



**Testimony submitted to the Joint Committee on the Judiciary
In support of H.1642/S.951
An Act relative to improving training for child advocates to recognize indicators of
domestic violence
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The League of Women Voters of Massachusetts represents 47 local Leagues across the state, from Cape Cod to the Berkshires. We ask you to support H1642/S951 An Act relative to improving training for child advocates to recognize indicators of domestic violence.

The League of Women Voters of Massachusetts (LWVMA) supports “mandatory separate counsel or advocate for children when custody is an issue in contested divorce actions,” and “ongoing training about domestic violence of all judges and court personnel.”

When the courts or the law require the services of an expert to protect children, we expect the expert to be an expert. However, the appointment of an advocate for a child, who is customarily an attorney, physician or social worker, does not ensure adequate understanding of the dynamics of domestic violence, which the US Department of Justice (USDOJ) defines as “...a pattern of abusive behavior ... that is used by one partner to gain or maintain power and control over another intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence ...[including]... any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.”

In 2018, the U.S. House of Representatives passed a concurrent resolution urging state courts to determine family violence claims and risks to children before turning to the consideration of any other custody factors.ⁱ

A 2013 study of Massachusetts courts noted their lack of capacity to detect abuse. The study found that 74%-87% of disputed custody cases had red flags for domestic violence.ⁱⁱ Another study found that 75% of disputed custody cases included allegations of domestic violenceⁱⁱⁱ and more than half of disputed custody cases had documented evidence of domestic violence.^{iv} However, the courts made note of the substantiated violence in less than one-fourth of the cases where presented^v

In 2001, the Massachusetts Senate Post Audit and Oversight Committee issued a report detailing the shortcomings of the Guardian ad Litem (GAL) system in the Commonwealth, including inadequate training, failure to consider domestic violence in custody and visitation evaluations, and no clear complaint process. Unfortunately, little has changed since that report.

Evidence tells us you cannot identify an abuser or a victim or evaluate their parenting skills with a computer-scored personality test^{vi} and abusers are adept at minimizing and denying their

behavior and shifting responsibility for their behavior to their victim.^{vii} Yet, many GALs adhere to older, disproven theories that domestic violence is a function of mental illness that can be diagnosed by inkblots and IQ testing.^{viii}

Many GALs believe that the risk of abuse ends upon separation in spite of data that many victims do not disclose abuse until after separation and 75% of domestic violence homicides happen after the victim has taken steps to get away.

This bill requires: a domestic violence screening in all child custody cases referred to a GAL; a minimum of 24 hours of professional development training and at least 8 hours of training on the indicators of domestic violence from an approved DV organization for GAL certification; a simple, defined mechanism to address GAL competency complaints.

Because GALs already pay for their own training and certification and Domestic Violence organizations already have existing programs delivered by DV experts, these measures would go a long way toward improving outcomes for children and victims of family violence at no cost to the Commonwealth.

Therefore, the League of Women Voters of Massachusetts strongly urges you to support the passage and implementation of H1642/S951 An Act relative to improving training for child advocates to recognize indicators of domestic violence and that the Joint Committee report these bills favorably and in a timely manner.

Thank you for your consideration.

See generally: Senate Committee on Post Audit and Oversight. *Guarding our Children: A Review of Massachusetts' Guardian Ad Litem Program within the Probate and Family Court.* Massachusetts Senate, 2001.

Bancroft, Lundy, Jay G. Silverman, and Daniel Ritchie. *The Batterer as Parent: Addressing the Impact of Domestic Violence on Family Dynamics.* Sage publications, 2011.

Przekop, Mary. "One More Battleground: Domestic Violence, Child Custody, and the Batterers' Relentless Pursuit of their Victims through the Courts." *Seattle J.Soc.Just.* 9 (2010): 1053.

Campbell, E. (2017). How Domestic Violence Batterers Use Custody Proceedings in Family Courts to Abuse Victims, and How Courts Can Put a Stop to It. *UCLA Women's Law Journal*, 24(1). Retrieved from <https://escholarship.org/uc/item/31z272j1>

ⁱ Epstein, Deborah, and Lisa A. Goodman. "Discounting women: Doubting domestic violence survivors' credibility and dismissing their experiences." *U. Pa. L. Rev.* 167 (2018): 399.

ⁱⁱ Driggers, Monica et al. *Family Court Approaches to Intimate Partner Violence and Abuse: Stakeholder Perceptions and Implications for Systemic Change.* The Boston Foundation/Wellesley Centers for Women, 2013.

ⁱⁱⁱ Keilitz, Susan et al. *Domestic Violence and Child Custody Disputes: A Resource Handbook for Judges and Court Managers.* NCSC Publication Number R- 202 Vol. National Center for State Courts/State Justice Institute.

^{iv} *supra* notes 1 & 2

^v Saunders, Daniel G., et al. "Child Custody Evaluators' Beliefs about Domestic Abuse Allegations: Their Relationship to Evaluator Demographics, Background, Domestic Violence Knowledge and Custody-Visitation Recommendations." (2011)

^{vi} Erickson, Nancy S. "Use of the MMPI-2 in Child Custody Evaluations Involving Battered Women: What does Psychological Research Tell Us?" *Family Law Quarterly* (2005): 87-108

^{vii} Bancroft, Lundy, Jay G. Silverman, and Daniel Ritchie. *The Batterer as Parent: Addressing the Impact of Domestic Violence on Family Dynamics.* Sage publications, 2011 & James-Hanman, Davina, and Stephanie Holt. "Post-Separation Contact and Domestic Violence: Our 7-Point Plan for Safe[r] Contact for Children." *Journal of Family Violence*, vol. 36, no. 8, 2021, pp. 991–1001., <https://doi.org/10.1007/s10896-021-00256-7>.

^{viii} *supra* notes 6 & 7