

DIFFERENTIATION AMONG TYPES OF INTIMATE PARTNER VIOLENCE: RESEARCH UPDATE AND IMPLICATIONS FOR INTERVENTIONS

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A growing body of empirical research has demonstrated that intimate partner violence is not a unitary phenomenon and that types of domestic violence can be differentiated with respect to partner dynamics, context, and consequences. Four patterns of violence are described: Coercive Controlling Violence, Violent Resistance, Situational Couple Violence, and Separation-Instigated Violence. The controversial matter of gender symmetry and asymmetry in intimate partner violence is discussed in terms of sampling differences and methodological limitations. Implications of differentiation among types of domestic violence include the need for improved screening measures and procedures in civil, family, and criminal court and the possibility of better decision making, appropriate sanctions, and more effective treatment programs tailored to the characteristics of different types of partner violence. In family court, reliable differentiation should provide the basis for determining what safeguards are necessary and what types of parenting plans are appropriate to ensure healthy outcomes for children and parent-child relationships.

Keywords: *domestic violence; differentiation among types of intimate partner violence; coercive controlling violence; situational couple violence; gender and violence; implications for interventions and family court*

INTRODUCTION

When violence between intimate partners emerged as a recognizable issue in our society in the mid-1970s (Straus, Gelles, & Steinmetz, 1981; Walker, 1979), empirical knowledge of this social, psychological, and legal phenomenon was very limited. As advocates for women organized shelters across the nation to provide safety and assistance for abused women, clinical information emerged that described patterns of severe physical and emotional abuse. The victims were most notably described by Walker (1979) and others as “battered women,” and the male perpetrators were labeled “batterers.” This early and important recognition and conceptualization of intimate partner violence has guided policy, law, education, and interventions to date. The term “domestic violence” was adopted by women’s advocates to emphasize the risk to women within their own family and household, and over time the term became synonymous with battering. Family sociologists also studied violence in families and between intimate partners in the 1970s and 1980s, typically in large nationally representative samples, and this information diverged significantly from shelter, hospital, and police data with respect to incidence, perpetrators, severity, and

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context. In particular, large-scale studies seemed to indicate that women were as violent as men in intimate relationships (Archer, 2000). Domestic violence advocates and service providers largely ignored or strongly rejected these studies because they were so at odds with their experiences in the shelters, hospitals, and courts. Advocates also feared that what they viewed as misinformation (that women were as violent as men) would dilute society's focus on and funding of services and education for battered women (Pleck, Pleck, Grossman, & Bart, 1978). Thus, until recently, the two groups most concerned with intimate partner violence, feminist activists/practitioners and family sociologists, have rarely intersected, and misunderstanding and acrimonious debate have interfered with a more constructive and unified approach to what remains a serious societal problem for intimate partners and their children.

Over the past decade, a growing body of empirical research has convincingly demonstrated the existence of different types or patterns of intimate partner violence (Graham-Kevan & Archer, 2003; Holtzworth-Munroe, Meehan, Herron, Rehman, & Stuart, 2000; Johnson, 1995, 2006; Johnson & Ferraro, 2000; Johnston & Campbell, 1993; Leone, Johnson, Cohan, Lloyd, 2004). This information has far-reaching implications for court processes, treatment, educational programs for professionals, and for social and legal policy. Among some social scientists, it is no longer considered scientifically or ethically acceptable to speak of domestic violence without specifying the type of partner violence to which one refers (Johnson, 2005a). Among women's advocates, as well, there are those who recognize that long-term adherence to the conviction that all domestic violence is battering has hindered the development of more sophisticated assessment protocols and treatment programs that may identify and address problems of violence for both men and women more effectively (Pence & Dasgupta, 2006).

This article first discusses the value of differentiation among types of intimate partner violence, concerns raised by advocates about such differentiation, and the various terminologies used under the canopy of domestic violence. It then describes the underlying reasons for the confusion and heated controversy regarding gender and violence and focuses on empirical research that supports differentiation among four types of intimate partner violence (Coercive Controlling Violence, Violent Resistance, Situational Couple Violence, and Separation-Instigated Violence). The ongoing controversy regarding the prevalence of female violence will be considered in these contexts. A fifth type of violence, Mutual Violent Control (between two coercive controlling violent partners), has been described by Johnson (2006), but little is known about its frequency, features, and consequences, and it will not be described here. Implications of the overall body of knowledge are discussed, in particular the need to rethink current one-size-fits-all policies, and the need for more sophisticated assessment and treatment interventions utilized by criminal, civil, and family courts. There is consideration as well of the meaning of violence differentiation research for custody and access disputes, parenting plans, and parent-child relationships, and whether violence is likely to continue or cease after parents separate and divorce.

POTENTIAL VALUE OF DIFFERENTIATION

The value of differentiating among types of domestic violence is that appropriate screening instruments and processes can be developed that more accurately describe the central dynamics of the partner violence, the context, and the consequences. This can lead to better

decision making, appropriate sanctions, and more effective treatment programs tailored to the different characteristics of partner violence. In family court, reliable differentiation of intimate partner violence is expected to provide a firmer foundation for determining whether parent–child contact is appropriate, what safeguards are necessary, and what type of parenting plans are likely to promote healthy outcomes for children and parent–child relationships (Jaffe, Johnston, Crookes, & Bala, 2008). It is possible, as well, that increased understanding and acceptance of differentiation among types of domestic violence by the broad spectrum of service providers, evaluators, academics, and policy makers will diminish the current turf and gender wars and lead to more effective partnerships and policies that share the common goal of reducing violence and its destructive effects on families.

Although social scientists understand that humans and their circumstances are inherently messy and that there will always be individuals, couples, and situations that do not fit into major identified patterns, this fundamental understanding can sometimes be lost in the translation to practice. Thus, a central concern of women’s advocates is that research differentiating among types of intimate partner violence will lead to the reification or misapplication of typologies and that battering will, as a result, be missed—with potentially lethal results. Advocates also fear that typical information available to the court for decision making is too limited to make effective distinctions and that effective screening processes and appropriate assessment tools are not available or in place.

TYPES AND TERMINOLOGIES: SEARCHING FOR ACCURATE DESCRIPTORS

When practitioners, researchers, and policy makers gather together, the term domestic violence has been observed to mean different things to different participants. On the one hand, gender-neutral laws have been enacted that identify any act of violence by one partner against another as domestic violence and, for many social scientists as well, the term refers to any violence between intimate partners. On the other hand, for many in the field, domestic violence describes a coercive pattern of men’s physical violence, intimidation, and control of their female partners (i.e., battering). The terms domestic violence and battering have been used interchangeably by women’s advocates, domestic violence educators, and service providers for three decades, based on their belief that all incidents of domestic violence involve male battering.

We will use the term Coercive Controlling Violence for such a pattern of emotionally abusive intimidation, coercion, and control coupled with physical violence against partners. This pattern is familiar to many readers through the Power and Control Wheel (Pence & Paymar, 1993) (see Figure 1), a model that is used extensively in women’s shelters and support groups. Many women’s advocates use the term domestic violence for this pattern. For example, the National Domestic Violence Hotline (USA) defines domestic violence as follows: “Domestic violence can be defined as a pattern of behavior in any relationship that is used to gain or maintain power and control over an intimate partner” (http://www.ndvh.org/educate/what_is_dv.html). This is probably the pattern that comes to mind for most people when they hear terms such as wife beating, battering, spousal abuse, or domestic violence. In one of the early typologies of intimate partner violence, Johnson (1995) used the term Patriarchal Terrorism for this pattern. This label was later changed to “Intimate Terrorism” in recognition that not all coercive control was rooted in patriarchal

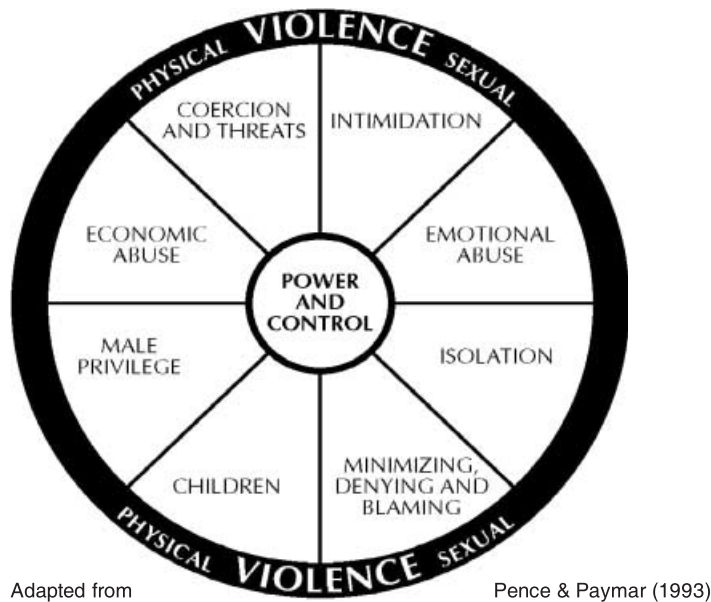


Figure 1 The Power and Control Wheel.

structures and attitudes, nor perpetrated exclusively by men (see Johnson, 2006, p. 1015, note 2, for larger discussion). In a discussion of domestic violence terminology at the Wingspread Conference (2007)¹, some participants expressed reluctance to adopt or use the term Intimate Terrorism in courts, and in this and a companion article, the term Coercive Controlling Violence has been adopted (Jaffe et al., 2008).

Violent Resistance (to a violent, coercively controlling partner) has been described elsewhere as Female Resistance, Resistive/Reactive Violence, and, of course, Self-Defense (Pence & Dasgupta, 2006). Until recently, many women's advocates and clinical researchers have characterized all violence perpetrated by women in intimate relationships as female resistance (e.g., Walker, 1984; Yllö & Bograd, 1988). They have been reluctant to acknowledge that some women's violence occurs in the context of nonviolent partners or in mutual violence that does not have coercive control as a central dynamic. The term Violent Resistance posits the reality that both women and men may, in attempts to get the violence to stop or to stand up for themselves, react violently to their partners who have a pattern of Coercive Controlling Violence.

Johnson's term, Situational Couple Violence, is used here to identify the type of partner violence that does not have its basis in the dynamic of power and control (Johnson & Leone, 2005). Johnson (1995) originally used the term Common Couple Violence, but abandoned it because many readers reacted to it as minimizing the dangers of such violence. This violence is similar to Male-Controlling Interactive Violence (described by Johnston & Campbell, 1993) and Conflict Motivated Violence (Ellis & Stuckless, 1996; Ellis, Stuckless, & Wight, 2006).

To describe violence that first occurs in the relationship at separation, the term Separation-Instigated Violence is used. Johnston and Campbell (1993) called it Separation-Engendered Violence, but some participants in the Wingspread Conference felt that "engendered" might

be confusing in an area in which the role of gender is central to some explanations of intimate partner violence. It is important to differentiate this type of violence from *continuing* violence that occurs in the context of a separation. It is often the case that Situational Couple Violence continues through the separation process and that Coercive Controlling Violence may continue or even escalate to homicidal levels when the perpetrator feels his control is threatened by separation.

Until recently, regardless of the label used, the majority of research on domestic violence has focused on male violence and the women victims of this violence. The results of large survey studies were used to point to the prevalence and consequences of intimate partner violence. However, research methodologies have not, by and large, asked the questions that might distinguish among types of intimate partner violence. The original and revised Conflict Tactics Scales (CTS; Straus, 1979; Straus, Hamby, Boney-McCoy, & Sugarman, 1996) have been the most common research measures of domestic violence, and the 1996 version includes separate measures of psychological dimensions (cursing, demeaning, isolating, coercion, threats, stalking, etc.), physical violence (slapping, shoving, kicking, biting, choking, mutilation, etc.), sexual violence (raped, forced unwanted sexual behaviors), and financial control (controlling purchases, withholding funds, etc.). The most common use of these scales, however, has been to identify specific violent acts rather than more general patterns of behavior, and the physical violence items of the CTS are still the most widely used approach to assessing levels of domestic violence.

CONTROVERSIES REGARDING VIOLENCE AND GENDER

For over two decades, considerable controversy has centered on whether it is primarily men who are violent in intimate relationships or whether there is gender symmetry in perpetrating violence. Proponents of both viewpoints cite multiple empirical studies to support their views and argue from different perspectives (e.g., see Archer, 2000; Dutton, 2005; Holtzworth-Munroe, 2005; Johnson, 2001, 2005a, 2006; Kline, 2003; Straus, 1999). More recently, efforts have been made to build bridges between the research and interpretations of the feminist sociologists and the family violence researchers, including family sociologists (e.g., Anderson, 1997). These two viewpoints can be reconciled largely by an examination of the samples and measures used to collect the contradictory data and the recognition that different types of intimate partner violence exist in our society and are represented in these different samples. Johnston and Campbell (1993) and Johnson (1995) argued that domestic violence was not a unitary phenomenon and that different types of partner violence were apparent in different contexts, samples, and methodologies. This observation was also made by Straus (1993, 1999), who asserted that researchers were studying different populations and that most likely these different forms of violence had different etiologies and gender patterns. Other researchers (e.g., Holtzworth-Munroe & Stuart, 1994; Babcock, Green, Webb, & Yerington, 2005) have come to a similar conclusion.

Based on hundreds of studies, it is quite apparent that both men and women are violent in intimate partner relationships. There is gender symmetry in some types of intimate partner violence, and in some relationships women are more frequently the aggressors than their partners, including with their nonviolent partners. It is also the case that men and women are injured and experience fear in situations where the violence is frequent and severe, although the extent of symmetry in severity of injuries and fear is disputed based on different studies.

Data in samples obtained primarily from women's shelters, court-mandated treatment programs, police reports, and emergency rooms are more likely to report the type of physical and emotional violence that we are calling Coercive Controlling Violence. It is characterized by power and control and more often results in injuries to women. In these samples, the violence is asymmetric and perpetrated largely by men against their partners, although critics argue that coercively controlling violent women are either ignored, not recognized, infrequently arrested, or not ordered to treatment programs (Dutton, 2005).

In contrast, large-scale survey research, using community or national samples, reports gender symmetry in the initiation and participation of men and women in partner violence. This violence is not based on a relationship dynamic of coercion and control, is less severe, and mostly arises from conflicts and arguments between the partners (Johnson, 2006). These partners are most likely involved in Situational Couple Violence; are less likely to need the services of hospitals, police, and shelters; and therefore are a relatively small minority of individuals in studies using shelter and agency samples. However, Situational Couple Violence is generally more common than Coercive Controlling Violence and therefore dominates the violence in large survey samples. Incidence of Coercive Controlling Violence may be further lowered in surveys due to a high refusal rate among such partners, because both perpetrator and victim are reluctant to admit the violence for fear of discovery or retribution (for a larger discussion of this sampling issue, see Johnson, 2006).

Using a 1970s data set and a control tactics scale to distinguish controlling violence from noncontrolling violence, Johnson (2006) found that 89% of the violence in a survey sample was Situational Couple Violence and 11% was Coercive Controlling Violence. The Situational Couple Violence was roughly gender symmetric. In contrast, in the court sample, only 29% of the violence was Situational Couple Violence, and 68% was Coercive Controlling Violence which was largely male perpetrated. Similarly, in the shelter sample, 19% of the violence was Situational Couple Violence and 79% was Coercive Controlling Violence, which again was largely male perpetrated.

Thus, when family sociologists and/or advocates for men claim that domestic violence is perpetrated equally by men and women, referring to the data from large survey studies, they are describing Situational Couple Violence, not Coercive Controlling Violence. As will be discussed, these two types of violence differ in significant ways, including causes, participation, consequences to participants, and forms of intervention required.

COERCIVE CONTROLLING VIOLENCE

Researchers identify Coercive Controlling Violence by the pattern of power and control in which it is embedded (Johnson, 2008; Graham-Kevan & Archer, 2003). The Power and Control Wheel (see Figure 1) provides a useful graphical representation of the major forms of control that constitute Coercive Controlling Violence: intimidation; emotional abuse; isolation; minimizing, denying, and blaming; use of children; asserting male privilege; economic abuse; and coercion and threats (Pence & Paymar, 1993). Abusers do not necessarily use all of these tactics, but they do use a combination of the ones that they feel are most likely to work for them. Because these nonviolent control tactics may be effective without the use of violence (especially if there has been a history of violence in the past), Coercive Controlling Violence does not necessarily manifest itself in high levels of violence. In fact, Johnson (2008) has recently argued for the recognition of "incipient" Coercive Controlling Violence (cases in which there is a clear pattern of power and control

but not yet any physical violence), and Stark (2007) has argued, even more dramatically, that the focus in the law should shift from the violence itself to the coercive control as a “liberty crime.”

Coercive Controlling Violence is the type of intimate partner violence encountered most frequently in agency settings, such as law enforcement, the courts (criminal, civil, and family), shelters, and hospitals. Johnson, using Frieze’s Pittsburgh data, found that 68% of women who filed for Protection from Abuse orders and 79% of women who contacted shelters were experiencing Coercive Controlling Violence (Frieze & Browne, 1989; Johnson, 2006). This predominance of Coercive Controlling Violence in agencies probably accounts for the tendency of agency-based women’s advocates to see all domestic violence as Coercive Controlling Violence, but it is important to note that a great many cases even in these agency contexts involve Situational Couple Violence (29% and 19% in the courts and shelters, respectively, for the Pittsburgh data).

In heterosexual relationships, Coercive Controlling Violence is perpetrated primarily by men. For example, Johnson (2006) found that 97% of the Coercive Controlling Violence in the Pittsburgh sample was male-perpetrated. Graham-Kevan and Archer (2003) report that 87% of the Coercive Controlling Violence in their British sample was male-perpetrated. The combination of this gender pattern in Coercive Controlling Violence with the predominance of Coercive Controlling Violence in agency settings accounts for the consistent finding in law enforcement, shelter, and hospital data that intimate partner violence is primarily male-perpetrated (Dobash, Dobash, Wilson, & Daly, 1992). However, it is important not to ignore female-perpetrated Coercive Controlling Violence. Although it may represent only one-seventh or so of such violence (if you accept Graham-Kevan and Archer’s numbers, or 3% if you accept Johnson’s numbers), it is necessary that we recognize it for what it is when we make decisions about interventions.

While there is very little systematic research on women’s Coercive Controlling Violence, there are a few qualitative studies that clearly identify it in both same-sex (Renzetti, 1992) and heterosexual relationships (Hines, Brown, & Dunning, 2007; Migliaccio, 2002). For example, Hines et al. (2007) found that 95% of the men calling the Domestic Abuse Helpline for Men reported that their partners tried to control them. And the tactics used by these women included all of the tactics identified in the Power and Control Wheel (with “use of the system” substituted for “assertion of male privilege”). Renzetti’s (1992) findings for lesbian relationships are similar, with the addition of some control tactics that are unique to same-sex relationships, such as threats of outing. Because of the paucity of research on women’s Coercive Controlling Violence, the quantitative data reviewed next will focus on men.

Although Coercive Controlling Violence does not *always* involve frequent and/or severe violence, on average its violence is more frequent and severe than other types of intimate partner violence. For example, for the male perpetrators in the Pittsburgh data, the median number of violent incidents was 18. In 76% of the cases of Coercive Controlling Violence the violence had escalated over time, and 76% of the cases involved severe violence (Johnson, 2006). The combination of these higher levels of violence with the pattern of coercive control that defines Coercive Controlling Violence produces a highly negative impact on victims.

A number of recent studies considering injuries resulting from different types of partner violence show a high likelihood that a victim will be injured or even severely injured by men’s Coercive Controlling Violence (Johnson, 2008; Johnson & Leone, 2000; Leone, Johnson, Cohan, & Lloyd, 2004). For example, Johnson (2008) reports that 88% of women experiencing Coercive Controlling Violence in the Pittsburgh study had been injured in the

most violent incident and 67% had been severely injured. Using data on only one incident (the most recent), Johnson and Leone (2000) found that 32% of women experiencing Coercive Controlling Violence in the National Violence Against Women Survey (NVAWS) had been injured, 5% severely. Campbell and Soeken (1999) report in their literature review that nearly half of physically abused women also report forced sex and others report abusive sex. In addition to the injuries produced directly by abusive and violent sex, there is increased risk of sexually transmitted diseases, including HIV, and abused women who have been sexually assaulted report higher incidence of gynecological problems (Campbell & Soeken, 1999).

It is well established that homicide rates are higher for women who have separated from their partners than for women in intact relationships (Hotton, 2001; Wilson & Daly, 1993), and this heightened risk of homicide following a separation is not found for men (Johnson & Hotton, 2003). Thus, in the family courts, one major concern is the potential for further injury—or death.

Research on dangerousness and lethality has established that for violent male partners control issues are an important predictor of continued or increased violence. The question addressed in this research is: Given the fact that a woman has already been attacked by her intimate partner, what predicts the likelihood that she will be attacked again or even killed? One of the major predictors of continued violence is the presence of the controlling behaviors that define Coercive Controlling Violence. For example, one study comparing victims of intimate partner femicide with a control group of nonlethally abused women found that 66% of the femicide victims had high scores on a scale of partner's controlling behaviors, compared with 24% of the abused control group (Campbell et al., 2003). A qualitative study of 30 women who had survived an attempted intimate femicide found that 83% "described examples of their partners using stalking, extreme jealousy, social isolation, physical limitations, or threats of violence" as a means of controlling them (Nicolaidis et al., 2003, p. 790). It is also important to note that, although 10 of these women had no history of repeated physical abuse by their partners, 8 of those 10 did have partners who *had* been controlling. It is clear that coercive control must be considered a major risk factor for continued or increased violence.

It is not unusual for victims of Coercive Controlling Violence to report that the psychological impact of their experience is worse than the physical effects. The major psychological effects of Coercive Controlling Violence are fear and anxiety, loss of self-esteem, depression, and posttraumatic stress. The fear and anxiety are well documented in many qualitative studies of Coercive Controlling Violence (e.g., Kirkwood, 1993; Dobash & Dobash, 1979; Ferraro, 2006), and quantitative studies confirm that fear and anxiety are frequent consequences of intimate partner violence (Sackett & Saunders, 1999; Sutherland, Bybee, & Sullivan, 1998).

There is considerable evidence establishing the effects of Coercive Controlling Violence on self-esteem, much of it derived from the qualitative data collected from women using the services of shelters. Kirkwood devotes large parts of her research report to issues of self-esteem, reporting that "all of the women expressed the view that their self-esteem was eroded as a result of the continual physical and emotional abuse by their partners" (Kirkwood, 1993, p. 68). Chang (1996) saw this loss of self-esteem as so central to the experience of psychological abuse that she used a quote from one of her respondents as the title of her book, *I Just Lost Myself*.

Depression is considered by many to be the most prevalent psychological effect of Coercive Controlling Violence. Golding's (1999) analysis of the results from 18 studies of

battering and depression found that the average prevalence of depression among battered women was 48%. However, because none of these studies distinguished between Coercive Controlling Violence and other types of partner violence, this number most certainly understates the effects of Coercive Controlling Violence. When Golding separated out studies done with shelter samples (likely to be dominated by Coercive Controlling Violence), the average prevalence of depression was 61%.

Nightmares, flashbacks, avoidance of reminders of the event, and hyperarousal (i.e., the major symptoms of posttraumatic stress syndrome) have more recently been recognized as consequences of domestic violence. In a study of survivors of domestic violence who were receiving services from shelters or other agencies, 60% of the women met criteria for a diagnosis of posttraumatic stress syndrome (Saunders, 1994). Johnson and Leone (2000), using the NVAWS data, found that victims of Coercive Controlling Violence were twice as likely as victims of Situational Couple Violence to score above the median on a scale of posttraumatic stress symptoms.

VIOLENT RESISTANCE

The research on intimate partner violence has clearly indicated that many women resist Coercive Controlling Violence with violence of their own. For example, Pagelow's (1981) early study of women who had sought help in shelters in Florida and California found that 71% had responded to abuse with violence of their own. Although in the early literature such violence was generally referred to as "self-defense," we prefer the term Violent Resistance because self-defense is a legal concept that has very specific meanings that are subject to change as the law changes and because there are varieties of violent resistance that have little to do with these legal meanings of self-defense (Johnson, 2008).

Nevertheless, much Violent Resistance does meet at least the common-sense definition of self-defense: violence that takes place as an immediate reaction to an assault and that is intended primarily to protect oneself or others from injury. This was the largest category of violence identified by Miller (2005) in a qualitative study of 95 women who had been court mandated into a female offenders program after arrest for domestic violence. Miller classified an incident as "defensive behavior," which constituted 65% of her cases, if the woman had been responding to an initial harm or a threat to her or her children.

Much of women's Violent Resistance does not lead to encounters with law enforcement because it is so short-lived. For many violent resisters, the resort to self-protective violence may be almost automatic and surfaces almost as soon as the coercively controlling and violent partner begins to use physical violence himself. But in heterosexual relationships, most women find out quickly that responding with violence is ineffective and may even make matters worse (Pagelow, 1981, p. 67). National Crime Victimization Survey data indicate that women who defend themselves against attacks from their intimate partners are twice as likely to sustain injury as those who do not (Bachman & Carmody, 1994). Although there is little data on men's Violent Resistance, one study substantiated its possible existence. In that study of men calling an abuse hotline, the following comment was reported: "I tried to fight her off, but she was too strong" (Hines, Brown, & Dunning, 2007, p. 66).

The Violent Resistance that gets the most media attention is that of women who murder their abusive partners. The U.S. Department of Justice reports that, in 2004, 385 women murdered their intimate partners (Fox & Zawitz, 2006). Although some of these murders may have involved Situational Couple Violence that escalated to a homicide, most are

committed by women who feel trapped in a relationship with a coercively controlling and violent partner. In comparing women who killed their partners with a sample of other women who were in abusive relationships, Browne (1987) found that there was little *about the women* that distinguished them from those who had not murdered their partners. What distinguished the two groups was found in the behavior of the abuser. Women who killed their abusers were more likely to have experienced frequent attacks, severe injuries, sexual abuse, and death threats against themselves or others. They were caught in a web of abuse that seemed to be out of control. Seventy-six percent of Browne's homicide group reported having been raped, 40% often. Sixty-two percent reported being forced or urged to engage in other sexual acts that they found abusive or unnatural, one-fifth saying this was a frequent occurrence. For many of these women, the most severe incidents took place when they threatened or tried to leave their partner. Another major factor that distinguished the homicide group from women who had not killed their abusive partners is that many of them had either attempted or seriously considered suicide. These women felt that they could no longer survive in this relationship and that leaving safely was also impossible. These findings are confirmed in a recent study of women on trial for, or convicted of, attacking their intimate partners (Ferraro, 2006).

The dominant image of women who kill their partners presented by the media is one in which a desperate woman plans the murder of a brutal husband in his sleep or at some other time when she can catch him unawares. In reality, most of these homicides take place while a violent or threatening incident is occurring (Browne, Williams, & Dutton, 1999, p. 158). Although a few of Browne's (1987) cases involve a plot to murder the abuser, or a wait following an assault for an opportunity to attack safely, the vast majority took place in the midst of yet another brutal attack (see also Ferraro, 2006). A few were women using lethal violence in reaction to a direct threat to their child.

SITUATIONAL COUPLE VIOLENCE

Situational Couple Violence is the most common type of physical aggression in the general population of married spouses and cohabiting partners, and is perpetrated by both men and women. It is not a more minor version of Coercive Controlling Violence; rather, it is a different type of intimate partner violence with different causes and consequences. Situational Couple Violence is not embedded in a relationship-wide pattern of power, coercion, and control (Johnson & Leone, 2005). Generally, Situational Couple Violence results from situations or arguments between partners that escalate on occasion into physical violence. One or both partners appear to have poor ability to manage their conflicts and/or poor control of anger (Ellis & Stuckless, 1996; Johnson, 1995, 2006; Johnston & Campbell, 1993). Most often, Situational Couple Violence has a lower per-couple frequency of occurrence (Johnson & Leone, 2005) and more often involves minor forms of violence (pushing, shoving, grabbing, etc.) when compared to Coercive Controlling Violence. Fear of the partner is not characteristic of women or men in Situational Couple Violence, whether perpetrator, mutual combatant, or victim. Unlike the misogynistic attitudes toward women characteristic of men who use Coercive Controlling Violence, men who are involved in Situational Couple Violence do not differ from nonviolent men on measures of misogyny (Holtzworth-Munroe et al., 2000).

Some verbally aggressive behaviors (cursing, yelling, and name calling) reported in Situational Couple Violence are similar to the emotional abuse of Coercive Controlling

Violence, and jealousy may also exist as a recurrent theme in Situational Couple Violence, with accusations of infidelity expressed in conflicts. However, the violence and emotional abuse of Situational Couple Violence are not accompanied by a chronic pattern of controlling, intimidating, or stalking behaviors (Leone et al., 2004). Babcock et al. (2004) identified one group of men in batterer treatment groups and a community sample that appears to be men involved in Situational Couple Violence (the “family-only” group). These men had low scores on a scale that assessed violence to control, violence out of jealousy, and violence following verbal abuse compared to two other groups that appeared to be involved in Coercive Controlling Violence. Their reported violence was less severe and less frequent compared to the other two groups. Significantly, the men engaged in Situational Couple Violence did not differ from the nonviolent control group on measures of borderline and antisocial personalities or general violence outside of the family.

Situational Couple Violence is initiated at similar rates by men and women, as measured by large survey studies and community samples. Using the Conflict Tactics Scales, Straus and Gelles (1992) found male rates of violence toward a partner of 12.2% and female rates of 12.4%. In a Canadian survey of cohabiting and married respondents, males reported 1-year rates of husband-to-wife violence of 12.9% and female respondents reported wife-to-husband violence of 12.5% (Kwong, Bartholomew, & Dutton, 1999).

In the Canadian survey, men’s and women’s rates for each of nine specific types of violence were similar except for “slapping” and “kicked/bit/hit,” where significantly more women than men reported perpetrating these acts. More than half of those reporting any violence in the past year reported violence perpetrated by both partners (62% men, 52% women). Eighteen percent of men and 35% of women reported female-only violence, and 20% of men and 13% of women reported male-only violence. The majority of violence reported did not result in injury to either men or women. The incidence of severe husband-to-wife violence reported by males and females was 2.2% and 2.8%, and wife-to-husband severe violence was 4.8% as reported by males and 4.5% as reported by females. Injuries were reported by a small number of both men and women (Kwong et al., 1999).

In samples of teenagers and young adults (dating, cohabiting, married), rates of physical violence toward partners are considerably higher than in general survey populations, and several studies find females more frequently violent than males. Magdol et al. (1997) reported that women perpetrated violence 37.2% of the time toward their partners and men 21.8% in a community-representative sample of young adults. In a sample of antisocial aggressive teenagers and young adults, women acknowledged higher rates of perpetration of violence than men (43% vs. 34%) (Capaldi & Owen, 2001). Douglas and Straus (2006) found that, among dating couples in 17 countries, females assaulted their partners more often than did males (30.0% vs. 24.2%).

Situational Couple Violence is less likely to escalate over time than Coercive Controlling Violence, sometimes stops altogether, and is more likely to stop after separation (Babcock et al., 2004; Johnson & Ferraro, 2000; Johnson & Leone, 2005; Johnston & Campbell, 1993). It may involve one isolated incident, be sporadic, or be regularly occurring. The time frame can involve the past only, throughout the relationship, or only currently (e.g., in the several months prior to separation). Using the NVAWS data, 99% of the women experiencing Situational Couple Violence reported no violence in the past 12 months (vs. 78% of the Coercive Controlling Violence group) (Johnson & Leone (2005). While more minor forms of violence are typical of Situational Couple Violence, it can escalate into more severe assaults with serious injuries. Thirty-two percent of perpetrators (men in the NVAWS data set) had committed at least one act of severe violence (Johnson & Leone, 2005). Comparable

data were not available for women. Severe violence in Situational Couple Violence is particularly likely when violence occurs more frequently (daily or weekly). With a community sample of at-risk teenagers or young adults, frequent and bidirectional physical aggression was associated with higher scores on antisocial behavior by both men and women, and women were at much greater risk for injuries than the men (Capaldi & Owen, 2001). When violence was frequent and injuries were sustained, both men and women were more likely to be fearful of each other. However, this study lacked dyadic measures of power and control, so it is not possible to determine if this was Situational or Coercive Controlling Violence, or a combination of both.

Situational Couple Violence results for women in fewer health problems, physician visits, and psychological symptoms, less missed work, and less use of painkillers, compared to women who are victims of Coercive Controlling Violence (Johnson & Leone, 2005). A large representative study in New Zealand found that depression and suicidal ideation were related to higher levels of partner violence victimization in both men and women. Thus one would expect to see more severe health and psychological symptoms in Situational Couple Violence that is very frequent (Magdol et al., 1997).

Overall, these and other survey data support claims that women both initiate violence and participate in mutual violence and that, particularly in teenage and young adult samples, women perpetrate violence against their partners more frequently than do the men. Based on knowledge available, this gender symmetry is associated primarily with Situational Couple Violence and not Coercive Controlling Violence. It is hoped that future research will enable clearer distinctions between violence that arises primarily from partner conflicts in contrast to violence that is embedded in patterns of coercion and control.

SEPARATION-INSTIGATED VIOLENCE

Of special relevance to those working with separating and divorcing families is violence instigated by the separation where there was no prior history of violence in the intimate partner relationship or in other settings (Johnston & Campbell, 1993; Kelly, 1982; Wallerstein & Kelly, 1980). Seen symmetrically in both men and women, these are unexpected and uncharacteristic acts of violence perpetrated by a partner with a history of civilized and contained behavior. Therefore, this is not Coercive Controlling Violence as neither partner reported being intimidated, fearful, or controlled by the other during the marriage. Separation-Instigated Violence is triggered by experiences such as a traumatic separation (e.g., the home emptied and the children taken when the parent is at work), public humiliation of a prominent professional or political figure by a process server, allegations of child or sexual abuse, or the discovery of a lover in the partner's bed. The violence represents an atypical and serious loss of psychological control (sometimes described as "just going nuts"), is typically limited to one or two episodes at the beginning of or during the separation period, and ranges from mild to more severe forms of violence.

Separation-Instigated Violence is more likely to be perpetrated by the partner who is being left and is shocked by the divorce action. Incidents include sudden lashing out, throwing objects at the partner, destroying property (cherished pictures/heirlooms, throwing clothes into the street), brandishing a weapon, and sideswiping or ramming the partner's car or that of his/her lover. Separation-Instigated Violence is unlikely to occur again and protection orders result in compliance. In Johnston and Campbell's (1993) sample of 140 high-conflict custody-disputing parents, 21% of the parents reported Separation-Instigated

Violence. Another study (not restricted to custody-disputing families) indicated that 14% of violence reported began only after separation, although there was no assessment of whether violence with coercion and control had characterized the prior intimate partner relationship (Statistics Canada, 2001).

For professionals in family court or the private sector, it is critical to use assessment instruments that ask discerning questions to distinguish Separation-Instigated Violence from the chronic patterns of emotional abuse and intimidation of Coercive Controlling Violence. A partner's decision to leave may unleash potentially lethal rage, harassment, and stalking in borderline/dysphoric men with a history of Coercive Controlling Violence, where jealousy, impulsivity, and high dependence on the partner are central (Babcock et al., 2004; Dutton, 2007; Holtzworth-Munroe et al., 2000; Jacobson & Gottman, 1998). Unlike perpetrators of Coercive Controlling Violence, men and women perpetrating Separation-Instigated Violence are more likely to acknowledge their violence rather than use denial and are often embarrassed and ashamed of their behaviors. Some have been caring, involved parents during the marital relationship, with good parent-child relationships. Their partners (and often the children) are stunned and frightened by the unaccustomed violence, which sometimes leads to a new image of the former partner as scary or dangerous. Trust and cooperation regarding the children become very difficult, at least in the shorter term (Johnston & Campbell, 1993).

INTIMATE PARTNER VIOLENCE IN CUSTODY AND ACCESS DISPUTES

The research discussed above has not focused specifically on intimate partner violence reported by parents with custody and access disputes. Because there is little research regarding this population, it is not known if the frequency, severity, context, or type of violence observed in custody-disputing parents is more similar to that seen in large-scale surveys (i.e., Situational Couple Violence) or the Coercive Controlling Violence more characteristic of shelter and police samples. However, the number of family law cases in which domestic violence allegations are made is quite high, and multiple and mutual allegations (e.g., substance abuse, child abuse, neglect) are common. In a California Family Court study of cases with custody and access disputes entering mandated (and early) custody mediation, intimate partner violence was reported by at least one parent in 76% of the 2,500 cases (Center for Families, Children, and Courts, 2002). Most of the violence did not occur in the prior 6 months. In 47% of the cases, neither parent had raised the issue of violence before or during mediation (either in separate screening interviews or separate sessions), suggesting that Situation Couple Violence was characteristic of some partners, may have occurred only in the past or episodically during the relationships, may have been mutual, and was not deemed important enough to be an issue in their mediated discussions about the children. It is also possible that victims of Coercive Controlling Violence were fearful of raising the history of violence, even in a separate session (it should be noted that parents are mandated to attend one session, and those unable to reach agreement then move into litigated and judicial processes). Further research will be needed to clarify what types of violence are characteristic or predominant in child custody disputes.

In two Australian samples of parents with custody or access disputes, 48–55% of cases (general litigants sample) and 63–79% (judicial determination sample) contained allegations of partner violence. Approximately half of the allegations in the general litigants sample and 60% of the judicially determined sample were of a particularly serious nature.

Allegations of child abuse were less than half that number, but allegations of child abuse were almost always accompanied by allegations of spousal violence (Moloney, Smyth, Weston, Richardson, Ou, & Gray, 2007). In a California sample of parents disputing custody or access who were undergoing child custody evaluations, domestic violence was substantiated for 74% of the mothers' allegations against fathers and 50% of fathers' allegations against mothers. More child abuse allegations by fathers against mothers were substantiated (46%) than allegations by mothers substantiated against fathers (26%), and in 24% of cases, child abuse allegations were substantiated for both mother and father within the same family (Johnston, Lee, Olesen, & Walters, 2005). Interpretation of research findings to date is confounded by different samples, measures, and legal definitions of domestic violence and child abuse, but it is clear that the percentage of parents reporting intimate partner violence and child abuse is higher among separating and divorcing parents than in the general population.

Only one study (comprising two samples) to date has differentiated among types of intimate partner violence in custody and access disputes (Johnston & Campbell, 1993). In this extremely high-conflict group of parents who were chronically relitigating parenting and access disputes, three fourths of the separating/divorcing couples had a history of violence. Twenty-six percent were not violent, 10% involved minor violence, 23% moderate, and 41% severe violence. Men and women were mostly in agreement about who perpetrated minor acts of violence and women's moderate acts of violence, but substantial gender disagreement existed about severe violence perpetrated by men, with women reporting substantially more severe violence from their partners than the men reported. Except for cuts sustained by both genders, women's injuries were more frequent and severe than men's. Johnston and Campbell (1993) identified five categories of intimate partner violence: male battering (what we are calling Coercive Controlling Violence), female initiated violence, male-controlling interactive violence (similar to Situational Couple Violence), separation-engendered violence, and violence that arises from mental illness, in particular, the disordered thinking of psychotic and paranoid disorders. In this small group (5%) are individuals who often do not repeat their violence if they are treated with medication. Situational Couple Violence (20% of all couples) and Separation-Instigated Violence with no prior history of violence (21% of all couples) were most common and generally involved less serious violence. Johnston notes that these findings should not be generalized to the larger divorcing population of parents or even parents disputing custody because of the chronic history of repeated litigation and continuing high conflict between these parents and the size of the sample.

INTIMATE PARTNER VIOLENCE AND CHILDREN'S ADJUSTMENT

The effects of intimate partner violence on children's adjustment have also been well documented (Bancroft & Silverman, 2004; Graham-Bermann & Edleson, 2001; Fantuzzo & Mohr, 1999; Holtzworth-Munroe, Smutzler, & Sandin, 1997; Jaffe, Baker, & Cunningham, 2004; Wolak & Finkelhor, 1998). Violence has an independent effect on children's adjustment and is significantly more potent than high levels of marital conflict (McNeal & Amato, 1998). Much of this research has not differentiated among types of partner violence when describing the outcomes for children and has been conducted in samples of children whose mothers were in shelters where Coercive Controlling Violence was more likely to predominate. Behavioral, cognitive, and emotional problems include

aggression, conduct disorders, delinquency, truancy, school failure, anger, depression, anxiety, and low self-esteem. Interpersonal problems include poor social skills, peer rejection, problems with authority figures and parents, and an inability to empathize with others. Preschool children traumatized by the earlier battering of their mothers had pervasive negative effects on their development, including significant delays and insecure or disorganized attachments (Lieberman & Van Horn, 1998). School-age children repeatedly exposed to violence are more likely to develop posttraumatic stress disorders, particularly when combined with other risk factors of child abuse, poverty, and the psychiatric illness of one or both parents (Ayoub, Deutsch, & Maraganore, 1999; Kilpatrick & Williams, 1997). Threats to use or use of guns and knives is associated with more behavioral symptoms in 8–12-year-olds, when compared to youngsters where there was intimate partner violence without knives and guns (Jouriles et al., 1998). There are also higher rates of both child abuse and sibling violence in violent, compared to nonviolent, high-conflict marriages.

Further research that differentiates among types of violence is likely to demonstrate that children's exposure to Coercive Controlling Violence, as compared to Situational Couple Violence or Separation-Instigated Violence, is associated with the most severe and extensive adjustment problems in children. Early support for this was provided by Johnston (1995) who reported that boys experiencing Coercive Controlling Violence were significantly more symptomatic than boys in families with Situational Couple Violence, and boys in families with Separation-Instigated Violence, or no violence, were least symptomatic.

IMPLICATIONS FOR INTERVENTIONS

BATTERER INTERVENTION PROGRAMS

Batterer programs come in many forms but the general experience with them is that they have minimal success. For example, one recent review of experimental and quasi-experimental studies of the effectiveness of such programs estimates that with treatment 40% of participants are successfully nonviolent; without treatment 35% are nonviolent (Babcock et al., 2004). Unfortunately, studies of program effectiveness do not, in general, make any distinctions among types of violence or types of so-called batterers. It is possible that treatment programs are generally effective with some participants (such as those involved in Situational Couple Violence), but not with others (such as those involved in Coercive Controlling Violence). Another possibility is that different types of intervention work for different types of violent men or women. Although very little research has been done on this issue to date, there is already some evidence for differential effectiveness. For example, one recent study of almost 200 men court mandated to an intervention program found that men involved in Situational Couple Violence were the most likely (77%) to complete the program, with two groups involving Coercive Controlling Violence falling far behind them at 38% and 9% completion (Eckhardt, Holtzworth-Munroe, Norlander, Sibley, & Cahill, in press). Another study found that, in a 15-month follow-up, only 21% of men involved in Situational Couple Violence were reported by their partners to have committed further abuse, compared with 42% and 44% of the two groups of Coercive Controlling Violence (Clements et al., 2002).

This research suggests that tailoring interventions to the type of violence in which the participants are engaged may greatly improve the effectiveness of interventions. In fact,

existing versions of so-called batterer intervention programs are already well-suited to differentiating among types of intimate partner violence. The feminist psycho-educational model that is the most common approach is quite clearly based on an understanding of intimate partner violence as Coercive Controlling Violence (Pence & Paymar, 1993). The approach involves group sessions in which facilitators conduct consciousness-raising exercises that explicate the Power and Control Wheel, explore the destructiveness of such authoritarian relationships, and challenge men's assumptions that they have the right to control their partners. Participants are then encouraged to approach their relationships in a more egalitarian frame of mind.

Some men report that they are insulted by these feminist programs that assume that they are determined to completely control their partner's life (Raab, 2000). If, in fact, they are involved in Situational Couple Violence and not Coercive Controlling Violence, then the second major type of batterer program, cognitive behavioral groups, may be what they need. Cognitive behavioral groups focus on interpersonal skills needed to prevent arguments from escalating to verbal aggression and ultimately to violence. These groups teach anger management techniques, some of which are interpersonal (such as timeouts), others cognitive (such as avoiding negative attributions about their partner's behavior). They also do exercises designed to develop their members' communication skills and ability to assert themselves without becoming aggressive. Although these are techniques that are also used by marriage counselors in the context of couples counseling, couple approaches are almost never recommended for batterer programs because of the threat they might pose to victims of Coercive Controlling Violence. Thus, these techniques are typically used with groups composed only of violent men or women, without their partners.

One relatively new development in intervention is a consequence of dramatic increases in the number of arrests of women for intimate partner violence in jurisdictions that have implemented mandated arrest policies. Although on the surface many of these groups appear to function much like the groups for men, research into how they actually function suggests that at least some of them assume that many of their participants are involved in Violent Resistance (Miller, 2005). They function much like the support groups for victims of Coercive Controlling Violence that are found in shelters, encouraging the development of safety plans and providing skills for coping with their partners' violence within the relationship. This focus does not address those women who have perpetrated Situational Couple Violence, where cognitive behavioral approaches might be more effective.

Given that these different approaches appear to be targeted to the major types of intimate partner violence, it seems reasonable to develop an effective triage system by which different types of violent men and women would be provided different types of interventions. It may be useful to differentiate even more finely. For example, for some men and women involved in Situational Couple Violence, the problem is poor communication skills, impulsivity, and high levels of anger, while for others it may be alcohol abuse. Similarly, for some involved in Coercive Controlling Violence the problem is rooted in severe personality disorders or mental illness and may call for the inclusion of a more psychodynamic approach to treatment. For others the problem is one of a deeply ingrained antisocial or misogynistic attitude that would be more responsive to a feminist psycho-educational approach. In all cases, of course, holding violent men and women accountable for their violent behavior in the criminal justice system and family courts provides essential motivation for change. Many perpetrators and victims would benefit if all courts mandated and implemented reporting requirements regarding attendance and completion of violence and substance abuse treatment programs.

IMPLICATIONS FOR MEDIATION

Advocates for abused women have long been opposed to the use of custody and divorce mediation, whether voluntary or mandated. Their criticism is based on the view that power imbalances created by violence cannot be remedied regardless of the skill of the mediator and that abused women will not be able to speak to their own or their children's interests out of fear, intimidation, and low self-esteem (Grillo, 1991; Schulman & Woods, 1983). Despite this opposition, many jurisdictions in the United States have implemented custody mediation programs and mandates. In contrast, others have passed legislation automatically excluding mediation for custody disputes where domestic violence occurred at any point in the marriage or separation.

Court-based mediation programs have become increasingly responsive to the legitimate challenges and questions raised by women's advocates and incorporated a variety of new screening and service procedures to protect the victims of partner violence, including separate sessions, different arrival and departure times, metal detectors, referrals to appropriate treatment agencies, presence of support persons, and monitoring of no-contact orders. Empirical research indicates that mediation has certain advantages for women when compared to the adversarial process (Ellis & Stuckless, 1996), and women report high levels of satisfaction with mediation where there was physical or emotional abuse during marriage or separation (Davies, Ralph, Hawton, & Craig, 1995; Depner, Cannata, & Ricci, 1994). It has been noted that the adversarial system often fails to protect victims of Coercive Controlling Violence and that, when mediation is provided in safe settings, victims of intimate partner violence may have more opportunities to be heard and feel empowered with respect to addressing the needs of their children (see Newmark, Harrell, & Salem, 1995).

The research that supports differentiation among types of domestic violence provides valuable indicators for the use of mediation in custody and access disputes. In order to benefit from the identification of different patterns of partner violence, it is imperative that screening instruments have questions that identify not only intensity of conflict, frequency, recency, severity, and perpetrator(s) of violence, but also patterns of control, emotional abuse and intimidation, context of violence, extent of injuries, criminal records, and assessment of fear. Screening instruments should be focused on risk assessment (e.g., DOVE scale; Ellis, Stuckless, & Wight, 2006), be gender neutral in choice of language, and include questions about both partners' violence to be answered by both partners.

Based on the research descriptions of different types of partner violence (and the reported experiences of many mediators in family courts), it is likely that the majority of parents who have a history of Situational Couple Violence are not only capable of mediating, but can do so safely and productively with appropriate safeguards. These men and women appear to be quite willing to express their opinions, differences, and entitlements, often vigorously (Ellis & Stuckless, 1996; Johnston & Campbell, 1993). It is also likely that parents with Separation-Instigated Violence will benefit from mediation, again, with appropriate safeguards and referrals to counseling for the violent partner to help restabilize psychological equilibrium. What is needed, in addition to appropriate screening, are mediators whose domestic violence training has included attention to differentiation among types of intimate partner violence (rather than an exclusive focus on battering and the Power and Control Wheel). A model of mediator behavior that employs good conflict management skills to contain parent anger and rules describing contained and civilized communications between the parties is also essential. It is anticipated that, with Situational Couple and Separation-Instigated Violence, parents would engage in mediation with protection

orders in place and that transfers of the children between parents would take place in either neutral and public settings or using supervised exchanges until there was no further risk of violence.

The use of custody mediation where Coercive Controlling Violence has been identified is more problematic. When screening indicates fear for one's safety, a history of serious assaults and injuries, police intervention, or severe emotional abuse, including control and intimidation, alternatives to mediation should be considered. If both parties prefer that mediation proceeds, it should be in caucus, with separately scheduled times, a support person present, and protection orders in place. This increases opportunities to discuss safety planning, what type of parenting plans and legal decision making will protect the parent and children (e.g., supervised access and exchanges, no contact), and referrals to appropriate treatment interventions and educational programs for both parents (see Jaffe et al., 2008).

IMPLICATIONS FOR FAMILY COURT

INTIMATE PARTNER VIOLENCE AND CHILD ABUSE

Although intimate partner violence is often an issue even in divorces that do not involve children, the major policy concerns regarding such violence in family courts have focused on matters of child custody and access. The central policy question is most often "Should any parent who has been violent toward his or her partner have unsupervised access to or custody of his or her children?" Behind this view of the issue are two concerns: (1) What is the impact of intimate partner violence on children in cases in which neither parent is violent toward the children? and (2) What is the likelihood that someone who is violent toward his or her partner will also be violent toward the children? From our perspective, the answer to both questions is that it depends upon what type of violence you are talking about.

What is generally unstated in the arguments about the link between intimate partner violence and child abuse is that authors are generally referring to Coercive Controlling Violence, not Situational Couple Violence, without so specifying. Studies seem to show that the risk of child abuse in the context of Coercive Controlling Violence is very high (Appel & Holden, 1998). However, the extent to which there is or is not a link between Situational Couple Violence and child abuse (as opposed to child hitting/slapping/shoving that does not rise to the legal threshold of abuse) is still unknown. It seems likely that the sampling biases of various studies account for the different estimates of the overlap between intimate partner violence and child abuse—from 6% to 100% according to one discussion of that literature (Appel & Holden, 1998). It may be that the lower 6% findings involve Situational Couple Violence, Separation-Instigated Violence, or Violent Resistance, while the 100% findings involve Coercive Controlling Violence. If research establishes that Violent Resistance and Situational Couple Violence are not strongly linked to the risk of child abuse, then the courts and child protective services will have additional support for the usefulness of making such distinctions in deliberations about child custody in specific cases (Jaffe et al., 2005; Johnston, 2006; Johnston & Kelly, 2004; Johnston et al., 2005; Ver Steegh, 2005). It should be pointed out that the detrimental effects of high levels of parent conflict during marriage and after separation, independent of partner violence, on quality of parenting and children's adjustment have been well established (see Kelly, 2000 for a review).

CHILD CUSTODY ASSESSMENTS

It is important that child custody assessments be conducted carefully, with an underlying empirical basis for conclusions and recommendations whenever possible. Allegations and evidence of women's violence, as well as men's, must be treated seriously and investigated rigorously. Most importantly, distinctions should be made among types of violence whenever possible. Custody assessors must hold multiple hypotheses when conducting an evaluation (Austin, 2001). Allegations of intimate partner violence, child abuse, neglect, and substance abuse are often very challenging, both professionally and personally. Gendered assumptions, inadequate training, and incomplete or biased social science data can interfere with the full development of the information necessary to protect children and parent(s) and to develop appropriate parenting plans and treatment interventions.

In cases in which there is a custody battle between a violent, coercively controlling parent and a partner who is resisting with violence, the primary risk to the children is most likely the parent perpetrating Coercive Controlling Violence. In such cases, it is likely that the Violent Resistant parent needs not only safe custody and access arrangements, but also relevant parent education to restore appropriate parenting practices. In cases in which the violent relationship between the parents involves Situational Couple Violence or Separation-Instigated Violence, there may not be increased risk to children in all cases, particularly if either type of violence is singular and mild. If the Situational Couple Violence is chronic or severe, what is needed is a more nuanced analysis of the situational causes of the violence and whether it is only one or both of the parents who escalate to physical aggression. If one partner has an anger management problem, then he or she is the parent most at risk for child abuse. If the problem is one of couple communication or chronic conflict over one or several relationship issues, generalization to child abuse is unlikely.

The issues are complicated and differ depending on the type of violence, but one thing is clear: The assessment of the violence must include information about its role in the relationship between the contesting parties. A narrow focus on acts of violence will not do. There is a need to err on the side of safety in these matters, particularly when information about the parents' violence is limited and the court's response is inadequate because of lack of appropriate personnel and screening procedures. Once sufficient court resources are invested in individual cases, more nuanced responses can be considered.

Jaffe and his colleagues (2008) suggest an approach that combines attention to types of violence with other information. They recommend an assessment in terms of potency (severity of the violence), pattern (essentially a differentiation among types), and primary perpetrator. Their discussion makes it clear that some courts are already recognizing a variety of nuanced choices regarding child custody. They distinguish among five different possible outcomes: co-parenting generally involving joint custody in which both parents are involved in making cooperative decisions about the child's welfare; parallel parenting with both parents involved, but arrangements designed to minimize contact and conflict between the parents; supervised exchanges of the child from parent to parent in a manner that minimizes the potential for parental conflict or violence; supervised access, when one or both parents pose a temporary danger to the child, provided under direct supervision in specialized centers and/or by trained personnel with the hope that the conditions that led to supervised access will be resolved and the parent can proceed to a more normal parent-child relationship. In the most serious cases, in which a parent poses an ongoing risk to the child, all contact with the child would be prohibited.

CONCLUSION

Current research provides considerable support for differentiating among types of intimate partner violence, and such differentiations should provide benefits to those required to make recommendations and decisions about custody and parenting plans, treatment programs, and legal sanctions. As indicated, there is a need for continuing research on partner violence that will expand and refine our understanding of these men and women who engage in violence within the family. Among other things, little is known about the precipitants of female violence, the types of emotional abuse and violent acts they perpetrate, and the impact on children's adjustment, particularly with emotionally abusive, controlling women who are violent with their nonviolent partners. The significant role of substance abuse in intimate partner violence has been observed, but not with respect to differentiation among types of violence. Treatment programs that focus on the causes and contexts of different types of violence are more likely than one-size-fits-all approaches to address the major issues underlying the violence and, therefore, to develop recommendations that achieve more positive results.

NOTE

1. Wingspread Custody and Domestic Violence Conference. Cosponsored by the Association of Family and Conciliation Courts and the National Council of Juvenile and Family Court Judges. February 15–17, 2007.

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