

**Battered Mothers Speak Out: A  
Human Rights Report on Domestic  
Violence and Child Custody in the  
Massachusetts Family Courts**

**Report Supplement - Project Research  
and Organizing Materials**

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## An Introduction to This Supplement

**INTENDED AUDIENCE:** This supplement is intended for use in conjunction with our human rights report, *Battered Mothers Speak Out: A Human Rights Report on Domestic Violence and Child Custody in the Massachusetts Family Courts*. It is primarily intended for survivors, advocates, researchers and others interested in replicating the project in their own communities. In it, we provide sample documents used in each major phase of the project, and brief explanations of the context in which they were used. We also provide resource lists of other human rights documentation projects completed in the United States and other organizations in this country working on domestic violence, child custody and family court issues. We hope as well that these materials will serve as a broad model for integrating research with social action and public education.

**GUIDING PRINCIPLES FOR CONDUCTING A HUMAN RIGHTS REPORT:** We found that the following principles were critical to the success of the BMTP and/or were areas upon which the BMTP could have improved.

**1) Team Approach:** We strongly encourage any organization considering replicating this project to consult at the outset with 1) a research methodologist, 2) a human rights documentation expert, and 3) a policy expert. We also recommend assembling an Advisory Board.

**2) Human Rights Education/Expertise:** If your team does not have a human rights expert who can provide ongoing training, resources and expertise to the project, it is essential that you find a way to either bring a human rights expert on board or obtain training/education in human rights principles, laws and strategies at the early stages of the project. The knowledgeable use of human rights couldn't be more important for creating a project that effectively gives voice to survivors, resonates with the public, and holds state actors accountable for their actions and failures to act. Providing as many people involved in your project with human rights education is a key part of the process.

**3) Survivor Leadership:** Survivors should be in leadership roles in all stages of your project. It therefore is critical to incorporate mechanisms into all aspects of your project that ensure the involvement and leadership of survivor-participants. The leadership of those most directly affected by the abuses under investigation is central to the effectiveness and integrity of any long-term social and policy reform efforts. E.g., make sure that your documentation/research process is transparent and participatory in ways that invite and help foster survivor leadership in the project and in the movement to end violence against women and children more broadly.

**4) Set & Stick to Goals:** Identify short- and long-term project goals at the outset and develop ties with key individuals and institutions in your area that may be in a position to help further your goals as the project develops. These goals may include, e.g., one or more of the following ways to use the results of your human rights documentation effort:

- **Education:** Raising awareness of the issues among the public, survivors, the advocacy community, the court system and/or the legislature.
- **Policy Reform:** Producing a report that can be used directly as a blueprint for policy reform by the advocacy community and legislators.
- **Grassroots activism:** Creating the momentum for a grassroots movement and/or organization to advocate for battered women's and children's rights in the family courts.

It is essential that project goals be tailored to the specific demographic, political, social and economic contexts of the communities in which it will be implemented. Adherence to project goals, and adjusting project strategies as needed throughout all phases of the project to meet your goals, is essential for maximizing your project's impact.

**5) Link Research & Organizing Strategies:** Integrate your research and organizing strategies from the beginning of your project and throughout all of its stages. This will provide a key bridge between research, activism and social change, and will ensure that your research efforts have practical application. In other words, use your report as a call to action and a practical tool for change, not as an end in itself.

**6) Select a Documentation/Research Strategy:** Depending upon your project's specific goals, select a documentation/research strategy that will produce a report capable of furthering those goals. Such strategies may include any or all of the following, e.g.:

- Conducting a hybrid quantitative/qualitative study such as the BMTP.
- Collecting purely anecdotal testimonies from battered mothers, advocates and other key stakeholders.
- Collecting the testimonies of, e.g., 10-20 battered women and thoroughly fact checking them via examination of court records, interviews with lawyers, the batterer, police officers, judges and others involved in the case.
- Conducting a quantitative, statistically significant study.
- Conducting a court watch.

**a) Demographic diversity:** Make sure to document, analyze and make visible the ways that the issues/abuses under study affect different battered mothers and their children differently according to factors such as race, ethnicity, immigration status, socioeconomic status, sexual orientation, and/or ability.

**b) Economic & social rights:** The human rights framework values equally economic, social, cultural, civil, and political rights. Make sure that you document and analyze violations of social and economic rights issues such as the right to food and shelter as well as civil and political rights like the right to bodily integrity and freedom from violence.

**C) Corroboration of survivor testimony:** In order to maintain impartiality, it is important to corroborate survivor testimony through witness testimony, secondary research, and so forth.

**D) Confidentiality:** Survivor safety is paramount. Maintain survivor confidentiality to

the greatest extent possible in your documentation and organizing work. Advocate confidentiality is important as well. We suggest following standard research ethics and confidentiality protocols such as providing participants with informed consent forms and so forth.

**7) Connection with the local policy community, including the judicial branch:** The judicial branch can have an insulated culture and sometimes does not react well to criticism. However, in recent years many court systems have made an active effort to reach out to the community in an effort to improve and modernize the delivery of justice. It is advisable to work with your court administration department in order to research the courts' track record on working with domestic violence survivors so that your research results are presented within an accurate contextual setting. In addition, in order to prevent or reduce backlash it is important to contact members of your state's court administration office as well as local and state government officials who deal with the judiciary before you release the results of your study. The purpose of this contact is to: (1) explore the possibility of initiating a dialogue to pursue change; and (2) alert the courts to what you have found. The results of this contact should not influence the outcome of your study, however.

**8) Connection with others doing U.S.-focused human rights work:** In order to make sure that your human rights report is visible and contributes to the growing human rights movement in the United States, make sure that you research and connect with those working on, e.g., the death penalty, racism and poverty as human rights issues in the United States. Also consider joining the US Human Rights Network and sharing your work with this exciting community (Email: [info@ushrnetwork.org](mailto:info@ushrnetwork.org)). (See also attached resource lists.)

**9) Connection with the international human rights advocacy community:** As human rights defenders, you are now part of an international movement for human rights. Make sure that you find ways to connect with this movement by, e.g., participating in such global, annual campaigns as the 16 Days of Activism Against Gender Violence (see: [www.cwgl.rutgers.edu](http://www.cwgl.rutgers.edu) for information), participating in international conferences and United Nations events, distributing your report internationally, and/or submitting your report to the U.N. Special Rapporteur on Violence Against Women. (See attached resource lists.)

**ORDERING INFORMATION:** To order *Battered Mothers Speak Out* and/or an 11-minute video about the Battered Mothers' Testimony Project's human rights tribunal, please contact the Wellesley Centers for Women's publication's office: (tel) 781-283-2510. The complete report is also available in full on our website: <http://www.wcwoonline.org/wrn>

**PLEASE NOTE:** As of October, 2003, the Battered Mothers' Testimony Project, and its parent project, the Women's Rights Network are officially closed. For more information, please contact the Wellesley Centers for Women at: 781-283-2500.



## THE HUMAN RIGHTS APPROACH OF THE BATTERED MOTHERS' TESTIMONY PROJECT

**OVERVIEW:** The Battered Mothers' Testimony Project (BMTP), 1999-2003, was the first human rights initiative in the United States to address domestic violence and child custody issues. Based at the Wellesley Centers for Women, our mission was two-fold: 1) to assess whether the Massachusetts family court system was acting in accordance with internationally accepted human rights standards and norms in child custody cases involving partner and/or child abuse, and 2) to identify and promote the changes necessary to ensure that the family courts meet their human rights obligations.

The BMTP offers a new model for conducting research on and organizing to end violence against women in U.S. communities. A multi-year effort, the project consisted of 4 key phases: 1) Documentation and research (1999 – 2002), 2) A human rights tribunal on domestic violence & child custody (May 9, 2002), 3) A human rights report, *Battered Mothers Speak Out*, (Nov. 2002), and 4) Community education and organizing for positive change in the family courts (1999-2003).

*See previous section for report and tribunal video ordering information*

**PROJECT LEADERSHIP:** Our leadership networks were extensive, primarily involving the following:

**Steering Committee:** A 6-person, statewide multidisciplinary committee consisting of 2 men and 4 women, including one survivor, conceived of and implemented all aspects of the project.

**Advisory Board:** A 14-person international advisory board offered guidance to the project. The board consisted of experts in human rights, partner and child abuse, batterer intervention, child custody, government, public health, and qualitative research, many of whom participated in statewide quarterly project meetings.

**Documentation Team:** A team of over 20 community volunteers, the majority of whom worked at organizations serving battered women and children in Massachusetts, interviewed battered women and state actors for the project. Members of the Steering Committee also conducted interviews.

**Volunteers:** Over 25 volunteers, primarily college students, transcribed interviews with battered women, state actors and focus groups.

**SUMMARY OF HUMAN RIGHTS FRAMEWORK:**

*Everyone has the right to life, liberty and security of person.*

- Universal Declaration of Human Rights, article 7

*Human rights are inscribed in the hearts of people;*

*They were there long before lawmakers drafted their first proclamation.*

- Mary Robinson, Former U.N. High Commissioner for Human Rights

Since the United Nations proclaimed the Universal Declaration of Human Rights in 1948, the international community has adopted numerous laws, standards, and mechanisms to protect and promote the human rights of individuals vis-à-vis their governments. The Battered Mothers' Testimony Project used these standards to investigate and evaluate how the Massachusetts family courts handle child custody

Human rights are based on the fundamental principle that all people – no matter who they are or where they come from – possess an inherent human dignity, and that regardless of sex, race, class, sexual orientation, immigration status, age, religion, or other distinctions, they are equally entitled to enjoy their human rights and equally responsible for respecting the human rights of others. Moreover, in the human rights framework, economic, social and cultural rights are as important as civil and political rights. For example, the right to food and shelter are considered to be on a par with the right to free speech, bodily integrity and due process; indeed, they are interdependent and inextricable.

According to international human rights law and principles, governments throughout the world, including the United States, are responsible for respecting, protecting and fulfilling the human rights of people within their jurisdictions. This obligation includes not only refraining from directly violating people's human rights, but also taking positive steps to protect and promote human rights. For example, key international instruments, such as the U.N. Declaration on the Elimination of Violence against Women, the U.N. Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the U.N. Convention on the Rights of the Child (CRC), define partner abuse and child abuse as human rights violations, and map out government obligations to take steps to end and prevent such abuse.

*“Our government – like all governments – is obligated, at all levels, to acknowledge where and how discrimination and lack of due diligence is facilitating torture of women in the family and community and take steps to stop it.”* Sheila Dauer, Director, Women's Human Rights Program, Amnesty International USA (Remarks at the BMTP's Human Rights Tribunal, May 9, 2002)

The United States government has a responsibility to meet the human rights standards set by the United Nations regarding violence against women and children. First, by virtue of its membership in the United Nations, the United States is automatically considered to be in agreement with the

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principles of U.N. declarations such as the Universal Declaration of Human Rights and the

Declaration on the Elimination of Violence against Women. In addition, the United States is not only bound to the international treaties it has ratified, but also has certain fundamental obligations under those that it has signed but not ratified, including the CRC and CEDAW. Specifically, the United States has an obligation to observe the object and purpose of these treaties; it must not, at the very least, act in any way that contravenes or contradicts the terms of the treaty (Vienna Convention, 1980).

Moreover, many of the rights guaranteed by certain international treaties, such as the CRC and CEDAW, are considered to be so widely accepted by the international community that they arguably constitute part of customary international law. The CRC, for example, has been ratified by every country in the world except the United States, and CEDAW has been ratified by 173 countries, leaving the United States as the only industrialized country in the world not to ratify it. As a result of such widespread ratification, many legal scholars convincingly argue that “[U. S.] state and federal law should be interpreted so as not to conflict with customary international human rights norms and obligations” (Miccio, 1998). Not only does such extensive ratification make these treaties customary law; it also creates global moral and ethical standards for how governments and their agents should behave.

Despite the fact that a prominent American, Eleanor Roosevelt, was one of the principal architects of the Universal Declaration of Human Rights after World War II, and despite the fact that the United States continually holds itself out as a defender of human rights globally, this country has consistently refused to scrutinize its own domestic human rights record. As illustration of this problem, in response to the release of *Battered Mothers Speak Out*, the Chief Justice of the Family & Probate Courts in Massachusetts was quoted in a local newspaper as saying that framing these problems as human rights violations “may work well for systems in Third World countries, but not for a court in the United States.”

The human rights framework, method, and analysis are, in fact, both applicable and critical to the broad field of violence against women prevention and intervention in the United States. What needs to be made clear to the U.S. public, including policy-makers, is that a woman or child in the United States seeking protection from a batterer or child abuser has the same human right to freedom from violence as a woman fleeing rape by the military in Bosnia. Building a record of human rights violations in this country through human rights-informed research and advocacy, therefore, can play a critical role in advancing human rights, and in both monitoring and urging our government's compliance with human rights standards.

What, in particular, does an explicit human rights approach add to research, organizing, and advocacy on partner and child abuse in the United States? First, its focus on government accountability produces critical information and analysis about the roles and responsibilities of the government – and not just the individual perpetrator – in both perpetuating and solving the problems under study. This is essential because the government must play a primary role in the systemic change that is needed to prevent and end partner and child abuse. Thus, human rights provide a powerful tool for demanding that the U.S. government fulfill its affirmative obligations

both to protect women and children from abuse and to ensure that they are treated equally and fairly before the law.

Second, the human rights approach powerfully exposes government abuses by documenting and amplifying the voices of survivors of such abuse. And by framing survivors' experiences within the international human rights framework, we validate the truth and seriousness of their experiences and offer hope that it is possible to create a world where human rights are respected. In the words of one survivor who participated in our project, "through the BMTP I've reclaimed my voice and found a way for my experiences to have meaning. The project has given me tools to understand what we've survived and to hope for change."

Third, by defining, documenting, and publicizing the issues in human rights terms, we can re-politicize them in new and heightened ways. For example, when the charge of human rights violations is leveled against the government, the government is often forced to respond publicly, thereby increasing the likelihood of reform. Moreover, a human rights approach is inherently geared toward social change and thus helps heighten the level of activism in efforts to end partner and child abuse.

Finally, because human rights address within one framework the intersecting injustices and multiple oppressions that battered women and their children may face, it enables us to analyze the issues in their full complexity and advance policy in ways that benefit all women and children.

**DOCUMENTATION & RESEARCH STRATEGIES.** Our research phase (1999 – 2002) combined human rights documentation, human rights analysis and qualitative research methods.

Human rights documentation offers a provocative addition to traditional research methods because of the questions it asks, the ways it defines and analyzes the problem at hand, and the goals that guide it. Most fundamentally, human rights documentation seeks to uncover government practices that amount to human rights violations and to hold state actors accountable for their actions as well as their inactions. This goal is particularly important where – as with domestic violence and child custody cases – the problems being investigated are often concealed, denied, or actively ignored by the government, as are many violations of women's human rights.

Human rights documentation also strives to bolster efforts to reform the government by educating the public about the violations, as well as by identifying and recommending the changes necessary to ensure that the government fulfills its human rights obligations.

In addition, human rights documentation's central source of information is first-hand testimonies of the survivors of such violations. Typically, these are the very voices that are muted or silenced by the government and society. In human rights documentation, survivor accounts are corroborated by witnesses, fact-checking, secondary research, and interviews with state actors. Still, survivors' voices remain paramount to the process of investigation.

Further, human rights documentation differs from traditional research because it analyzes its

research findings according to international human rights laws, standards and principles, and publicly identifies these findings as human rights violations. It is only by applying this kind of legal analysis to the research findings that the investigation can delineate why the government's actions amount to human rights violations and how the government should act differently in order to fulfill its human rights obligations.

The BMTP supplemented its human rights documentation approach with qualitative research methods. As with human rights documentation, the driving force behind qualitative research is the prominence of the voices of the people whose life experiences are being researched. Qualitative research produces rich, in-depth descriptions of participants' experiences, in their own words, that provide otherwise unobtainable information about and insight into the issues under study. In our study, the combination of these complementary methodological approaches allowed us to identify common phenomena among participants that point to systemic problems within the family court system in Massachusetts.

**Phase One – Survivor Testimonies:** The BMTP conducted 4-hour interviews with 40 battered mothers who experienced family court litigation in 11 of the 14 Massachusetts counties.<sup>1</sup> These participants felt that the courts had treated them unfairly or had violated their rights, and were willing to speak with a documenter about their experiences. They were primarily recruited through social service agencies and legal providers. The women were diverse in many ways: the age range of participants was 24 to 58; approximately one-quarter of the women were women of color (including both U.S. citizens and immigrants); their annual income ranged from under \$15,000 to over \$105,000, and their educational level ranged from completion of some high school to advanced graduate degrees.

In order to uncover information relevant to a human rights framework, participants were asked about: 1) the history of partner and child abuse, both before and after separation from the batterer; 2) economic and financial issues; and 3) experiences with key state actors in the family court system i.e., judges, guardians ad litem (custody evaluators), probate probation officers (family court mediators), child protective services workers, and court-appointed psychological evaluators. The interview was semi-structured and included both open-ended and closed-ended questions.

In one-quarter of the cases, women's testimonies were fact-checked for accuracy; in all of these cases, the women's stories were corroborated. Interview transcripts were analyzed for content, and analysis results were managed with a customized relational database (Microsoft® Access 2000) that allowed for comparative examination of both socio-demographic information and content analysis.

**Phase Two – Advocate-Witness Survey:** As noted above, in human rights documentation, survivor testimony is often supported by witness testimony. Phase Two therefore consisted of a written survey of 31 advocates for battered women and their children across Massachusetts who had worked with numerous battered women involved in family court litigation. These advocate-witnesses were therefore able to offer insight into patterns of problems with how partner abuse and custody issues are handled. For example, this group was asked about their experiences

with and assessment of how family court judges, guardians ad litem, and other key state actors are handling child custody and visitation issues when there is a history of partner abuse. They also were asked about their observations and knowledge of harm resulting to women and children in the context of these court orders. Survey responses to individual questions were analyzed, emerging themes were noted, and results of the survey analysis were compared with results of the analysis of individual battered women's testimonies.

**Phase Three – Focus Groups:** Human rights principles of equality require an exploration of the ways in which violations are experienced differently by different people, according to intersecting factors such as sex, race, ethnicity, socioeconomic status, immigration status, age, and sexual orientation. This is particularly important for women, many of whom experience multiple levels of oppression and marginalization. The BMTP therefore conducted five focus groups with a total of 23 participants, consisting of the following: (1) women of color survivors of partner abuse; (2) lawyers for U.S. citizen women of color survivors who are also women of color themselves; (3) advocates for immigrant and refugee survivors; (4) advocates for lesbian, bisexual, and transgendered survivors; and (5) mainstream service providers, primarily lawyers and legal advocates.

These focus group participants were asked for their thoughts on how race, gender, socioeconomic status, immigration status, and/or sexual orientation may affect family court proceedings and their interactions with different state actors in the family court system. Within each focus group, responses were analyzed to identify themes and issues common among participants. The results of the analysis of each focus group were also compared across the five groups. These focus group results were then compared with the results of the analysis of the individual battered women's testimonies and the survey of battered women's advocates.

**Phase Four – State Actor Interviews:** The BMTP conducted one-hour interviews with 16 state actors in Massachusetts who are employed by the family court system or participate in the system as allied professionals. The interviews were designed to elicit state actors' understandings of and attitudes toward domestic violence and child custody cases. State actors were identified as interview participants for one of three reasons: (1) at least two women in our study made specific complaints about them; (2) women and/or advocates identified them as handling partner abuse and child custody issues well; or (3) they possessed specific knowledge about an aspect of the family court system based on their professional affiliation or position. Their interview responses were analyzed individually and across the group. Further, the specific content of some of these interview responses were compared with the results of our research on the steps that Massachusetts has or has not taken to address domestic violence and child custody issues.

As part of the research process, participants in all four phases were asked to list their recommendations for changing the family court system to better meet the needs of battered mothers and their children. Their responses formed the basis of the recommendations for change made by the BMTP in the final report.

**COMMUNITY ORGANIZING AND EDUCATION STRATEGIES:** From the outset, our research methodology was

intrinsically linked to our long-term organizing, activism, and social change goals. For one, the BMTP relied on battered women's advocates in the community to conduct many of the interviews. These advocates were trained in human rights principles and documentation strategies by the BMTP, and also participated actively in organizing meetings throughout the research process. Many of these documenters continue to be involved with the project as co-sponsors of and participants in various meetings and events that have followed the release of the report.

In addition, all of the survivors who gave testimony were provided with complete information about the nature of the project as well as human rights education materials, and were encouraged to participate in quarterly project organizing meetings. This transparent and participatory process achieved at least two major goals. First, it enabled the BMTP organizers and documenters to interact with project participants and to communicate openly about the issues under study. Second, it allowed the BMTP to provide survivors with a safe venue in which to describe their experiences, to be believed, and to feel part of a larger movement. In many cases, the telling of the stories itself was reported by participants to be part of their healing process as well as a catalyst for their growing activism on these issues. One participant told us, "Finding the BMTP saved my life. For me, the human rights approach...gave me the affirmation that I am a human being and that I should be afforded fair and equal treatment."

Some survivors even went on to become documenters themselves, as well as to participate in the project's human rights tribunal in May 2002 and press conference for the release of *Battered Mothers Speak Out* in November 2002. After the research phase was completed, project participants continued their involvement through participation in strategy meetings and public education events organized by the project.

The participatory component of our methodology has been central to our ability to build a broad-based foundation for long-term advocacy work on domestic violence and child custody issues in Massachusetts. For example, BMTP participants have launched a Massachusetts Protective Parents Association (MPPA) to provide an ongoing outlet for political activism on the issues and support to protective parents. We believe that our transparent and participatory approach to documentation and organizing helped to identify and connect these women, and our use of human rights has offered them a vision for their work. For example, the MPPA's draft mission statement begins with quotes from the Universal Declaration of Human Rights and reads in part "[B]ecause of recent documented instances of abuses of human rights in Probate and Family Court cases involving domestic violence, abuse of children, and custody and visitation, the Massachusetts Protective Parents Association is formed to educate and advocate for the human rights of children, women and men within the judicial process. We envision and work toward a world where children and protective parents are able to live their lives in safety, dignity, and equality. ..."

## **WHAT WORKED**

**Community Organizing in Massachusetts:** Linking our research and organizing strategies identified and connected activist-oriented survivors, and provided them with the support necessary to start the Massachusetts Protective Parents Association. This Association promises to build the

long-term, survivor-driven momentum necessary to achieve policy reform in Massachusetts. This group has also helped initiate urgently-needed support groups for battered mothers that specifically focus on post-separation partner and child abuse concerns as well as family court issues.

**Public Education & Awareness:** In Massachusetts, *Battered Mothers Speak Out* successfully attracted the attention of the media, the advocacy community, survivors, and the judiciary. Nationally, it also caught the eye of organizations interested in replication, of some in the federal government, and of many survivors. Much of this attention came to us because we partnered with a major public relations firm to launch a public relations campaign when the report was released. We also believe that our innovative human rights approach played a significant role in the interest generated by the report.

**Government Awareness:** The Chief Justice of the Massachusetts Family and Probate Court, while publicly criticizing our report, requested that copies be distributed to all family and probate court justices. The Department of Public Safety asked that we brief them on the public safety implications of our report, and we were asked to speak at the Governor's Commission on Domestic Violence. At the federal level, the US Department of Justice, National Institute of Justice has asked that our project team be reviewers for work combining qualitative and quantitative research on domestic violence and the family courts. We believe that we were successful in these areas because of our extensive efforts to distribute the report to all branches of government as well as to a wide array of advocates and policy-makers, and because our team personally met with the Chief Justice and others in the court system prior to the release of the report. Thus, we learned that preemptive outreach can successfully thwart unfounded claims of ignorance and excessively negative reactions from government institutions.

**National Replication:** The project has been replicated in Arizona and replication is underway in several other states. We also have received numerous inquiries from a wide variety of organizations interested in replication. We believe that our human rights approach and focus on post-separation abuse issues is largely responsible for the interest in replication.

## **WHAT DIDN'T WORK**

**Presentation of our Methodology:** While none of our critics publicly or directly cast doubt on the stories of the women we interviewed, they did criticize the report on methodological grounds. We believe that the methodological criticisms stem largely from a lack of understanding of what human rights reports and qualitative research do and do not represent. We believe that our report would have had a greater impact had we done a better job of clarifying our methodology by, e.g., explicitly stating that the quantitative aspects of the study were undertaken as a pilot project and were intended to inspire other research. The family courts criticized our research methodology as biased because we didn't interview the "other side" (presumably batterers) and didn't interview people who were "happy" with their family court outcomes, and because the small primary sample size of 40 women did not produce "credible" data. Few readers understood that we were not testing a hypothesis, but were documenting a phenomenon.



Thus, we felt the statistical arguments against the credibility of the data were hollow. Therefore, we urge those interested in replication to communicate clearly about the difference between documenting a problem and testing a hypothesis so that arguments about statistical relevance are not used to discredit your work.

In addition, we urge you to design your questionnaires with great care. Professionals who work on survey-oriented data collection can be very helpful in this realm.

**Public Education & Awareness:** As mentioned in the section on “What Worked,” we used the services of a public relations firm to help us publicize our results. We used a large firm with a good reputation because large P.R. firms are well-connected and have ample resources, there were many advantages to working with such a firm. However, small non-profits should be aware that their projects may not get sufficient attention from large P.R. firms. Depending on your target audience and financial resources, a smaller firm may be more appropriate. We recommend that you research P.R. firms in your area, talk to other non-profits, and do what you can to make an educated choice.

**Change Within the System:** At this writing, our project does not seem to have sparked the initiative for meaningful reform of the family courts from *within* the Massachusetts state court system itself. We clearly needed to develop stronger ties with all branches of government (with both “friendly” and “unfriendly” insiders) much earlier in our process in order to use the report to effect more immediate policy change.

In addition, while the project has slowly gathered national attention, launching a *national* public relations strategy upon release of the report would probably have been very helpful. Our methods and results have gained more attention and support nationally than from within Massachusetts. Starting a national dialog on the topic of post-separation violence and child custody could have generated more immediate results in Massachusetts and would have drawn the appropriate magnitude of attention to this critical problem.

## SELECT CASE SUMMARIES FROM BATTERED MOTHERS SPEAK OUT

**Note:** All names are pseudonyms.

### Case Summary #1

Karen's ex-partner, Jason, served several months in jail for a severe assault on her, which was witnessed by the older of their two sons, Jeremy. After being released from jail, Jason made no effort to visit the children for more than a year. He then went to family court requesting visitation and was granted visitation on alternate weekends with overnights. Both boys began to show marked deterioration emotionally – for example, the older boy (who was eight) began to hit his mother and to beg not to go on visits. The children reported that their father was drinking alcohol and was abusing his new wife. However, despite Jason's criminal record, his incarceration, and his extended period of choosing not to visit the boys at all, the family court judge continued to disbelieve the mother's reports of her children's distress. Moreover, the children's attorney advocated for unrestricted visitation for the father while simultaneously refusing to meet with the children. Karen reports a long history of rudeness and condescension toward her by the judges and by the children's attorney involved in the case.

A BMTP representative has been present at two of Karen's court hearings. At one of those, the probate probation officer stated to the judge that Karen was not a good parent and that Jeremy should therefore be placed with his father. One of the reasons that the probate probation officer gave for Jeremy's placement with his father was that Karen had, years earlier, lost custody of her two older children (by a different father). What the probate probation officer knew, but did not mention to the judge, was that the father of her two older children had told the guardian ad litem on the case that the only reason he sought custody was that he knew Karen was being beaten by Jason. He was quoted in the guardian ad litem report as saying that he believed his ex-wife was a very good mother. The judge has continued to allow unsupervised visitation despite Jason's arrest for drunk driving and has taken action only by eliminating overnight visits with Jason.

### Case Summary #2

Sandy told the Battered Mothers' Testimony Project that she had experienced a pattern of severe physical abuse that included incidents in which Gary punched her, kicked her, beat her with a belt, and raped her. On one occasion Gary threw Sandy against a wall while she held their eight month-old daughter in her arms. Sandy had emergency room records documenting her injuries from one of the beatings. A family court judge put in writing his findings that Sandy's reports of domestic violence were credible and that Gary's denials lacked credibility, describing the case as one of "classic spouse abuse."

Nonetheless, the guardian ad litem who was subsequently appointed discriminated heavily in Gary's favor. His initial bias was revealed when he stated to Sandy, "My son is a single dad, and things are tough, and they can be great dads." Next, he expressed skepticism to Sandy about her reports of domestic violence and said that he might form the conclusion that she was the offender, depending on what he discovered about where her bruises had been located. He did not at any point show signs of taking the domestic violence seriously.

Ultimately, the guardian ad litem chose Gary's "friend" Leslie to supervise his visits with the children, even though Sandy told the guardian ad litem that she knew (from her children's reports) that Leslie was clearly Gary's new partner. The guardian ad litem chose to believe Gary's claims that Leslie was strictly a platonic friend. The judge then accepted the guardian ad litem's recommendations, despite the documented history of severe domestic violence. Two years later, Gary beat Leslie severely, an event that led Leslie to disclose to Sandy that she had suffered repeated beatings from Gary and had been keeping them secret. At this point the guardian ad litem resigned from the case, and a different judge immediately imposed professional supervision on Gary's visits.

### **Case Summary #3**

Lorie had suffered one of the most severe patterns of domestic violence that was reported to us. For example, her husband, Noah, had hit her hard in the face with his head, breaking one of her front teeth (an incident for which she had dental records as evidence); repeatedly pulled clumps of hair out of her head; slapped her in the face, knocking her glasses off, in front of the children; tore off her clothes; and one time picked up a large butcher knife while Lorie had their baby in her arms and said to her, "Put the kid down, I'm going to kill you now!" Lorie has extensive documentation of the abuse, including detailed statements from witnesses who had observed these events and Lorie's many injuries, which the judge and the custody evaluator apparently refused to read. Custody of all children was awarded permanently to the batterer with no examination of the extensive evidence of domestic violence.

Lorie reported a number of forms of degrading and disrespectful treatment by state actors. The guardian ad litem said to her, for example, "I know you lied to me. You better tell me the truth now, because I'm getting phone calls from people and they can tell me the truth." The guardian ad litem also described Lorie as irrationally angry and as overly emotional and unstable because she sometimes broke into tears, thus ignoring the depth of trauma engendered by Lorie's extreme history of battering. The guardian ad litem also discredited her reports of domestic violence, despite his own acknowledgment that Noah was controlling, domineering, and dishonest. Lorie also reported recurring experiences in which judges did not let her speak at hearings, read and shuffled papers while important witnesses were testifying, and were nearly falling asleep during trial.

### **Case Summary #4**

Fran had suffered a long history of violence from her husband, Nathan, that included kicking her hard enough to injure his own foot; wrapping the telephone cord around her neck and then pinning her to the bed, holding her there until she began to lose consciousness; driving in a terrifying manner with her and the children in the car and screaming that he was going to kill them all; and dragging her into his car in public when she was trying to escape, which led to a man in a nearby car to physically intervene so she could get away.

Fran experienced several obstacles to due process. The most frequent was that she was prohibited from speaking at hearings by the judge, who was willing to listen only to what the probate probation officer would summarize. The probate probation officer, who apparently was biased against Fran and inappropriately friendly with Nathan, would

misrepresent statements Fran had made to her, which the judge would not give Fran the opportunity to correct. This same probate probation officer took control of Fran's case repeatedly, which appeared to violate proper process at the family court, where the probate probation officer is normally chosen randomly for each hearing. This same probate probation officer circumvented a critical judicial order: The judge had ordered Nathan's participation in a batterer's intervention program, but the probate probation officer permitted him instead to attend private therapy with a therapist who had no expertise in domestic violence. These denials of due process by the probate probation officer were accompanied by social contact in the hallways between Nathan and the probate probation officer, including one incident in which they were talking and laughing following a hearing in which the judge had ruled in Nathan's favor on a particular issue.

### **Case Summary #5**

Marsha told the Battered Mothers' Testimony Project that her abusive husband had always threatened her that if she tried to leave, she would be lucky to keep the shirt on her back, let alone retain custody of the children. He was true to his word. Shortly after Marsha left him, he put everything they owned (including three health clubs, three homes, and a valuable piece of property) into stocks, bonds, and trust funds in his own name. Marsha's ex-partner then claimed to the judge that he was about to go bankrupt and, despite Marsha's assertions that this would not happen (and it did not), the judge reduced her child support. At the age of 45, Marsha lost everything she had owned and worked for: her home, job, business, insurance, retirement, and savings. Marsha's ex-husband later used her diminished financial position against her in custody threats, even though he was repeatedly in contempt of court for nonpayment of child support and refusing to carry health insurance for her and the children.

After they separated, Marsha's ex-husband escalated his mistreatment of their children. She said she felt as if she had left the battlefield but had to keep sending her children back in. In fact, Marsha lost custody of her daughter during an ex parte hearing in which her ex-husband fabricated a story that their son had threatened their daughter with a knife while in Marsha's care and that Marsha had failed to intervene. Marsha had to hire an attorney to go back to court to fight for custody of her daughter. She is still fighting. She is now in her fifties and has been scraping by for nine years. All her savings have gone to lawyers. In her testimony at the Battered Mothers' Testimony Project's human rights tribunal, Marsha stated, "Over the years, all of my parenting, all of my efforts, and all of my love have been undermined consistently. Through all of this the "offender" goes unscathed. He has never been made to be accountable for anything. He has money and he has power and he feels invincible. I've been hurt badly, but even worse my children have been scarred for life. We should no longer allow one human being to terrorize another, and if the courts don't help us, where are we to turn?"

## SUMMARY OF FINDINGS FROM BATTERED MOTHERS SPEAK OUT

### I. Failure to Protect Battered Women and Children From Abuse

*I don't think there is a worse thing in the world than not being able to protect your children. Like someone's got my hands tied behind my back and I'm watching them beaten up, and I can't protect them.*  
Participant in study

More than half of the women we interviewed reported that a state actor – typically a judge, guardian ad litem, or probate probation officer – had granted or recommended joint or sole physical custody of the children to their ex-partners at some point during the family court litigation. In addition, one of the most common complaints of the women in our study was that a family court state actor granted or recommended that their ex-partners have unsupervised visitation with the children, including overnight visits. Such court orders force women and children into ongoing, unprotected contact with their abusers, and place them at risk of being harmed or threatened physically, sexually, or psychologically as a result. Indeed, the majority of women we interviewed said that after they left their ex-partner and went to family court, he subjected them and their children to some form of abuse or mistreatment.

*Even where pick-up and drop-off is at the police station, women get harassed, followed, and threatened by ex-partners.*  
Legal advocate at Battered Women's Program

Our study also found problems in certain cases with state actors' ignoring or minimizing mothers' reports of partner or child abuse and mistreatment, failing or refusing to investigate partner abuse or mothers' allegations of child abuse, failing to examine or credit documented evidence of partner or child abuse, and mishandling child sexual abuse allegations.

### Why Failure to Protect is a Human Rights Violation ...

*[Governments should] exercise due diligence to prevent, investigate and punish acts of violence against women, whether those acts are perpetrated by the State or by private persons.*

U.N. Declaration on the Elimination of Violence against Women, article 4

*[Governments] shall take all appropriate...measures to protect the child from all forms of [abuse] while in the care of parent(s), legal guardian(s), or any other person who has the care of the child.*

U.N. Convention on the Rights of the Child, article 19

Everyone has the right to bodily integrity and freedom from violence, and governments have clear responsibilities to protect people from abuse by others. Thus, when the Massachusetts family courts fail to protect battered mothers and their children from partner and/or child abuse, they violate women's and children's human rights to freedom from violence and, in

some circumstances, their rights to freedom from torture and to non-discrimination. They also fail to uphold the government's human rights obligations to exercise due diligence and to act in children's best interests. These rights and obligations are central to international human rights laws and standards, and can be found in such key instruments as the Universal Declaration of Human Rights, the U.N. Covenant on Civil and Political Rights, the U.N. Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, the U.N. Convention on the Elimination of All Forms of Discrimination against Women, the U.N. Declaration on the Elimination of Violence against Women, and the U.N. Convention on the Rights of the Child.

## II. Discrimination and Bias Against Battered Women

*The guardians ad litem never talked to the District Attorney, they never talked to the chief of police, they never talked to the state trooper, they didn't talk to the probation officer. They didn't talk to anybody, but they did say that I made it all up. They wrote ... that there was no domestic violence and [that] I made it up to increase my odds of getting what I wanted in probate court.*

Participant in study

Over half of the women we interviewed reported that one or more state actors – especially guardians ad litem – had conducted or made a biased investigation, evaluation, or report that either unfairly disadvantaged them or heavily favored their abusive ex-partners. Many of their complaints describe incidents where the guardian ad litem sided actively with the fathers, refused to look at evidence that supported the mother's claims of abuse, conducted interviews in a way that favored fathers, and/or distorted facts to benefit the fathers.

*I have seen, too, on the part of guardians ad litem, where you find that there is a bias against women in the sense that [they think] women are being vindictive and will pull out all the tricks to get back at their divorcing spouses.*

Department of Social Services worker

Our study also indicates that there are state actors in the family court system who do not find battered women credible and therefore dismiss their allegations of partner and child abuse. The advocates we surveyed also reported the existence of bias against battered mothers. As one advocate noted, “[Probate probation officers] disbelieve and pathologize battered moms.”

Further, our study revealed that some state actors hold battered mothers to higher behavioral and parenting standards than fathers. Many survivors reported feeling that they constantly had to prove themselves as parents in ways that their abusive ex-partners did not, or that some state actors were quick to criticize them or hold them responsible as parents, but did not do the same with their ex-partners.

Advocates and survivors in our focus groups also described experiencing and/or witnessing discrimination against battered mothers in the Massachusetts family courts on the basis of race, ethnicity, language ability, class, educational level, income, and/or sexual orientation.

## Why Discrimination and Bias is a Human Rights Violation ...

*[Governments shall] establish legal protection of the rights of women on an equal basis with men.*

U.N. Convention on the Elimination of All Forms of Discrimination against Women, article 2

All people have the right to equality, no matter their sex, race, ethnicity, age, sexual orientation or other distinctions, and governments are responsible for treating all people within their jurisdictions equally. When state actors in the Massachusetts family courts exhibit bias and discrimination against battered mothers, they violate battered mothers' human rights to non-discrimination, equal protection of the law, equality in judicial proceedings, and due process. Indeed, equality is a bedrock principle of human rights law. The right to non-discrimination and related rights are found in such documents as the Universal Declaration of Human Rights, the U.N. International Covenant on Civil and Political Rights, the U.N. International Convention on the Elimination of All Forms of Racial Discrimination, and the U.N. Convention on the Elimination of All Forms of Discrimination against Women.

### III. Degrading Treatment of Battered Women

*[The judge] told me off a couple of times. He yelled at me – that I needed to shut up, that I needed to stay quiet... I need to keep my emotions to myself...They treat you like you're kids in there.* Participant in study

Nearly every woman in our study said that judges, guardians ad litem, and/or probate probation officers had treated her with condescension, scorn, and disrespect, including by responding to her claims of partner and child abuse with sarcasm and dismissal. Compounding the problem is the fact that most of these women reported being personally mistreated by more than one family court official with whom they interacted.

In confirmation of survivors' reports, over half of the advocates who responded to our survey said that they were aware of incidents of personal mistreatment of battered mothers by state actors in the family court system.

Additionally, participants in our focus groups identified patterns of degrading treatment by making connections between this behavior and discrimination or bias. As one attorney noted:

*I see a different reaction from judges and family service officers to women who may dress in a certain way and who are articulate and educated as opposed to women who are not dressed as professional. In my opinion, they are not given much credibility; their story isn't trusted as much. In particular, the family service officers are condescending and disrespectful.*

As a result, battered mothers may be re-victimized and their allegations of abuse dismissed or not responded to effectively. This can contribute to court-ordered child custody and visitation arrangements that endanger women and that are not in children's best interests.

Degrading treatment of battered women also contributes to a court system in which a culture of gender bias still persists and that produces case outcomes that may be unjust and harmful.

### **Why Degrading Treatment is a Human Rights Violation ...**

*All human beings are born free and equal in dignity and rights.*  
Universal Declaration of Human Rights, article 1

*No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.*  
Universal Declaration of Human Rights, article 5

We all have the right to freedom from degrading treatment, and governments have the responsibility to take steps to respect, protect and fulfill people's human rights in ways that are consistent with human dignity. When state actors in the Massachusetts family courts systematically treat battered women with scorn and sarcasm, or dismiss them and put them down, they are violating their human right to freedom from degrading treatment. This right is contained in the Universal Declaration of Human Rights and the U.N. Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.

### **IV. Denial of Due Process to Battered Women**

*[T]here are some judges who seem not to get it in the area of battered women. Occasionally, [the Commission] will see a judge who just – when you listen to the tapes of the court proceedings – they are always cutting off the woman, not letting her finish her sentences.*  
Representative from the Massachusetts Commission on Judicial Conduct

Almost half of the women we interviewed reported that the judge in their case denied them an adequate opportunity to tell their side of the story or to respond to issues that had been raised by their ex-partners. Some women also commented that their ex-partners were consistently given more time and opportunity to speak in court as well as to present evidence and witnesses than were the women, particularly if the women were unrepresented. Granting men a greater opportunity than women to speak in court is a major concern because it can contribute directly to outcomes that are biased in favor of fathers and against mothers and children.

Another reported due process problem is probate probation officers who pressure battered mothers to engage in face-to-face mediation and/or dispute intervention with their abusers, despite knowledge of the partner abuse. Successful mediation requires equal bargaining power between the parties, a requirement that cannot be met in cases of partner abuse. Mediation between batterers and their victims exposes victims to danger and can result in their agreeing to terms that are not in their or their children's best interests.

In addition, many survivors reported to us that they were not given copies of the guardian ad litem reports in their cases. In some cases, they were only allowed to read them in their attorneys' offices; in other cases, they were not allowed to read them at all. This impounding of guardian ad litem reports serves to protect them from being scrutinized and challenged by the parties, which is particularly concerning since guardian ad



litem reports are heavily relied upon by judges as evidence. For battered mothers, this problem ultimately affects their ability to protect their children's best interests.

### **Why Denial of Due Process is a Human Rights Violation ...**

*Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations.*

Universal Declaration of Human Rights, article 10

*[Governments] shall...ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination.*

U.N. Convention on the Elimination of All Forms of Discrimination against Women, article 2

Everyone has the human right to due process of law, including a fair hearing for resolving disputes, freedom of speech, and equal protection of the law. When battered mothers are denied their due process rights, their ability to achieve justice and safety for themselves and for their children is seriously compromised. In cases where the courts uphold their ex-partners' rights to due process but fail to uphold theirs, battered mothers may also be denied equal protection of the law. These rights are enshrined in the Universal Declaration of Human Rights, the U.N. International Covenant on Civil and Political Rights, the U.N. Convention on the Elimination of All Forms of Discrimination against Women, and the U.N. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

### **V. Allowing the Batterer to Continue to Abuse Through the Family Courts**

*He's forced me to go back to court endlessly. I can't remember how many motions we have on our docket. There's got to be 150. Every time I turned around for years, there was another piece of paper coming in the mail from the courts.*

Participant in study

We found that there are batterers who use the family court system in ways that amount to harassment, retaliation, and intimidation of battered mothers, resulting in financial as well as emotional harm to women and children. The specific litigation abuse tactics uncovered by our study include filing multiple harassing, baseless, or retaliatory motions in court. Survivors also reported that their ex-partners made a range of false allegations against them in family court, such as accusing them of abusing, neglecting, or kidnapping the children, of denying visits with the children, of being a flight risk, and of using drugs. As one survivor reported: "He's done everything he could: lied about me in court, psychologically destroyed me, tried to destroy my credibility."

Another litigation abuse tactic described by women in our study was batterers who misuse the court process to avoid paying child support or to receive a reduction in child support. Many survivors, for example, said that their ex-partners lied about job status and/

or income, or hid assets. Finally, some women reported that their batterers used parallel actions in criminal and family courts to manipulate the courts to their advantage.

The failure of the family courts, particularly judges, to identify and prohibit this abuse of the court process, renders them complicit in it, as well as in any resulting harm to women and children. And the success of these tactics can erode a woman's stamina for sustaining the family court battle to keep her children and herself safe.

*The court process itself is daunting and traumatic. In addition, the abuse of the court process by the abuser (bringing the woman into court on innumerable frivolous motions) can lead to emotional and financial trauma, including the loss of employment...[and can cause] the gradual degradation of a woman's will to fight at all.*

Attorney in study

### **Why Failure to Exercise Due Diligence is a Human Rights Violation ...**

*[Governments should] exercise due diligence to prevent, investigate and punish acts of violence against women, whether those acts are perpetrated by the State or by private persons.*

U.N. Declaration on the Elimination of Violence against Women, article 4

Governments are responsible for exercising due diligence to end and prevent violence against women and children. Family courts' tolerance of batterers' litigation abuse tactics amounts to a failure to exercise due diligence, as well as a violation of battered mothers' and children's human rights to due process and equality in judicial proceedings. It also violates children's right to receive economic support from their parents. These human rights standards and rights are found in the Universal Declaration of Human Rights, the U.N. Declaration on the Elimination of Violence against Women, the U.N. Convention on the Elimination of All Forms of Discrimination against Women, the U.N. International Covenant on Economic, Social and Cultural Rights, and the U.N. Convention on the Rights of the Child.

### **VI. Failure to Respect the Economic Rights of Battered Women and Children**

*[The family court litigation has] financially crippled me and, therefore, interfered with financial resources that should have gone to taking care of the kids. It put me in debt. I've had to file for bankruptcy twice.* Participant in study

Survivors as well as attorneys and service providers reported that there are state actors in the Massachusetts family courts – particularly judges – who are negatively impacting battered women's and children's economic well-being through their actions and failures to act. Specific problems include judges who make unfair or unreasonable child support orders, fail to hold batterers accountable for nonpayment of child support, and allow batterers to continue their financially draining litigation abuse tactics.

A majority of the women we interviewed reported that they suffered financial hardship related to their family court ordeals. Some said that they had spent tens or even hundreds of thousands of dollars on legal fees and court-related costs, and others said that they were hundreds of thousands of dollars in debt. This problem is compounded by the fact that the majority of women in our study had substantially lower incomes than their ex-partners to begin with. For many survivors, these factors conspire to prevent them from being able to hire an attorney at all or from being able to retain an attorney throughout the entire course of the litigation.

Some women said that judges reduced the amount of child support to compensate for the cost of supervised visitation, an arrangement that, in effect, makes children pay for the cost of visiting with a man who abused them and/or their mothers. Furthermore, many women in our study reported that inadequate child support orders have caused them and their children financial hardship.

*The judge knew I was on food stamps. He knew I was on [public assistance]. He knew that the kids and I were on Mass Health [public health insurance]. So he knew we had no money and still he didn't order Tim to pay me child support. (Participant in study)*

### **Why Failure to Respect the Economic Rights of Battered Women and Children is a Human Rights Violation ...**

*[Governments] shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child.*

U.N. Convention on the Rights of the Child, article 27

Everyone has the right to an adequate standard of living, and governments are responsible for taking all appropriate steps to ensure that people within their jurisdictions have access to the resources necessary to attain one. The downward financial spiral in which many of the women we interviewed now find themselves can be traced in part to certain family court judges' actions or inactions which amount to a failure of the state to respect battered women's economic human rights. In particular, these state actors are failing to meet their human rights obligations to provide a standard of living that is adequate for children's development, and to take all appropriate measures to secure economic support for the child. These rights are enshrined in the Universal Declaration of Human Rights, the U.N. International Covenant on Economic, Social and Cultural Rights, and the U.N. Convention on the Rights of the Child. In some of the cases in our study, the family courts also may be failing to adhere to the Massachusetts Child Support Guidelines.

## KEY INTERNATIONAL HUMAN RIGHTS LAWS

### **Universal Declaration of Human Rights (UDHR), 1948**

United States in agreement by virtue of U.N. membership

<http://www.un.org/Overview/rights.html>

### **U.N. Declaration on the Elimination of Violence against Women (DEVAW), 1993**

United States in agreement by virtue of U.N. membership

<http://www1.umn.edu/humanrts/instree/e4devw.htm>

### **U.N. Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979**

United States signed in 1980 (has not ratified).

<http://www.unhchr.ch/html/menu3/b/e1cedaw.htm> ; <http://www.un.org/womenwatch/daw/cedaw/recomm.htm>

### **U.N. Convention on the Rights of the Child (CRC), 1989**

United States signed in 2000 (has not ratified).

<http://www.unhchr.ch/html/menu3/b/k2crc.htm>

### **U.N. International Covenant on Civil and Political Rights (ICCPR), 1966**

United States ratified in 1992.

[http://www.unhchr.ch/html/menu3/b/a\\_ccpr.htm](http://www.unhchr.ch/html/menu3/b/a_ccpr.htm)

### **U.N. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), 1984**

United States ratified in 1994.

[http://www.unhchr.ch/html/menu3/b/h\\_cat39.htm](http://www.unhchr.ch/html/menu3/b/h_cat39.htm)

### **U.N. International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), 1965**

United States ratified in 1994.

[http://www.unhchr.ch/html/menu3/b/d\\_icerd.htm](http://www.unhchr.ch/html/menu3/b/d_icerd.htm)

### **U.N. International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966**

United States signed in 1977 (has not ratified)

[http://www.unhchr.ch/html/menu3/b/a\\_cescr.htm](http://www.unhchr.ch/html/menu3/b/a_cescr.htm)

### **The Hague Convention on the Civil Aspects of International Child Abduction, 1980**

United States is a party to this convention

<http://adams.patriot.net/~crouch/haguetext.html>

**Battered Mothers Speak Out Report Supplement:  
Project Research and Organizing Materials**

**PART 1: RESEARCH DOCUMENTS**

## Research Documents: Interviews with Individual Battered Women ETHICS & CONFIDENTIALITY PROTOCOLS

### I. Project Application to Wellesley Centers for Women Ethics Committee

#### Project summary

The goal of this project is to document and address the human rights abuses inflicted by state actors in the Massachusetts family court system on battered mothers and their children through custody and visitation recommendations and decisions. The Women's Rights Network (WRN) is collaborating with a Steering Committee of three other domestic violence specialists, as well as a volunteer documentation team of battered women's advocates from around the state to conduct this report, which uses a combination of human rights fact-finding, community organizing, and movement-building. The data we collect through the fact-finding process will primarily be gathered from interviews with battered mothers about their personal experiences litigating custody and visitation in the family courts. Following this fact-finding phase, we will analyze the findings under international human rights laws and domestic laws, and produce a human rights report. This report will be used as an organizing tool for effecting concrete changes in state policies and practices with regard to child custody and domestic violence; as a vehicle for giving public voice and visibility to the experiences of battered mothers of diverse racial, ethnic and class backgrounds throughout Massachusetts; and as a model for human rights activism on a variety of other social justice issues throughout the United States.

#### Informed consent procedures

Our team of volunteer documenters, who all work at battered women's programs around the state, as well as our five-person Steering Committee, will conduct the interviews with the battered mothers, and thus will be the ones to obtain consent. The information that they will provide about the project and the means that they will use to obtain consent are outlined in the attached informed consent form. The consent form will be reviewed with the woman immediately prior to the interview, and then reviewed again immediately after the interview is complete, for the specific purpose of confirming her preference regarding the level of confidentiality she wants.

#### Recruitment of participants

The participants are being recruited both by the Steering Committee and by the documentation team. The participants are mostly individuals known to the team through the team's work on domestic violence. The project has been described to them and they have been invited to participate, or they have actively volunteered to participate.

### Information about participants

The participants in this project are battered women in Massachusetts who have children who were living with them during their relationships with their ex-partners, and who have gone to a Massachusetts family court at least once regarding child custody and/or visitation involving said children. Our goal is to interview 30-60 women over the course of the next six months. We anticipate that these women will represent multiple ages and life experiences. Our goal is for approximately 50% of the women we interview to be women of color, including immigrant and refugee women; however, racial or ethnic diversity is not an inclusion criterion. Our goal is also to interview women of diverse socio-economic and educational backgrounds so that middle and upper class women are also represented in this study.

### Information about data to be collected

The data will be collected through four-hour interviews with battered mothers; these interviews will be held either in one longer session or two shorter sessions, as the women choose. The documenters will also take note of any supporting evidence that the women have for their cases, in order to verify facts later during the analysis stage (supporting evidence include police or medical records, restraining orders, Guardian ad Litem reports, etc). We will be asking questions about: (1) history of partner and child abuse while she was still with her ex-partner; (2) history of partner and child abuse since she and her ex-partner separated; (3) economic and social issues, such as the costs she has incurred in litigating custody and visitation; (4) her experiences with specific state actors in the Massachusetts family court system, including judges, Guardians ad Litem, probate court probation officers, DSS, and court-appointed psychological evaluators; (5) miscellaneous issues, such as court interpretation, other forms of discrimination in the courts, fathers' rights organizations, etc. Please see attached questionnaire. The information collected may include identifiable private information, which is why we are taking every precaution to ensure her confidentiality. As stated in the overall description of the project above, the data obtained will not be used specifically for research purposes, but rather for the primary purposes of activism and organizing.

### Potential risks of participation

There is a possibility that the questions asked by the documenter may be emotionally upsetting to the women interviewed because they may resurface memories of abuse as well as feelings of anger and frustration with the family court system. This may be the case even though all of the women have volunteered to tell their stories and, in most cases, are extremely eager to tell their stories. To minimize this risk, all documenters are professional battered women's advocates, trained to counsel and support battered women. In addition, as noted in our protocol, each documenter will offer an extensive list of community resources and services to the participant after the interview is complete, and will also call her a few days after the interview to check in to see how she is doing emotionally. Finally, documenters will make it clear to the participants at the outset of the interview that they are not required to answer anything they do not wish to, and that they may end the interview at any time if they become too uncomfortable, without penalty and with entitlement to all referrals and the full payment.

The other risk of participating in this project is that once the final report is published, a judge could subpoena our files. Documenters will make this very clear to the participants before the interview

so that they can make an informed decision about whether to participate or not. Additionally, as outlined explicitly in the informed consent form, each participant will make a choice about the level of confidentiality she desires. Please see page 2 of said informed consent form for details about how we will protect participants' confidentiality. In the event that our files are subpoenaed, we are unable to maintain a woman's confidentiality, and she is then harmed by this project, we will work with the woman to decide the most effective course of action. If she is willing, we will mobilize the community support that we will have developed by that point to put pressure on the particular court to help counter its retaliation against the woman. We will also further publicize the mistreatment of battered mothers in the family courts through the media, tribunals, and other activities. In addition, we will encourage the woman to attend the battered mothers' support group (if she is not already a member) that one of our Steering Committee members is starting in January 2001 for women going through the family court system. We will also help the woman obtain quality, pro bono legal and therapeutic services (we are currently in the process of putting together such a list), if she has such a need.

#### Potential benefits of participation

It is certainly the hope of the project that the benefits will far outweigh the risks. From the Steering Committee's work on these issues over the past few years, we have seen that women are extremely eager to tell their stories and share their difficult and frustrating experiences in a respectful and supportive context. For many, this interview may be the first time that these women have been listened to, believed, and supported around the custody issues. Further, participants will receive extensive information about services in the community which will hopefully benefit her and her children. Finally, we hope that the participants will benefit by participating in an activist-oriented project that is designed to reform the family court system since so many of them have had terrible experiences with the system for many years. It is our hope that some of the interview participants will want to get involved in the project in other ways down the road, such as by helping to organize tribunals, media campaigns, legislative reform campaigns, and watchdog groups around these issues.

#### Importance of the knowledge that will emerge from these interviews

It cannot be understated how crucial these interviews are to the project. As with any human rights report, the core or foundation of our final report will be the testimonies of the victims – in this case, the battered mothers. Without these voices, it will be impossible for us not only to produce a human rights report on this topic, but also to mobilize a community-based movement to change the family court system.



## II. Informed Consent Form

Title of Study: Battered Mothers' Testimony Project: A Human Rights Report on Child Custody & Domestic Violence in Massachusetts

Purpose of the Project:

The Battered Mothers' Testimony Project seeks to document the ways that battered women and their children have been mistreated in the Massachusetts family courts by asking battered mothers directly about their experiences. Specifically, the Project focuses on how certain state actors in the family court system (judges, GALs, probate probation officers, DSS and psychological evaluators) have handled custody and visitation in cases where there is a history of domestic violence. The information we collect from you and other women with similar experiences will be used to educate the public and policymakers, and to advocate and organize for the reform of policies and practices in order to better ensure the safety of battered women and their children.

This study involves discussing your and your children's relationships with your abusive ex-partner, including any experiences of emotional, physical, sexual, and economic mistreatment. You will also be asked about how certain state actors in the family court system have responded to you and your concerns related to these experiences of abuse. However, if you are uncomfortable with any of these questions, you can refuse to answer a question or you can stop the interview at any time. The interview will take approximately 4 hours, which you may choose to complete in either one longer or two shorter sessions.

Following this interview, I, the interviewer will provide you with: 1) \$50 in cash for your time and participation; and 2) referrals to social services and health agencies which focus on the needs of battered women and their children. Following the interview and provision of payment and referrals, your participation in the Project is complete, although you will be given the option of involvement in future Project activities. Also, unless you ask me not to, I, the interviewer, will contact you in the next several days, at a time you choose, to provide you with an opportunity to further discuss any questions or concerns you might have, and/or emotional stress you may be experiencing as a result of the interview.

Compensation

As stated earlier, you will receive monetary compensation for your time. You will receive \$50 in cash for your participation in this interview regardless of whether you end it early or refuse to answer certain questions.

Confidentiality

The information that you provide will be kept confidential to the extent of the law. The Project staff can be forced by law to make a report or turn over certain records; therefore, we cannot guarantee your confidentiality. However, we will do our utmost to protect your confidentiality. Please choose one of the following two confidentiality options:

**[www.wcwonline.org](http://www.wcwonline.org)**

**Confidentiality Option 1:**

(a) You and your story will be given an alias (i.e. false name) and case number. Your testimony will be referred to in any publications of the Project using this alias only and not your real name. Any other identifying information (e.g. your profession) will also be disguised.

(b) After a brief check-in conversation with me, the interviewer, following the interview, the cover sheet containing your name and contact information will be destroyed. You will not be contacted again by the Project, and the Project will have no way of linking you with your testimony.

(c) Any supporting evidence that you give me, the interviewer, will be destroyed once the Project's final report is written.

**Confidentiality Option 2:**

(a) You and your story will be given an alias (i.e. false name) and case number. Your testimony will be referred to in any publications of the Project using this alias only and not your real name. Other identifying information (e.g. your profession) will *not* be disguised.

(b) After a brief check-in conversation with me, the interviewer, following the interview, the cover sheet containing your name and contact information will be placed in a locked file cabinet accessible only to Project staff. This cover sheet will only be accessed in order to contact you in the future regarding other opportunities to participate in the Project. Thus, the Project *will* have a way of linking you with your testimony.

(c) Any supporting evidence that you give me, the interviewer, will be placed in a locked file cabinet accessible only to Project staff.

**Important Note Regarding Confidentiality:** Regardless of the confidentiality option you choose, the following will hold true:

(a) The real names of any state actors in the family court system that you mention in connection with your testimony (i.e. judges, GALs, probate probation officers, DSS workers, and psychological evaluators) will be included in reports published by the Project, unless you request otherwise at the end of the interview.

(b) This informed consent form will be kept in a locked file cabinet accessible only to Project staff.

(c) The audiotape of this interview will be transcribed without your name, the names of your children, the names of any other family members, or the name of your ex-partner. The tape will then be destroyed.

(d) If I, the interviewer, am a mandated child abuse (51A) reporter and you report acts of physical or sexual abuse of a child, I may have an obligation to make a report to the Department of Social Services (DSS). In such a case, I would no longer be able to maintain your confidentiality.

Please select one of the following by writing your initials in one of the blanks below:

Confidentiality Option 1 \_\_\_\_\_

Confidentiality Option 2 \_\_\_\_\_

You will have the opportunity to review your Confidentiality Options at the conclusion of this interview. If you wish to change your level of confidentiality, you may do so at that time.

#### Risks of Participating in the Project:

There is a possibility that the questions I, the interviewer, ask you might be emotionally upsetting to you. Remember, you are not required to answer anything you do not wish to. You may also end the interview at any time if you become too uncomfortable, without penalty and with entitlement to all referrals and the full payment. In addition, at the end of the interview, I will provide you with a list of support services for battered women, which I encourage you to use if you need to.

The other risk of participating in this project is that a family court judge could subpoena our files in connection with a custody dispute. If this should happen, we will resist this subpoena to the full extent of the law. We will also do our utmost to support you and to mobilize community support for you as well. This risk only applies if you have chosen Confidentiality Option 2.

Another risk of participating in this Project is that your ex-partner may become angry or violent toward you if he discovers that you have given us your testimony. If this should happen, I encourage you to contact one of the battered women's programs near you for support, advice and assistance (a list of programs across the state is included in your packet).

#### Benefits of Participating in the Project:

It is possible that you will not experience any personal benefit from your participation. However, it is the hope of the Project that through sharing your difficult experiences in a respectful and supportive context, receiving information about services which may benefit you and your children, and participating in a project designed to reform the family court system, you will experience some benefit through your participation.

#### Questions

If you have any questions regarding this Project or your participation, either now or at any time in the future, please feel free to ask them. Project staff will be happy to answer any of the questions you may have: Carrie Cuthbert, Jay Silverman and Kim Slote may be reached at (781) 283-2509/2548. Gillian Andrews and Lundy Bancroft may be reached at (413) 582-6700. In addition, you may obtain further information about your rights as a research participant by calling Sumru Erkut, Chair of the Wellesley Centers for Women's Ethics Committee, at (781) 283-2533.

#### Withdrawal

You are not obligated to participate in this Project. If you participate, you may withdraw your consent and discontinue your participation at any time. If you wish to withdraw

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your consent and have all information that you provided to the Project eliminated from all Project files, call Carrie Cuthbert at (781) 283-2509 and provide her with your case number. You will not need to provide your name to withdraw your consent.

**YOUR CONSENT – PART ONE**

“I have read (or heard) the consent form and fully understand it. I have been informed of the risks and benefits involved, and all of my questions have been answered to my satisfaction. Furthermore, I have been assured that any future questions I may have will also be answered by a member of the Project staff. I understand that I will receive a copy of this completed form.”

“I understand that I am free to withdraw consent and discontinue participation in this Project at any time without prejudice. I voluntarily consent to my participation in the described Project.”

“I, the participant, hereby agree to participate in the Battered Mothers’ Testimony Project: A Human Rights Report on Child Custody & Domestic Violence in Massachusetts.”

\_\_\_\_\_  
Participant

\_\_\_\_\_  
Date

“I have witnessed that the elements of the above informed consent form have been adequately and appropriately explained to the participant.”

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Date

\*\*\*\*\*

**YOUR CONSENT – PART TWO**

“After completing the interview, I have selected the following Confidentiality Option, with the understanding that this is the option that will be adhered to, and not the option that I originally agreed to prior to the interview (if there is a discrepancy).”

*Please select one of the following by writing your initials in one of the blanks below:*

Confidentiality Option 1 \_\_\_\_

Confidentiality Option 2 \_\_\_\_

*Please circle yes or no to the following statement:*

"I give the Project permission to include in its reports the real names of any state actors in the family court system that I have mentioned in connection with my testimony."      YES      NO

\_\_\_\_\_  
Participant

\_\_\_\_\_  
Date

"I have witnessed that the elements of the above informed consent form have been adequately and appropriately explained to the participant."

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Date

## INTAKE & INTERVIEW PROTOCOLS

### Intake

1. Receive telephone number of a safe place to call potential participant, either from a Steering Committee member or from documenter's own recruitment efforts. *Please note: recruitment of potential participants will be done by Steering Committee members and documenters, primarily through outreach to battered women's programs.*
2. Call potential participant and introduce the Project, as described in the intake form.
3. Complete intake form with potential participant.
4. Tell potential participant that you will call her back at the time she requested in the intake form, once you speak with your Steering Committee coordinator.
5. Contact your Steering Committee coordinator to confirm whether or not this individual meets the inclusion criteria, to discuss interview needs (e.g., individual to provide childcare), and to address diversity concerns.
6. If it is determined that this potential participant meets all of the inclusion criteria, obtain a case number for the interview from your coordinator on the Steering Committee, and then call the participant to arrange the interview. Make sure to complete the interview scheduling form. If she does not meet the inclusion criteria, call her to explain why not. *Please note: if the interview will be conducted in two parts, try to schedule both sessions. If you are unable to schedule the second session at this time, make sure to schedule it at the end of the first session. Do not allow more than two weeks to pass between sessions.*
7. Reiterate the following: (a) the interview could take up to four hours, which can be completed in one or two sessions, as she wishes; (b) she will be paid a total of \$50 in cash for her time; and (c) she should come to the interview prepared to list the supporting evidence she has for her case, but she should NOT bring any actual documents to the interview.
8. Ask her to call you as soon as possible if she needs to cancel or reschedule. Tell her that you will call to confirm the appointment the day before (determine a good time to call).
9. Call another member of the documentation team to conduct the interview with you if desired or required for childcare.
10. Call your Steering Committee coordinator with the date, time and location of the interview, any special needs for the interview such as child care, and the name of second documenter (if any) who will be assisting in the interview (or ask about availability of other documenters to assist you). Plus, arrange date to do post-interview debriefing with your coordinator.

11. Call participant the day before the interview to confirm the appointment and to confirm any special arrangements such as child care.

### **Interview**

(Introduce yourself, implement childcare arrangement, and thank her for her willingness to participate)

1. Review the purpose of the Project, using the following points:

a) We are looking at abuses of the rights of battered mothers in custody and visitation litigation, focusing on the actions of judges, probate court probation officers, DSS, GALs, and court-appointed psychological evaluators. During the interview, we will also be asking a series of questions about partner and child abuse, as well as about the ways she has been harmed economically, in order to help us understand better the ways that the family court system has violated her and her children's rights.

b) The goal of collecting this information is to prepare a human rights report to publicize the mistreatment of battered women and their children in the family court system, and to organize for reform of this system.

2. Go over the Informed Consent Form. Read it to her or have her read it herself. Explain to her that you will need her to choose a confidentiality level and sign Part I at the end of the form (both copies), and that you will ask her to confirm her decision about confidentiality and sign again under Part II (both copies) once the interview is over. Once she has chosen her confidentiality level and signed under Part I, you must also sign both copies under "Witness".

3. Tell her that we are aware that the interview will ask her about difficult and painful experiences, and that we want to do everything we can not to re-traumatize her. We want to respect her needs, especially her emotional needs, at all times during the interview. She can take breaks as needed, or do anything else that she feels will help her with the experience of going through this interview. She also can end the interview at any time if she feels the need to do so. And she can decline to answer any question she chooses to, or ask for clarification of any question that is not clear to her.

4. Mention to her that after the interview we will be reviewing possible resources for her, and making sure that she is aware of all the rights she currently has regarding her case.

5. Explain that, because of the amount of material we are attempting to cover during this interview, we may need, at times, to interrupt her in order to move on to the next question. Tell her that we hope she will not take offense at this.

6. Also let her know that we realize that it may be difficult to remember certain details about the case, but that she should just do her best and provide the overall picture if she cannot remember details.

7. Ask if she has any questions she would like to ask before beginning the interview. Remind her that she may ask questions at any time during the interview as well.

8. Fill out the cover sheet.
9. Turn on tape recorder, make sure it's working, and start the interview. Remember to follow each section thoroughly and to keep the conversation moving. Parts 1, 2 and 3 of the questionnaire take approximately two hours, and Parts 4 and 5 also take approximately two hours.
10. At the outset of each section of the questionnaire, let participant know the section's subject or focus. You are NOT required to write any answers to the questions on the hard copy of the questionnaire; however, feel free to write brief and legible highlights or comments for any given question on the hard copy, if you wish.
11. **Very important!!!** Remember to turn over/change tapes when the recorder stops, and to label each tape with the case number of that interview and the individual number of the tape (i.e., #1, 2 or 3).

Mandated Reporters: If you are a mandated 51A reporter and the participant discloses incidents of physical or sexual child abuse during the interview, you may be required to file a 51A report with the Department of Social Services.

### **Closing**

1. Review with participant her initial decision regarding confidentiality, and ask her if she has changed her mind. Also ask her if we can use the real names of state actors when we transcribe her testimony. If she says no, make sure to write on the **FIRST PAGE** of the hard copy of the questionnaire: "change names of state actors".
2. Mark Part II of both copies of the Informed Consent Form to reflect this decision. Ask participant to sign both copies in the space provided under Part II, and then sign both copies yourself. Provide participant with one of the copies. Remind her that she can call the Project at any time to request a change in the level of confidentiality or to withdraw her testimony.

**Note:** If participant has chosen Confidentiality Option 1, write her case number on her copy of the Informed Consent Form so that she can contact the Project later to identify her testimony for any reason (e.g. to withdraw it or change her level of confidentiality).

3. Fill out the supporting evidence checklist on the Post-Interview Form.
4. Give participant the resource packet. Draw her attention to the resources listed, including:
  - ◆Battered women's services
  - ◆ Services for children exposed to domestic violence
  - ◆Free and low cost legal assistance
  - ◆ Supervised visitation centers
  - ◆Book and video resources

**Note:** If you feel that the participant is or may be in danger, strongly encourage her to immediately contact her local battered women's program or other appropriate resource.



5. Also draw participant's attention to information in the resource packet explaining her rights to:
  - ◆ File judicial conduct complaints
  - ◆ File licensing board complaints
  - ◆ File complaints with the American Bar Association
  - ◆ File complaints with the American Psychological Association
  - ◆ Request evidentiary hearings or a trial, or file an appeal

6. Tell her not to hesitate to call you if she remembers other important events or facts that she forgot to mention, or finds additional documentation.

7. Ask her how she's feeling. Find out something about her plans over the next couple of days, and what kind of support she can draw upon. Does she have any thoughts regarding how she might deal with any negative reactions on her part due to the interview? Whom could she call?

Explain that she can call you or anyone on the Steering Committee if she is having a difficult reaction to the interview, and that you will help her find options and resources in her area.

8. Ask her if she is interested in participating in other ways in the project, in addition to giving her testimony or story. Go over the possibilities with her that are listed on the Post-Interview Form (and on the handout in her packet). If she says "yes" to any of those possibilities, tell her that we will get back to her about it. If she says "no", tell her she can call us if she changes her mind at any point. Tell her that we would like to invite her to a meeting of women who have participated in the project that will be scheduled for early next year, and that she will be given another opportunity to get further involved in the project at that time.

9. Make sure that she has your work telephone number, and the telephone numbers of the Steering Committee (listed on the Informed Consent Form).

10. Pay her \$50 in cash. Have her sign cash receipt form.

11. THANK HER PROFUSELY.

### **Post-Interview**

1. Call your Steering Committee coordinator at arranged time to discuss:
  - a. How documenter is feeling emotionally and any support they need
  - b. How the interview went, situations that were difficult to handle and what would make it better, glitches with the questionnaire, etc.
  - c. Provide a review of key points of participant's story and key human rights abuses discussed
  - d. Provide opinion of whether participant might be appropriate for public speaking, trainings, hearings, etc.

- e. Go over items gathered:
  - Intake Form
  - Cover Sheet
  - Cassette tapes of interview
  - Informed Consent Form
  - Post-Interview Form
  - Date of follow-up call to participant
  - Signed cash receipt form
2. Bring/mail all above materials to Women's Rights Network (send by certified mail if mailing).
3. Make follow-up call to participant. Discuss:
  - (a) how she is feeling;
  - (b) how she felt about the interview and did she feel that she had the opportunity to express what she wanted to about her experiences with the family court system;
  - (c) if there is anything she would like to add to her testimony; and
  - (d) if there is any other kind of support or resources that the Project can provide to her.
4. Call coordinator on Steering Committee to confirm that you completed follow-up call to participant, and to let coordinator know about any resources or other materials that need to be sent to the participant.

### **Intake and Scheduling Form**

1. Receive telephone number of a safe place to call potential participant, either from a Steering Committee member or from documenter's own recruitment efforts. *Please note: recruitment of potential participants will be done by Steering Committee members and documenters, primarily through outreach to battered women's programs.*
2. Call potential participant and introduce the Project, as described in the intake form.
3. Complete intake form with potential participant.
4. Tell potential participant that you will call her back at the time she requested in the intake form, once you speak with your Steering Committee coordinator.
5. Contact your Steering Committee coordinator to confirm whether or not this individual meets the inclusion criteria, to discuss interview needs (e.g., individual to provide childcare), and to address diversity concerns.
6. If it is determined that this potential participant meets all of the inclusion criteria, obtain a case number for the interview from your coordinator on the Steering Committee, then call

the participant to arrange the interview. Make sure to complete the interview scheduling form. If she does not meet the inclusion criteria, call her to explain why not. *Please note: if the interview will be conducted in two parts, try to schedule both sessions. If you are unable to schedule the second session at this time, make sure to schedule it at the end of the first session. Do not allow more than two weeks to pass between sessions.*

7. Reiterate the following: (a) the interview could take up to four hours, which can be completed in one or two sessions, as she wishes; (b) she will be paid a total of \$50 in cash for her time; and (c) she should come to the interview prepared to list the supporting evidence she has for her case, but she should NOT bring any actual documents to the interview.

8. Ask her to call you as soon as possible if she needs to cancel or reschedule. Tell her that you will call to confirm the appointment the day before (determine a good time to call).

9. Call another member of the documentation team to conduct the interview with you if desired or required for childcare.

10. Call your Steering Committee coordinator with the date, time and location of the interview, any special needs for the interview such as child care, and the name of second documenter (if any) who will be assisting in the interview (or ask about availability of other documenters to assist you). Plus, arrange date to do post-interview debriefing with your coordinator.

11. Call participant the day before the interview to confirm the appointment and to confirm any special arrangements such as child care.

## **CHECKLIST FOR INTERVIEWS**

Make sure you take the following items to every interview:

- Intake and interview protocol
- Informed consent forms (two copies!)
- Cover sheet
- Questionnaire
- Outline of questionnaire
- Post-interview form
- Tape recorder, three 90-minute cassettes, extra batteries (if not using outlet)
- Information packet for participant
- \$50 cash
- Cash receipt form

## **POST-INTERVIEW FORM**

**CASE #** \_\_\_\_\_

1. Put a check by all of the types of supporting evidence that participant has access to:

- Police reports
- 209A's
- 209A Affidavits
- GAL reports (or does her lawyer have a copy we can see)
- Court papers, such as motions and responses
- Docket # of her case
- Therapists' reports, psychological evaluators' reports, or other expert reports
- Photographs
- Audiotapes, videotapes, letters, or other relevant evidence
- Other (specify) \_\_\_\_\_

2. Is participant interested in getting involved in the project in other ways?

- Start or participate in a support group for battered women going through the family court process
- Participate in a photographic exhibit
- Do public speaking about her experiences
- Present her story at a public hearing
- Become a documenter/interviewer
- Start or participate in a grassroots advocacy organization on these issues
- Other (e.g. translate interview into other languages, transcribe tapes of interviews, locate other women to be interviewed)

## INTERVIEW QUESTIONNAIRES & SUPPORTING DOCUMENTS

### Glossary of Terms

These are terms that will assist documenters to understand the testimonies they are collecting from battered mothers. We recommend that you familiarize yourself with this list.

Abuse Prevention Order Presumption - Under Massachusetts law, if one parent has a restraining order (209A) against the other parent, there is a rebuttable presumption that the court should grant sole legal and physical custody of any children to the 209A plaintiff in making Temporary Orders. This presumption does not apply at the stage of permanent orders (such as when a divorce is finalized, or following a trial).

Adjudication of Paternity - In cases where the couple was not married, and where the father's name does not appear on the birth certificate, the purported father is not the child's legal father until a probate or juvenile court has issued a finding, called an adjudication, that declares that he has been determined by the court to be the child's legal father.

Care and Protection Petition - A legal action filed in juvenile court, usually by DSS, requesting that the child or children named in the petition be declared in need of care and protection by the state, and also generally requesting that legal custody be assigned to DSS.

Child Abuse Report (51A) - A report made to DSS alleging abuse or neglect of a child. The report may be determined not to be appropriate for investigation ("screened out"), or may be investigated but determined that DSS is not able to find evidence to support the allegation ("unsupported"). An unsupported 51A may sometimes be treated by a family court as meaning that DSS found the allegation to be false, although this is an incorrect interpretation.

Child's Attorney - A juvenile or probate judge can appoint an attorney to represent a child. This attorney is expected to promote the child's stated requests, unless the child is too young to have an informed opinion (this age is not clearly defined). In the case of such a younger child, the attorney is to promote what he or she believes to be in the child's interests.

Complaint - A complaint is a legal action filed in probate court for such matters as divorce, contempt, or modification of a permanent order such as a divorce judgment or a separation agreement. A complaint needs to be served on the other party by a process server.

Court Investigator - Each time a juvenile court finds a child to be in need of care and protection, it must appoint an independent investigator to report to the court on the child's circumstances. Court investigators generally make recommendations as part of their report.

Custody Presumption Act - In 1998, a law was passed in Massachusetts creating a rebuttable presumption that a child is not to be placed in sole or joint legal or physical custody with a perpetrator of a serious incident, or recurring pattern, of domestic violence. In order to go against this

presumption, the judge needs to make written findings explaining his or her reasoning for doing so.

Deposition - The taking of sworn testimony from a witness, without a judge present, in order for lawyers to be able to discover what the witness will testify to at trial. Depositions usually take place at the office of one of the lawyers.

Discovery - The rights of parties to a legal action to obtain information from the other party prior to a trial.

Evidentiary Hearing - A hearing that is generally of shorter duration than a trial, in which the parties have the opportunity to present witnesses. It generally addresses only one issue before the court, unlike a trial which typically addresses all the unresolved issues in the divorce or separation.

Gender Bias Study - A study that was commissioned in 1989 by the Massachusetts Supreme Judicial Court. Among many other findings, the study found that fathers are at a tremendous advantage in custody disputes in this state, winning sole custody 3 – 3 ½ times for each time a mother wins sole custody (if custody is contested), and winning at least joint custody in more than 70% of contested custody cases.

Grandparent Visitation - Until recently, grandparents had the right to file in court for visitation. This opportunity has been exploited by batterers, who can have their parents file for visitation, thereby giving the battered woman a new litigation problem to deal with. A recent federal court ruling declared court-ordered grandparent visitation to be unconstitutional (as a violation of the right to privacy). This ruling did not refer directly to Massachusetts law (it involved another state), so the status in our state is still unclear.

Guardian ad Litem (GAL) - A Guardian ad Litem is a person appointed by the court to make a report on a child's best interest. GALs are frequently appointed in custody and visitation conflicts. A GAL report is not available to the public (it is "impounded,") and the parties are generally not allowed to retain a copy.

Guardian ad Litem to Waive Privilege - In cases where the child has been involved in a privileged relationship (such as with a licensed therapist), a special GAL may be appointed to determine whether it is in the child's best interest for that privilege to be waived so that the court can gain access to the privileged communications.

Judicial Immunity - Judges are immune from lawsuit for their conduct as judges, and this immunity extends to all judicial appointees. It is thus impossible, for example, to sue a judge, regardless of the seriousness of his or her unprofessional conduct.

Motion - A motion is a legal action filed in probate court for matters that do not require a complaint, including modifications of Temporary Orders. Service can be by mail or fax, with service by a process server. Motions can involve such things as changes in the visitation schedule or requests that visits be supervised. A motion cannot be filed unless there is a complaint pending that was filed previously.

Parental Alienation Syndrome - This is a falsely claimed syndrome increasingly used by batterers to establish in court that his children's resistance to visitation with him is due to the mother's efforts to turn the children against him.

Paternity - This is the term used by the court for custody, visitation, and child support

actions in which the couple was never married. Files in cases where the couple was never married are not public records as they are for divorce.

Paternity Presumption - If the parents were never married, Massachusetts law creates a rebuttable presumption that sole legal and physical custody should be granted to the mother.

Probate Probation Officer - These court employees, formerly known as "family service officers," have various responsibilities in custody and visitation cases for fact gathering, dispute resolution, and making recommendations to the judge.

Supreme Judicial Court - The highest court of Massachusetts, which can review decisions by any other court, including the Appeals Court.

Temporary Orders - Applies to almost any order issued by a probate court judge governing custody, visitation, or child support, except orders arising from a trial or in a final divorce judgment. The Appeals Court generally does not review appeals of Temporary Orders from the probate court.

## Questionnaire Outline

**Note:** This outline was used by documenters in order to keep them focused during the interviews. It also was given to participants so that they had a sense of how the interview would flow and could tailor their responses accordingly.

I. History of partner and child abuse while participant was still in a relationship with her ex-partner.

II. History of partner and child abuse since participant separated from her ex-partner.

III. Economic issues related to the custody and visitation litigation.

IV. Participant's experiences with state actors in the family court system.

- Judges
- Guardians Ad Litem
- Probate Court Probation Officers
- Department of Social Services
- Court-appointed psychological evaluators

V. Miscellaneous questions.

(e.g., "Do you feel that you have been discriminated against in other ways in family court? For example, on the basis of race, social or economic status, educational level, nationality or immigration status, English language ability, religion, and so on?")



## Questionnaire Cover Sheet

**Note:** Each questionnaire contained a detachable cover sheet that was completed and either kept on file or destroyed after the interview was transcribed, according to the confidentiality level the participant selected.

Today's Date: \_\_\_\_\_

**CASE #** \_\_\_\_\_

Documenter's Information:

Name: \_\_\_\_\_

Affiliation/Organization: \_\_\_\_\_

Tel: \_\_\_\_\_

Fax: \_\_\_\_\_

Email: \_\_\_\_\_

Name of documentation partner (if any): \_\_\_\_\_

Participant's Information:

Name: \_\_\_\_\_

Age: \_\_\_\_\_

Race/ethnicity: \_\_\_\_\_

Nationality: \_\_\_\_\_

English-speaking? Y      N      If no, specify language: \_\_\_\_\_

Mailing address: \_\_\_\_\_

Preferred telephone number: \_\_\_\_\_

Email address: \_\_\_\_\_

Alternate mailing address: \_\_\_\_\_

\_\_\_\_\_  
Alternate telephone number: \_\_\_\_\_

Contact information of friend/relative who can release participant's contact information in case of changes to the above: Name: \_\_\_\_\_ Address: \_\_\_\_\_ Tel \_\_\_\_\_

Information about Participant's Ex-Partner:

First name only: \_\_\_\_\_

Age: \_\_\_\_\_

Race/ethnicity: \_\_\_\_\_

Nationality: \_\_\_\_\_

Information about Participant's Child(ren):

How many children do you have? \_\_\_\_\_

*Child 1:*

First Name: \_\_\_\_\_ Male Female (circle one) Age: \_\_\_\_\_

Relationship to (ex-partner): \_\_\_\_\_

Ever lived with (ex-partner): YN

Note: Complete above information for as many children as participant has.

## Questionnaire – Long Version

**NOTE:** For the vast majority of our interviews, we utilized this version of the questionnaire. A much smaller number of our later interviews used a modified version of this questionnaire (see pp. 57-65).

**CASE #** \_\_\_\_\_

### Documenter Information

Name:

Affiliation/Organization:

Tel:

Email:

Name of documentation partner (if any):

### **PART ONE: History of partner and child abuse while participant was still in a relationship with her ex-partner**

1. What is your current relationship to (your ex-partner)?

married, living apart

divorced

never married

other \_\_\_\_\_

1a. How many years did you live together? \_\_\_\_\_

2. While you and (your ex-partner) were together, did he ever use money to hurt or control you, for example by limiting your access to bank accounts, controlling your earnings, making it impossible for you to work, monitoring your spending, or spending the family's money on gambling or alcohol? If yes, please describe.

3. Can you tell us about any ways that (your ex-partner) tried to harm you emotionally or psychologically, such as by calling you names, blaming you for his problems, trying to make you feel crazy, humiliating you, controlling you, intimidating you, or otherwise treating you cruelly?

4. Did (your ex-partner) ever use physical force or violence against you? If yes, please describe.

5. Did (your ex-partner) ever threaten you physically, or behave in any ways that made you afraid for your safety? If yes, please describe.

6. Now I'm going to ask you some questions about a topic that many women find especially difficult or embarrassing to talk about, but that men often use to hurt women. I'm going to ask you a series of yes or no questions because it is so difficult to talk about. Did (your ex-partner) ever do any of the following while you were together as a couple?

- Insisted on having sexual intercourse or that you participate in sexual acts when you didn't want to.
- Insisted on having sexual intercourse or that you participate in sexual acts after physically or emotionally hurting you.
- Retaliated against you emotionally or physically if you refused to have sexual intercourse or participate in sexual acts.
- Threatened to harm you if you didn't have sexual intercourse or participate in sexual acts.
- Threatened to harm your child(ren) if you didn't have sexual intercourse or participate in sexual acts.
- Used physical force to make you have sexual intercourse or participate in sexual acts.
- Forced or pressured you to view pornography.
- Forced or pressured you to have sex with others.
- Deliberately concealed his sexually transmitted diseases, such as HIV/AIDS.
- Withheld sex as a form of punishment or in order to make you feel rejected or for some other deliberately hurtful purpose.
- Had extramarital affairs.
- Any other form of sexual mistreatment \_\_\_\_\_

7. While you were still together with (your ex-partner), what was hardest about his mistreatment of you, overall?

8. Were your child(ren) ever present during any of the types of incidents you just described? For example, were they ever being held by you or (your ex-partner), napping or playing in the house or apartment, riding in the car with you, etc. during these incidents? If yes, please describe.

**Note to documenter:** *If necessary, refer participant to the range of abusive incidents that she has just described in order to make clear that we are asking about any abusive incidents during which the child(ren) were present during.*

8a. How did your child(ren) respond during these incidents? For example, did they ever try to stop the abuse, take sides, hide, cry, yell, become aggressive etc.?

9. Do you feel that your child(ren) were ever in danger of being physically hurt during these or other incidents? If yes, please describe.

**Note to documenter:** *Remind participant that we're still talking about when she was still in a relationship with her ex-partner.*

10. Were your child(ren) ever actually physically harmed during these or other incidents? If yes, please describe.

11. When you and (your ex-partner) were still together, were there any recurring, problematic or disturbing behaviors of your child(ren) that you feel were connected to (your ex-partner)'s behaviors? If yes, how do you feel they were connected?

12. Did (your ex-partner) ever do things to harm your relationship with your child(ren) or to limit your ability

to parent them? For example, did he ever undermine your authority, try to turn your child(ren) against you or upset or injured you so much that you couldn't take care of them? If yes, please describe.

13. Did (your ex-partner) ever do anything to emotionally or psychologically harm your child(ren), such as call them names, put them down, humiliate them, or make them feel badly about themselves in other ways? If yes, please describe.

14. When you and (your ex-partner) were still together, did he ever physically harm your child(ren)? If yes, please describe.

15. Did (your ex-partner) ever do anything to frighten or threaten to harm your child(ren), such as drive dangerously with them in the car, threaten to harm something that they care about, or threaten to kill them? If yes, please describe.

**Note to documenter:** Let participant know that this includes any statements he may have made to her that threaten to harm the child(ren).

16. Did (your ex-partner) ever do anything to sexually harm your child(ren), such as touch their genitals, breast or buttocks, or have them perform any kind of sexual acts with him? If yes, please describe.

17. Did (your ex-partner) ever do anything else that you felt was sexually inappropriate, that crossed sexual boundaries or otherwise made you concerned in this area regarding your child(ren), such as behaving flirtatiously with them, making comments about their bodies, exposing them to pornography, etc.? If yes, please describe.

18. While you and (your ex-partner) were still together, what was hardest for you about his behavior towards the child(ren) overall, and what do you feel was most upsetting to them?

**PART TWO: History of partner and child abuse since participant separated from her ex-partner**

19. I'm going to ask you a couple of very brief questions about custody and visitation just so that I know your basic situation, but we'll get into all the details later on in the interview.

19a. What is your current custody arrangement with (your ex-partner)?

sole physical custody: You    Your ex-partner

sole legal custody:    You    Your ex-partner

joint legal custody

joint physical custody

state has custody

other \_\_\_\_\_

19b. What is the current visitation plan for the non-custodial parent (if relevant)?

19c. Can you give me a very brief history, with approximate years, of who has had legal and physical custody of your child(ren) since you and (your ex-partner) separated?

20. Since separation, has (your ex-partner) used money to hurt or control you, such as left you with his debts, stolen from you, destroyed your property, damaged or destroyed your credit, or caused you high legal expenses? If yes, please describe.

21. Can you tell us about any ways that (your ex-partner) has tried to harm you emotionally or psychologically since separation?

22. Has (your ex-partner) ever used physical force or violence against you since separation? If yes, please describe.

22a. If yes, did (your ex-partner) ever do these things close to or during exchanges of the child(ren) or visitations?

23. Since separation, has (your ex-partner) ever threatened you physically, or behaved in any ways that made you afraid for your safety? If yes, please describe.

23a. If yes, did (your ex-partner) ever do these things close to or during exchanges of the child(ren) or visitations?

24. How has (your ex-partner's) behavior since separation affected your relationship with your child(ren), including your ability to parent them?

25. Since separation, has (your ex-partner) ever used the child(ren) as a weapon to retaliate against you or control you in any way? If yes, please describe.

26. Has (your ex-partner) ever done anything since separation to emotionally harm or manipulate your child(ren)? For example, has he ever done or said things to make them feel responsible or sorry for him or made them feel badly about themselves in some way? If yes, please describe.

27. Has (your ex-partner) ever done anything since separation to physically harm your child(ren)? If yes, please describe.

28. Has (your ex-partner) ever done anything since separation to frighten or threaten to harm your child(ren)? If yes, please describe.

**Note to documenter:** Let participant know that this includes any statements he may have made to her that threaten to harm the child(ren).

29. Has (your ex-partner) ever done anything since separation to sexually harm your child(ren)? If yes, please describe.

30. Since separation, what has been hardest for you about (your ex-partner)'s behavior overall?

31. Since separation, what have been the most severe consequences of (your ex-partner)'s behavior, for you and/or for your child(ren)?

32. Have you ever taken out a restraining order against (your ex-partner), either while you were still together or since separation?      Y      N

If yes,

32a. How many? \_\_\_\_\_

- 32b. Has he ever violated the restraining order(s)? Y N If yes,  
(i) Did any of these violations occur close to or during exchanges of the child(ren)  
or visitation? Y N
- 32c. Did he ever take out a restraining order against you? If yes, please explain.

33. Is there anything else you would like to tell us about (your ex-partner's) mistreatment of you, either during the relationship or since separation?

**Note to documenter:** Check in with participant about how she's doing. Thank her for sharing these difficult stories with you. Ask her if she wants to take a break at this time.

**PART THREE: Economic issues related to the custody and visitation litigation**

**Now I'm going to ask you for some details about costs related to child support, lawyer's fees, missed work, and other financial aspects of the custody litigation.**

34. What is your highest educational level or degree?
35. What is your current profession or occupation (paid or unpaid, including working in the home)?
36. What is your approximate yearly income from all sources (e.g., wages, government benefits, child support, spousal support, investment income, unreported wages, etc.)?
37. What is (your ex-partner)'s highest educational level or degree?
38. What is (your ex-partner)'s current profession or occupation (paid or unpaid)?
39. What is (your ex-partner)'s approximate yearly income from all sources?
40. Did you have a lawyer at any time during the process of litigating custody and visitation with (your ex-partner)? Y N
- 40a. Who is your current lawyer, if you have one?  
Name \_\_\_\_\_  
Law firm or organization \_\_\_\_\_
- 40b. Have you had a lawyer throughout the entire process of litigating custody and visitation with (your ex-partner)? Y N If no, why not?
- 40c. How did you pay for your lawyer(s)?  
own money  
(ex-partner) paid  
borrowed money or took out a loan  
legal aid/legal services  
lawyer helped you for free (pro bono)  
never paid lawyer (outstanding debt)  
other \_\_\_\_\_

41. Did (your ex-partner) have a lawyer at any time during the process of litigating custody and visitation with you? Y N

41a. Who is his current lawyer, if he has one?

Name \_\_\_\_\_

Law firm or organization \_\_\_\_\_

41b. Did (your ex-partner) have a lawyer throughout the entire process of litigating custody and visitation with you? Y N

41c. To your knowledge, how did (your ex-partner) pay for his lawyer(s)?

own money

you paid

borrowed money or took out a loan

legal aid/legal services

lawyer helped him for free (pro bono)

never paid lawyer (outstanding debt)

other \_\_\_\_\_

don't know

42. Have you or (your ex-partner) ever been court-ordered to pay child support?

Y N NA If yes,

42a. Who was ordered to pay? You Your ex-partner

42b. To your knowledge, how did the judge(s) determine the level of child support?

child support guidelines

agreement between you and (your ex-partner)

other \_\_\_\_\_

42c. If (your ex-partner) was ordered to pay child support, has he been in compliance with his child support obligations? Y N If no, please explain.

43. Did you ever want to do something related to the custody and visitation litigation that you didn't do because it was too expensive, such as hire a lawyer, take a deposition, hire an expert witness, take your case to trial, etc? If yes, please describe.

43a. In your opinion, how has your inability to pay for these affected your case?

44. If you work or worked outside the home, have you ever had to miss work to go to family court? Y N NA (i.e., don't work outside the home)

If yes,

44a. How much work have you missed (number of total days missed)?

44b. What reasons have you given your employer for missing work?

called in sick

took a vacation day

took a personal day

said you had a court date

other \_\_\_\_\_

44c. What has happened to your job(s) as a result of your missing work?

nothing



used up vacation/sick days  
was reprimanded/criticized  
received warning  
pay was reduced  
demoted  
fired  
other \_\_\_\_\_

45. Approximately how much money have you spent or do you owe on each of the following?

Lawyer's fees: \_\_\_\_\_  
Other legal fees (e.g., pro se expenses, legal advice, depositions, expert witnesses, photocopying): \_\_\_\_\_  
GALs or other court-appointed professionals (e.g. parent monitors):  
Did the court require you to pay these fees? Y      N  
Court-appointed psychological evaluators: \_\_\_\_\_  
Lost income from missed work: \_\_\_\_\_  
Other (e.g. child care, supervised visitation, therapy for children):

46. Generally speaking, do you feel that the judges have fairly divided up costs between you and (your ex-partner)? If no, please explain.

47. Did you ever make any economic compromises with (your ex-partner) related to custody and visitation, such as agreeing to receive less child or spousal support than you were entitled to in exchange for getting custody of your child(ren)? If yes, please explain.

47a. Why did you feel you had to make those compromises?

47b. What have been the consequences of those compromises?

48. In your opinion, how has the financial side of your separation arrangement affected your child(ren)'s lives since you and (your ex-partner) separated? For example, by not having enough money to pay for living expenses, recreational activities and/or education for your child(ren).

49. Do you feel that (your ex-partner) has used the courts or the legal process to deliberately harm you financially? Y      N      If yes, please explain.

50. Is there anything else you would like to tell us about the economic or financial aspects of your experience with divorce and custody?

**PART FOUR: Participant's experiences with state actors in the family court system**

**Note to documenter:** Always ask and record the name of any specific state actors that the participant mentions in answering any of these questions.

**JUDGES:**

51. Which family court judge(s) have been MOST involved in your case to date?

JUDGE #1

Name: \_\_\_\_\_

Court/County: \_\_\_\_\_

Years involved in participant's case (approx. dates): \_\_\_\_\_

**Note: Complete information above for each judge involved in participant's case.**

52. In your opinion, have any of the family court judges in your case ever:

**Note to documenter:** Ask for detailed descriptions of any "yes" answers

- a. Failed to take the partner abuse history seriously?  
(i) Was the judge given documentation of the partner abuse? Y N
- b. Failed to take your concerns about your children seriously?  
(i) Was the judge given documentation or evidence of child abuse, or of the negative effects of the partner abuse on your child(ren)? Y N
- c. Not given you adequate chance to tell your side of the story or to present evidence in support of your case?
- d. Issued orders or rulings that you feel were not in your child(ren)'s best interests, including granting custody of them to (your ex-partner)?
- e. Made unfair or unreasonable child support orders?
- f. Placed your child(ren) in unsupervised visitation with (your ex-partner), or in supervised visitation with someone other than a professional supervisor?
- g. Claimed that (your ex-partner) was no longer abusive and that the domestic violence was no longer a concern?
- h. Held you and (your ex-partner) to different parenting standards?
- i. Held you equally responsible or blamed you for the partner abuse?
- j. Behaved dishonestly or unethically in any other way?
- k. Treated you disrespectfully, scornfully or condescendingly?

53. Did you ever have any issues or concerns that you felt unable to raise, or gave up raising with the judge(s) because you were afraid that if you did raise them, it would be used against you? If yes, please explain.

54. Have you had any other problems with family court judges that you haven't already mentioned?

**GUARDIANS AD LITEM**

55. Which GALs have been MOST involved in your case to date?

**GAL #1**

Name \_\_\_\_\_

Affiliation(s) \_\_\_\_\_

Appointed by \_\_\_\_\_

Years involved in participant's case (approx. dates): \_\_\_\_\_

**Note: Complete above information for each GAL involved in participant's case.**

56. Why was a GAL(s) appointed in your case?

57. In your opinion, have any of the GALs involved in your case ever:

*Note to documenter: Ask for detailed descriptions of any "yes" answers*

- a. Failed to take the partner abuse history seriously?
  - (i) Was the GAL given documentation of the partner abuse?            Y            N
- b. Failed to take your concerns about your child(ren) seriously?
  - (i) Was the GAL given documentation or evidence of child abuse, or of the negative effects of the partner abuse on your child(ren)?    Y            N
- c. Failed to investigate any other important issues?
- d. Written a biased or inaccurate report? (probe: did the GAL(s) fail to look at or include in the report any important sources of evidence?)
- e. Otherwise showed bias in favor of (your ex-partner)?
- f. Made recommendations that you feel were not in your child(ren)'s best interests, including recommending that they be placed in the custody of (your ex-partner)?
- h. Recommended that the child(ren) be placed in unsupervised visitation with (your ex-partner), or in supervised visitation with someone other than a professional supervisor?
- i. Held you equally responsible or blamed you for the partner abuse?
- j. Behaved dishonestly or unethically in any other way?
- k. Treated you disrespectfully, scornfully or condescendingly?

58. Were you ever ordered not to discuss the GAL report with anyone other than your lawyer or a mental health professional? If yes, please explain.

59. Did you ever have any issues or concerns that you felt unable to raise, or gave up raising with the GAL(s) because you were afraid that if you did raise them, it would be used against you? If yes, please explain.

60. Have you had any other problems with GALs that you haven't already mentioned?

**PROBATE COURT PROBATION OFFICERS**

61. Which probate court probation officers (otherwise known as family service officers) have been MOST involved in your case to date?

**PPO #1**

Name: \_\_\_\_\_

Court/County: \_\_\_\_\_

Years involved in participant's case (approx. dates): \_\_\_\_\_

**Note: Complete above information for each PPO involved in participant's case.**

62. In your opinion, have any of the Probate Court Probation Officers in your case ever:

*Note to documenter: Ask for detailed descriptions of any "yes" answers*

- a. Failed to ask whether there was a history of partner abuse in your case or if you had a current restraining order against (your ex-partner)?
- b. Asked you and (your ex-partner) to go together into mediation knowing about the partner abuse?

- c. Failed to take the partner abuse history seriously in other ways?
  - (i) Was the PPO given documentation of the partner abuse? Y N
- d. Failed to take your concerns about your child(ren) seriously?
  - (i) Was the PPO given documentation or evidence of child abuse, or of the negative effects of the partner abuse on your child(ren)? Y N
- e. Showed bias in favor of (your ex-partner), for example by making inaccurate reports to the judge?
- f. Made unfair or unsafe recommendations to the judge?
- g. Behaved dishonestly or unethically in any other way?
- h. Treated you disrespectfully, scornfully, or condescendingly?

63. Have you had any other problems with Probate Court Probation Officers that you haven't already mentioned?

**DEPARTMENT OF SOCIAL SERVICES**

64. Has DSS ever been involved in your case? If yes, who at DSS has been MOST involved in your case?

DSS Employee #1

Name: \_\_\_\_\_

City/County: \_\_\_\_\_

Part of DSS's Domestic Violence Unit? Y N

Years involved in participant's case (approx. dates): \_\_\_\_\_

**Note: Complete above information for all DSS workers involved in participant's case**

65. Why did DSS get involved in your case?

66. In your opinion, have any of the DSS workers involved in your case ever:

**Note to documenter:** Ask for detailed descriptions of any "yes" answers

- a. Threatened to place your child(ren) in state custody if you did not go into shelter with them or leave (your ex-partner)?
- b. accused you of failure to protect or of neglect because of (your ex-partner)'s abuse of you, and placed or attempted to place your child(ren) in state custody as a result?
- c. *If DSS was ever awarded legal custody, ask:* Placed your child(ren) in the physical custody of (your ex-partner)?
- d. *If DSS was ever awarded legal custody, ask:* Placed your child(ren) in unsupervised visitation with (your ex-partner), or in supervised visitation with someone other than a professional supervisor?
- e. Failed to take the partner abuse history seriously in other ways?
  - (i) Was DSS given documentation of the partner abuse? Y N
- f. Failed to take your concerns about your child(ren) seriously?
  - (i) Was DSS given documentation or evidence of child abuse, or of the negative effects of the partner abuse on your child(ren)?  
Y N

- g. Written biased or inaccurate reports?
- h. Behaved dishonestly or unethically in any other way?
- i. Treated you disrespectfully, scornfully or condescendingly?

67. Have any DSS actions or reports been used against you in family court?
68. Did you ever have any issues or concerns that you felt unable to raise, or gave up raising with DSS because you were afraid that if you did raise them, it would be used against you? If yes, please explain.
69. Have you ever brought your concerns to a DSS Supervisor or Area Program Manager? If yes, do you remember their names?
70. Have you had any other problems with DSS that you haven't already mentioned?

**COURT-APPOINTED PSYCHOLOGICAL EVALUATORS**

71. Have court-appointed psychological evaluators ever been involved in your case? If yes, which psychological evaluators have been MOST involved in your case to date?

**Psych Evaluator #1**

Name: \_\_\_\_\_  
Affiliation: \_\_\_\_\_  
Appointed by: \_\_\_\_\_  
Years involved in participant's case (approx. dates): \_\_\_\_\_

**Note: Complete above information for all court-appointed psychological evaluators in participant's case.**

72. Why was a psychological evaluator(s) appointed in your case?

73. In your opinion, have any of the psychological evaluators involved in your case ever:

**Note to documenter:** Ask for detailed descriptions of any "yes" answers

- a. Failed to take into account the effects of partner abuse on you or the child(ren) in making their assessment?
  - (i) Was the psychological evaluator given documentation of the partner abuse or child abuse, or given evidence of the negative effects of the partner abuse on your child(ren)?            Y        N
- b. Used psychological testing of you or your (ex-partner) to discredit your reports of abuse to you or your child(ren)? (e.g. stated that your ex-partner did not fit the abusive "type")
- c. Written a biased or inaccurate report?
- d. Made recommendations that were not in your child(ren)'s best interest?
- e. Showed bias in favor of (your ex-partner)?
- f. Behaved dishonestly or unethically in any other way?

74. Have you had any other problems with psychological evaluator(s) that you haven't already mentioned?

75. This is the last question about your experiences with the different state actors in the family court system. Overall, what has been hardest for you about your experiences with all of the different people in the family court system that we just talked about?

**PART FIVE: Miscellaneous questions**

76. Has (your ex-partner) ever used what has gone on in family court to his advantage in criminal court or restraining order hearings, such as by claiming that he violated the restraining order because he was worried about the child(ren)? Alternatively, has he ever used what has gone on in other courts to his advantage in family court, such as by saying that you falsely charged him with a criminal violation? If yes, please explain.

77. If English is not participant's native language and she would have needed interpreter services in court, ask: Was an interpreter available for you in family court? If yes, please describe your experiences with court interpretation and court interpreters. (probe: did you have to return to court on a different date to get an interpreter? Was the interpreter inaccurate or biased?)

78. Have you ever filed an official complaint about any of the professional conduct in your case (e.g. with the Commission on Judicial Conduct or with the Board of Registration in Psychology)?

Y    N    Haven't yet but plan to

78a. If yes, what response have you received?

79. Do you feel that you have been discriminated against in other ways in family court? For example, on the basis of race, social or economic status, educational level, nationality or immigration status, English language ability, religion, and so on? If yes, please explain.

80. To your knowledge, has (your ex-partner) ever been involved with any father's organization?

80a. If yes, do you know which one(s)?

80b. Has his involvement appeared to influence his actions? If yes, please describe.

81. Is there anything else you'd like us to know about your experiences with the family courts that we haven't already covered?

82. What do you think is most important for others to know about what you and your child(ren) have been through?

83. One final question: What changes would you recommend in how the family courts in Massachusetts handle cases involving partner abuse?

### Questionnaire – Short Version

Cover Sheet

Case # \_\_\_\_\_

Today's Date: \_\_\_\_\_

Documenter: \_\_\_\_\_

**Informed Consent (Read form aloud to participant):**

- \_\_\_\_\_ Start of Interview Confidentiality Option: 1 2 (circle one)
- \_\_\_\_\_ End of Interview Confidentiality Option: 1 2 (circle one)

=====

Information About You:

Name:

Address:

Tel:

Year of birth:

Race:

Ethnicity:

Sexual orientation:

Citizenship: US Citizen Other (specify): \_\_\_\_\_

Information About Your Ex-Partner:

First Name:

Year of birth:

Sex:

Race:

Ethnicity:

Sexual orientation:

Citizenship: US Citizen Other (specify): \_\_\_\_\_

Information About Your Child(ren):

Please give the first name, sex and year of birth of each of your children.

Child #1:

Child #2:

Child #3:

Child #4:

Child #5:

Are any of the children not the biological or adopted children of the batterer? Which ones?

**Questionnaire**

**Case #** \_\_\_\_\_

**Documenter:** \_\_\_\_\_

**Information About You:**

1. What is your current occupation or job? (paid or unpaid) \_\_\_\_\_

2. What is your approximate annual income from all sources? (check one)

- \$0-5,000
- \$5,001-15,000
- \$15,001-25,000
- \$25,001-35,000
- \$35,001-45,000
- \$45,001-55,000
- \$55,001-65,000
- \$65,001-75,000
- \$75,001-85,000
- \$85,001-95,000
- \$95,001-105,000
- Over \$105,000
- Other: \$

3. Are you receiving public assistance? (circle one) Y      N

4. How much formal education have you completed? (check highest level attained)

- Some high school
- High school diploma or GED
- Some college
- Associate's degree
- Bachelor's degree
- Master's degree
- Professional degree
- Doctorate
- Other:

5. During your custody and visitation litigation against your ex-partner have you had an attorney (check one):

- Never
- Some of the time
- All of the time
- Other:



6. Approximately how much have you spent or lost, or do you owe, on the following? (check one)

- Legal fees:
- Guardians Ad Litem (custody evaluators):
- Other court-appointed professionals:
- Visitation supervisors:
- Lost income from missed work:
- Therapy for your children:
- Other:

7. Are there things related to your litigation that you were unable to do because of the expense? (for example, hire a particular lawyer, discovery, appeal, expert witnesses)

8. Do you feel that the cost of your family court litigation has caused you (check one):

- Financial devastation.
- Great financial hardship.
- Financial hardship.
- No financial hardship.
- Other:

9. What is your current custody arrangement with your ex-partner (check all that apply)?

- Sole physical custody – You
- Sole physical custody – Your ex-partner
- Sole legal custody – You
- Sole legal custody – Your ex-partner
- Joint physical custody
- Joint legal custody
- State custody
- Other:

10. Please describe briefly your current visitation arrangement with your ex-partner:

**Information About Your Ex-Partner:**

11. What is your ex-partner's current occupation or job? (paid or unpaid)

\_\_\_\_\_

12. What is your ex-partner's approximate annual income? (check one):

- \$0-5,000
- \$5,001-15,000
- \$15,001-25,000
- \$25,001-35,000
- \$35,001-45,000

- \$45,001-55,000
- \$55,001-65,000
- \$65,001-75,000
- \$75,001-85,000
- \$85,001-95,000
- \$95,001-105,000
- Over \$105,000
- Other: \$

13. How much formal education has your ex-partner completed? (check highest level attained)

- Some high school
- High school diploma or GED
- Some college
- Associate's degree
- Bachelor's degree
- Master's degree
- Professional degree
- Doctorate
- Other:

14. During your custody and visitation litigation against your ex-partner has your ex-partner had an attorney (check one):

- Never
- Some of the time
- All of the time
- Other:

**Partner Abuse Issues:**

The following questions are about your ex-partner's economic, emotional/psychological, physical and sexual abuse of you, both while you were in a relationship with him and since you separated.

15. Please put a check by each of the following documents listed below that you have or have access to:

- Police reports
- 209A's
- 209A Affidavits
- Medical records
- GAL reports
- Court papers, such as motions and responses
- Docket # of your case
- Therapists' reports, psychological evaluators' reports, or other expert reports
- Photographs (describe:\_\_\_\_\_)
- Audiotapes, videotapes, letters, etc. (describe:\_\_\_\_\_)
- Other:\_\_\_\_\_

**Partner abuse while you were still together with your ex-partner:**

16. Please give a couple of examples of the worst incidents of your ex-partner's mistreatment of you during your relationship.

[Note to documenter: Prompt the woman by listing several or all of the items from the following list as possible areas she might address, before she answers the question.]

- Control you financially or cause you economic harm
- Try to control your behavior and activities
- Play mind games with you and make you feel crazy
- Verbally or emotionally abuse you
- Threaten to harm or kill you
- Physically assault you
- Act in other ways that were frightening
- Abuse you sexually (such as by threatening to abuse you if you did not have sex, pressuring or forcing you to have sex, etc.)

17. Did your partner ever abuse you during pregnancy? If so, how?

18. What was hardest for you about how your ex-partner treated you during your relationship?

**Partner abuse since you separated from your ex-partner:**

19. Please give a couple of examples of the worst incidents of your ex-partner's mistreatment of you since you separated.

[Note to documenter: Prompt the woman by listing several or all of the items from the following list as possible areas she might address, before she answers the question.]

- Caused you economic harm?
- Verbally or emotionally abused you?
- Played mind games with you and made you feel crazy?
- Threatened to harm or kill you?
- Physically assaulted you?
- Abused you sexually?
- Stalked you?
- Threatened or harmed you during visitation exchanges specifically?
- Violated a restraining order?
- Taken out a restraining order against you?
- Acted in other ways that were frightening?
- Used motions for custody, visitation or other issues to intimidate, harass, or retaliate against you?
- Lied about his job status, income or assets in court?

20. What has been hardest for you about how your ex-partner has treated you since you separated?

**Issues Related To Your Child(ren):**

21. Please give a couple of examples of the worst incidents of your ex-partner's mistreatment of your children while you were still in a relationship with him.

[Note to documenter: Prompt the woman by listing several or all of the items from the following list as possible areas she might address, before she answers the question.]

- Verbally abuse the children, or treat them in cruel or controlling ways
- Endanger or neglect the children in any way
- Hit, kick, slap, shove, or otherwise physically hurt the children
- Sexually abuse the children, or do or say anything to them that was sexually inappropriate
- Undermine your parental authority or attempt to turn your children against you
- Physically abuse you in front of the children or within hearing distance of them

22. Please give a couple of examples of the worst incidents of your ex-partner's mistreatment of your children since you separated.

[Note to documenter: You can mention items from the list for the previous question to prompt the woman, including especially any you didn't specifically mention before, to help her answer the question.]

23. Do you have, or have access to, any documentation of child abuse by your ex-partner? (e.g. medical records, DSS reports, affidavits). Please specify.

24. What has been hardest about how your ex-partner has treated, or behaved around, your children?

Other issues related to your children:

25. Have your children ever shown symptoms of extreme stress or anxiety, or psychological or emotional problems that you feel are due to your ex-partner's behavior? If yes, please explain briefly.

26. Have your children ever mimicked your ex-partner's behavior by being aggressive or violent with you? If yes, please explain briefly.

**Information About State Actors in the Family Court System:**

The following questions are about the ways that family court judges, custody evaluators (Guardians ad Litem), and probate probation officers (family service officers) have treated you.

27. In which count(ies) or court(s) did your custody and visitation litigation take place?

Court(s): \_\_\_\_\_

Count(ies): \_\_\_\_\_

28. Have you ever filed any formal complaints against any professional or court employee involved in your case? Y N

29a. If yes, against whom did you file? (provide name of state actor)

- o Judge: \_\_\_\_\_
- o PPO: \_\_\_\_\_
- o GAL: \_\_\_\_\_
- o Other: \_\_\_\_\_

29b. To what body did you make the complaint, and what response(s) did you receive?

### Family Court Judges

30. Have you experienced any mistreatment of you or mishandling of your case by family court judges? Y N

30a. If yes, please list those judges and their courts here:

- Judge #1: \_\_\_\_\_
- Judge #2: \_\_\_\_\_
- Judge #3: \_\_\_\_\_
- Judge #4: \_\_\_\_\_

31. Have any family court judges involved in your case ever done any of the following?  
(Check each that applies, describe briefly, and state name of judge who did it):

- Treated you disrespectfully, scornfully or condescendingly?
- Failed to take the partner abuse history seriously or to consider evidence of partner abuse? If yes, please specify the type of evidence.
- Failed to take seriously your concerns about your children, or to consider evidence of child abuse? If yes, please specify the type of evidence.
- Granted custody of your children to your ex-partner or to DSS?
- Granted your ex-partner unsupervised visitation, or visitation supervised by a non-professional?
- Showed bias in favor of your ex-partner and against you?
- Held you to a higher parenting standard than your ex-partner?
- Ordered supervised visitation for you with your children?
- Made unfair or unreasonable child support orders?
- Caused harm to you or your children in any other ways?

### Probate Probation Officers

32. Have you experienced any mistreatment of you or mishandling of your case by probate probation officers? Y N

32a. If yes, please list those PPOs and their courts here:

- PPO #1: \_\_\_\_\_

PPO #2: \_\_\_\_\_  
PPO #3: \_\_\_\_\_  
PPO #4: \_\_\_\_\_  
PPO #5: \_\_\_\_\_

33. Have any of the PPOs involved in your case ever done any of the following?  
(Check each that applies, describe briefly, and state name of PPO who did it):

- Treated you disrespectfully, scornfully or condescendingly?
- Pressured or asked you to mediate face-to-face with your ex-partner despite knowing about the history of partner abuse?
- Minimized or ignored the history of partner abuse?
- Failed to take seriously your concerns about your children, or to consider evidence of child abuse?
- Showed bias in favor of your ex-partner?
- Pressured you to agree to something against your wishes?
- Misrepresented your case to a judge?

**Guardians Ad Litem (GALs):**

34. Have you experienced any mistreatment of you or mishandling of your case by GALs?                      Y              N

34a. If yes, please list those GALs and their affiliations here:

GAL #1: \_\_\_\_\_  
GAL #2: \_\_\_\_\_  
GAL #3: \_\_\_\_\_  
GAL #4: \_\_\_\_\_  
GAL #5: \_\_\_\_\_

35. Have any of the GALs involved in your case ever done any of the following?  
(Check each that applies, describe briefly, and state name of GAL who did it):

- Treated you disrespectfully, scornfully or condescendingly?
- Refused/failed to investigate your ex-partner's abuse of you, or to consider evidence of partner abuse?
- Failed to take seriously your concerns about your children, or to consider evidence of child abuse?
- Used a psychological evaluation to discredit your allegations of partner or child abuse?
- Failed to provide vital information, or provided false information, to the judge that might affect the judge's custody or visitation decision?
- Recommended that your ex-partner get unsupervised visitation, or visitation supervised by a non-professional?
- Recommended that custody be granted to your ex-partner or to DSS?
- Showed bias in favor of your ex-partner and/or submitted a biased report?
- Held you to a higher parenting standard than your ex-partner?
- Mishandled your case in any other ways?

**Other Issues:**

36. Have you ever been afraid to raise additional concerns about your children or evidence of partner abuse in family court because it might hurt your case? Y N If yes, please explain briefly.

37. Do you feel that your lawyer(s) ever represented you in harmful or ineffective ways? Y N If yes, please explain briefly.

38. Do you feel that you have been discriminated against in family court on the basis of (check all that apply):

- Being a battered woman
- Sex/gender
- Sexual orientation
- Race/ethnicity
- Social or economic status
- Educational level
- Nationality (citizenship)
- Immigration status
- Religion/culture
- Other: \_\_\_\_\_

38a. If yes, please describe briefly.

39. Overall, what has been hardest for you about your experiences in the family court system?

40. What changes would you recommend for the family court system?

41. Are you interested in getting involved in the Battered Mothers'

Testimony Project in other ways? (check all that apply):

- Start or participate in a support group for battered women going through the family court process
- Participate in a photographic exhibit
- Do public speaking about your experiences
- Start or participate in a grassroots advocacy organization on these issues
- Drafting a complaint against a state actor.
- Other:

42. Other Comments: Please add any other comments, thoughts or information about your case below.

**Closing**

Thank participant profusely. Then go over the following:

- **Informed consent form:** Ask participant if she wants to change her level of confidentiality, and record her final response on the cover sheet. Ask participant to sign the hard copy and put it in the pre-addressed, stamped envelope to send to WRN.

- **Cash receipt form:** Make sure that participant has received her check/cash for participating. Ask her to sign the cash receipt form and put it in the envelope to send to WRN.
- **Follow-Up Call:** Arrange a date to check in with participant to see how she is doing following the interview, and to confirm that she has sent in the appropriate paperwork.

**Post-Interview Documenter Check-List**

Send WRN the following via certified mail:

- Cassettes
- Cover Sheet
- Questionnaire & any additional notes on the interview
- Date of follow-up call



## **CREATING A RESOURCE PACKET FOR STUDY PARTICIPANTS**

As you conduct your research with battered women, you will find that most are in need of information and assistance, both about the study and with respect to their own problems. Rather than counseling each woman individually, we developed a resource packet for them. This packet contained information on our project, information about resources for battered women in our community, and referrals to professionals. The table of contents for our resource packet is given below.

### **Sample Participant Resource and Action Packet Table of Contents from the Battered Mothers' Testimony Project**

#### Battered Mothers' Testimony Project

- Letter from the Steering Committee of the Battered Mothers' Testimony Project
- Select Case Summaries and Findings from "*Battered Mothers Speak Out*"
- Report Assails Family Courts, Patty Wen, Boston Globe, November 26, 2002
- Understanding the Batterer in Custody and Visitation Disputes, R. Lundy Bancroft, c. 1998

#### Resources for Survivors, Children and Advocates

- Statewide sexual assault and domestic violence hotline
- Schematic representation of the Massachusetts Court System
- Massachusetts Presumption of Custody Law (M.G.L. Ch. 208 §31A)
- Jane Doe Inc. General Member Organizations
- Jane Doe Inc. Core Member Organizations
- Legal Resources (including Federal Poverty Guidelines for determining eligibility in the Women's Bar Foundation's Family Law Project for Battered Women)
- Services for Children Exposed to Domestic Violence
- Domestic Violence Visitation Program Services
- Department of Transitional Assistance (DTA) Domestic Violence Specialists
- Book and Video Resources

#### National Resources

- Internet Resources
- Non-Massachusetts advocacy groups working on domestic violence, child abuse and child custody issues

#### Human Rights and International Resources

- Information on human rights organizations and the United Nations
- Websites for key international human rights laws
- Copy of the Universal Declaration of Human Rights

#### Action Steps To Improve the Massachusetts Family Courts

*For survivors:*

- Filing Professional Complaints against guardians ad litem, judges, probate probation officers, attorneys, therapists and psychological evaluators.
- Model form letter for use by survivors to complain to the Probate and Family Court.

*For survivors, advocates and other concerned individuals or organizations:*

- Sample letter to Massachusetts public official(s)
- Contact list for key Massachusetts' court offices (partial list)
- Sample letters to the editor
- List of media contacts in Massachusetts

### **Welcome Letter to Participants (to be included in resource packet for participants)**

Dear Participant,

Thank you for participating in the Battered Mothers' Testimony Project. The fact that you have a testimony to give tells me that you must have a painful story and I am grateful to you for sharing it with us. I have little doubt that you have, at one time or another, experienced loneliness, abandonment, panic and isolation. I, too, have experienced all of these. I think it's only a mother who can fully grasp the terror when our children's lives are being compromised. I understand the horror of what it's like when the court forbids me to protect my child. I know the rage that makes one feel too paralyzed to think clearly or even want to get up in the morning - and I admit that sometimes I have even had moments of wanting to give up. But I have learned that pain is a powerful teacher. Nothing gets our attention quite like it. It is anger and outrage that led to this project. Not just my anger but many other people's anger too. One thing I am absolutely positive of is that you are not alone.

There are many many women (hundreds or thousands) who have encountered appalling experiences in dealing with the Family/Probate Courts in Massachusetts. Have you ever been told any of the following? "You aren't giving him a chance. You aren't letting go of what he did to you. You are alienating your children from their father. You're making it up. You're exaggerating. They need their father. You're too controlling. You're an unfit mother for not keeping them safe. You're paranoid. You're overprotective. They need more time to bond with their father. You need to take a look at the ways in which you provoke him. You're projecting your own feelings onto your children. You're too angry. The children are better off living with him. He does not need supervised visitation. Your children are only telling you that to be manipulative. You're hysterical." Well, after all of these crazy-making accusations, who could blame you for feeling hysterical! I know I felt hysterical when I lost custody of my daughter temporarily after she disclosed sexual abuse. The judge not only ordered that she keep going for overnight visits with her father, but also that I stop taking her to see her counselor and that no sexual abuse evaluation was to take place. I felt as though I was losing my mind.

I think what kept me from losing my mind was naming the realities. I had a support system which included friends I could check in with to help me grasp the injustice and horrors of it all. Over time, I have come to realize that the atrocities against me and more importantly, my daughter, are really issues of human rights. Now, seven years after my ex-husband and I separated, I am propelled to expose those who have violated my rights and the rights of thousands of other women and

children as well. Judges, Guardians ad Litem, probate probation officers, DSS workers, and other agents of the state (psychologists and other investigators) must be named by their victims.

Many women have heard about the Battered Mother’s Testimony Project and they are anxious to give us their stories. Our goal is for these testimonies to give birth to a human rights report, and that what will follow will be public hearings, media attention, speak-outs and support groups for battered mothers, legislative and policy reform campaigns, a photographic exhibit, and possibly a documentary that will force the state of Massachusetts to make a serious inquiry into the human rights that are being violated every day by state agents and actors. You are an essential part of making these goals become a reality. I hope that your involvement with the project will bring you strength, hope and support, and I hope that this project draws us together as human beings. Mostly, I want those who have the power, authority and responsibility to stop denying our right to protect our own children. Certainly children can’t be left to do the fighting themselves, and we know they are worth fighting for. In the meantime, mothers must unite to fight the fear and to hold those who have violated our human rights accountable. Have no doubt, the children are counting on us. Very Truly Yours, [survivor/Steering Committee Member.

## Research Documents: Focus Groups For Battered Women & Advocates

### PERMISSION FORM FOR FOCUS GROUP PARTICIPANTS

**Note:** No names of focus group participants were used in *Battered Mothers’ Speak Out*.

1. “I, (please print) \_\_\_\_\_, give permission for my real name to be used in the human rights report and other publications that will be produced by the *Battered Mothers’ Testimony Project: A Human Rights Report on Child Custody & Domestic Violence in Massachusetts*.”

\_\_\_\_\_  
Participant’s signature                      Date

2. “I, (please print) \_\_\_\_\_, give permission for the name of my organization to be used in the human rights report and other publications that will be produced by the *Battered Mothers’ Testimony Project: A Human Rights Report on Child Custody & Domestic Violence in Massachusetts*.”

\_\_\_\_\_  
Participant’s signature                      Date

3. “I, (please print) \_\_\_\_\_, DO NOT give permission for the *Battered Mothers’ Testimony Project* to use either my personal name or the name of my organization in its human rights report and other publications.”

\_\_\_\_\_  
Participant’s signature                      Date

## SAMPLE FOCUS GROUP QUESTIONS

### Immigrant and Refugee Group

Introductory Question: Which of the five state actors (judges, guardians ad litem, probate probation officers, Department of Social Services workers, and court-appointed psychological evaluators) have you most encountered in your work as an advocate for battered immigrant and refugee women? (Our focus group discussion will then concentrate on those state actors that are most involved with the cases you handle).

1. Have any of your clients had problems obtaining qualified and impartial interpreters, either in family court or for their interactions with DSS and Guardians ad Litem? If yes, how do you think that this has affected your clients' cases?
2. Have any of your clients experienced problems with state actors in the family court system because of their immigration status?
3. Have any of your clients experienced problems with state actors in the family court system because of their race, ethnicity, national origin, cultural/religious practices, or English language ability? (For example, have state actors ever thought your clients weren't credible or believable because they didn't look the state actors in the eye? Or have state actors ever stereotyped your clients as bad mothers because of their race, or thought your clients couldn't be effective mothers because they don't speak English?)
4. What impact do you think the race, ethnicity, national origin, English language ability or immigration status of the ex-partner has on how custody and visitation are decided? (For example, when the ex-partner is a white U.S. citizen, do you think that immigrant women of color lose custody of their children to them more often than when the ex-partner is also an immigrant of color? Or, by contrast, do you think that immigrant women of color actually have an advantage in the family court system when their ex-partners are immigrants of color due to racism against men of color and the belief that men of color are more likely to be violent, deadbeat dads than white men?)
5. In your experience, has a state actor ever made or accepted the cultural defense argument with regard to partner or child abuse? (For example, has a state actor ever agreed with the ex-partner's argument that partner or child abuse is accepted in the ex-partner's culture, and therefore he is not responsible for his behavior?)
6. Can you give examples of state actors' lack of cultural competency and understanding when dealing with battered immigrant and refugee women? (For example, there have been cases where DSS does not understand a woman's failure to go into shelter, and therefore holds it against her when DSS required it in the service plan.)
7. What recommendations do you have for how the family court system could be improved to meet the needs of battered immigrant and refugee women?

### **Women of Color Advocates Group**

1. What are the biggest problems battered US-citizen women of color face in the Massachusetts family courts, either related to race or other factors?
2. What impact do you think a battered mother's race has on how custody and visitation is decided?
3. Are there any other ways that you think race has been a factor in the experiences and treatment of battered US-citizen women of color in the family court system?
  - \* Have you seen any instances of overt racial bias and discrimination? Subtle bias and discrimination?
  - \*In what ways do you think a US-citizen woman of color's race affects her decision or ability to pursue family court litigation?
4. What impact do you think the race of a battered mother's ex-partner has on how custody and visitation is decided?
  - \*What implications have you observed if she is a US-citizen woman of color and her ex-partner is white?
  - \*What implications have you observed if she is white and her ex-partner is a man of color?
5. What impact do you think the race of a battered mother's children has on how custody and visitation is decided?
6. What impact do you think the race of a battered mother's lawyer or legal advocate has on how custody and visitation is decided? How about the race of the state actor(s) involved?
7. Do you think that differences in the socio-economic status of battered US-citizen women of color have an effect on how custody and visitation are decided?
8. What recommendations do you have for how the MA family court system could be improved to better meet the needs of battered US-citizen women of color and their children?

### **Women of Color Survivor Group**

1. What were/are the biggest obstacles or problems you faced in the family court system? Please be brief (name 1-2 major obstacles).
2. Did you feel like people in the family court stereotyped you, made incorrect or unfair assumptions about you, or looked down on you in any ways? If yes, how?
  - Probe: do you think this had anything to do with your race or ethnicity? (e.g., the courts stereotyped you as a "strong black woman" and therefore not likely to be the victim of abuse)
  - Probe: do you think this had anything to do with your class or education level?
3. Did you feel like people in the family court system treated you and your ex-partner differently? How?
  - Probe: did you feel understood and believed by people in the family court system? For example, did you feel like people took seriously the history of partner abuse and/or your concerns about your children? If no, why not?

Probe: do you think this had anything to do with race or ethnicity, or related issues like immigration status? If yes, please be as specific as possible.

Probe: are any of your ex-partners of a different race than you? Do you think this made a difference in how you were treated?

Probe: do you think this had anything to do with your class or education level?

4. Do you think your race/ethnicity was a factor in the outcome of your case? If yes, how?

Probe: what difference do you think it would have made if you'd been white?

Probe: what difference do you think the race of your lawyer made, if you had one?

5. Do you think that your class (social/economic status) or education level was a factor in the outcome of your case? If yes, how?

Probe: do you think you and your ex-partner were treated differently because of class or educational level? (if not already answered above)

6. What kind of treatment and outcomes did you expect in the family court? Were your expectations met? If not, why not?

Probe: Did you ever consider not going to the family court at all? If yes, why?

7. What changes in the family court system would you recommend?

### **Lesbian, Bisexual and Transgender Group**

Introductory Question #1: Have members of all 3 of the communities you serve come to the Network for help with issues related to child custody and visitation (inside or outside of the formal legal system)? If not, who has sought your assistance with these issues:

Lesbians    Bisexual women    Transgender

Introductory Question #2: Which of the following state actors have you most encountered in your work as an advocate for or service provider to abused lesbians, bisexual women or transgender people? Remember, we are talking specifically about those who have children with their abusive ex-partners.

- Family court judges
- Guardians ad Litem
- Department of Social Services
- Probate Probation Officers
- Court-Appointed Psychological Evaluators
- Other (Not necessarily in the family courts; e.g., mediation)

1. What are the biggest problems abused lesbians face in resolving child custody and visitation issues with their abusive ex-partners? Abused bisexual women? Transgender people?

2. Why might an abused lesbian, bisexual or transgender person not use the MA family court system to resolve child custody and visitation issues with their abusive ex-partner?

3. What impact do you think a battered mother's sexual identification has on how custody and visitation is decided in the MA family courts?

4. Are there any other ways that you think sexual identification might be a factor in the experiences and treatment of abused lesbians, bisexual women or transgender people in the family court system?
5. What impact do you think the sexual identification of a battered mother's ex-partner has on how custody and visitation is decided?
6. What recommendations do you have for how the MA family court system could be improved to better meet the needs of abused lesbians, bisexual women and transgender people and their children?

### **Service Provider Group**

1. In your experience, what are the most serious problems that battered women encounter in the family court system when they are involved in litigation over custody and/or visitation?
2. Do you know of cases where a woman has been endangered or abused by her partner because of the family court process, or because of visitation orders that the court made? Could you describe the key events as well as you know them?
3. Do you know of cases where a child has been abused physically or sexually, or has suffered psychological distress, as the result of a family court order regarding custody or visitation?
4. Can you describe incidents of and of the following by family court judges, GAL's, or Probate Probation Officers ("Family Service Officers"): failure to take domestic violence or sexual abuse allegations seriously; verbal abuse or disrespect towards the battered mother; dishonest or unethical conduct; bias in favor of the battering father; or other examples of problems in the state actor's conduct, recommendations, or orders?
5. What are the first steps you would like to see Massachusetts take to remedy the problems that you observe?
6. What strategies do you think might be most effective in bringing this issue to public attention and demanding systemic change?
7. What other solutions, services, or improved practices would you recommend?

# Research Documents: Interviews with State Actors

## INFORMED CONSENT FORM

**Title of Project:** *Battered Mothers' Testimony Project: A Human Rights Report on Child Custody & Domestic Violence in Massachusetts.*

**Location of Project:** Wellesley Centers for Women at Wellesley College.

**Purpose of Project:**

The Battered Mothers' Testimony Project is a statewide effort to learn more about the problems and difficulties that battered mothers face in family court litigation regarding custody, visitation and child support, and to develop concrete proposals for how the Massachusetts Probate and Family Courts can better meet the needs of this population and their children. The Project has interviewed battered mothers and their advocates throughout Massachusetts about these issues and is now seeking the input of family court personnel and related individuals and institutions. We are preparing a report for release in the Fall of 2002. The information that we collect from you and others will be used to educate the public and policymakers, and to advocate and organize for the reform of policies and practices in order to better ensure the safety of battered women and their children.

This study involves discussing your professional opinion about how child custody and visitation issues are or should be handled by the Massachusetts family court system. The interview should take approximately 45 minutes.

**Confidentiality:**

We will not attribute your name to any quotation in our report or other publications produced by the Project, unless you give us permission to do so. Otherwise, your comments will only be identified by your professional position and affiliation (e.g. Judge in Essex Probate and Family Court; GAL at the MGH Children and the Law Program).

In order to ensure the accuracy of quotations, the interview will be audiotaped, unless you ask us not to. The audiotape will be transcribed and then destroyed. If permission to audiotape is not granted, we will record and report on your comments based on our handwritten notes from the interview. In either situation, everything that you say in this interview will be "on record".

This informed consent form will be kept in a locked file cabinet accessible only to Project staff.

**Risks of Participating in the Project:**

It is likely that the report we publish will contain criticism of various aspects of the Massachusetts family court system, including the part of the system in which you work or with which you are affiliated. However, we will not name or criticize any specific individuals.



**Benefits of Participating in the Project:**

Through sharing your perspectives and participating in this project, you may have an impact on reform to the family court system, which you may experience as a benefit of your participation.

**Questions:**

If you have any questions regarding this Project or your participation, either now or at any time in the future, please feel free to contact Carrie Cuthbert at (781) 283-2509 or Kim Slote at (781) 283-2548. This project is reviewed annually by the Ethics Committee at the Wellesley Centers for Women. The committee chair can be contacted via the Centers at (781) 283-2500.

**Withdrawal:**

You are not obligated to participate in this Project. If you participate, you may withdraw your consent and discontinue your participation at any time. If you wish to withdraw your consent and have all information that you provided to the Project eliminated from all Project files, call Carrie Cuthbert at (781) 283-2509.

**YOUR CONSENT**

"I have read this consent form and fully understand it. I have been informed of the risks and benefits involved, and all of my questions have been answered to my satisfaction. Furthermore, I have been assured that any future questions I may have will also be answered by a member of the Project staff. I understand that I will receive a copy of this completed form."

"I understand that I am free to withdraw consent and discontinue participation in this Project at any time without prejudice. I voluntarily consent to my participation in the described Project."

***Please circle yes or no to the following statement:***

"I give the Project permission to audiotape this interview." YES NO

\_\_\_\_\_  
Participant's name: ***print and sign*** Date

***Please circle yes or no to the following statement:***

"I give the Project permission to use my name in the report and other publications that will be produced by the Battered Mothers' Testimony Project: A Human Rights Report on Child Custody & Domestic Violence." YES NO

\_\_\_\_\_  
Participant's name: ***print and sign*** Date

"I, the participant, hereby agree to participate in the Battered Mothers' Testimony Project:  
A Human Rights Report on Child Custody & Domestic Violence in Massachusetts."

\_\_\_\_\_  
Participant's name: **print and sign**

\_\_\_\_\_  
Date

"I have witnessed that the elements of the above informed consent form have  
been adequately and appropriately explained to the participant."

\_\_\_\_\_  
Witness/Interviewer's name: **print and sign**

\_\_\_\_\_  
Date

---

## INTERVIEW PROTOCOL

1. Remember to take with you to the interview:
  - a) Two copies of the informed consent form (both of which need to be filled out and signed; you will leave one with the participant)
  - b) Tape recorder, batteries and tape
  - c) Interview questions
  - d) Notepad and pen for taking notes
  - e) BMTP flyer (use your judgment about whether or not to leave it with them - at least it has the Board of Advisors on the back which could be useful)
2. All of the confidentiality issues are addressed in the informed consent form, so refer to that before you go in to the interview to be certain that you understand the participants' confidentiality options.
3. Following your interview, you need to do the following:
  - a) Type up any notes you may have taken during the interview.
  - b) Send WRN the audiotape, typed notes, and informed consent form by certified mail as soon as possible so that we can begin transcribing them.

## Sample State Actor Interview Questions

### Judges

1. In cases where there is a history, or alleged history, of partner abuse, should this history play a role in the child custody and visitation determinations that you make? Y N
  - a) If yes, how or why should partner abuse play a role?
2. In cases involving allegations of partner abuse, when is it appropriate, in your opinion, to order:
  - a) Shared legal or physical custody?
  - b) Sole custody to the alleged perpetrator?
  - c) Sole custody to the alleged victim?
  - d) Does it make a difference if there is actual evidence of the abuse? When might it be appropriate for you to disregard or discard evidence of alleged partner abuse?
3. In cases involving allegations of partner abuse, when is it appropriate, in your opinion, to order:
  - a) Supervised visitation with the alleged perpetrator?
  - b) Unsupervised visitation with the alleged perpetrator?
4. If the alleged perpetrator violates a restraining order, how does this affect your decision-making with regard to custody and visitation?
  - a) What difference does it make if the violation is documented (e.g. police report) or undocumented?
5. What criteria do you use to assess whether or not someone is making false allegations of partner abuse?
  - a) What percentage of the time do you feel these allegations *are* false?
  - b) What factors help you determine whether or not someone is a batterer?
6. In cases involving allegations of *both* partner *and* child abuse, when is it appropriate, in your opinion, to order:
  - a) Shared legal or physical custody?
  - b) Sole custody to the alleged perpetrator?
  - c) Sole custody to the alleged victim?
  - d) Does it make a difference if there is actual evidence of the abuse? When might it be appropriate for you to disregard or discard evidence of alleged partner and child abuse?
7. In cases involving allegations of both partner *and* child abuse, when is it appropriate, in your opinion, to order:
  - a) Supervised visitation with the alleged perpetrator?
  - b) Unsupervised visitation with the alleged perpetrator?
8. What criteria do you use to assess whether or not someone is making false allegations of child sexual or physical abuse?

- a) What percentage of the time do you feel these allegations are false?
- b) What factors help you determine whether or not someone is a perpetrator of child physical or sexual abuse?

9. What advice would you give a battered woman who believes that her children have been sexually or physically abused by her ex-partner, in cases where her ex-partner is seeking custody of or unsupervised visitation with the children?

10. As you know, the Custody Presumption Law [MGL Ch. 208, Section 31A] states that: "A probate and family court's finding, by a preponderance of the evidence, that a pattern or serious incident of abuse (toward a parent or a child) has occurred shall create a rebuttable presumption that it is not in the best interests of the child to be placed in sole custody, shared legal custody or shared physical custody with the abusive parent."

- a) Do you think that this law is effective in protecting children? Y N
- b) Should the law be expanded to cover visitation as well? Y N

11. In general, do you think that there are any problems with how the Massachusetts family courts are handling child custody and visitation when there is a history, or alleged history, of partner abuse? Y N

- a) If yes, what factors might make it difficult for a family court judge to address issues of custody, visitation and family violence effectively?
- b) What changes would you recommend, and how do you think the MA family courts could improve the way they handle custody and visitation issues when there is a history of partner abuse and/or child abuse?

### **Guardians Ad Litem**

1. In cases where there is a history, or alleged history, of partner abuse, should this history play a role in the investigations and recommendations you make regarding custody and visitation? Y N

- a) If yes, how or why should partner abuse play a role?

2. In cases involving allegations of partner abuse, when is it appropriate, in your opinion, to recommend:

- a) Shared legal or physical custody?
- b) Sole custody to the alleged perpetrator?
- c) Sole custody to the other parent?
- d) Does it make a difference if there is actual evidence of the abuse? When might it be appropriate for you not to consider evidence of alleged partner abuse?

3. In cases involving allegations of partner abuse, when is it appropriate, in your opinion, to recommend:

- a) Supervised visitation with the alleged perpetrator?
- b) Unsupervised visitation with the alleged perpetrator?

4. Are there signs of exposure to partner abuse that you see or look for in the children from these cases? Y N

- a) If yes, what are these signs, and how do they factor into your recommendations?

5. What criteria do you use to assess whether or not someone is making false allegations of partner abuse?
  - a) What percentage of the time do you feel these allegations are false?
  - b) What factors help you determine whether or not someone is a batterer?
  
6. In cases involving allegations of *both* partner *and* child abuse, when is it appropriate, in your opinion, to recommend:
  - a) Shared legal or physical custody?
  - b) Sole custody to the alleged perpetrator?
  - c) Sole custody to the other parent?
  - d) Does it make a difference if there is actual evidence of the abuse? When might it be appropriate for you not to consider evidence of alleged partner and child abuse?
  
7. In cases involving allegations of *both* partner *and* child abuse, when is it appropriate, in your opinion, to recommend:
  - a) Supervised visitation with the alleged perpetrator?
  - b) Unsupervised visitation with the alleged perpetrator?
  
8. What criteria do you use to assess whether or not someone is making false allegations of child sexual or physical abuse?
  - a) What percentage of the time do you feel these allegations are false?
  - b) What factors help you determine whether or not someone is a perpetrator of child physical or sexual abuse?
  
9. What advice would you give a battered woman who believes that her children have been sexually or physically abused by her ex-partner, in cases where he is seeking custody of or unsupervised visitation with the children?
  
10. Do you ever use psychological evaluations in cases where there are allegations of partner or child abuse? Y N
  - a) If yes, how do psychological evaluations shed light on the accuracy of such allegations?
  
11. In general, do you think that there are any problems with how the Massachusetts family court system is handling child custody and visitation when there is a history, or alleged history, of partner abuse? Y N
  - a) If yes, what factors might make it difficult for a GAL to address issues of custody, visitation and family violence effectively?
  - b) What changes would you recommend, and how do you think the MA family courts could improve the way they handle custody and visitation issues when there is a history of partner abuse and/or child abuse?

### **Probate Probation Officers**

1. In cases where there is a history, or alleged history, of partner abuse, should this history play a role in the recommendations you make regarding custody and visitation?  
Y N

- a) If yes, how or why should partner abuse play a role?
  - b) Does it make a difference if the partner abuse is documented?
2. Under what circumstances would it be appropriate, in your opinion, to mediate custody and visitation issues with a couple in cases where there have been allegations of partner abuse?
- a) Does it make a difference if there is an actual restraining order in place?
3. In cases involving allegations of partner abuse, when is it appropriate, in your opinion, to recommend:
- a) Shared legal or physical custody?
  - b) Sole custody to the alleged perpetrator?
  - c) Sole custody to the other parent?
  - d) Does it make a difference if there is actual evidence of the abuse? When might it be appropriate for you not to consider evidence of alleged partner abuse?
4. In cases involving allegations of partner abuse, when is it appropriate, in your opinion, to recommend:
- c) Supervised visitation with the alleged perpetrator?
  - d) Unsupervised visitation with the alleged perpetrator?
5. If one party has violated a restraining order against the other, does this affect your recommendations with regard to custody and visitation? Y N
- a) What difference does it make if the violation is documented (e.g. police report ) or undocumented?
6. What criteria do you use to assess whether or not someone is making false allegations of partner abuse?
- a) What percentage of the time do you feel these allegations are false?
  - b) What factors help you determine whether or not someone is a batterer?
7. In cases involving allegations of *both* partner *and* child abuse, when is it appropriate, in your opinion, to recommend:
- a) Shared legal or physical custody?
  - b) Sole custody to the alleged perpetrator?
  - c) Sole custody to the other parent?
  - d) Does it make a difference if there is actual evidence of the abuse? When might it be appropriate for you not to consider evidence of alleged partner and child abuse?
8. In cases involving allegations of *both* partner *and* child abuse, when is it appropriate, in your opinion, to recommend:
- a) Supervised visitation with the alleged perpetrator?
  - b) Unsupervised visitation with the alleged perpetrator?
9. What criteria do you use to assess whether or not someone is making false allegations of child sexual or physical abuse?
- a) What percentage of the time do you feel these allegations are false?
  - b) What factors help you determine whether or not someone is a perpetrator of child physical or sexual abuse?

10. As you know, the Custody Presumption Law [MGL Ch. 208, Section 31A] states that: "A probate and family court's finding, by a preponderance of the evidence, that a pattern or serious incident of abuse (toward a parent or a child) has occurred shall create a rebuttable presumption that it is not in the best interests of the child to be placed in sole custody, shared legal custody or shared physical custody with the abusive parent."

- a) Do you think that this law is effective in protecting children? Y N
- b) Should the law be expanded to cover visitation as well? Y N

11. In general, do you think that there are any problems with how the Massachusetts family court system is handling child custody and visitation when there is a history, or alleged history, of partner abuse? Y N

- b) If yes, what factors might make it difficult for a PPO to address issues of custody, visitation and family violence effectively?
- c) What changes would you recommend, and how do you think the MA family courts could improve the way they handle custody and visitation issues when there is a history of partner abuse and/or child abuse?

### **Department of Social Services Domestic Violence Unit**

1. In cases where there is a history, or alleged history, of partner abuse, should this history play a role in the investigations and recommendations DSS makes regarding custody and visitation?

Y N

- a) If yes, how or why should partner abuse play a role?
- b) Does it make a difference if the partner abuse is documented, or if there is a restraining order in place?

2. Would DSS ever substantiate a claim of neglect against a mother for failing to protect her children from exposure to partner abuse?

3. In cases involving allegations of partner abuse, when is it appropriate, in your opinion, to remove the children into state custody?

4. How do you assess whether allegations of child sexual or physical abuse are true or false?

- a) What percentage of the time do you feel these allegations are false?
- b) How can you tell if someone is making false allegations?

5. What advice would you give a battered woman who believes that her children have been sexually or physically abused by her ex-partner, in cases where he is seeking custody of or unsupervised visitation with the children?

6. What do you believe is DSS' role in cases where DSS confirms partner or child abuse by the father and the father is winning the custody/visitation case in family court?

7. How do you feel about DSS workers in the Domestic Violence Unit testifying in family court on behalf of battered mothers?
8. If a battered woman is dissatisfied with the way the DSS worker is handling her case, what complaint procedure should she use?
  - a) Under what circumstances do you think DSS workers should be sanctioned for how they handle custody and visitation issues?
  - b) How often, and in what ways, are DSS workers in fact sanctioned?
9. What are the requirements in Massachusetts for becoming a DSS worker?
  - a) Is training on partner abuse required for all DSS workers?
  - b) How about training on child abuse or child development?
10. In general, do you think that there are any problems with how the Massachusetts family court system is handling child custody and visitation when there is a history, or alleged history, of partner abuse? Y N
  - a) If yes, what factors might make it difficult for a DSS worker to address issues of custody, visitation and family violence effectively?
  - b) What changes would you recommend, and how do you think the MA family courts could improve the way they handle custody and visitation issues when there is a history of partner abuse and/or child abuse?

### **Court-Appointed Psychological Evaluators**

1. In cases where there is a history, or alleged history, of partner abuse, should this history play a role in the evaluations you make regarding custody and visitation? Y N
  - a) If yes, how or why should partner abuse play a role?
  - b) Does it make a difference if the partner or child abuse is documented, or if there is a restraining order in place?
2. What criteria do you use to assess whether or not someone is making false allegations of partner abuse?
  - a) What percentage of the time do you feel these allegations are false?
  - b) What factors help you determine whether or not someone is a batterer?
3. What criteria do you use to assess whether or not someone is making false allegations of child sexual or physical abuse?
  - a) What percentage of the time do you feel these allegations are false?
  - b) What factors help you determine whether or not someone is a perpetrator of child physical or sexual abuse?
4. In custody and visitation cases that involve allegations of partner and/or child abuse, how much time do you typically spend speaking with each party?
  - a) What is your protocol for interviewing children?
  - b) How is your evaluation used in court to determine issues of custody and visitation?



5. Have you ever applied or relied on “Parental Alienation Syndrome” in your work on cases where there are allegations of partner and/or child abuse? Y N
- a) If yes, when might it be appropriate, in your opinion, to do so?
  - b) In your opinion, what is the scientific basis for “Parental Alienation Syndrome”?
6. In general, do you think that there are any problems with how the Massachusetts family court system is handling child custody and visitation when there is a history, or alleged history, of partner abuse? Y N
- a) If yes, what factors might make it difficult for a court-appointed psychological evaluator to address issues of custody, visitation and family violence effectively?
  - b) What changes would you recommend, and how do you think the MA family courts could improve the way they handle custody and visitation issues when there is a history of partner abuse and/or child abuse?

# Research Documents: Survey of Advocates and Service Providers

## QUESTIONNAIRE/SURVEY

### A. GENERAL QUESTIONS

1. In your opinion, what are the major problems encountered by battered women when they litigate child custody and visitation issues against their abusive ex-partners in the MA family courts?
2. In your opinion, what are the most severe or harmful consequences to battered women and their children from court-ordered custody and visitation arrangements with their abusive ex-partners?
3. What concrete changes in the MA family court system do you think need to be made in order to address these problems?

### B. QUESTIONS ABOUT SPECIFIC STATE ACTORS

#### A. Probate Court Probation Officers/Family Service Officers

1. Have the women you serve encountered any difficulties with Probate Court Probation Officers regarding mediation?  
Y      N      (Circle one and explain)
2. In your opinion, what is the biggest problem with the way that Probate Court Probation Officers handle partner abuse issues?

#### B. Guardians ad Litem (GALs)

1. In your opinion, do GALs adequately investigate and address partner abuse in their reports?  
Y      N      (Circle one and explain)
2. In your opinion, do GALs adequately investigate and address allegations of child abuse in their reports? Remember we are talking about cases where there is also partner abuse.  
Y      N      (Circle one and explain)
3. In your opinion, what is the biggest problem with the way that GALs handle partner abuse?

#### C. Department of Social Services (DSS)

1. In your opinion, do DSS workers adequately consider partner abuse in their investigations and in their recommendations to family court judges?      Y      N      (Circle one and explain)
2. In your opinion, what is the biggest problem with the way that DSS workers handle partner abuse?

D. Family Court Judges

1. In your opinion, do family court judges adequately consider histories of partner abuse when making decisions about custody and visitation?        Y        N        (Circle one and explain)
  
2. In your experience, do family court judges know about the child custody presumption law?  
      Y        N        (Circle one and explain)  
      2a. If yes, is the law being applied?
  
3. In your opinion, what is the biggest problem with the way that family court judges handle child custody and visitation when there is a history of partner abuse?

E. State Actors in General:

1. Are you aware of any incidents of personal mistreatment of women survivors of intimate partner abuse by actors in the family court system (e.g. insulting them, dismissing them, humiliating them)?  
      Y        N        (Circle one and explain)

**C. QUESTIONS ABOUT SPECIFIC HARM TO WOMEN AND CHILDREN DUE TO CUSTODY AND VISITATION ARRANGEMENTS WITH ABUSIVE EX-PARTNERS**

1. In the cases you are familiar with, approximately what percentage of batterers were allowed unsupervised visitation?
  
2. Approximately what percentage of the women you serve lose custody to the batterer?
  
3. Are you aware of any cases where a woman has been endangered or abused by her ex-partner because of the contact with him required by court-ordered custody and/or visitation arrangements?  
      Y        N        (Circle one and explain)
  
4. Are you aware of any cases where children have been endangered or abused while in the court-ordered custody or care of an individual with a history of partner abuse?  
      Y        N        (Circle one and explain)

**D. Final Question:** Is there anything else you would like to tell us about the problems battered women face in or related to the MA family court system with regard to child custody/visitation?

**Battered Mothers Speak Out Report Supplement:  
Project Research and Organizing Materials**

**PART II: VOLUNTEER TRAINING DOCUMENTS**

## Training Materials: Documentation Team

**Overview:** All volunteer documenters were trained by the Steering Committee in human rights principles and documentation strategies as well as in qualitative research interview protocols. Documenters were also given resource packets that included all interview materials, background materials on the issues, information on human rights principles, and laws and strategies, and resources for battered women and children in Massachusetts.

### RESOURCE PACKETS FOR DOCUMENTS: SAMPLE TABLE OF CONTENTS

#### 1) Interview documents

- Intake and interview protocol
- Checklist of items to bring to interview
- Intake form and scheduling form
- Cover sheet and questionnaire
- Informed consent form
- Post-interview form
- Cash receipt

#### 2) Project and issue-related resources

- Project timeline
- Sample potential outcomes of the project
- Glossary of terms
- "Understanding the Batterer In Custody and Visitation Disputes"  
(R. Lundy Bancroft, 1998)

#### 3) Resources for survivors and advocates in MA

- MA 24-hour domestic violence hotline number
- Jane Doe, Inc: MA Coalition Against Sexual Assault & Domestic Violence member groups
- Services for children exposed to domestic violence
- Department of Transitional Assistance (DTA) domestic violence specialists
- Domestic violence visitation program services
- Legal resources
- Book and video resources
- Filing professional complaints

#### 4) Handouts (created by the BMTP)

- Universal Declaration of Human Rights
- Brief history of the global women's human rights movement"
- "Intimate Partner Abuse is a Violation of Women's Human Rights!"
- "Domestic Violence & Sexual Abuse: A Women's Human Rights Information Sheet"

Key human rights at stake in child custody and domestic violence cases  
Sample state actions that violate the human rights of mothers and children in  
child custody and domestic violence cases  
Select list of women's human rights reports

## **SAMPLE OVERVIEW OF HUMAN RIGHTS FOR DOCUMENTER TRAINING.**

Human rights are those rights we have just because we are human. They are based on the idea that all people, everywhere, have an inherent human dignity and inherent rights that no person or government can take away or violate, and that we all have a responsibility to respect and promote the human rights of others. Human rights are also a vision and blueprint for the future of human society.

Human rights include civil and political rights (the right to be free from violence, nondiscrimination, the right to free speech etc.) as well as economic, social rights and cultural rights (the right to food, housing, health, the right to form unions etc.). These rights are considered equally important.

### History of Human Rights Movement

The Holocaust/WWII was the catalyst for the modern human rights movement:

1. Creating the United Nations as the first formal international organization dedicated to promoting and protecting human rights, (1945 U.N. Charter); and
2. Proclaiming the Universal Declaration of Human Rights or UDHR, the first formal international document articulating the principles and vision of human rights (1948), which has now attained the status of international customary law.
3. Then, in 1976, two other key laws were adopted that, together with the UDHR, form what is known as the International Bill of Rights. Explain what rights each treaty covers, that some human rights are economic and social rights (ICESCR), others are civil and political rights (ICCPR). U.S. ratification record.
4. There are over 20 international human rights laws out there. Some conventions/treaties prohibit inhuman acts like genocide or torture or racism, while others protect certain populations like refugees, children or women. There are basic human rights principles that apply to all of these laws, regardless of the specific issue.

### History of Women's Human Rights Movement

Despite the fact that the UDHR states explicitly that men and women have equal rights, women have had to work for more than 50 years to get the international community to officially recognize the fact that women experience particular kinds of violations simply because they are women, and that those violations are human rights violations.

In the past, the human rights system focused on how governments or people acting on behalf of the government (i.e. state actors) violate the human rights of their citizens, and *not* on how private citizens treat one another. For example, groups like Amnesty International or Human Rights Watch have in the past focused their campaigns on political prisoners, torture victims, and genocide, but not on child abuse, domestic violence, sexual assault or female genital mutilation.

Traditionally, the international community dismissed the violations that women experience, such as rape and domestic violence, as “private” and therefore not capable of redress under human rights law. Even rape of women prisoners by military officers – clear state action - was considered “private” and thus not a human rights violation.

However, the global women's human rights movement – which consists of local grassroots groups around the world as well as a core of activists making efforts at the UN level - has made tremendous strides in protecting and promoting the rights of women and girls. A major victory for the movement happened at the 1993 U.N. Conference on Human Rights in Vienna. At this conference, women's human rights activists lobbied successfully for the international community to state officially that “the human rights of women and of the girl-child are an inalienable, integral and indivisible part of universal human rights.” This was a landmark declaration because it signaled the formal recognition that women's rights are human rights, and also because it marked the beginning of a shift in the traditional legal analysis of human rights violations.

The international community now recognizes that everyone - men, women and children - has the right to be free from violence, whether inflicted by the state OR by a private individual. And governments have responsibilities under international human rights laws to take specific steps to prevent and punish the abuse of a woman by her husband, just as they have the responsibility to refrain from imprisoning or torturing people just because of their political beliefs.

Technically, the human rights abuse in domestic violence cases is the state's failure to adequately intervene in, take steps to prevent, or to punish this form of inter-personal violence. E.g., the state commits a human rights violation when a judge issues a “mutual” restraining order in a case where the victim acted in self defense against her abuser; or, when the police refuse to arrest a batterer; or when the legislature fails to pass laws that adequately protect battered women; or when the emergency room of a public hospital fails to screen for domestic violence and offer resources to battered women.

This means that, in order to use the human rights framework in the U.S. to address domestic violence, including child custody and visitation issues, we need to be clear about:

1. What the *state's* responsibility is under international human rights law, both in terms of intervention and prevention. (i.e., know the law).
2. Who are the specific state actors committing the human rights violations (e.g., judges, GALs and so on).
3. What specific actions – or inactions – of the state actors violate the human rights of battered mothers and their children.
4. What specific human rights of battered mothers and their children are being violated.

*Refer to Handouts:*

1. "Intimate Partner Abuse is a Violation of Women's Human Rights!"
2. "Domestic Violence & Sexual Abuse: A Women's Human Rights Information Sheet"
3. Key Human Rights at Stake in Child Custody & Domestic Violence Cases
4. Sample State Actions that Violate the Human Rights of Mothers & Children in Child Custody & Domestic Violence Cases

Examples of How Domestic Violence & Child Custody Issues are Human Rights Issues:

*Give one example:* Judges who hold mothers to a higher parenting standard than fathers when determining child custody and visitation violate women's rights to equality with men in parenting/ divorce as guaranteed by the ICCPR and CEDAW. They also violate the right to nondiscrimination and equal protection of the law contained in the UDHR, ICCPR, CEDAW and other human rights laws.

What Makes the BMTP a Human Rights Project

1. Human rights fact-finding strategy of asking victim/survivors directly about the violations they have suffered at the hands of specific state actors (here judges, probate court probation officers, GALs, DSS, and court-appointed psychological evaluators), publicizing, and then building a community-based movement for change based on the survivors' stories.
2. BMTP is first human rights report ever to be done on child custody and domestic violence, and one of only a handful ever to be done on violations that take place within the U.S. We hope it will create a national model for U.S.-focused human rights activism.
3. Value of making this a human rights project and using a human rights approach to this issue: activism, shaming, documentation, heightened standards, connection with global women's movement, etc....

Why a Human Rights Report? Success of Other Human Rights Reports

1. 1999 Amnesty International report "Not Part of My Sentence: Violations of the Human Rights of Women in Custody", which classified sexual abuse of women inmates as torture, pointed out that 12 U.S. states did not have adequate laws to protect incarcerated women. Since the publication of the report, laws protecting the rights of women inmates have been passed in Massachusetts, Virginia, Washington, and West Virginia.
2. One of the reasons for the success of these U.S.-focused human rights reports is that the U.S. government has expressed its support of women's rights as human rights internationally, creating a climate in which alleged violations of those rights domestically are taken very seriously.
3. The fact that the United Nations High Commissioner for Human Rights possesses a copy of Amnesty's report on women in U.S. prisons demonstrates the general credibility of human rights reports in the international arena.



## Sample Handouts for Documenter Training

### 1) **Sample State Actions that Violate the Human Rights of Mothers and Children in Child Custody and Domestic Violence Cases & Sample Handouts for Documenter Training**

- *Awarding custody of the children to the batterer/Failure to apply Massachusetts child custody presumption law*

State Actor(s): Family court judges

- *Awarding the batterer unsupervised visitation with the children or supervised visitation with someone other than a professional supervisor*

State Actor(s): Family court judges

- *Minimization or dismissal of the partner abuse*

State Actor(s): Family court judges; Guardians Ad Litem; Probate court probation officers; Department of Social Services; Court-appointed psychological evaluators

- *Minimization or dismissal of impact on children of the partner abuse*

State Actor(s): Family court judges; Guardians Ad Litem; Probate court probation officers; Department of Social Services; Court-appointed psychological evaluators

- *Bias in favor of the batterer by misrepresentation of facts, deliberate omissions of evidence and other unethical behavior*

State Actor(s): Family court judges; Guardians Ad Litem; Probate court probation officers; Department of Social Services; Court-appointed psychological evaluators

- *Holding mothers to higher parenting standards than fathers*

State Actor(s): Family court judges; Guardians Ad Litem; Probate court probation officers; Department of Social Services; Court-appointed psychological evaluators

- *Termination of the battered woman's parental rights based on the batterer's behavior ("failure to protect"), without consideration of her own victimization*

State Actor(s): Department of Social Services; Juvenile court judges

## 2) Key Human Rights at Stake in Child Custody and Domestic Violence Cases

<b>UDHR:</b>	☺ Universal Declaration of Human Rights
<b>ICCPR:</b>	☺ International Covenant on Civil & Political Rights
<b>ICERD:</b>	☺ International Covenant on the Elimination of All Forms of Racial Discrimination
<b>CAT:</b>	☺ Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment
<b>CEDAW:</b>	(S) Convention on the Elimination of All Forms of Discrimination Against Women
<b>CRC:</b>	(S) Convention on the Rights of the Child

☺ = U.S. has ratified this document and is formally bound by its terms

(S) = U.S. has signed, but not ratified this document, and therefore is not yet bound by its terms

*Right to life, liberty and security of person*

UDHR Article 3. ICCPR Article 9. ICERD Article 5.

*Right to freedom from torture or cruel, inhuman or degrading treatment or punishment*

CAT. UDHR Article 5. ICCPR Article 7. CRC Article 37.

*Right to freedom from discrimination on the basis of sex, race, ethnicity, age, and other distinctions*

UDHR Article 2. ICCPR Article 24. ICERD Article 2. CEDAW. CRC Article 1.

*Right to equal protection of the law*

UDHR Article 7. ICCPR Articles 14 & 26. ICERD Article 5. CEDAW.

*Equal rights of men and women in all areas of life: education, employment, social security, marriage/parenting/divorce, health care, family benefits, financial credit*

CEDAW. ICCPR Articles 3 & 23

*Right to special care and assistance for motherhood and childhood*

UDHR Article 25. ICESCR Article 10. CEDAW Article 11

*Right of child who is separated from one or both parents to maintain relations and contact with both parents, except if it is contrary to the child's best interest*

CRC Article 6.

## Training Materials: Volunteer Transcribers

**Overview:** All volunteer transcribers attended an orientation where they were introduced to the project and the issues, and were trained in the transcribing protocol developed by the project. All transcribers were also given detailed information packets about the project and the transcribing process. After an interview was transcribed, a second volunteer was assigned to edit the transcript by listening to the interview and making any necessary corrections in the content of the transcriptions and ensuring that the transcripts were de-identified. When the transcribing was complete, all volunteer transcribers were invited to participate in a discussion with a Steering Committee member about their reactions to the project and the issues as well as their experiences transcribing overall.

### **Transcribing Protocol – Interviews with Women**

**Note:** Transcribing protocols were designed to protect the confidentiality of all participants, as requested, and to produce transcripts that could be analyzed for content and coded, and the data entered into a customized Microsoft Access® database.

### **Initial Formatting Steps**

1. Open a new word file and save it according to the case number of the interview listed on the cover sheet for the questionnaire, e.g. "Case 6 Transcription."
2. Insert a header with the case #. This case # should appear on every page of the transcription. You can find the case # for a particular case on the cassettes and on the cover sheet for the questionnaire.
3. Insert page numbers for the entire document.

### **Creating A Cover Sheet of Aliases/State Actor Names**

1. Create a heading for the cover sheet for the transcription that reads, e.g.: COVER SHEET CASE #1. The heading should be in Times New Roman 12 point font, bolded and underlined, all caps, and centered. See examples at the end of this protocol.
2. You will use the Cover Sheet to list aliases/pseudonyms for the woman interviewed, her children, her ex-partner, and any other individuals referred to in the testimony who are NOT state actors, such as family members, friends, therapists (except court-appointed psychological evaluators) and so on. The aliases should be First Names Only. Please follow these instructions carefully:
  - A. Non-state actor aliases:
    - Read the Cover Sheet for the questionnaire to determine how many children the interviewee has, and therefore how many aliases you need to create for the children.
    - Before you choose aliases, please consult the list of aliases already selected (kept in the office) and choose names not already on the list. You can consult the book of baby names in the office to help you decide on names. Once you have chosen a name, write it on the list of aliases.
    - Where possible, choose an alias that begins with a letter not yet selected. When that is no longer possible, choose an alias whose second letter has not yet been chosen.

- Type the aliases in the top left corner of the file, beneath the case number. E.g., Interviewee: "Jane" Ex-Partner: "John" Child #1: "Abigail" Child #2: "Mark."

**B. Identifying Information for interviewee.**

- If the interviewee has selected Confidentiality Option #1, you must also change all other personally identifying information about her, such as her job/profession, her current or former address, her children's schools, and so on. We will tell you if you must change this personally identifying information prior to your beginning the transcription. Please record these changes on the cover page as well.

**C. Aliases for state actors.**

- If the interviewee also wants the names of state actors to be changed, you must also give each state actor who is mentioned during the course of the interview an alias. We will tell you if you must change the names of state actors. The alias should include the category of state actor and a Last Name Only. Select the aliases as described above. E.g., "Judge #1: Judge Smith" "GAL #1: GAL Brown."
- Type these aliases on the top left corner of the file, beneath the aliases for the woman interviewed, her ex-partner, her children and so on.
- Unless thus requested by the woman interviewed, we will transcribe the real names of all state actors mentioned during the interview. For the spelling of Probate/Family court judges, please consult the list of judges in the office.

Abbreviations of key state actors:

PPO: Probate Probation Officer (sometimes called Family Service Officers)

GAL: Guardian Ad Litem

DSS: Department of Social Services

PE: Psychological Evaluator

D. List of State Actors' Real Names: If the names of state actors are NOT to be changed in the interview you are transcribing, you will also use the Cover Sheet to create a list of the state actors' real names. On the cover sheet, create a heading "State actors (real names)". Beneath that heading, list the names of state actors by category. Include any other information the interviewee provides about state actors such as the court or county in which they work; their institutional affiliation; their professional degrees and so on. See sample cover sheet at the end of this document.

**Transcribing**

1. After the cover sheet, insert a page break (ctrl – enter) and begin the transcription.
2. You can either type the aliases into the word file directly as you transcribe the testimony, or you can enter their real names in as you transcribe and then do a search and replace once you are finished transcribing. Either way, the real names of the woman interviewed, her ex-partner, her children or any other family members, friends, etc. should not appear anywhere on the final transcript that you return to WRN.

3. Transcribe the entire interview verbatim, including everything the interviewer says. It is not necessary, however, to transcribe “um” and similar expressions, except where it illuminates or contributes to clarifying the meaning of what the person is saying. Where possible, also transcribe the affect of the woman being interviewed by typing in brackets, e.g., [crying].

Note: If a question is answered out of order, e.g. because of problems with the recording equipment, transcribe the interview verbatim anyway. However, when you are finished transcribing the interview, cut and paste the responses that are out of order into the appropriate order in the transcription.

4. To indicate when the interviewer is speaking, type: “I:” followed by what she or he says.
5. To indicate when the woman being interviewed is speaking, type her alias, e.g. “Jane:” followed by what she says. As mentioned above, you can type her real name as long as you replace it with her alias when you have finished transcribing.
6. Please type a hard return after each utterance so that there is a space between the texts of what the Interviewer says and what the woman being interviewed says. The text of each person’s question/response should be single spaced (see sample transcript below).
7. If you are unable to hear something being said on the cassette, type in brackets: [T: unable to hear]. Any other comments you need to make in your own voice should be made in brackets as well and prefaced with a “T” for “Transcriber.”
8. If there are any notes written on the questionnaire by the interviewer that help illuminate a particular response of the woman being interviewed, type the comments in brackets at the end of that specific response, and type “I” for “Interviewer” before the comment. E.g., [I: *comment*]

### **Final Formatting According the Questionnaire Structure**

1. Using a copy of the questionnaire as a guide, please insert into the transcript the questionnaire section headings and question numbers, using the following format.

Section headings:     **Bold.** Put the section number in capital letters and the description of its contents in lower case letters.

Question numbers:   **Bold.** Abbreviate capital “Q” for question, followed by the number.

### **For example (from the first page of transcription #1):**

PART ONE: History of partner and child abuse while participant was still in a relationship with her ex-partner.

Q1 I: Well, of course I know this information, but what is your current relationship to Michael?

Sonia: He's my ex-husband.

I: So divorced?

Sonia: Divorced, yes

Q2 I: Ok. I am going to ask some questions about the history of abuse when you were still together. At that time, when you were still together, did he ever use money to hurt or control you, for example by limiting your access to bank accounts, controlling your earnings, making it impossible for you to work, monitoring your spending, or spending the family's money on gambling or alcohol?

### **Final Steps**

1. Type a note on the first page of the transcription (i.e. the cover sheet) explaining what information you have changed. E.g., "Names of all individuals mentioned have been changed. Identifying information and names of state actors have not been changed."

2. SAVE your file (you should also save frequently while transcribing)

3. Run a spell check

Note: If you are working on a disk, please save the file on WRN's hard drive and then delete the copy on your disk; or, simply give WRN the disk.

When you are finished, please return the following to WRN:

- Cover sheet for the questionnaire
- Questionnaire
- All cassettes for the interview you are transcribing
- The hard copy of the transcription
- Transcribing machine (if applicable)

Remember to save often and to take breaks. If you have any questions while you are transcribing, just ask WRN.

THANK YOU!!!!

**COVER SHEET CASE #1**

Aliases

Interviewee: Sonia

Ex-Partner: Michael

Child #1: Luke

Child #2: Benjamin

Ex-Partner's second wife: Rachel

Sonia's attorney at time of divorce and at present: Stanley

Sonia's attorneys before Stanley: Jim and Patrick from Abrams & McMillan

Sonia's other law firm: Wasserspring & Baum

Sonia's attorney after her mother's death: Paula

Sonia's other attorney: Catherine

Michael's long-time attorney: Elizabeth from Morrin & Harris

Michael's first attorney: Darren of White & Jameson

Michael's current attorney: Warren

State Actors (real names listed)

*Judges:*

*GALS:*

*PPOs:*

*Court-appointed Psychological Evaluators:*

The names of all non-state actors have been changed. The names of state actors have NOT been changed.

Sample Transcription:

I: Well, of course I know this information, but what is your current relationship to Michael?

Sonia: He's my ex-husband.

I: So divorced?

Sonia: Divorced, yes

I: Ok. I am going to ask some questions about the history of abuse when you were still together. At that time, when you were still together, did he ever use money to hurt or control you, for example by limiting your access to bank accounts, controlling your earnings, making it impossible for you to work, monitoring your spending, or spending the family's money on gambling or alcohol?

Sonia: Yes.

I: Ok, do you want to...

T: [unable to hear]

Sonia: Do you want me to go into a little bit more...?

I: Yes, please.

T: [unable to hear]

Sonia: Well, it got to the point where he was giving me an allowance. He felt that I was overspending the money and, yet, he was taking money and putting it into investments which I did not know about. Yet he was telling me to cut back on weekly groceries or clothes for the kids or things around the house. We'd moved into this house and we were having arguments about why we should get curtains for the living room, but he was like taking \$10,000 and putting it into investment, because that was his money. So that money became...money's been one of the most major things we've argued about, because he did use it as a way to control me. Came from a very wealthy family in the Netherlands, and while we were together, he...I wanted to go back to work part-time, but he wouldn't kind of allow me to go back to work. So that...because he said he wouldn't help take care of the kids and he wouldn't... "Don't expect me to help drop to daycare and do this. And as long as you can still do all the things around the house and do that, then I'll let you go back to work." So it just got to be impossible for me, I knew I couldn't do all that without any help from him, so money was a way that...as I said, it was almost like I had to ask permission you know or if I'd buy clothes for the kids. I mean this was...we weren't poor, we had the ability to do it and so it became...Toward the end, he took the accounts that we had and he opened a new account in a bank here in Needham and he gave me a checking account that I think... I don't remember what I was getting a month, \$300 or something that I could spend on stuff for around the house or the clothes or the kids and he started paying the bills and doing all that, saying that I couldn't handle it, because he was angry.



## Transcribing Protocol – Interviews with State Actors

### Initial Formatting Steps

Open a new word file and save it according to the name of the State Actor being interviewed (e.g. Judge Smith)

Insert a header with the name of the file (e.g. Judge Smith)

This header should appear on every page of the transcription.

Insert page numbers for the entire document.

### Informed Consent Form Note

1. Create a heading on the first page of the transcription that reads CONSENT FORM. Refer to the informed consent form provided to you by WRN, and record the results.

E.g. 1) Agreed to be audiotaped 2) did NOT agree to use real name etc.

### Transcribing

1. Use the interview questions as a guide (WRN will provide you with the questions).

2. Transcribe the entire interview verbatim, including everything the interviewer says.

Note: It is not necessary, however, to transcribe “um” and similar expressions, except where it illuminates or contributes to clarifying the meaning of what the person is saying. Where possible, also transcribe the affect of the person being interviewed by typing in brackets, e.g., [crying].

3. To indicate when the interviewer is speaking, type: “I:” followed by what she or he says. Type the questions asked by the interviewer in bold. Also indicate the question # of the question being asked.

4. To indicate when the State Actor is speaking, type in the person’s name (e.g. Judge Smith). If the State Actor did not agree to have her/his real name used, then use the person’s professional affiliation when typing that person’s statements (e.g. Judge).

Abbreviations of key state actors:

PPO: Probate Probation Officer (sometimes called Family Service Officers)

GAL: Guardian Ad Litem

DSS: Department of Social Services

PE: Psychological Evaluator

5. Please type a hard return after each utterance so that there is a space between the texts of what the Interviewer says and what the woman being interviewed says. The text of each person’s question/response should be single spaced.

6. If you are unable to hear something being said on the cassette, type in brackets: [T: unable to hear]. Any other comments you need to make in your own voice should be made in brackets as well and prefaced with a “T” for “Transcriber.”

## Sample Transcript

Consent Form:

1. Agreed to be audiotaped.
2. Agreed to be identified by real name in interview and future publications.

Q1 I: In cases where there is a history, or alleged history, of partner abuse, should this history play a role in the child custody and visitation determinations that you make?

Judge [real name]: Well that is an easy question to say yes to. Of course the answer is yes. But beyond yes, I think you want to get to some more subtlety about how it does that and I guess that is part of the question isn't it? How should it play a role? Of course the easiest cases are cases where there are no children because then the court can really think about the single focus of ending the abuse, empowering the victim to end the abuse by giving her a court order or giving him a court order. That is really what the court order does, it empowers the victim to help themselves to stop the abuse, to have tools, to have police, to have prosecutions to help them empower themselves to stop the abuse. So the easiest cases are the cases with no children. The harder cases are balancing that goal against the goal of not, if it is possible terminating or effectively terminating or strangling or mutilating without killing the parent-child relationship. Not only because it is detriment to the children to effectively lose one parent. It makes the other parent a single parent, which is no fun in life for a lot of reasons, no partner to assist in raising the children, diminished financial support because we know that parents who don't have contact with their children are less regular payers of child support, less willing payers. So it creates this very isolated single parent who is often financially diminished as well, so there is no good feeling on the judge's part about doing that, so it is then a balance between protecting the victim, protecting the children and that is always somewhere on a sliding scale.

Q2 I: In cases involving allegations of partner abuse, when it is appropriate, in your opinion, to order shared legal or physical custody?

Judge [real name]: Let me say for each of these four that are coming up, as I see them coming. I am not going to say that any of them are out of the question and should never be done, even though it is tempting to do that. I mean there is a question here which says that when would you give sole custody to an alleged perpetrator and the right answer sounds like, never, but I think it is not. So, the way I will answer it is to give examples of cases where I might consider doing these things.

I: I think that will be helpful.

Judge: Shared legal custody. I think that is often appropriate. Just because someone is an abuser doesn't mean necessarily that they always make poor legal custodial decisions. For instance, what if dad is an abuser but mom is a religious kook and wants to home school the kids and keep them away from any other children who do not share her unique religious views, so an isolationist and frankly wants nothing to do with public schools or other kids in the neighborhood. I think I am less likely to give that mom sole legal custody because the dad ought to be the guy who votes for something more normalizing, something less cultish, so I might give that guy joint legal custody hoping that he will be the advocate when it comes to educational decisions for a better result. He may be a lousy advocate for some other decisions, but when it comes to educational decisions, if I give the mom sole custody I know that she will make poor educational decisions.

Another example, I have had a case where dad has been questionably, moderately abusive, not the worst abuser I ever saw, but abusive. Nevertheless, their child had very special medical needs, serious needs, and mom consistently minimized those to the point where it when it was clear that the medical advise was that at this stage and with these symptoms, this kid needs to go into the emergency room, she would say no, that stuff that happens in the emergency room, they put in tubes and he ends up spending the night, that is traumatizing and she would actively not take him to the emergency room, to the point where I thought that she was cutting him back because she had this inflated fear of taking this kid to the emergency room. I wasn't going to give her sole legal custody because she made extremely poor medical decisions: she had her own phobias about the medical system and above the child. So those are two examples when I would give shared legal custody.

Shared physical custody that gets back to the \$64 000 question, because what you are talking about really, is visitation. There are different definitions of shared physical custody, but I think for most judges, it means that any dad who has a specific schedule to share the children physically during the week, so if he visits them Saturdays, that is shared physical custody as far as I am concerned. He might right get around that problem by saying, well mom has primary physical custody and dad has visitation, I think that is old school thinking. I think that legitimately the father's rights groups out there are concerned that somehow we are diminishing his visitation as if it is something less than physical custody. Physical custody is the really tough one and I would often give when I thought I could safely, balancing the risks and the harms some physical custody to an abusing dad because it is visitation and I am balancing it, hoping that will take appropriate steps to address his inappropriate behavior. Sole custody to the alleged perpetrator, do you mean whole package?

## Confidentiality Pledge

### *Volunteer, Employee Or Contractor's Assurance Of Research Confidentiality*

#### STATEMENT OF POLICY:

The Battered Mothers' Testimony Project is firmly committed to the principle that research confidentiality must be protected. This principal holds whether or not any specific guarantee of confidentiality was given by respondents (i.e. battered mothers who give testimony) at the time of the interview. When guarantees have been given, they may impose additional requirements which are to be adhered to strictly.

#### PROCEDURES FOR MAINTAINING CONFIDENTIALITY:

1. All volunteers, employees and contractors shall sign this assurance of confidentiality. This assurance may be superseded by another assurance for a particular project.
2. A volunteer, employee or contractor should be aware that the identity of participants in research studies is confidential information, as are identifying information about participants and individual responses to questions. Depending on the study, the organizations participating in the study, the geographical location of the study, the method of participant recruitment, the subject matter of the study, and the hypotheses being tested may also be confidential information. Specific research findings and conclusions are also usually confidential until they have been published or presented in public.

It is incumbent on volunteers, employees and contractors to treat information from and about research as privileged information, to be aware of what is confidential in regard to specific studies on which they work or about which they have knowledge, and to preserve the confidentiality of this information. Types of situations where confidentiality can often be compromised include conversations with friends and relatives, conversations with professional colleagues outside the project team, conversations with reporters and the media, and in the use of consultants for computer programs and data analysis.

3. Unless specifically instructed otherwise, a volunteer, employee or contractor, upon encountering a respondent or information pertaining to a respondent that s/he knows personally, shall not disclose any knowledge of the respondent or any information pertaining to the respondent's testimony or her participation in the Battered Mothers' Testimony Project. In other words, volunteers, employees or contractors should not reveal any information or knowledge about or pertaining to a respondent's participation in this project.
4. Data containing personal identifiers shall be kept in a locked container or a locked room when not being used each working day in routine activities. Reasonable caution shall be exercised in limiting access to data to only those persons who are working on the Battered Mothers' Testimony Project and who have been instructed in the applicable confidentiality requirements for the project.

5. When records with identifiers are to be transmitted to another party, such as for data entry, the other party shall be informed of these procedures and shall sign an Assurance of Research Confidentiality form.
  
6. The Steering Committee for the Battered Mothers' Testimony Project shall be responsible for ensuring that all volunteers, employees and contractors involved in handling data are instructed in these procedures, have signed this pledge, and comply with these procedures throughout the duration of the project. At the end of the project, the Steering Committee shall arrange for proper storage or disposition of data, including any particular contractual requirements for storage or disposition.
  
7. The Steering Committee shall ensure that practices adhere to the provision of the U.S. Privacy Act of 1974 with regard to data of individuals for the Federal Government. The Steering Committee must ensure that procedures are established in each study to inform each respondent of the authority for the study, the purpose and use of the study, the voluntary nature of the study (where applicable), and the effects on the respondents, if any, of not responding.

**PLEDGE**

I hereby certify that I have carefully read and will cooperate fully with the above procedures. I will maintain the confidentiality of confidential information from all studies with which I have involvement. I will not discuss, disclose, disseminate, or provide access to such information, except as authorized by the Steering Committee for the Battered Mothers' Testimony Project. In addition, I will comply with any additional procedures established by the Steering Committee. I understand that violation of this pledge is sufficient grounds for disciplinary action, including dismissal, and may make me subject to criminal or civil penalties. I give my personal pledge that I shall abide by this assurance of confidentiality.

_____	Signature
_____	Date
_____	Steering Committee Member
_____	Date

**Battered Mothers Speak Out Report Supplement:  
Project Research and Organizing Materials**

**PART III: MEDIA DOCUMENTS**

## Media Documents:

### PRESS RELEASE

#### **REPORT FINDS HUMAN RIGHTS ABUSES IN MASSACHUSETTS FAMILY COURTS**

##### **Data Released for Kick-Off of International 16 Days of Activism Against Gender Violence**

Wellesley, MA— The Battered Mothers' Testimony Project released its final report on the Massachusetts Family Court system today, which is the beginning of an international campaign called "16 Days of Activism Against Gender Violence." The mission of the human rights report is to document and describe human rights violations suffered by battered mothers and their children in the family courts and to promote the necessary changes to the system to protect the rights of these women and children.

The report points out faults within the Massachusetts family court system relating to the treatment of battered women and their children, but also sets forth detailed recommendations to improve the current system. The research found that, in certain cases, the Massachusetts Presumption of Custody law, which states that custody should not be granted to batterers, is not being enforced, and the guidelines for judicial practice are not being adhered to. The report also states that battered women and children are at risk of harm – and are in fact harmed – in the context of court-ordered custody and visitation arrangements that require them to have ongoing, unprotected contact with their abusers. Some recommendations for change include replacing the single guardian ad litem system with a multi-disciplinary team approach, enforcing the existing presumption of custody law, mandating training for all family court personnel, and collecting more data about divorce and custody proceedings on an annual basis.

"Ours is a 3-year, in-depth qualitative project," said Carrie Cuthbert, "where we interviewed 40 battered mothers who experienced problems keeping themselves and their children safe in the context of child custody and visitation orders issued by the family courts. We also interviewed lawyers and service providers for battered women as well as family court judges, guardians ad litem, and probate probation officers, many of whom identified many of the same problems as did the individual women we interviewed.

The research was prepared by the Battered Mothers' Testimony Project at the Wellesley Centers for Women at Wellesley College. The report authors are Carrie Cuthbert (Project Co-Director), Kim Slote (Project Co-Director), Monica Driggers (Project Policy Director), Cynthia J. Mesh (Project methodologist), Jay Silverman (Project Steering Committee member) and Lundy Bancroft (Project Steering Committee member and former Guardian Ad-Litem).

**MEDIA ADVISORY**

**REPORT FINDS HUMAN RIGHTS ABUSES IN MASSACHUSETTS FAMILY COURTS**

**Data Released for Kick-Off of International 16 Days of Activism Against Gender Violence**

**WHAT:** The Battered Mothers' Testimony Project released its final report on the Massachusetts Family Court System today which is the beginning of an International Campaign called the 16 Days of Activism Against Gender Violence. The report found significant abuses of basic human rights currently occurring in the Massachusetts Family Court system. The research, prepared by the Battered Mothers' Testimony Project at the Wellesley Centers for Women at Wellesley College, found that the Massachusetts Presumption of Custody law is not being enforced. It also found that battered women and children are at risk, and batterers are being awarded custody of children, among other violations.

**WHO:** Report Authors: Carrie Cuthbert (Project Co-Director), Monica Driggers (Project Policy Director) and Lundy Bancroft (Project Steering Committee member and former Guardian Ad Litem). Survivor currently working as battered women's advocate.

**DATE:** Monday, November 25, 2002

**TIME:** 10:30 a.m.

**PLACE:** Women's Educational and Industrial Union, 356 Boylston Street  
Boston, MA 02116



# **Battered Mothers Speak Out Report Supplement: Project Research and Organizing Materials**

## **PART IV: KEY RESOURCE & CONTACT LISTS**

## Key Resource and Contact Lists

### **WOMEN'S AND CHILDREN'S ADVOCACY GROUPS (PARTIAL LIST)**

**National Domestic Violence Hotline: (800) 799-7233**

#### **Research & Organizing Projects**

#### **Arizona Coalition Against Domestic Violence (BMTP)**

Arizona Coalition Against Domestic Violence

100 W. Camelback

Suite 109

Phoenix, AZ 85013

Tel: 602-279-2900 or 800-782-6400

Fax: 602-279-2980

*\*Battered Mothers' Testimony Project: A Human Rights Approach to Child Custody and Domestic Violence (2003)*

#### **California NOW(National Organization for Women)**

California NOW Action Center

926 J Street, Suite 424

Sacramento, CA 95814

(916) 422-3414

Fix: (916) 442-4765

Email [canow@canow.org](mailto:canow@canow.org)

Web: [www.canow.org](http://www.canow.org)

*\*CA NOW released a report on the injustices facing battered mothers in the CA family courts around child custody and visitation issues.*

#### **Minnesota Advocates for Human Rights**

Cheryl Thomas

Tel: 612-341-3302 x102

*\*Minnesota Advocates for Human Rights runs a project that addresses domestic violence and child custody issues in immigrant and refugee communities.*

#### **Women's Law Project**

125 South 9<sup>th</sup> Street, Suite 300

Philadelphia, PA 19107

Tel: 215-928-9801

Fax: 215-928-9848

Email: [info@womenslawproject.org](mailto:info@womenslawproject.org)

Web: [www.womenslawproject.org](http://www.womenslawproject.org)

\* Released report, *Justice in the Domestic Relations Division of Philadelphia Family Court: A Report to the Community*, April 2003.

**Domestic Violence, Visitations and Custody Decisions in New York Family Courts**

US Department of Justice Document Number 195793 (August 8, 2002)

Author: Chris O'Sullivan

Web Link: <http://www.ncjrs.org/pdffiles1/nij/grants/195793.pdf>

**SURVIVOR-LED ACTIVIST GROUPS**

**Massachusetts Protective Parents Association**

[contact info]

**California Protective Parents Association**

Karen Anderson: [kandersonpt@yahoo.com](mailto:kandersonpt@yahoo.com)

California Protective Parents Association

15 E. Plymouth Highway

Iona, CA 95640

Email: [kandersonpt@yahoo.com](mailto:kandersonpt@yahoo.com)

\*The California Protective Parents Association is a survivor-led organization working to reform the family courts in California.

**Arizona Protective Parents Network**

Box 33396, Phoenix, AZ 85061-3339

Email: [AZPPN2002@YAHOO.COM](mailto:AZPPN2002@YAHOO.COM)

**United For Justice**

Idle Clarke

United for Justice

280 West Sierra Madre Boulevard # 244

Sierra Madre, CA 91024

Tel: (626) 836-9265

Email: [idelc@earthlink.net](mailto:idelc@earthlink.net)

\*United For Justice is a survivor-led organization working to reform the family courts in California.

**NATIONAL WOMEN'S AND RELATED ORGANIZATIONS**

**Battered Women's Justice Project**

4032 Chicago Ave., South

Minneapolis, MN 55407

Tel: 800-903-0111 (select option "2" for civil matters)

Web: [www.bwjp.org](http://www.bwjp.org)

\*BWJP is a national organization that, among other services, provides legal referrals to women facing family court battles in different states.

**NOW Legal Defense and Education Fund**

Public Education and Outreach Department

Open from 9:30 a.m. to 1:00 p.m. (EST) for referrals and information.

Tel: (212) 925-6635

Email: [peo@nowldef.org](mailto:peo@nowldef.org)

**Web:** [www.nowldef.org](http://www.nowldef.org)

\*NOW LDEF works on violence against women, women's human rights in the U.S., gender bias in the courts and many other related issues.

**National Coalition Against Domestic Violence**

National Coalition Against Domestic Violence (NCADV)

P. O. Box 18749

Denver, CO 80218-0749

(303) 839-1852 / (303) 831-9251 FAX

Web: [www.ncadv.org](http://www.ncadv.org)

**National Network to End Domestic Violence**

660 Pennsylvania Avenue, SE Suite 303

Washington, D.C. 20003 USA

Tel: 202-543-5566

Fax: 202-543-5626

Email: [nnev@nnev.org](mailto:nnev@nnev.org)

**Family Violence Prevention Fund**

Family Violence Prevention Fund

383 Rhode Island St. Suite #304

San Francisco, CA 94103-5133

Tel: (415) 252-8900

Fax: (415) 252-8991

Email: [fund@endabuse.org](mailto:fund@endabuse.org)

Web: [www.endabuse.org](http://www.endabuse.org)

**Resource Center on Domestic Violence: Child Protection & Custody**

Tel: 800-527-3223

Web address: <http://ncjfcj.unr.edu>

National Coalition Against Domestic Violence

P.O. Box 18749

Denver, CO 80218-0749

Tel: 303-839-1852

Fax: 303-831-9251

**American Bar Association Commission on Domestic Violence**

740 15<sup>th</sup> Street, N.W., 9<sup>th</sup> Floor

Washington, D.C. 20005-1022

Tel: 202-662-1737/1744

Fax: 202-662-1594

Email: [abacdvd@abanet.org](mailto:abacdvd@abanet.org)

## INTERNET RESOURCES ON DOMESTIC VIOLENCE AND CHILD CUSTODY

**The websites listed below provide a variety of information that may be useful to you. These sites also provide links to additional sites on these issues.**

[www.custodyprepformoms.org](http://www.custodyprepformoms.org)

[www.thelizlibrary.org/liz](http://www.thelizlibrary.org/liz)

[www.unitedforjustice.org](http://www.unitedforjustice.org)

[www.nationalcoalition.net](http://www.nationalcoalition.net)

<http://cavnet2.org/partners1.cfm?partnerid=15263>

\*Database compiled by CAVNET ([www.cavnet.org](http://www.cavnet.org)) an on-line information center on violence against women.

**There are also online support groups that may be of interest to you. The following two online support groups are for non-custodial mothers:**

[www.groups.yahoo.com/group/Non\\_Cust\\_Mom\\_Link](http://www.groups.yahoo.com/group/Non_Cust_Mom_Link)

[www.geocities.com/noncustodial\\_moms](http://www.geocities.com/noncustodial_moms)

**To subscribe, go to:**

[www.Non\\_Cust\\_Mom\\_Link-subscribe@yahoogroups.com](mailto:www.Non_Cust_Mom_Link-subscribe@yahoogroups.com)

**In addition, the following online support group is for battered mothers fighting for custody of their children:**

[www.groups.yahoo.com/group/MomsAgainstAbuse-MAA](http://www.groups.yahoo.com/group/MomsAgainstAbuse-MAA)

**To subscribe, go to:**

[www.MomsAgainstAbuse-MAA-subscribe@yahoogroups.com](mailto:www.MomsAgainstAbuse-MAA-subscribe@yahoogroups.com)

## US HUMAN RIGHTS DOCUMENTATION PROJECTS & REPORTS

### **US Human Rights Network:**

Tel: 404-644-4160

Email: [info@ushrnetwork.org](mailto:info@ushrnetwork.org)

### **Massachusetts Battered Mothers' Testimony Project**

C/o Wellesley Centers for Women

106 Central Street

Wellesley, MA 02481

Tel: 781-283-2500

Web: [www.wcwonline.org](http://www.wcwonline.org)

*\*Battered Mothers' Speak Out: A Human Rights Report on Domestic Violence and Child Custody in the Massachusetts Family Courts.*

### **Arizona Coalition Against Domestic Violence (BMTP)**

Dianne Post, J.D.

Director of Systems Advocacy

Arizona Coalition Against Domestic Violence

100 W. Camelback

Suite 109

Phoenix, AZ 85013

Tel: 602-279-2900 or 800-782-6400

Fax: 602-279-2980

Email: [dsa@azcadv.org](mailto:dsa@azcadv.org)

*\*Battered Mothers' Testimony Project: A Human Rights Approach to Child Custody and Domestic Violence (2003)*

### **Human Rights Watch/Women's Rights Division**

1630 Connecticut Avenue, N.W.

Washington, D.C. 20009

Tel: 202-612-4321

Fax: 202-371-0124

Website: [www.hrw.org](http://www.hrw.org)

**Note:** Human Rights Watch has produced a high volume of reports on human rights abuses in the United States. The following is a partial list:

- *'We Are Not the Enemy': Hate Crimes Against Arabs, Muslims, and Those Perceived to be Arab or Muslim after September 11 (2002)*
- *Ignorance Only: HIV/AIDS, Human Rights And Federally Funded Abstinence-Only Programs In The United States (2002)*
- *Hidden In The Home: Abuse of Domestic Workers with Special Visas in the United States (2001)*
- *Hatred in the Hallways: Violence against gay, lesbian, and transgender students in the U.S. Schools (2001)*
- *No Escape: Male Rape in U.S. Prisons (2001)*
- *United States -- Nowhere to Hide: Retaliation Against Women in Michigan State Prisons (1998)*
- *Nowhere to Hide: Retaliation Against Women in Michigan State Prisons (1998)*
- *All too Familiar: Sexual Abuse of Women in U.S. State Prisons (1996)*

**Amnesty International USA**

322 Eighth Ave.  
 New York, NY 10001  
 Tel: 212-807-8400  
 Website: [www.amnesty-usa.org](http://www.amnesty-usa.org)

**Note:** Amnesty International has produced a high volume of reports on human rights abuses in the United States. The following is a partial list:

- *Not Part of My Sentence: Violations of the Human Rights of Women in Custody (1999); Human Rights Abuses Against Women: Recommendations for U.S. Foreign Policy (1993)*
- *The threat of a bad example: Undermining international standards as “war on terror” detentions continue (2003)*
- *Children’s Rights Must Be Protected (2003)*
- *Death by Discrimination: The continuing role of race in capital cases (2003)*

**Urban Justice Center**

66 Broadway, 10<sup>th</sup> Floor  
 New York, NY 10012  
 646-602-6600  
 212-533-4598

**Email:** [info@urbanjustice.org](mailto:info@urbanjustice.org)

**Web:** [www.urbanjustice.org](http://www.urbanjustice.org)

- *Human Rights Violations in Welfare Legislation: Pushing Recipients Deeper into Poverty*
- *Hunger Is No Accident: New York and Federal Welfare Policies Violate the Human Right to Food*
- *Compliance with Article 5: Economic, Social and Cultural Rights under the International Convention on the Elimination of Racial Discrimination: A Report on US Government Compliance with ICERD.*

**Note:** The Urban Justice Center is currently documenting human rights violations in New York City high schools using a survey. Students are being trained to administer the survey to their peers. A report will be issued towards the end of Spring of 2004.

**Border Action Network**

PO Box 384 Tucson, Arizona 85702  
 Tel: 520-623-4944  
 Fax: 520-792-2097  
 Email: [BAN@borderaction.org](mailto:BAN@borderaction.org)  
 Web: [www.borderaction.org](http://www.borderaction.org)

- *Liberating the Voices: Fighting Immigrant Prisons in the Southwest*
- *Hate or Heroism: Vigilantes on the Arizona-Mexico Border*

**Kensington Welfare Rights Union**

NUHHCE, ASFCME, AFL-CIO  
 PO Box 50678  
 Philadelphia, PA 19132-9720  
 Phone: 215/203-1945; Fax: 215/203-1950; email: [kwru@kwru.org](mailto:kwru@kwru.org)  
 web: <http://www.kwru.org>



## **WOMEN'S HUMAN RIGHTS REPORTS FROM AROUND THE WORLD (PARTIAL LIST)**

### **Human Rights Watch/Women's Rights Division**

1630 Connecticut Avenue, N.W.

Washington, D.C. 20009

Tel: 202-612-4321

Fax: 202-371-0124

Website: [www.hrw.org](http://www.hrw.org)

- ❑ Nowhere to Hide: Retaliation Against Women in Michigan State Prisons (1998)
- ❑ A Job or Your Rights: Continued Sex Discrimination in Mexico's Maquiladora Sector (1998)
- ❑ Russia: Too Little Too Late: State Response To Violence Against Women (1997)
- ❑ Caught Between Tradition and the State: Violations of the Human Rights of Chinese Women (1995)
- ❑ Violence Against Women in South Africa: State Response to Domestic Violence and Rape (1995)
- ❑ A Matter of Power: State Control of Women's Virgidity In Turkey (1994)
- ❑ Second Class Citizens: Discrimination Against Women Under Botswana's Citizenship Act (1994)
- ❑ Rape in Kashmir: A Crime of War (1993). *In collaboration with:* Physicians for Human Rights, 100 Boylston Street, #702, Boston, MA 02116; Tel: 617-695-0041; Fax: 617-695-0307
- ❑ Punishing the Victim: Rape and Mistreatment of Asian Maids in Kuwait (1992)
- ❑ Criminal Injustice: Violence Against Women in Brazil (1991)

### **Minnesota Advocates for Human Rights**

310 Fourth Avenue South, Suite1000

Minneapolis, MN 55415-1012

Tel: 612-341-3302

Fax: 612-341-2971

Website: [www.mnadvocates.org](http://www.mnadvocates.org)

- ❑ Sex Discrimination and Sexual Harassment in the Workplace in Bulgaria (1999)
- ❑ Domestic Violence in Nepal (1998)
- ❑ Domestic Violence in Macedonia (1998)
- ❑ Domestic Violence in Bulgaria (1996)

### **Amnesty International USA**

322 Eighth Ave.

New York, NY 10001

Tel: 212-807-8400

Website: [www.amnesty-usa.org](http://www.amnesty-usa.org)

- ❑ Not Part of My Sentence: Violations of the Human Rights of Women in Custody (1999);  
Human Rights Abuses Against Women: Recommendations for U.S. Foreign Policy (1993)

**EarthRights International**

P.O. Box 12

Lard Phrao Junction

Lard Phrao, Bangkok 10901

Thailand

Tel/Fax: 66-2-512-2051

Email: earth@ksc8.th.com

☐ School for Rape: The Burmese Military and Sexual Violence (1998)

**International Human Rights Law Group**

1200 18th Street, NW, Suite 602

Washington, DC 20036

Tel: 202- 822-4600

Fax: 202-822-4606

Website: www.hrlawgroup.org

☐ No Justice, No Peace: Accountability for Rape and Gender-Based Violence in the Former Yugoslavia (1993)

**United Nations Economic and Social Council**

New York, NY 10017

Tel: 212-963-5930

Website: www.un.org

☐ Situation of Human Rights in the Territory of the Former Yugoslavia (1992) *Note: addresses rape in war*

**Center for Reproductive Law & Policy**

120 Wall Street

New York, NY 10005

Tel: 917-637-3600

Fax: 917-637-3666

Website: www.crlp.org

○ *Recognizing Forced Impregnation as a War Crime Under International Law (Former Yugoslavia, 1993) Note: Legal analysis only; not a fact-finding report*

**(Footnotes)**

<sup>1</sup> Throughout the research process, rigorous confidentiality protocols were followed for all interviewees, survey respondents, and focus group participants. No real names appear in the report.