down on the ground and he had his hands around my throat I was able to use the thrust of my of you know, standing up on your quads and kind of pushing up the back to just temporarily throw him off a little bit. Just enough that he kind of fell back and let me go and that's when I went around the, the hallway, grabbed the cell phone, not the cell phone, the portable and. We lived in the country, a 400 yard sub____. Ran down the driveway. Called the police. They came. They told me to stay out by the driveway. By that time, remember I have a pizza in the oven and I have two small children in the bedroom. And so I told them what am I supposed. I said my children, my children are in the house. They said don't worry about the children. He's not gonna hurt the children. And ironically again. Remember Easter vacation. I had a friend already coming from the bay area. She was gonna go to another mutual friend of ours in Tahoe, in Truckee. So she was on her way. She was gonna sleep that night at my house. So she. I called her. She was already in Dixon by that time. She was already on her way. She was well I'm on my way anyway I'll see you in probably ½ hour. I said, well you'll probably be here at the same time the police did. So ____ calls his dad. Told him, I saw him sitting outside the porch, told. Called his dad, said you what you probably get down here cause I'm probably gonna be arrested. So his dad lives in Lawford and so the police showed up and they saw my mouth and they took pictures of my neck. Of the redness around my neck and then they wanted to talk to him obviously. They said stay here. So I stayed at the edge of the. I said would you go make sure the boys are OK? They said. They went in. They talked to them. They're fine. They turned off the pizza, which was burnt to a crisp by then. But at least my house didn't burn down. So anyway, it took, and the irony of it. Not irony. It took 4 police officers to take him down cause he tried to resist arrest. And then his dad showed up and was screaming at the officers to leave him alone, you're hurting him. And the officers saying, if he wouldn't resist we wouldn't have to hurt him. You know, he's being arrested for domestic violence. So anyway. So you know,

Rick: so is that, are you done with what you wrote? Or is there more?

Participant I just said you know, that kind of told about that grabbed the phone and ran outside and called the police and that why. And you know, what's even more. What's super super ironic about this is that after this hit, we started process divorce process and I was given full custody of the kids, doing 3111 evaluation. Well immediately first custody anyway, because he was arrested. I did restraining orders so he couldn't even get around the children. I went for WEAVE, Jordy and I went for WEAVE cause he was 5.

_____ was only 3 so he was not eligible for WEAVE. The DA, here's the irony of it. The DA gave me a thousand dollars toward an alarm for my house. And gave me a year's, of free counseling through VOC, victims of crime because they felt I was in danger of him. The irony of it is that the court system did not. And they did not charge him. So he's used that the whole time. So whenever I try to utilize, to use domestic violence or bring that up or any time, not that I wanted to use it to my advantage so to speak. But anytime. The minor council the court has, they've squashed it. So what happens, this is what another thing I wanted to bring up is that the pendulum has swung and that now the perpetrators or the men, nothing happens to them.

Rick: let me put you on hold right there.
And this is the response to **research question 3**

Participant Well I was given a restraining order for myself and the boys. The DA's office gave me \$100 toward an alarm and what started out as according to the rules, 30 sessions of counseling through VOC. Which they paid. And so I had a counselor. And then what is interesting about it, is that the court and particularly the minor council, you know what's interesting about it, is that they don't want to acknowledge anything to do with domestic violence. And the reason why they don't is, this is my feeling, is that then they'd have to admit that there's a flaw and they failed. And judges and minor council and attorneys will not admit that they are wrong and that the system has failed. And that's one of the reasons why these, keep perpetuating. They're thinking that things, that they're gonna change something through one of these little forms that you fill out and come back. It doesn't. And so when I finished my first 30 sessions with VOC, as you know, litigation still continued. And even though again, even though we had been divorced for 7 plus years, my counselor still felt that and she requested another 30 sessions because she felt that my involvement with a person of domestic violence and also minor council in the picture, and being involved in court and custody issues, that I was, even though I was not physically in the realm of a domestic violence person, and I was not physically being choked, I still was in the throes of feeling like I was in domestic violence because the system would not let me go and they would not hear it. And so it was just, and this is how _____, my therapist we were talking, you know _____, its', you are still feeling the emotional trauma and control of the domestic violence of _____ because they have such control over you and you are still constrained in what you can do because you are micromanaged about your parenting, about everything you do that you feel like you are still the emotional trauma of being victimized.

Rick do you agree with your therapist's opinion

Participant oh yeah, absolutely. Oh absolutely, yeah. But minor council and courts don't see that. And any time that I would bring anything like up the minor council would slough that off and said, oh that's history, we need to move on. But yet anytime that was brought up that referring to my history about something, or I mean, let me proof read

Rick bring up old history against you but not him

Participant umhum, exactly. You know, when I would talk about wanting him to be drug tested, alcohol tested, because of court orders and for whatever reason the judge, the judges and the minor, the attorneys sideswiped that because remember I told you the minor council you know they don't want to admit that there was something wrong with that. Because if they did, that means they would have to change it and they would have to address it. And so by not addressing it, the problem is not there. They don't think the problem there if they don't have to address it. And that's so, whenever I would talk about that it was always, oh that's history, we need to move on. But, when I would bring up my history in regards to domestic violence, oh there you go again, dragging up, how are we supposed to move forward if you keep bringing up your history? So it's either, you allow the history to work through or everybody's history is gone. One of the two. Either you push everything aside and move forward for everybody or the components you need to talk about in your history is brought to the table on both sides. And it's never that way. The men who are the domestic violence, the perpetrators, it's like nothing happens. Nothing happens to them. It's actually amazing. I'm not kidding.

Rick: participant laughs with irony. Do you feel like you got a chance to answer that? Are those tears in your eyes?

Participant yes! Because, yeah. Again, like I said, you know 2004, I've been doing this. And I'm still feeling it. I'm 55 years old, gonna be 56 in July. My kids are 11, gonna be 11 and gonna be 14. I have a high school kid. In 4 years he's gonna be going to college

Rick: and you don't have them

Participant No

Rick you've got visits

Participant yes, yeah.

Rick why is that?

Participant because the minor council

Rick are you the batterer or something?

Participant no!

Rick he's the one that got the TRO

Participant yes,

Rick there's the police report

Participant yeah, I know.

Rick did they think you were alienating, is that it

Participant no, actually, he was able to get the kids to lie and told them it was my fault. And that I was the perpetrator, I hit him. And I caused the divorce and he was arrested because of me and um, yeah. At this point, the more you try to explain it, it makes you feel, then they're like there you go again. You know.

Rick what's that feel like, when you hear that

Participant at some point you just say, I'm done. The court system has completely failed me. And like I was just saying, I'm 55 years old now and all I want right now is the court system has taken so much away from me in regards to the quality of life with my children. I've missed so much. I've missed a lot of field trips, I've missed vacations, I've missed parties. I've missed school events. Because the system is, you know, you can only see them this time. And the minor council supported a domestic violence person whose vengeance is so great of me, would rather see me dead than have a quality of life with our children. And so I have nothing left. They've taken everything. I've filed bankruptcy. I've spent \$80,000 and I'm worse off than I was then. And that's where, kind of the beginning of what we were talking about. They know that women like myself who have been in the system, they are like a bear cub. You, that's my children and I will come after you. I am going to protect them. But the system has totally beaten me up. And like I said, it's quick sand. The more I try to, at this point it's like, if the kids want to see me, they're gonna see me at this point. If they don't, then I can't do anything about it anymore because you know, it hasn't gotten me anywhere and it's just gotten me heartache, it's gotten me bankrupt. I have no, I have nothing left and it's actually hurt my relationship with my children. Now my children and I are back in counseling. And my focus with our therapist, the first thing I told her is that I want to rebuild my relationship with my child, with my older

Rick and this is family therapy or reunification therapy. Sounds like it's just family therapy

Participant to rebuild my relationship with _____. Cause I honestly don't think that _____ and I, and this is how I see the system, is that knowing this, that picture I was telling before. The courts need to know that when there's domestic violence that at certain points there are flags that when these court cases keep coming up and these kinds of issues come to the judges table or bench, 3 to 4 times, there should be a flag going – there's a problem. This has to be re-routed, this is not the normal divorce, this is not going to be done in 6 months. So that, I know where I'm going with this..... let me just think about that. You know,

Rick it needs to be like that and it needs to be not treated like oh here we go again. It needs to be treated as, we need to figure out what happened here.

Participant yeah

Rick did I get that right

Participant yeah. And now you know my children, you know, think oh it was you. You're the one, you know. What this has done, is now, because they've aligned themselves with their dad and the other issues is because of the way the courts are, the longer, the longer the boys stay with their dad the harder now is to change. Because now their MO is status quo. Why do we want to change it? Well, you had no problem in changing the very beginning. So, anyway.

Interview Number 11

Question 1

Participant For me the experience actually began as a relief. I reported the violence to my marital family therapist. My personal therapist at the time. And she reported to CPS because it involved the children. And once the ball began rolling there I realized that I didn't have to shoulder this burden and I had been trying to fix the issues in our house and trying to protect my children, myself and the immediate process began with a TRO and him being lead out of our house by the police, which I just felt that bricks had been lifted off my shoulder. This followed with a few weeks of I think it was three weeks of no contact, by court orders. He was not allowed to contact, email me, the children, or myself. I used that time dealing with the emotional repercussions of the children explaining why this had had to happen, why this was the best for the time, for them. And then all turned around completely the day he had retained an attorney. And once he retained an attorney, we went back to court and I was accused of lying. I was accused of twisting the facts. I don't think I had ever been in a position personally or professionally where statements that were given were just not considered fact. I'm a nurse. I report data, behaviors, etc. to physicians, hospitals, administration, other nurses and I had just never been in that situation at all. I was strongly pressured to remove the protective order or they would try to take the children away from me, that was always the threat. They would try to take the children away from me because I was not the parent trying to share the children. And would lose the order. Started off visitation and I, things went well for probably a couple of months and then my daughter started coming back home with um, very credible stories. They validated one another. I also had a son who was the oldest. He would not say anything. He would not dispute, not, and I could tell just, it was kind of like, we all decided not to involve him. He couldn't speak about his dad and he couldn't, he just wanted to be left out of it. So the girls would come home with red marks, fingerprints, bruises. I thought I was doing the right thing and reporting it to the court appointed psychologist. The court appointed psychologist didn't do anything. She just kept saying she would work with father to get him to, everybody said not lay hands on the girls. And um, asked for anger management therapy for him and his attorney argued it and he never received that. And I think what happened, this was 6 years ago, and I think looking back now what happened is that this empowered more and more to become more aggressive with the girls and to get by with more because he was able to. And um, they would come home with stories of the younger one, I don't think we had text back then, calling or emailing me that my younger daughter was put in a bathroom Friday afternoon after school and not let out til Monday morning. She was made to eat dinner in the bathroom. I told the custody evaluator that my daughter, obviously I'm saying this as a third party, that my other daughter was telling me this and she was, and the younger one was telling me this. We went to court and he said I was exaggerating. Incidences happened at school where he hit my younger daughter ____ at school and dragged her across campus. The school became involved. Several times the school called CPS. Each time it was blamed on me until um, let me make sure. In March 2007 the um, his attorney and the custody evaluator, and the court appointed psychologist um

got together without my knowledge and put together an ex parte to move the girls from my custody, I think 60 me and 40 to him at that time. This post judgment and send them up to Oregon to an aunt's house they had never been to, his sister's. And we had a brand new judge on the bench. The girls were not even given 24 hours and they had to leave school and go off to that aunt's house on a farm. And stay for 2 weeks and sadly, at that point I was not allowed any communication at all with the girls. No notes, no phone calls, no emails, anything nothing vice a versa. _____ and then they came back and they were put in, all had decided that dad was too angry. These same psychologists, that dad was too angry to take the girls immediately. But they felt they needed to remove from me so these reports didn't keep happening at the violence. Mind you, these reports had police photographs, they had two very high functioning incredible young ladies, articulate young ladies at that point stating what had happened. And their stories collaborate and there was no, later an evaluator that looked at the material, there was never an exaggeration above and beyond. It was this is what happened, that's it. And so we were separated and it took us three years to come back to a 50/50 custody. And it was horrible. Every time I went to family court, a new attorney at that point, every time I went to family court there would be some reason the girls could not see me, and or I had supervised visitation. The reasons could be anything from the girls weren't doing as well on their homework, the girls were uh, defiant towards dad, were defined as not keeping their rooms clean, talking back to dad. They were at this point 13 and 11. Behaviors that any other person would see as developmentally appropriate for a young pubescent teens, those typical behaviors towards their father as reported by their father were seen as reasons to not reunite them with their mother. It's incredible. It's incredible. The, um my girls kept up their grades. And their grades were very strong. They poured themselves into school. We slowly, I don't know it's about a year and half of supervised visits only. I had to pay \$50 an hour, more than I ever made as a nurse to see my own children. They um, the medium was two years. They could come over Sundays for 6 hours and Wednesdays for 3 hours. They there was no other communication allowed. If there was, if their father, one perfect example of me, I lost supervised visits at one point because my daughter, my youngest daughter ____ had on, I didn't know at this time. I'll just say it how it was _____ on to them. She had a new book of animals, mother animals and baby animals. It became assumed by the father that I had purchase that book and I was not allowed to give the girls gifts. That went to Dr. _____, the psychologist, that went to the custody evaluator, that mom had bought her a gift. That went to court and I totally lost supervised visits with my daughter. Six months later when I was able to talk to her about this, she had had money in her backpack and there was a book there at school and she had purchased that book for herself. But yet she lost time with her mother for this. The girls, they just became maternally deprived. They, my oldest one, ____ is a very compliant, real follower. They were told if they follow all the rules, they were good for their dad, they did not talk back to them, if they did everything he said, they could go, come back to their mother. She treated that as over the top. She became an overachiever. She tried her best to do everything proper. I can't believe back looking back, we followed all those rules. I just can't believe we did because the carrot was always held out in front of us that if I went to the therapist they said, I had to stop my therapist that I

had a three-year relationship with. If I went to their court appointed therapist who was charging me \$275 cash, I had to give him cash, an hour, rather than the one on my plan, that was a \$10 or \$25 co-pay. If I went to theirs and didn't miss I had a chance to get the girls back. If they went to Dr. L--- that was now charging \$350 an hour, about the _____ at \$175 they could come back. If they missed they stopped, they had to not go to a sports practice or whatever. Cause they had to see this Dr. L--- . They, the rules just kept getting tighter and tighter, and we just, we kept jumping over loops. We were not allowed during supervised visits to speak about the dad, talk about anything in the future, even academic goals. Anything in the past, the rules were so tight we were not allowed, anything that could be construed, I lost time, _____ was in Girl Scouts. I supported that. I drove her Girls Scouts. I was not a Girl Scout mother or anything. But dad did not want her in Girl Scouts anymore because he felt it involved mom. And probably as a reaction to this they had a biography fair and _____, before she was taken away from me had decided to be Julia T---, founder of Girl Scouts. A remarkable woman. And we had gotten her the old uniform down in Balboa Park San Diego, but that was one was _____ and she was _____. When they found out that she did this for bio fair, I lost time because I was promoting Girl Scouts, which the father was not promoting. Everything became so skewed. We stayed like this for a long time. We got a new commissioner. The new commissioner started to ---- fresh look but jaded. I by this time could not afford an attorney anymore. I was pro per and every time I went to court I asked for my daughters to speak to her. I asked and I think I just wore her down. The girls came in. They spoke to her. They explained what had been happening. They explained how much they wanted to have, I only, only every court hearing two trials, only asked for 50/50. I completely tried to pull out the alienation arsenal. The girls asked for 95 and 90 percent custody. She finally let us go unsupervised for that sometime. Long story short, after our second trial she said that she had her ruling. Minor's council did not want to, I asked who will tell the girls. This ruling. I didn't think things were going well at all. I said, who, he had two attorneys through nine days of trial against me. Big corporate attorneys. I asked who will tell the girls. And minor's council said she didn't want to. I thought that was her job. The judge said I will tell the girls. She called the girls in, got them out of school early. I'm sorry, let me back up. What had happened prior to this, is _____, my eldest at that time 16, had been hit and hurt so badly that the police had removed her from his house and put her in the public child abuse center, which is I don't know child abuse center. He wouldn't let her talk to me cause I didn't have custody of her that day. Her father wouldn't let her come to me. He made her go to the child abuse center. At the child abuse center, it was during the summer and _____ had a marvelous internship ironically at the _____ peace and justice center. And she needed to be at her internship on Monday. She had a long talk, she had a wonderful social worker there. I never met him, but. He explained, he told her to file charges. She would have to stay there, but they couldn't get her to her internship. If she didn't file charges she would be able to be released to her father because it was custody time. But he also counseled her on emancipation because I have no legal or physical custody at that time, just visitation. And he said, you know, he said that she was his best candidate ever. Try that. So, he picked her up and told her that he hoped she learned her lesson from this. He hoped that

she realized that she was being punished by going to the child abuse center and ____ obviously this is me hearing it third hand, stated him, dad I was put there because of your actions, not because of what I did. And he turned around and tried to readmit her to a child abuse center. They said we don't take her, da da da. Within a week she was back at his house and she was pushed down, her hair was pulled out, she had the hair that he had pulled in her hand. She ran away to my house, which is only like 4 minutes away, walk time. And he had the police come over. The police told her, said that we're not going to do anything. You have to decide what to do. Meanwhile... I went back to court to say she's at home, I don't legally have any right to have her at my house. What can we do. By then she's been to Polinsky Center, he was trying to send this young lady to Utah as a behavior issue. He was getting the custody evaluator to agree. The children were in a private that were expensive at that time. He was legally having to pay that bill. So it would have just been switching over to _____. So then ----- an ex parte to prevent her from being taken out of state, to keep her in school, and to ask the judge what do we do. Meanwhile, so then the judge again had her come and speak to her. And ____ explained what had happened. And he took, it would, the last, after that week was the last day of the internship. He wrote the internship and told them that she would no longer participate. She was only one of five kids in San Diego to achieve that internship. She ended up with ____ of work she had done. Ironically, on ____ education for females. She, the judge called her in and after that she told her that, she told them both that she was probably going to lean toward a 50/50, but for right now she felt the girls needed to not be with either parent and that dad would move out of his house, his third girlfriend in three years that had just moved in from Illinois was going to keep them at her house, at his house. So ____ at that point told the judge, the commissioner, with all due respect I will not follow your orders, my father is violent. I will, I think she had been empowered by the counselor at the Polinsky Center and she said I'm not going back there. They ran out of court. It was four or five o'clock. We sat in the parking lot. I didn't know what to do. Minor's counselor is upset. ____ got in the car. She wouldn't get out of the car. It was horrible. I told minor's counselor I would take them home for the night and I would be back tomorrow and they could decide what to do. But they needed to go home for the night. They wouldn't go with their father. Their father is calling all the sheriffs and deputies. Deputies wouldn't do anything. I took them to school the next morning and I told them that they needed to decide what to do. That these were the orders. I didn't know what to do. I went back the next morning. I told the judge that I sent them to school, I would not be picking them up for that month. It was a 30 days. I never picked them up. They went, actually with his neighbors. And they didn't know what was going on. They went to school every day. They never went back to him, with him. ---- February 1st, March 1st, we had our 30 days were over. Out of the blue she ruled 50/50 custody. ____ never went back. ____ did and. ____ stayed with me. ____ she stayed until November 10th this year and he kicked her out of the house for taking her brother's college physics book to show her chemistry teacher.

Rick so did you cover everything that was on your paper?

Participant the other thing I ____ focus on, the girls. The verbal abuse that continues through every email, through I don't talk to my ex-husband on the phone for that reason. Everything is by email. It's absolutely horrible. I can't believe I'm six years out and I still feel punched in the stomach when he does this. I filed and since the second trial ____ I'm completely on my own. I've filed, I since then have learned so much about the domestic violence. The court didn't care. They didn't care. The girls filed and filed – the horrible things he had called them. He told them that they wouldn't amount to anything, they were pieces of dirt pieces of s-h-i-t, they were just like their mother, they were stupid, they didn't deserve to go to school. The court reversed the orders and allowed him to not pay for their private school anymore. He stopped. That they would never amount to anything just like their mother. The verbal abuse, that's the , he was going to tell the dean what kind of girls they really were and he was going to tell them that you know that they were really stupid. When ____, I forget the word, when she would excel and get an award at school, I can't remember the word, but it was something like you're just, it was just horrible. Nothing, everything and everything was taken away. Every activity, every after school, they were just isolated all my family, he wouldn't let them see. Everything. ____ pursued, ____, everything, even he wouldn't take her to her SAT test or anything like that. She'd get friend, she was resourceful and this month she was accepted to Harvard University.

Rick: No way! Oh! Congratulations. Wow

Participant yeah, she was accepted to nine top universities.

Rick wow that's incredible

Participant but this is the girl that they kept stating was not credible. This is the girl that they said, she doesn't know why she needs to go back with this man that hits her and pushes her down and calls her stupid. She's a survivor. And my younger one, she's, put on the eco fair yesterday with one other girlfriend, huge successes.

Question 2

Participant During my marriage everything started getting insidious. My first reactions were to protect my children and to diffuse the situations, to separate us physically go down stairs if he's upstairs. Walking on eggshells and all that and shield the kids. Once we were separated and they would come home and tell me what had happened. My first feelings were he can't do this, he's not allowed to do this to you. Let's see C----, let's tell the therapist, let's tell the police or whatever. With us as that happened we were getting more and more repercussions by the court so the frustration to be believed became I don't know what the word is. It was so important for me to have them believe I was a credible person and every time we went to court that is what his attorneys took away. It just became more and more frustrating and I'd worked so hard to make sure that judge knew what I was saying and I was telling the truth. It was 6 years of absolute frustration, anger at the system, anger at the people that weren't ethical or weren't taking care of and protecting my children. At one time, _____ the minor's council, I asked them what it

would take to get my kids back. We were in the middle of a trial, he came in, my attorney was right there, he heard him say this. I need to just stop complaining about his bill because I had found billing errors. I need to stop complaining about his bill, I, there were a couple mundane things and I needed to make sure there were no more reports of abuse. During the entire trial, all the trials, every court, I never used the word abuse myself, I used the word physical incidences. From my nursing training I, we do incidence reports, and I thought this didn't flare things up it was an incident, it was not a judgment call. You know, she has hand marks, red marks, da da da and she states this happened and this is the incident. I tried so hard to not embellish anything or exaggerate. I found out that the exact same week that ____ had gone ____ who at that time was probably 14 and had told her that if she didn't tell anybody, anybody else that her daddy hurts her, that she would get back with her mother.

Rick that's a nightmare

Participant its horrible nightmare, it a terrible nightmare. And I hate to say, but we started just work, I started being the good girl, good mom. Ok I'm doing everything you say, I'm going you know, just pray and still incidents would happen because teachers would report, neighbors would report. We were in this horrible spiral.

Rick it's as if they identified him as a batterer but they're saying because you're telling the truth about these incidences, they're saying you're trying to alienate so they took the children away from, is that right?

Participant oh exactly. Yeah exactly. And they were, she wasn't even the batterer. It was that I was the alienator.

Question 3

Participant The processes of family court that exacerbated the violence actually several. One is the time line. Everything takes so long that it gave him time to become more frustrated. Even though he was paying two attorneys, he became more frustrated, that anger, I'm guessing he takes out on the girls. It also because it kept allowing him to get by with these behaviors, he became more and more powerful. Powerful in the physical incidents but in the emotional abuse and in the verbal abuse. Just escalated to such a high level of cruelty towards the girls and bullying behavior. And that was tolerated by the courts. The other processes I have to say I believe the court appointed psychologist and the minor's council also is part of that process. That because the longer we are in court, the longer they are involved and they become paid. It, I think that between that and the attorneys that to fan his flame, fan the fire, and keep giving him more and more angry at mother. I think I was seen as this inanimate object to him. I think I still am when I look at the emails and all. I was somebody for him to punish for this loss, for his loss of a family. I really think all of them enabled him to, to do this, to increase behavior.

Interview Number 12

Question 1

Participant so what was it like to have encountered and endured intimate partner violence during and after family court litigation. The first thing that comes to mind is that I'm absolutely certain I have PTSD. Dealing with this man, the court system, and what my children were telling me he was doing to them. Once he was out of the house, because he chose to take a lie detector test and failed it with flying colors, then I wanted to do was best for my children so I allowed him to see us on the weekends. But I was trying to make sense of what was real and because he constantly told me you know these things were not happening, whether they actually happened or not. It could be as simple as a door being left open and he'd say it didn't happen. I mean something solid and he would claim it wasn't happening. He was always very manipulative. I don't remember a day of being with him that he didn't lie. Through the process I now realize that um, he's, just. I actually had it suggested to me that he was a sociopath. I used to always think a sociopath was someone who committed serial murder and then I read about it and realized it fit him perfectly. That he has a certain group that he um, will do anything to control. That group being Christians. He thoroughly enjoys controlling and manipulating Christians. He claims to be one. He puts on a most sickening facade of being a really good guy. His, the whole court experience and him being, he's very invasive. He convinced people that, you know, his lies were the truth and my truth were the lies. So that put me in the position of being extremely distrustful of many, many, many people, not knowing who to trust. Came down to you know the only people I would trust were people I had known before it, not even that. I had friends, actually that I had known before I ever knew him that actually ended up not being my friends anymore because they sided with him because they're Christian. So by the theory, facade of Christianity you know, he is clean and pure and truthful. There is a lot of fear involved. Being totally disillusioned, not only with this person that I ended up marrying and trying to understand how in the world I ended up with someone who was so horrible, but also disillusioned that with the system and people in general being so just easily manipulated by this guy. Not looking at facts, being just listening to what he would say and saying it was true because he said it was true. I mean, the ability of this man to like manipulate people it's scary. And just every, just looking, it seemed like everything was just backward. And then I had to start really realizing that even though what was going on was just chaos, that I wasn't and that that, I remember a distinct point where my children, my son was going in for this second interview about the abuse and I, you know people were very callous. I think they'd been in the industry so long that they they don't realize what they're saying is traumatic to these mothers. You're not talking about a bug. You're talking about children. Not just him and me (or human beings) I could have handled my, he was extremely horrible to me. He raped me. He threw things at me. The emotional abuse was insane. He did things to me, he drugged me, he did things to me at night while I was drugged. To this day you know, people still just can't, they refuse to believe it. I know what happened. It took me a long time to figure out what, after the fact that now it's very clear and absolute he was doing it.

Rick he was raping you after he drugged you?

Participant yes, yeah. Anally. Cause I wouldn't do that with him. So and um, he and then being shunned by multitudes of people because they could not bear the truth. They just could not bear it. They would rather say the mother is crazy than to admit that someone they know who claims to be a Christian is this hideous of a human being. And um, yeah that makes you kind of get to a point where I remember clearly the day where I was being told something by these detective interviewers, forensic interviewers, that was horrible thing to say to a mother. And just falling apart and realizing that I had to walk out into the waiting room and pick up my children and go on and have a normal life. And I remember a snap, it was like a virtual snap where I was like, OK, _____ is a business. You know I am going to be in business mode, an emotion is going to be here. And you know that only, it, you still keep falling apart because the PTSD is just like whacking your world. You know the traumatic stress. And this man works for IBM. I have been stalked in every way possible. He convinced people to you know, I mean I don't know, it's unbelievable. He was stalking my bank accounts. He was stalking my computers. He was stalking my cell phones, which I was telling people. No one believes. Everyone knows its 100 percent possible, it's happening all the time now, where they're dropping stuff on your cell phones and monitoring your calls and monitoring your conversations in a room even if the phone is turned off. Everyone knows, well they should know, I mean it's common knowledge now. Back then, no. You're crazy, this isn't happening. It was always about the mother being crazy.

Rick how long ago was that?

Participant this started on, the end of 2004. But you know, he had been crazy making for basically my entire marriage. He started hurting my children very young and they're a much easier target. He (80) now his wife is hurting them, so. My daughter went in to the hospital two Sunday's ago. They never called me. She was in the hospital for two days. I was never called. I was never told anything. I'm being treated as if I'm not even, less than a friend, less than relative and this is my daughter. And when I finally, I get called by the monitor because I have monitored visits cause I'm a threat to my children because I may say something like, what happened to you? And I was told by the judge my children were being taken away because I reported to CPS too many times. Well, I didn't make all those reports. There's no proof I made all those reports.

Rick how many?

Participant I don't know. I mean

Rick more than five?

Participant well I mean, there were reports, but they were not me. There's no evidence that I was reporting. I probably reported I don't know five. They, so the fact is, you know it's all, I had CPS workers telling me they know what happened to my children and then suddenly stories would change. You know, suddenly there's intimidation involved. There's you know, there's stuff going on. People are being paid and manipulated and

threatened. I just know it. I've seen it for 6 years now. And the way things would just change rapidly, you know, overnight. Oh, you're great, you're the most awesome mother. You know, subpoena me in to court. This is my first monitor, subpoena me in to court, you know I'll go in and testify that you should be seeing your children every day. One week later, screaming at the top of his lungs in the San Diego Quail Gardens "you're kidnapping your children. I'm calling the police. I'm calling the children's father." Screaming! I had people coming up to me asking me if they wanted me to call the police on the monitor. This was a large body builder, walking through the quail gardens claiming I was trying to kidnap my children. It was insane. And then, so I then, my daughter, then, so then I finally got to see my daughter Wednesday. I'm told by the monitor that she has severe head injuries. She had a fractured right temple. When I asked my daughter, at the visit, the last thing she remembered, she said swinging my arms at _____, her stepmother, and telling her I wanted to see my mommy. The next thing she remembers she was I believe she said she was on the grass outside the house and the little 5 year old neighbor apparently had found her and said she had fallen off her scooter. The 5 year old neighbor. Five year old, outside by herself claiming that she found my daughter on the side and apparently my daughter had hit her head on the curb, yet not a scratch. I've fallen biking, I am bleeding profusely and I didn't have a fractured skull. So you know, both kids show up at a monitored visits fat upper lips. Both of them. Both claiming that their lips, the exact same fat upper lip, looks exactly the same, cut here, fat upper lip. My son had it because he got hit with soccer ball. A soccer ball hit him in the face. My daughter fell down the stairs. Well my daughter apparently falls down the stairs all the time now. My children were never hurt when they were with me. My son has come with 3 twisted fingers. Oh the week before my daughter went in the hospital, my son had a dislocated wrist and his father shoved it back in to place, he said. With no medication, and did not take him to the doctor to get it x-rayed. Why? So in our marriage, you know, I was in the hospital and because he had shoved me because we were in an argument and he had picked up my son to take him with him in the car. And I was saying he needed to stop and he shoved me out of the way and I cracked my head open. We ended up going to the hospital. They asked me what happened. I said he pushed me and they immediately arrested him. Well those records disappeared. Apparently you know I was never called enough you know about me filing charges. He was just taken to jail. So you know, there are all these things. I mean things happen constantly. And you know these things are in court. You know, then the things my children have said to me would traumatize anybody. It's not just about sexual abuse, this guy is doing things that are despicable. My son told me they both told me that he held them under the water in the bathtub and my son says that he was looking up at his father and his father was laughing as he held him under the water. And I said, what were you thinking, honey? He said, I thought I was going to die. And right as I thought I was going to die, he pulled me up. And he stuck pins in them. Both of them said he stuck pins in their privates. And made them eat defecation. His and their own. These are things that my children, who were 3, 4, and 5 were telling me. So of course, this is not possible, that can know this. That they can't even think that they understand what they're saying. I'm saying why? A 3 year old knows what poop is. My son told me his father

took him in the closet in the middle of the night and did things in the closet to him. And he would scream but I would never come. There's one time, this is how I know he drugged me. On top of having vertigo, my wrists being extremely painful, going to the doctor and saying, thinking I have carpal tunnel and him saying that doesn't happen that fast. It doesn't happen overnight. It doesn't happen suddenly. Bleeding from my privates. When I would wake up. And one time I remember distinctly my mind woke up. I heard my son screaming bloody murder. My mind was awake but I was like this. And I could not open my eyelids. I could not move my legs. I could not move my arms. I could not move. And I was just doing everything. I was trying to get my mind to control my body. Everything in me. I tried so hard I passed out. And then the next thing I know I woke up in the morning. I'd find white powder all over the counter. And later, taking a domestic violence class I think he was giving me the date rape drug. So you know there would be nothing in my system but this was probably, the one nice thing he would do was bring me a glass of water every night before I would go to sleep. That was nice. And then, I mean, those are just a couple of the things I have been told by my children. What has happened to me over, you know geez, you know the five years of our marriage and then through the 6 years of the divorce which now I'm still fighting to you know, being traumatized over and over when I hear my daughter is in the hospital and I find out a week later from a monitor. Because the father and stepmother will not call me. You know, if my daughter died I guarantee you these people would not call me. They will not call me and tell me. And you know the court supports this. The court ripped my children away from me within hours. Told them they must go with their father. They could not go home. My children refused to go with the father from the courthouse. The court guard came out at that point and said, he looked at me. He was in shock. This man had seen this divorce been going on, you know, this was different judges all along. And he had seen it for two years. He came out and he said I have no idea why the judge did this to you. I have no idea why he took your children away and you need to go back, you need to file immediately. And I then had to get monitors to see my children. I got this big large man who you know I had for 6 months and then suddenly snap change over Christmas. And then there's no court order. They didn't go back to the court. The father and monitor made the decision that I could not see my children anymore walking around in public. I needed to be in a locked in facility, gated facility because I was a threat to my children, of kidnapping. Because this monitor had claimed it as we're walking through the quail gardens for Christmas. Therefore I refused because it was not court ordered. Never is, still is not in the court order. The father refused to bring the kids to see me and get with a monitor outside a facility. So for months I did not see my children. When I went back in to court the judge actually told me, I told him what was going on, he told me that he had seriously questioned my mothering ability because I was not doing everything to see my children. Didn't reprimand the father one ounce for not allowing my children to see me for four months. Then, you know now, I have gotten to the point where my PTSD is you know, I'm evolved out of it for the most part, but when I get told my daughter is in the hospital and I have not been informed, I have not been allowed to, I can. There's no restraining order. I can go to public places and see my children. I could go to the hospital. But I'm not called and told and allowed to see my daughter with a

fractured skull in the hospital. So these are just, you know, icing on the cake. I mean the stories go on and on and these stories have been in court. They know. They know. The lie detector test was actually allowed into the courts. So it was admitted. Now it's lost. But it was admitted. The judge saw it. He saw that this man had failed all these questions he was asked. Did your son say such and such about you? Or did you do to your son what your son said you did. No. you know it was specific and it is a lie, you know or false. He failed every question. So, and then you know, the stalking issue. This man is _____. I've worked in the computer industry. I know what those people do. They have a large underground network. They interact very well and help each other very well. This man was stalking me on every level. And I would go to the police and nothing, I'm sorry we can't help you. They're baffled. They don't have clue what to do. I had policemen tell me, is your ex-husband a computer guy, a politician, or a policeman. I said yes. They are like, well we believe you. But there's nothing we can do to help you. We don't know what to do. So they just say to keep, to stay off the computer. Don't put any of your information out there. It doesn't matter. He was hacking my credit cards. He was hacking my bank accounts. He was doing everything. And they head up this network which is completely easy for them. You know, once you're in that computer industry and you have all those friends. Well you know there's one working at my bank. You know, who knows? I don't know how it all happened. I just know that they're tight and I know that they're quiet and I know that they do whatever they can because its payback. You do it for me and I'll do it for you. You do it for me I'll do it for you. You know and the cell phone hacking. I mean I had friends say I called you nine times and left nine messages and you never called me back. I never got one of the messages. So you know, it's not only you know I feel like I've been at war. I don't feel like it. I am at war. I have been at war. I've been at war with this psycho guy who the court is completely supporting and the court does these crazy things to. You know and the people involved with the courts. They're all doing incredibly manipulative lying and deceiving and you know, it's about power and money and control and oddly, I've never been diagnosed as crazy, yet. Of course that's the thing they all like to say. Oh, she has bipolar tendencies. Well I meant that was the second 763 expert or whatever. The first one said that I should be allowed to move to Florida with my children. Well, because he said that the judge looked at him and said are you (193) and absolutely sure about what you're saying? And he sat there and I saw him make a mental decision to tell the truth and he said yes. And I believe that man was probably then put through the wringer for doing that one time for me because I know this man is really disliked by other women in my position because he has said against them. But in my case, he didn't. and then immediately the judge said the lawyer stood up and said, this doctor is prejudiced against my client and we are calling for a new doctor to be put on the case. And the judge agreed immediately and the next one was put on and cost us a fortune more and the next one of course tore me into shreds and sat with me, let's see, interviewed me an hour and made the conclusion that I had bipolar tendencies. Of course, no one ever diagnosed me. Never been diagnosed with depression or bipolar or sychophrenia or nothing. Nothing. Nothing. Yet in court I'm continually accused of something is wrong with me. I'm accused by monitors. I'm accused by you know, everybody; CPS, you know it's all on

me. I'm all crazy. This man that I married was selling porn in high school. He admits to molesting his niece when she was baby and he started out saying he was 12 and that came down to 9. He admits that. He admits to having sex with his dog in high school. He was arrested for vandalism at the age of I believe it was 12. He had failing grades. He was an outcast, no one liked him. He had very few friends. And when I met his some of his friends when we went back to visit, you know they were, could not believe he had married me. Here's my high school experience. Wonderful family, straight A student, top 2 percent of my high school, best personality-nominate for, very well liked, debutant, never did drugs, never had sex, basically as basically about a perfect child as you could get. The one thing I was told by my friends, you're honest to a fault. So you know, that's me, that's him. Now how does me, become this hideous human being whose just out to get this guy. And this hideous human being become this just wonderful saintly human being. How does that change so drastically? You know, when all these things line up with who he was basically (loud noise caused word to be inaudible) so you know there's just a lot of --- (again loud noise)

Rick so you got everything on that sheet?

Participant yes

Rick how're you doing

Participant good

Rick Question 2

Participant so he raped me. I had, before I had my two children, I had miscarried twins. And I, when the first one happened and the doctor said no, one is still alive, so he put me on bed rest. Well that one passed on basically 3 months in. and I had to go in for a D&C. so I went in for the D&C and I got home and I was on some pretty tough drugs but I was awake and my then husband said that I looked sexy. I had a D&C. That I looked sexy and he proceeded to rape me and I was crying. I was going like this saying I just had a D&C. And he went on and did his thing. And I remember getting up and going to the toilet and wiping all this massive amount of blood and going back to bed and he went out and fell asleep on the couch. So that was the actual rape and of course I was asked why didn't I report him. Well I was a newlywed. and you know I came from a good family. I'm thinking I'm going to do what it takes, try and make this work. And it takes a long time to realize you married someone that is really a socio, I mean crazy. He's you know, he's not sane. And because they're so good at telling you you're the one, you're insane, you're, it didn't happen. You know everything. But I had always had a pretty sound um, understanding of who I was and so as much as this man tried to convince me and beat me down, there were times where I was and I wanted to end my life, but there was always this voice telling me it's not me and I know who I am and I know that I'm honest and I know that I tell the truth and I know what I see and I know who I am. And you know this man can maybe beat down the outside, you know, but he can't get all the way in and destroy me completely. So anyway that was the verified rape.

Question 3

Participant exacerbated the violence. It supports him. It takes someone who is clearly when I tell people he does this, he does this, he does this, my children said this, they can't believe it. You know, but it's you know even if you take away everything that I'm saying, and you know you go to the lie detector test, and then the evaluation he was giving following the lie detector test which he answered questions and said have you had sex with hookers, he answered yes. Have you had, this was a man who when I met him claimed to be a virgin because he is the virginal Christian man. Have you had sex with animals? Yes. Have you had sex with men? Yes. You know, this guy claimed pure, pure, wonderful Christian man, right? And then in the, through this lie detector test and the divorce and then he's answering these questions, he's saying yes. He answered them, of course then his lawyer had to totally, they tried to like cover that up. And the courts know. And it's in the courts. They have that information. Now why would this man then all of a sudden my kids are lying? My kids are lying? All these things that he has done and my kids are lying and I'm lying? And you know, that he admits to doing all these other horrible, having major sexual dysfunction. You know and the courts with all that still end up handing these children over to this man. I mean that's, that's, that's, trauma. I mean that's crazy making. You know that is you know now people are, it's happening to so many women now that it, people are starting to go OK, you know, they're not going like coo-coocoo. You know they're like alright and they can't hear much of it but they don't claim you're crazy anymore and but the one's that will sit and listen are like they're saying that the US government is Third World Country county. They're saying that, what you are telling me are things that happen in third world countries. This doesn't happen in the United States. And I'm like here I am. You know and it's not until, telling people my daughter went in the hospital and he never called and she has a fractured skull. My son had a dislocated wrist the week before and then they are all like, you know there are actually some people who will still say, well, you, that, no that's just a coincidence. You know. He's a Christian. It's not possible. You don't know, you don't have proof. You know, they can't believe it. They refuse to believe it. As far, the court, its traumatizing and I believe they purposely do it. They have financially taken everything and tried to bankrupt me down to nothing. They make it take extreme amounts of time. You know so when I'm taking care of my children, the father has monitored visits for 4 years as the divorce went on. He didn't and get this, OK, here's this man who's claiming I'm crazy and all this, does not want to divorce me. So I'm horrible, I'm crazy, I'm insane, I'm making all this stuff up, but he doesn't want to divorce me. Why? You know, why is it, he's just this amazing human being, he wants to care for his psycho wife who's just making all this stuff up. Sure, umhum. So you know, he makes it drag on forever. The lawyers make it drag on forever. You know, finally I got one lawyer who said ____, as we are walking out of court, turns back to the judge and says, we would like to bifurcated divorce and said ____, do you see that this can be reconciled in any way. No. and then asked the judge for a bifurcation. This was basically 5 years in. So he did not, kept believing because he's a sociopath that he was still going to be able to keep me after everything I had heard, after everything he had done to me after all the money he had taken from me and my family and you know all

this stuff the court has done to support him. I'm not working, I'm a stay at home mom. They end up giving him \$70,000 that I supposedly owe him now for slander. So I owe him money. He came in to the marriage with \$150,000 plus in debt. I came in with \$45,000 in savings plus. So \$45,000 in saving and then a loss. Every penny is gone. Every penny of mine is gone. This man now has a very nice Roth, 401K, stock piled it all for himself. The court didn't take any of that from him and they told me that I owe him now is \$70,000 and I'm not working. And I'm paying child support even though I'm not working. They said that I owe him. I have the potential of making \$30,000 and that has been for the last 2 years. I now owe him \$6,000 in child support and he makes an income of about \$150,000 or more. So that with the court. It's a mafia.

Interview 13

Data irretrievable due to equipment malfunction.

Interview 14

Data irretrievable due to equipment malfunction.

Appendix J

Participant Comments – Member Checks

The following are member comments after reading the situated structures and general situated structure. This process serves to ensure rigor for the study and subsequent data analysis:

Participant (July 2, 2011): Rick, When I read the responses, the first and most powerful feeling was that I could feel the pain, hurt, frustration and the injustice that we felt throughout our litigation. It is as if we live in the "Ground Hog Day" movie. We have relive the experience every time we go to counseling, attorney, court hearings and especially reading the lies the court documents. Our lives are posted for and anyone wanting to invade our privacy. How can we heal if there is not closure? It is not OK for us to be forced to concede by compromising or just plain giving up so we can stop this madness. I believe in my specific experience, my life has been more horrific since the separation from domestic violence than actually being a victim of domestic violence.

I believe your power will be in helping to make a change in how the court view domestic violence divorces especially when child custody is involved.

Participant (July 3, 2011):

What surprises me still is that, even as a person who has been in a domestic violence relationship, I had preconceived ideas of who your subjects where; that they would be uneducated. Instead, what I read was one was a nurse, a police officer, a business owner, someone in finance. And I have to repeatedly remind myself, even if I or anyone else was uneducated, that still would not have meant that I deserved to be treated like a dog. Even dogs don't deserve to be beaten.

Even with that said, I read my own story, and had thought, this is someone who is not from here; maybe she is from Mexico or from the Middle East. Then I realize, that is me. I suffered abuse here and in another country...but I am a white woman from an English speaking country. Why do I think this makes it any different?

Some stories that I read, I remembered telling you...only, it turned out that it wasn't me. The person said "son" and I have daughters. And I think, "wow" it is amazing that my story can come out of someone else. What I need to continue to know is that I am not alone.

The truth is that we all went into our situations with the same belief. 1) I believed in the vows of my marriage, 2) I believed that my children needed two parents to grow up happy and healthy. The final reality, 3) that I was a victim of domestic violence; well that took number one and two away from me.

Make no mistake, what my husband did to me...That was full combat war. What the family court system did...well, they confirmed that "yes" I had been in a war; they just refused to treat me for my battle wounds. Instead, they handed each of us band-aids, charged us thousands of dollars for them and then threw us back out and into the line of fire!

I liked the person who said she felt like she was an actress, playing a role that no one liked...I found that in my marriage I was the main character in an act called "this isn't happening to me" because my denial was so thick. When I ripped away the denial and went to the family court for help, I ended up being the star in the act called "this

CAN'T really be happening to me." I can't honestly tell you which role was worse. They both sucked!

Participant: June 25, 2011:

Hi there Mr. Froyd,

Wow, what a blessing! You have truly captured the (tip) essence of the complexity of DV and the impact the courts have on the family. Thank for being a vehicle for our voices and undertaking such a monumental task! I know your endeavors will reap great rewards!!!

Participant: June 15, 2011:

Thank you for taking your time to do this study and may God bless you for all your hard work and dedication. I can only hope and pray that our continued strength and desire to change not only the broken family court system but our broken abused selves brings about change for our children's future. I can honestly share with you that the interview with you empowered me to continue to go on and fight for justice and I thank you for this. Sometimes just having someone listen to and validate your feelings of being abused is all you need to have the strength to pull through.

Again, I thank you,

Participant: July 5, 2011

Hello Rick,

I have reviewed the analysis...[the analysis] seems good and is emotional to read it....brings very bad memories back to me.

Kind regards,

Participant: July 6, 2011:

Dear Rick,

I wanted to be able to take my time and process your study. I needed time alone to read this. So many emotions rise to the surface when reading about the other women in the study.

Often ..I would read their answers and a first think these were my statements...yet, no...just very similar experiences.

Your analysis makes sense ..it eloquently places our feelings, experiences into appropriate categories.

Somehow you have been able to make sense of the surreal experiences and learned helplessness so many of us went through. I can not only relate but grow personally from your analysis. This validates my own lonely experience. I am in complete accord with your analysis of my statements.

I do find it very interesting your final analysis regarding our wishing to be activists for other children going through the Family Court System...this seems to be in contrast to the accusations that many of us have faced in court that we are bitter, vengeful women making false claims to get back at our ex-husbands. I felt very good about this.

I would like us all to remember the mother's who are not in a place emotionally or place safely to contribute to such an important study.

I would also like to wish that a copy of this is sent to Family Court Judges and Commissioners.

Warmest Regards,

Participant July 6, 2011:

Rick:

Your analysis makes sense. Not only does it make sense, you captured sentiments that I thought were subtle and would be overlooked. You unearthed them and hit the nail on the target. I'm not sure if I'm elated or if I've been exposed or both. This is in keeping with my wanting to be heard to make change for the future but at the same time keeping a low profile because I have ongoing pending litigation.

If my child were 18 then I'd be more forthcoming. She's only 9 and I have to deal with the system. In fact, I wanted to get back to you because your request is time sensitive, however, I should be filing paperwork with the court in the jurisdiction I'm assigned to. I gave your request more priority because I see more hope in what you're doing than in what I need to do.

I'm relieved that you're going to exclude the counties I mentioned and the cities I worked in and the capacities in which I worked. I say this because I did work for the court in a law enforcement capacity and for the sheriff's department in another county. It's not important to name these. That it happened in the state of California is sufficient. I believe the judge(s) in my case know me to the extent that I'm one of those litigants whose last name [deleted to protect identity] and that I know there's something bad wrong going on in my jurisdiction. I'm torn between going along to get along and setting the record straight.

My main concern with the study was that you eliminate identifying counties because my case is controversial and the judges know I'm from the [reference deleted]

and I believe they suspect I have concerns. [potentially identifying information deleted]

...

The gal who wrote the legislation that created the Safe at Home Program is a former legislator who works for a public policy law firm in Sacramento. She encouraged me to take on the [County deleted] but I hesitated because of my ongoing litigation and the tender age of my daughter. You see, I have to be very careful.

In your study, you have litigants whose minor children aged out and they're more free to talk. When your children are young, you tend to be more reserved, as am I.

As long as you delete the counties I mentioned, you captured everything accurately.

Best to you,

Curriculum Vitae

Donald “Rick” Froyd, Jr., M.A., LMFT, NCC, HS-BCP**Professional Experience:****Family Court Services Mediator II**

January 2003 to Present: Apply theory and skills in marriage and family therapy to assist persons with negotiating an appropriate parenting plan. Prepare detailed reports on mediation sessions including assessments in the following areas: family systems dynamics, individual dynamics, and other pertinent psychological processes, with recommendations for possible psychological intervention. Develop an appropriate parenting plan recommendation based upon the above information for the presiding bench officer. Act as investigator for families in crisis. This includes gathering information from the parents, conducting child interviews, collecting information from other agencies such as Child Welfare Services, Law Enforcement Agencies, as well as mental health care and medical care providers for inclusion in detailed reports. Act as investigator for stepparent adoption legal actions.

- AWARDED “SERVICE OF EXCELLENCE 4TH QUARTER 2007” AWARD.

**Marriage and Family Therapist
Professional Private Practice**

August 2009 to present: Provide psychotherapy to families, couples, and children using a family systems approach. I am currently on two insurance panels and work as an out-of-network provider for many other insurance panels. However, most clients are private pay.

**Area Chair
University of Phoenix**

November 2009 to Present: Perform as new faculty mentor, faculty evaluator, and provide various faculty training workshops. Additionally, perform administrative functions, actively pursue quality assurance in area of responsibility, coach both students and faculty as needed, and instruct courses in the undergraduate behavioral sciences department.

Clinical Social Worker I

June 2001 to January 2003: Performed individual, marital, and child therapy for persons receiving welfare from Tulare County (welfare to work program) using a multidisciplinary approach. Provided case management by connecting clients to other local government, private, and community resources. Provided therapeutic services such as mental health assessments, developed individualized treatment plans, and short-term therapy to ameliorate or stabilize a client's emotional issues with the goal of assisting them in returning to work.

Clinical Social Worker I

July 2000 to December 2000: Performed individual therapy for clients struggling with chronic mental illness in Tulare County using a multi-disciplinary approach. Duties included performing mental health assessments, creating individualized treatment plans, providing long-term individual therapy to assist persons with chronic mental illness develop and effectively use appropriate coping skills. Conducted group therapy for dual-diagnosis groups, as well as groups for persons with chronic schizophrenia.

Marriage and Family Therapist Intern A Mental Health Hospital

January 1999 to June 2000: Initiated a dual-diagnosis program for this adult mental health hospital. Provided long-term individual therapy for persons struggling with chronic mental illness.

Chemical Dependency Counselor Substance Abuse Rehabilitation Department

June 1994 to April 2000: Performed addictions assessments, developed individualized treatment plans, facilitated addictions groups, and provided individual addictions counseling in a multi-disciplinary treatment milieu. Developed innovative after hour's programs/workshops relating to recovery from addictions, which significantly decreased incidents at the inpatient treatment facility.

AWARDED THE NAVY AND MARINE CORPS ACHIEVEMENT MEDAL FOR SUPERIOR PERFORMANCE AS AN ADDICTIONS COUNSELOR.

EDUCATION:

Doctoral Candidate General Psychology

Ph.D. Program, Specialization in Research and Evaluation

Dissertation Title:

“Retaliatory Violence After Family Court: Victim Safety After Family Court Litigation in Intimate Partner Violence Cases”

Walden University

Minneapolis, MN

Anticipated Completion Date: Summer 2011

Master of Arts Degree in Counseling Psychology

Emphasis in Marriage and Family Therapy

Conferred April 1999

National University

La Jolla, California

Bachelor of Science

Emphasis in Psychology and Religion

Conferred September 1996, Graduated *Summa cum Laude*

University of the State of New York

Regents College

Albany, New York

Associate in Science

Conferred May 1990

University of the State of New York

Regents College

Albany, New York

INSTRUCTIONAL EXPERIENCE:

Lead Faculty

University of Phoenix

November 2008 to November 2009

Instructed a variety of courses in the undergraduate behavioral sciences department including: Statistical Reasoning for the Behavioral Sciences, Effective Models of Helping, Communication Skills for the Helping Professional, Case Management, Mediation, and Field Experience classes. Taught general education introductory courses in the College of Arts and Sciences including: General Education 101, General Education 300, and Communications 110 (Public Speaking). Graduate courses include Individual Counseling, Models and Theories of Counseling, and Lifespan and Family Development.

- RECEIVED FACULTY OF THE QUARTER AWARD FOR SUMMER 2007.
- RECEIVED FACULTY OF THE QUARTER AWARD FOR FALL 2007.
- SELECTED AS LEAD FACULTY, COLLEGE OF SOCIAL SCIENCES, NOVEMBER 2008.
- SELECTED AS AREA CHAIR, COLLEGE OF SOCIAL SCIENCES, AUGUST 2009.

Telecommunications Specialist Instructor
Coast Guard Training Center Petaluma
Petaluma, CA 94952

November 1989 to July 1994

Taught High Frequency Radio Theory courses and Ship to Shore High Frequency Communications courses to new personnel entering into the Coast Guard.

AWARDED THE COAST GUARD ACHIEVEMENT MEDAL FOR SUPERIOR PERFORMANCE AS A TECHNICAL SCHOOL INSTRUCTOR.

ACADEMIC/RESEARCH INTERESTS:

Research and Evaluation in the Social Sciences

Alternative Dispute Resolution: divorce mediation, child custody, custody evaluations

Family systems perspectives, Structural, General Systems, Dynamic Systems

Attachment perspectives

PROFESSIONAL PRESENTATIONS:

Event: Tulare County Superior Court, Family Court Services

CCFC and MCLE continuing education unit training for court personnel, local mental health professionals, and for members of the Tulare County Bar Association.

Dates: March 11th, 18th, and 25th, 2011.

“Domestic Violence: New Directions”

The discussion of domestic violence will take place over a series of three workshops. The presenter discussed a deeper, more nuanced understanding of domestic violence in terms of violence type, batterer types, as well as how power and control dynamics assist with the differentiation of these types. The discussion then considered how the differentiation of some aspects of domestic violence into types could assist court and other professional personnel in the screening and assessing of families presenting for child custody and visitation issues with the element of safety for the child and family members remaining paramount. Safety of child and family members is congruent with the best interests of the child.

Event: University of Phoenix, Central Valley Campus, Content Area Meeting
Date: March 6, 2010.

“Reviewing Students’ Written Work and Providing Success Oriented Coaching”

This workshop provided instructors with “best practices” regarding providing students useful feedback in the form of success oriented coaching while ensuring appropriate academic rigor.

This workshop provided a brief review of efficacious practices regarding the coaching of students in academic writing. Moreover, instructors were invited to share their ideas and practices of how to effectively coach students in writing professionally in an academic context to meet curriculum requirements.

Event: University of Phoenix, Central Valley Campus, Content Area Meeting
Date: March 6, 2010.

“Central Valley Campus Syllabus Builder Policies and Best Practices”

This workshop provided a practical demonstration of how to use effectively use the syllabus builder to produce a professional document that provides optimal guidance for student and instructor alike. Moreover, the importance of how the syllabus embodies the necessary curriculum teaching points and learning objectives was shown.

Event: Tulare County Superior Court, Family Law Child Attorney Appointee Training.
Date: April 14, 2009

“Repartnering and the Best Interests of the Child”

This workshop provided family law attorneys with recent data regarding the introduction of “significant others” into the lives of children of divorce. The data were discussed with respect to optimal methods of protecting child/ren mental health as custodial and noncustodial parents began the process of entering new significant relationships.

Event: University of Phoenix, Central Valley Campus, Content Area Meeting
Date: June 6, 2009.

“Reviewing Student Written Work and Providing Success Oriented Coaching”

This workshop provided instructors with “best practices” regarding providing students useful feedback in the form of success oriented coaching while ensuring appropriate academic rigor.

Event: University of Phoenix, Central Valley Campus, Content Area Meeting
Date: June 6, 2009.

“Proper APA Formatting Encourages Higher Order Thinking and Enhances Academic Writing”

This workshop provided instructors with “best practices” regarding enhancing students’ academic writing using APA style formatting as explicated in the Publication Manual (American Psychological Association [APA], 2001).

ACADEMIC (PEER-REVIEWED) PUBLICATIONS:

Froyd, D. R. (2010). *Family Therapists Assisting in Court Related Cases: Maintaining Impeccable Clinical and Ethical Integrity*. Manuscript submitted for publication.

Froyd, D. R. & Robbins, B. D. (2010). *Batterer and Violence Typologies for Family Court IPV Cases: Putting Research to Practice*. Manuscript submitted for publication.

PROFESSIONAL PUBLICATIONS:

Froyd, D. R. (2011, Spring). Understanding the HS-BCP credential. *CCE Connection*, 1(1), Retrieved from http://www.cce-global.org/Assets/vol1-issue1_spring2011.pdf

Froyd, D. R. (2011, March). Children and Exposure to Intimate Partner Violence. *University of Phoenix, Central Valley Campus, The Phoenix Flame*, 1(7), pp. 4-5.

Froyd, D. R. (2010, August). Steady Growth for CSS. *University of Phoenix, Central Valley Academic Affairs News & Review Newsletter*, 1(2), pp. 2-3.

Froyd, D. R. (2010, May). Advancement of Marriage and Family Therapy News. *University of Phoenix, Central Valley Academic Affairs News & Review Newsletter*, 1(4), p. 9.

Froyd, D. R. (2009, September). Introducing the College of Social Sciences. *University of Phoenix, Central Valley Academic Affairs News & Review Newsletter*, 1(2), p. 4.

Froyd, D. R. (2008, Spring). Division Highlight: Collections. *In Session, Tulare County Superior Court Employee Newsletter*, p. 8.

Froyd, D. R. (2007, Spring). Careers as Family Court Mediators for MFT’s. *The American Association for Marriage and Family Therapy, California Division News*, XV(2), 9.

Froyd, D. R. (2007, Spring). Division Highlight: Family Court Services. *In Session, Tulare County Superior Court Employee Newsletter*, p. 13.

Froyd, D. R. (2007, Summer). Division Highlight: Court Finance Division. *In Session, Tulare County Superior Court Employee Newsletter*, pp. 8-9.

MEDIA INTERVIEWS:

Interviewed by Visalia Times-Delta regarding sex addiction.

Meeks, H.S. (2010, May 10). Addicted to sex: Local therapists say problem isn't just limited to celebrities. *Visalia Times-Delta*, pp. D-4D.

PROFESSIONAL LICENSURE:

Licensed Marriage and Family Therapist, MFC 47367 with the California Board of Behavioral Sciences.

PROFESSIONAL CERTIFICATIONS:

National Certified Counselor (NCC) with the National Board for Certified Counselors, Inc., Certificate #266860

Human Services – Board Certified Practitioner (HS-BCP) (a founding member) with the Center for Credentialing and Education, Inc., Certificate #98.

PROFESSIONAL AFFILIATIONS:

Psi Chi, Lifetime Member of the National Honor Society for Psychology

Clinical Member of the American Association for Marriage and Family Therapy (AAMFT).

Affiliate Member of the American Psychological Association (APA).

Affiliate Member of APA Division 32, Humanistic Psychology

Affiliate Member of APA Division 5, Evaluation, Measurement, and Statistics