2
Child Support and Domestic Violence: An Overview

11
Calculating Safety

18
Collaborating for Safety

24
Finding Balance: Domestic Violence and Child Support

28
A Conversation with Jacquelyn Boggess, JD

32
Child Support Informational Services

© Resource Center on Domestic Violence: Child Protection & Custody, a project of the Family Violence and Domestic Relations Program of the National Council of Juvenile and Family Court Judges (NCJFCJ), 2016.

SYNERGY

RCDV:CPC The Newsletter of the Resource Center on Domestic Violence: Child Protection & Custody

A Project of the National Council of Juvenile and Family Court Judges

Dear Readers:

This issue of *Synergy* focuses on the child support system, its evolving role in the lives of low-income families, and the implications of that evolution for domestic violence survivors and their children. We begin with an overview of the child support system, looking both at the unique risks that engaging this system can pose to survivors and the protections that can make seeking child support a safer option for families experiencing domestic violence. The issue goes on to examine different aspects of the system through the lens of domestic violence dynamics and to explore opportunities for the child support process to empower survivors economically and respect their autonomy. In *Calculating Safety*, nationally recognized experts on custody and domestic violence Nancy VerSteegh and Gabrielle Davis consider how the risks posed to survivors and their children can be minimized when parenting time determinations are integrated into the child support process. *Collaborating for Safety* shares the story of the successful collaboration between the Texas Council on Family Violence and the Texas Office of the Attorney General Child Support Division to improve the system's capacity to protect survivors and their children. In *Finding Balance*, Hon. Lynn Tepper of Florida's Sixth Judicial Circuit offers guidance to judicial officers on accounting for domestic violence from the bench when hearing petitions for child support or applications for financial relief in protection orders. Finally, *A Conversation with Jacquelyn Boggess, JD,* explores the consequences of child support enforcement for very low-income families, including the perspectives of survivors, with the executive director of the Center for Family Policy and Practice.

Enjoy the issue!

Sincerely,

Sarah Smith, JD
Senior Program Attorney
Editor, *Synergy*

Child Support and Domestic Violence: An Overview[1]

By Sarah Smith, JD

Child support is the economic contribution that parents are legally obligated to make to the maintenance and education of their children.[2] The obligation to pay child support arises when parents separate or divorce. Every state has different laws and practices that dictate how cases are initiated, how much a parent owes, and what the consequences are if a parent does not pay child support as ordered.[3] All 50 states, four U.S. territories, and at least 50 Native tribes have public agencies that administer child support.[4] The process consists of identifying and locating non-custodial parents, establishing a support order, collecting the funds, and enforcing the order if the non-custodial parent does not pay the support.[5] Child support agencies use a range of sanctions to enforce payment, including seizing income, suspending driver's or professional licenses, and incarceration.[6]

The Federal Government's Role in Child Support

Federal law governs some aspects of child support collection and provides funding and oversight to state child support programs through the federal Office of Child Support Enforcement (OCSE).[7] The federal role in child support has focused primarily on facilitating collections on behalf of poor families to offset the cost of providing benefits such as Temporary Assistance to Needy Families (TANF)[8] to these families. Under federal law, a parent who seeks TANF or Medicaid benefits must 1) cooperate with the child support establishment process, and 2) assign their rights to any child support to the state that pays their public benefits.[9] Domestic violence victims can obtain a waiver from this requirement if they can show that cooperation with child support agencies compromises their safety.[10] States collecting child support on behalf of TANF recipients may keep these funds to offset the cost of TANF payments, or they may choose to pass the child support funds they collect on to families receiving welfare as a supplement to their welfare benefits.[11]

A custodial parent, regardless of economic status, is entitled to seek child support from a non-custodial parent.[12] For married parents, child support is often awarded as part of the court order in their divorce case.[13] Unmarried parents must use one of three types of processes for obtaining child support, depending on the state in which support is sought.[14] In some states there is a court process, known as a judicial system, for obtaining a child support order. Other states have an administrative process for obtaining orders through the local child support agency. A third group of states has a hybrid or

quasi-judicial system for establishing child support orders that combines elements of the judicial and administrative systems.[15]

Child Support and Child Access

In the last two decades, the federal government has expanded its focus from collecting and distributing child support to helping parents address barriers to their ability to pay child support and facilitating access to children for non-custodial parents.[16] Since 1997, state child support agencies have received funds through the federal Access & Visitation (AV) program to provide non-custodial parents with services, including parent education, assistance with developing parenting plans, and mediation services.[17] In 2012, the federal OCSE funded pilot programs through child support agencies in five states to assist non-custodial parents with the actual establishment of parenting time orders, which has traditionally been a separate process undertaken in family courts.[18] In addition to these pilot sites, parenting time is addressed in the child support process under state law provisions in a handful of states, including Michigan and Texas.[19]

Domestic Violence and Child Support: The Risks

While child support income can be critical to a survivor parent's ability to escape the violence and protect her children, the enforcement process carries risks for domestic violence survivors and their children.[20] Ending an abusive relationship is a risky step for a survivor because it is a direct challenge to an abuser's power. An abuser's violence often escalates after the partner leaves the relationship, putting the survivor and any children in their family in greater danger. Contacts with the abuser after a survivor leaves, such as court dates or visitation exchanges, become an opportunity for abuse.

Part of the child support process involves the gathering, maintenance, and sharing of information about parents in the system. Child support agencies track the location, employment, income, and other financial assets of parents using an assembly of federal information systems known as the Federal Parent Locator Service (FPLS).[21] Federal law permits access to FPLS not only to locate non-custodial parents who owe child support, but also to find custodial parents in some instances.[22] Child support agencies and government agencies that administer public benefits programs such as TANF and Medicaid also share information with one another about parents in the child support system.[23] For example, when a custodial parent applies for TANF, federal law requires that parent to cooperate with efforts to collect child support from the non-custodial parent. The TANF office then transmits that custodial parent's personal information to child support, which triggers enforcement against the non-custodial parent.

A survivor who applies for TANF might not realize that this transmittal of information means the abuser she is trying to escape is about to be summoned by a government agency to answer to a child support debt.[24] The survivor has not initiated the enforcement against the non-custodial parent, and the state may opt to reimburse itself for the TANF benefits it paid the survivor rather than pass any support collected on to her.[25] A consequence, albeit unintended, of this process is to open avenues for contact between the abuser and the survivor at a moment when the news of an unforeseen child support debt is likely to have piqued the abuser's resentments against the survivor.[26] An open child support case requires the survivor to appear in court or at the child support agency, not only to assist in the establishment of a child support order against her abuser, but also perhaps to address that abuser's visitation with their children. Not only might this process enable

the abuser to have contact with the survivor, an abuser may use it to access information about the survivor, resulting in harassment or abuse of the survivor and the children.

Domestic Violence Protections in Child Support Systems[27]

There are protective mechanisms in the child support system designed to address the dangers that domestic violence poses, but state child support systems vary in their capacities to guard against abusers' use of the system to gain access to their victims and perpetuate further abuse.[28] In some states, married or unmarried domestic violence survivors may request child support as part of a protection order against an abusive partner who is the other parent.[29] Other states, however, do not permit child support to be included in a protection order. Married survivors can seek support through the divorce process. Unmarried survivors have the option of going through the formal child support process in their state.[30]

The **Family Violence Indicator** (FVI) is a protective mechanism available to survivors of domestic violence in every state.[31] Federal law requires a state to protect the personal information in a child support case file whenever the state has "reasonable evidence of domestic violence or child abuse and the disclosure of such [personal] information could be harmful to the parent or child of such parent."[32] In such instances, the state will flag a case with an FVI. The FVI flag prevents access to a survivor's personal information through the FPLS database or other databases of child support cases.[33] Each state child support agency has different methods for determining whether there is "reasonable evidence" of domestic violence and different standards for determining whether disclosure of information could be harmful.[34] A protection order is considered reasonable evidence of "domestic violence."[35]

In addition to the FVI, parents concerned that pursuing child support will compromise their or their children's safety from a non-custodial parent with a history of abuse are entitled to a **Good Cause Waiver**.[36] This waiver exempts parents who have applied for TANF or Medicaid from the requirement that they cooperate with child support enforcement if they are able to establish good cause for the request.[37] As with the FVI, each state determines the requirements for establishing good cause.[38]

The federal OCSE also encourages child support agencies to develop comprehensive plans for

addressing domestic violence.[39] OCSE recommends partnering with a local domestic violence organization, training frontline staff and judges on domestic violence dynamics, enhancing public education and outreach to ensure that survivors are aware of the protections and understand the risks, and creating multiple opportunities and avenues for parents to disclose domestic violence safely throughout the child support process.[40]

Child support can be critical to a parent's ability to raise children in safety and stability. Accessing this resource safely requires careful consideration of the potential hazards for families experiencing domestic violence so that survivors can make informed decisions about how and when to engage the child support system. See the resources listed on pages 32 and 33 of this issue, which provide guidance for child support agencies, domestic violence advocates, and parents on ensuring the safety of survivors and their children.

Types of Child Support Process by State/Territory

State/Territory	Type of Process		Statutory	Link to Child Support Agency
	Judicial	Administrative		
Alabama	X		n/a	http://dhr.alabama.gov/services/child_support_services/child_support_enforcement.aspx
Alaska	X	X	Alaska Stat. § 25-27-160	http://www.childsupport.alaska.gov/
Arizona	X		n/a	https://des.az.gov/services/child-and-family/arizona-child-support-services
Arkansas	X		n/a	http://www.dfa.arkansas.gov/offices/childSupport/Pages/default.aspx
California	X		n/a	http://www.childsup.ca.gov/
Colorado	X	X	Colo. Rev. Stat. § 26-13.5-101 to 26-13.5-113	https://childsupport.state.co.us/siteuser/do/vfs/Frag?file=/cm:home.jsp
Connecticut	X	X	Conn. Gen. Stat. § 46b-172	http://www.jud.ct.gov/childsupport/
Delaware	X		n/a	http://www.dhss.delaware.gov/dcse/
District of Columbia	X	X	n/a	http://cssd.dc.gov/

State/Territory	Type of Process		Statutory	Link to Child Support Agency
	Judicial	Administrative		
Florida	X	X	Fla. Stat. § 409.2563	http://dor.myflorida.com/childsupport/Pages/default.aspx
Georgia	X	X	Ga. Code § 50-13-40 and Office of State Administrative Hearings Rules, Chapter 616	http://dcss.dhs.georgia.gov/
Guam	X	X	19 Guam Code Annotated chapter 5A, §§ 5501, et seq.	http://www.guamcse.net/
Hawaii	X	X	Hawaii Rev. Stat. § 576E	http://ag.hawaii.gov/csea/
Idaho	X		n/a	http://healthandwelfare.idaho.gov/Children/ChildSupportServices/tabid/2975/Default.aspx
Illinois	X	X	Ill. Comp. Stat. § 5/10-1	http://www.illinois.gov/hfs/childsupport/Pages/default.aspx
Indiana	X		n/a	http://www.in.gov/dcs/support.htm
Iowa	X	X	Iowa Code § 232.4	https://secureapp.dhs.state.ia.us/CustomerWeb/
Kansas	X		Kan. Stat. Ann. § 39-7, 142	http://www.dcf.ks.gov/services/CSS/Pages/default.aspx
Kentucky	X	X	Ky. Rev. Stat. § 205.712	https://csws.chfs.ky.gov/csws/ or http://chfs.ky.gov/dis/cse.htm
Louisiana	X		n/a	http://www.dss.state.la.us/index.cfm?md=pagebuilder&tmp=home&pid=137
Maine	X	X	Me. Rev. Stat. § 2251-2456	http://www.maine.gov/dhhs/ofi/dser/
Maryland	X		n/a	http://dhr.maryland.gov/blog/child-support-services/

State/Territory	Type of Process		Statutory	Link to Child Support Agency
	Judicial	Administrative		
Massachusetts	X		n/a	http://www.mass.gov/dor/child-support/
Michigan	X		Mich. Comp. Laws § 552.517	http://www.michigan.gov/mdhhs/0,5885,7-339-73971_5528---,00.html
Minnesota	X		Minn. Gen. R. Prac. Rule 353	http://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=id_000160
Mississippi	X		Miss. Code Ann. § 43-19-31	http://www.mdhs.state.ms.us/child-support/
Missouri	X	X	Mo. Rev. Stat. § 454.470	https://dss.mo.gov/child-support/
Montana	X	X	n/a	http://dphhs.mt.gov/CSED.aspx
Nebraska	X		n/a	http://dhhs.ne.gov/children_family_services/CSE/Pages/CSEHome.aspx
Nevada	X (quasi)		n/a	https://dwss.nv.gov/Support/1_0_0-Support/
New Hampshire	X	X	n/a	http://www.dhhs.nh.gov/dcss/
New Jersey	X		n/a	http://www.njchildsupport.org/
New Mexico	X		n/a	http://www.hsd.state.nm.us/LookingForAssistance/Child_Support.aspx
New York	X		n/a	https://www.childsupport.ny.gov/dcse/home.html
North Carolina	X	X	N.C. Gen. Stat. § 110-133	http://www.ncchildsupport.com/
North Dakota	X		n/a	https://www.nd.gov/dhs/services/childsupport/
Ohio	X		n/a	http://jfs.ohio.gov/ocs/
Oklahoma	X	X	Okla. Stat. tit. 56 § 237 et seq.	http://www.okdhs.org/services/ocss/Pages/default.aspx
Oregon	X	X	Ore. Rev. Stat. §§ 416.400-416.470	http://www.oregonchildsupport.gov/index.shtml

State/Territory	Type of Process		Statutory	Link to Child Support Agency
	Judicial	Administrative		
Pennsylvania	X		n/a	https://www.humanservices.state.pa.us/csws/?Preference=Desktop&Owner=Client
Puerto Rico	X	X	Act Number 5, of December 30th, 1986, as amended, 8 L.P.R.A. (Laws of Puerto Rico Annotated)	http://www.asume.pr.gov/
Rhode Island	X		n/a	http://www.cse.ri.gov/
South Carolina	X	X	S.C. Code Ann. § 63-17	http://www.state.sc.us/dss/csed/
South Dakota	X	X	S.D. Codified Laws §§ 25-7A-5 to 25-7A-7	https://dss.sd.gov/childsupport/
Tennessee	X		n/a	https://apps.tn.gov/tcses/
Texas	X	X	Texas Family Code § 233	https://texasattorneygeneral.gov/cs/welcome-to-the-child-support-division
Utah	X	X	Utah Code Ann. § 62A	http://www.ors.utah.gov/child_support_services.htm
Vermont	X		n/a	http://dcf.vermont.gov/ocs
Virgin Islands	X	X	16 V.I.C. § 354; CVIR 16-013-001, §§ 354-01 to 354-11	http://www.pcsd.vi/
Virginia	X	X	Va. Code § 63.2-1901-1946	https://mychildsupport.dss.virginia.gov/
Washington	X	X	Wash. Rev. Code § 74.20A.055	https://www.dshs.wa.gov/esa/division-child-support
West Virginia	X		n/a	http://www.dhhr.wv.gov/bcse/pages/default.aspx

State/Territory	Type of Process		Statutory	Link to Child Support Agency
	Judicial	Administrative		
Wisconsin	X		n/a	http://dcf.wisconsin.gov/bcs/agencylist.htm
Wyoming	X		n/a	http://dfsweb.wyo.gov/child-support-enforcement

SOURCE: National Conference of State Legislatures, http://www.ncsl.org/research/human-services/child-support-process-administrative-vs-judicial.aspx#Table.

For information on tribal child support, go to this link for a list of contacts by tribe name: https://www.acf.hhs.gov/sites/default/files/programs/css/tribal_agency_contacts_printable_pdf.pdf

End Notes

[1] For a comprehensive overview of the child support system, visit the National Conference of State Legislature's Child Support Home Page at: http://www. ncsl. org/research/human-services/child-support-homepage. aspx.

[2] BLACK'S LAW DICTIONARY 233 (7th ed. 1999).

[3] Child Support 101: State Administration, http://www. ncsl. org/research/human-services/child-support-adminstration.aspx.

[4] *Id*.

[5] *Id*.

[6] Child Support 101. 2: Enforcing Child Support Orders, http://www.ncsl.org/research/human-services/enforcement-enforcing-child-support-orders.aspx.

[7] Child Support 101, *supra* note 3.

[8] Background Material and Data on Programs within the Jurisdiction of the Committee on Ways and Means (Green Book) 2012, http://greenbook. waysandmeans. house. gov/2012-green-book/child-support-enforcement-cover-page/legislative-history; Background Material and Data on Programs with the Jurisdiction of the Committee on Ways and Means (Green Book) 2000, https://www. gpo. gov/fdsys/pkg/GPO-CPRT-106WPRT61710/pdf/GPO-CPRT-106WPRT61710-2-9. Pdf; Nune Phillips, *Child Support is an Effective and Important Program for Families*, CLASP, August 31, 2016, http://www. clasp.org/issues/child-support-and-fathers.

[9] 42 U.S.C. § 65(29), 42 USC §§ 654 (B) & (C).

[10] 42 U.S.C.A. §§ 608 (a)(3), 654(29); 42 U.S.C.A. § 1396(a)(1)(A), (a)(1)(B); further amended by Balanced Budget Act of 1997 Pub. L. 105-33; Child Support 101, *supra* note 3.

[11] For more on the issue of welfare reimbursement, see *A Conversation with Jacquelyn Boggess* on pp. 28-31 of this issue.

[12] Child Support Basics, http://www. ncsl. org/research/human-services/child-support-basics. aspx.

[13] *Id*.

[14] Child Support 101: State Administration, *supra* note 3.

[15] See the chart on p.p. 5-9 for a listing of states, their process, relevant law, and a link to the state or local child support agency web site.

[16] Background Material and Data on Programs with the Jurisdiction of the Committee on Ways and Means (Green Book) 2000; Nune Phillips, *supra* Note 8.

[17] 42 U.S.C.A. § 669B; *Id*.

[18] http://www.acf.hhs.gov/sites/default/files/programs/css/14_discretionary_grants_for_ptoc_final.pdf.

[19] See *Calculating Safety* on p. 11 of this issue to learn more about parenting time and child support initiatives and the implications for

families experiencing domestic violence.

[20] Vicky Turetsky, *Safe Access to Child Support Services: Scope of the Issue*, Oct. 15, 2015, http://www. acf. hhs. gov/css/resource/safe-access-to-child-support-services-scope-of-the-issue.

[21] The FPLS is an assembly of information systems under the authority of the OCSE that includes a director of new hires, a national registry of child support cases, several programs that track past due cases and facilitate sanctions. *OCSE Federal Parent Locator Service: Information for Families*, http://www. acf. hhs. gov/css/resource/federal-parent-locator-service-information-for-families.

[22] *Id*.

[23] 42 U. S. C. §§ 408(a)(2)-(a)(3), 1320b-7; 45 CFR 264. 30; U. S. Department of Health and Human Services, Administration for Children and Families, CONFIDENTIALITY TOOLKIT, available at, https://www. acf. hhs.gov/sites/default/files/assets/acf_confidentiality_toolkit_final_08_12_2014. pdf

[24] Lindquist, Tara, *Child Support and Domestic Violence From the Global to the Practice—Issues for Advocacy*, (Washington State Coalition Against Domestic Violence June 2006), available at: http://wscadv. org/resources/child-support-domestic-violence/.

[25] *Id*.

[26] *Id*.

[27] See *Collaborating for Safety* on p. 18 of this issue to learn more about survivor vulnerability in the child support process and ways to enhance their safety.

[28] *Safe Access to Child Support Services*, *supra* note 20; Child Support Digest, Volume 3, Number 3 (October 2015), http://www. ncsl. org/research/human-services/child-support-digest-volume-3-number-3. Aspx.

[29] NCJFCJ Legislative Chart: Child Support in Protection Orders, https://rcdvcpc.org/view-resources-temporary/106-chart-child=support-in-protection-orders.html.

[30] Child Support and Parenting Time Orders, http://www.ncsl.org/research/human-services/child-support-and-parenting-time-orders.aspx, April 18, 2016.

[31] Social Security Act §§ 453(b)(2) and 454(26) as amended by Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. 104-193; further amended by Balanced Budget at of 1997 Pub. L. 105-33. PRWORA Requiring the Placement of a Family Violence Indicator, http://www. acf. hhs. gov/css/resource/policy-responses-regarding-prwora-family-violence-indicator, accessed August 15, 2016.

[32] *Id*.

[33] Power Point presentation, *Safely Pursuing Child Support: The Role of the Family Violence Indicator*, http:/ww.acf.hhs.gov/sites/default/files/ocse/fvi_role.pdf, accessed August 24, 2016.

[34] *Id*.

[35] *Id*.

[36] 42 USC § 65(29), 42 USC §§ 654(B) & (C).

[37] *Id*.

[38] *Id*.

[39] *"Safe Access to Child Support Services"*, *supra* Note 20.

[40] For more information about developing a comprehensive domestic violence plan, child support agencies can visit this link: http://www.acf.hhs.gov/programs/css/rsource/safe-access-to-child-support-services-scope-of-the-issue.

Calculating Safety

Reckoning with Domestic Violence in the Context of Child Support Parenting Time Initiatives

By Nancy Ver Steegh and Gabrielle Davis

Policy makers and stakeholders have been engaged in a national discussion about establishing parenting time for never-married noncustodial parents when initial child support orders are entered. Doing so would provide parents, who might otherwise have to file more cumbersome court actions, with streamlined methods of formalizing parenting time arrangements. On September 29, 2014, Congress weighed in on the matter by enacting a Sense of Congress provision that "establishing parenting time arrangements when obtaining child support orders is an important goal which should be accompanied by strong family violence safeguards."[1] A number of valuable domestic violence safeguards already exist and are customarily applied in child support settings, including address confidentiality, limited in-person contact, and exemptions from mandatory participation in programs and services.[2] Those types of safeguards should continue to be maintained in all parenting time proceedings. This article focuses on two additional "strong family violence safeguards" and the practicalities—and potential impracticalities—of developing parenting time arrangements for never-married noncustodial parents who have committed or who have been subjected to intimate partner abuse by the other parent.[3] First, it recommends expanding existing safeguards to provide the information and support never-married parents with a history of domestic abuse need to make deliberate decisions about parenting time. Second, it urges that whenever parenting time services are offered, parents, rather than child support officials and/or designees, should decide whether, when, and how to pursue the establishment of parenting time.

Many parenting time initiatives are in early stages of development and are currently being piloted in select jurisdictions across the country.[4] Others have been in place for many years.[5] These initiatives differ in many respects[6] and their mechanics are not always fully spelled out or settled. The domestic violence implications of parenting time initiatives depend upon a number of structural variables, including where, how, by whom, under what authority, and to what effect such plans are established. Designing and implementing strong family violence safeguards is complex because

child support (and, by extension for purposes of this article, parenting time) can be established for never-married parents in so many potential ways,[7] by so many people,[8] in so many different kinds of tribunals,[9] according to such different laws across so many different states,[10] and according to so many different local customs and practices.[11] The domestic violence implications also depend upon a number of case-specific variables, such as the nature, context, and impact of abuse on the parents and children, the parents' respective skills, capacities and interests, and the parents' relative economic standing, access to resources, and life circumstances. Designing and implementing strong family violence safeguards that accommodate the realities of people's lives is challenging because domestic violence operates in so many different ways, under so many different circumstances, within so many different types of relationships,[12] and among so many differently situated people. Given the numbers and variations among parenting time proposals and the differences in the way domestic violence occurs within relationships, this article does not examine any particular parenting time program or proposal. Instead, it explains the need to support safe, informed, and voluntary parental decision-making on all aspects of parenting time, including whether and when to seek it. Informed, deliberate decision-making constitutes a "strong family violence safeguard" that has received less attention among policymakers but should be a required focus of parenting time initiatives under the recently passed Public Law No. 113–183.

Parenting Time is for Children

Children are the intended beneficiaries of parenting time. Some of the discourse around establishment of parenting time in connection with initial child support orders focuses on the rights of noncustodial parents and on providing an incentive for payment of support.[13] While these are important considerations, they pale in comparison with the primary purpose of parenting time, which is to nurture, mentor, and provide loving and responsible care for children. When relationships are healthy, many children and never-married parents will readily welcome and benefit from access to appropriately streamlined court, administrative, and/or community-based processes for establishing parenting time and to associated resources and services. Unfortunately for some children, parenting time is fraught with uncertainty, anxiety, and risk. Indiscriminate–even if well-intentioned—parenting time establishment efforts can place these children in untenable situations, and the despair and harm they experience may continue for years without respite or recognition. Often they are children whose parents have a history of domestic violence. Domestic violence is not a uniform or static phenomenon but varies in form, motivation, frequency, intensity, pattern, and effect.[14] Consequently, it doesn't always create the same problems for all parents.[15] And, since children's relationships with their abused and abusive parents range from relatively safe and secure to dangerous,[16] domestic violence does not create the same problems for all children.[17] Some problems are more serious and complex than others. Some are more manageable than others. To illustrate the variability in the nature, context, and impact of domestic violence on children, consider the differences among these hypothetical children of never-married parents who have experienced intimate partner violence:

- Andy has a good relationship with both parents although they no longer live together—both parents have used violence in the past (that has not been marked by coercive-controlling dynamics) but they have worked hard to take responsibility for the resulting harm, and both parents are now ready and able to share parenting time with Andy, who is a willing participant;

- Betsy has a troubled relationship with her abusive parent who presently lacks key parenting capacities—nevertheless, both parents think it would benefit Betsy to work in an incremental and planned way toward building parental competence and a healthier parent–child relationship, with help from responsible extended family members;
- Based on past abuse, Charlie and his victim-parent are fearful of any contact with his coercive controlling parent who remains threatening even though there has been no recent physical violence—Charlie becomes agitated when contact is discussed;
- Delia has an abusive parent who has a long history of physically and sexually abusing her and her other parent such that both are severely traumatized; and
- Although he does not know it, Ely was conceived as a result of a rape, and his mother wants no contact with his father, who is presently homeless.

All of these scenarios involve known intimate partner violence and unmarried parents, but when it comes to establishing parenting time, the implications are dramatically different for each. Given the variability in the nature, context, and implications of abuse, including the children's specific needs and their parents' respective capacities and life circumstances,[18] one cannot tell simply from knowing that a case involves domestic violence what kind of parenting time arrangement would be in the children's best interest or what a safe and appropriate method for establishing that arrangement might be. Simply stated, the domestic violence implications of a given parenting time plan would be different for Andy than for Betsy, Charlie, Delia, or Ely. And the domestic violence implications of a given parenting time arrangement would be different for each of their parents.[19]

The Parenting Time Arrangement: Is It In A Child's Best Interest?

When domestic violence is an issue, parents should think long and hard about what the child's experience of parenting time will be like, and what, if any, arrangements and safeguards will make parenting time beneficial for the child. In this regard, the circumstances of Andy, Betsy, Charlie, Delia, and Ely are quite different from each other and their various needs will also change over time. Determining what will be safe, nurturing, and developmentally appropriate is a multifaceted undertaking. Often, situations are further complicated by parenting concerns related to substance abuse, lack of safe and adequate housing, or uncertainty about new romantic partners.[20]

Many states and jurisdictions have promulgated standard parenting plans that are commonly incorporated into final divorce decrees for married parents who are separating.[21] Some parenting time initiatives contemplate the issuance of similar presumptive parenting plans for never-married noncustodial parents upon entry of a child support order.[22]

Presumptive parenting plans that have been standardized for relatively functional families may or may not work well for families experiencing current or past abuse.[23] This is because standard expectations and assumptions about parenting and co-parenting can be, and often are, wrong where domestic violence is concerned. In other words, there is nothing standard about children's experiences of abuse.[24] In the scenarios described earlier, the nature, context, and implications of abuse are different for Andy than they are for Betsy, Charlie, Delia and Ely. Consequently, no standard parenting time plan—even one designed specifically for domestic violence cases—can account for the unique ways in which domestic violence is enacted

by abusive parents. Nor can a standard parenting time plan—even one designed specifically for domestic violence cases—address the individual needs of children and victim-parents who experience abuse differently. It is hard to imagine that the same parenting arrangement that would work well for Andy would also work well for Betsy, Charlie, Delia, and Ely.[25]

In legal terms, presumptive parenting plans are problematic because they supplant consideration of the individual needs of children.[26] There is no inquiry into the best interests of a child unless a parent formally objects and potentially instigates court intervention. The need to do so places factual, legal, and financial burdens on a victim-parent who may be poorly situated to sustain them. In practical effect, the presumption becomes operational for children when their parents disagree about parenting time.[27] Thus, while the parents of Andy and Betsy may voluntarily agree to an arrangement, children like Charlie, Delia, and Ely, who arguably most need a tailored plan, but whose parents are least likely to agree on one, will be the children most likely governed by the terms of a presumptive arrangement.

Parent-initiated Establishment of Parenting Time

Most proposals link the establishment of parenting time to the entry of an initial child support order, without clearly specifying who initiates the child support action or asserts the parenting time claim.[28] However, the question of who initiates the child support action and who asserts a claim for parenting time can be of great consequence to victims of domestic violence and their children. This is especially true in public benefits cases where the state prosecutes child support proceedings without participation by the residential victim-parent.[29]

It is one thing to offer a voluntary avenue for the establishment of parenting time and quite another to mandate it in every case. Advising parents concerning the potential for parenting time and the availability of services to pursue establishment is a far safer course of action than imposing a parenting time requirement on parents who for good reasons may not want one and for whom it may be dangerous. Forcing the issue of parenting time on the parents of children like Charlie, Delia, and Ely may in itself create danger for them. In contrast, the parents of children like Andy and Betsy are well-positioned to access streamlined services for establishing parenting time voluntarily.

Recommendations and Conclusion

Agencies have a unique opportunity to improve safety and well-being by providing access to information and resources specifically designed to support informed and deliberate decision-making by parents who have experienced domestic abuse. They need access to a continuum of services to obtain legal and nonlegal information, comprehensive advocacy, and tactical advice. Some parents may be sufficiently informed by reading online material or specially designed brochures regarding parenting time while others may need more intensive support, such as a professionally staffed hotline, unbundled legal services, or even full legal representation.

Because many children and never-married parents will readily welcome and benefit from access to streamlined processes for establishing parenting time, child support agencies should offer opportunities for the establishment of parenting time for any parent who seeks to do so. However, agencies should not themselves initiate or be mandated to establish parenting time with the entry of every child support order because this unnecessarily heightens risk for children and victim-parents. Parents should decide whether and when to initiate formalization of parenting arrangements.

Never-married parents with a history of domestic abuse must be equipped with the information, services, and legal support they need to make their own voluntary and informed decisions about whether, when, and how parenting time should be established. Providing them with good information, good options, and good support will maximize the likelihood of beneficial outcomes for children.

This article is excerpted from a longer piece that appeared in the Family Court Review in April 2015.

About the Authors

Nancy Ver Steegh, Professor of Law at Mitchell Hamline School of Law, is nationally recognized for her work using research on the context and dynamics of intimate partner violence to re-examine and promote reform in child custody policy and practice.

Gabrielle Davis, Legal Policy Advisor with the Battered Women's Justice Project, has extensive expertise on custody decision-making in the context of domestic violence and helped to develop a tool for analyzing the implications of family violence for child safety and well-being.

End Notes

[1] Preventing Sex Trafficking and Strengthening Families Act, Pub. L. No. 113–183 § 303(b)(1) (2014).

[2] *See*, e.g., Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104–193).

[3] The relevance of domestic violence to the establishment of parenting plans is widely acknowledged and especially pertinent to the parenting time initiatives that are the subject of this special edition of Family Court Review. The President's proposed budget for FY 2015 contemplates that parenting time activities will be "informed by an understanding of domestic violence and abuse victimization approaches." Dep't of Health & Hum. Serv., Justification of Estimates for Appropriations Committees, Promoting Parenting Time Responsibilities (Mar. 7, 2014), at 250. Moreover, the U.S. government requires that domestic violence safeguards and protocols be incorporated into all discretionary grants for parenting time in child support settings because it recognizes that "safety is a paramount consideration in the development of parenting plans." Child Support Fact Sheet Series No. 14, *Discretionary Grants for Parenting Time Opportunities for Children in the Child Support System*, U.S. Dep't of Health & Hum. Serv., Admin. for Child. & Fam. (July 2013) [hereinafter Fact Sheet No. 14].

[4] The following entities have received discretionary grants to develop, implement, and test strategies to establish parenting time responsibilities when initial child support orders are entered: San Diego County California Department of Child Support Services; Florida Department of Revenue, Child Support Enforcement Program; Monroe Indiana Circuit Court; Fairfield County Ohio Child Support Enforcement Agency; and the Oregon Department of Justice, Division of Child Support. Fact Sheet No. 14, *supra* note 3.

[5] They include Michigan; Texas; Orange County, California; and Hennepin County, Minnesota. Child Support Fact Sheet Series No. 13, *Child Support and Parenting Time: Improving Coordination to Benefit Children*, U.S. Dep't of Health & Hum. Serv., Admin. for Child. & Fam. (July 2013) [hereinafter Fact Sheet No. 13].

[6] Some contemplate the issuance of an all-or-nothing standard parenting time plan, while others envision mediation of a customized

parenting time arrangement. Some are strictly limited to noncustodial parental contact and access, while others consider the allocation of legal decision-making authority as well. Some proposals envision the establishment of parenting time as an informal, out-of-court arrangement between the parents, while others contemplate entry of a formal parenting time court order. Some proposals suggest a voluntary process where parents may elect, but are not required, to establish parenting time, while others mandate or automate the establishment of parenting time concurrently with the entry of a child support order. Some proposals allow victims of domestic abuse to opt out of the parenting plan establishment process, while others include or exclude domestic violence cases altogether.

[7] Child support can be established through different kinds of actions, including direct child support actions, parentage actions, and direct parenting time actions.

[8] Unlike divorce actions, which can only be brought by the married parents themselves, different people can bring different kinds of actions that can lead to the establishment of child support. For instance, child support actions can be brought by custodial parents, third-party custodians (like grandparents and guardians), or the state, with or without the cooperation or involvement of the parents. Parentage actions can be brought by custodial or noncustodial parents or the state. Parenting time actions can be brought by custodial or noncustodial parents, but usually not the state.

[9] Different tribunals have jurisdiction to hear different kinds of actions in different states. For instance, in some states, administrative tribunals have jurisdiction to hear child support matters, but not custody or parenting time questions, while others are authorized to hear all matters related to parental rights and responsibilities. Juvenile courts in most states have original and continuing jurisdiction to consider child support, custody, and parenting time in the same proceeding. *See generally* Jessica Pearson, *Establishing Parenting Time in Child Support Cases: New Opportunities and Challenges*, 53 Fam. Ct. Rev. 246, (2015).

[10] The establishment of child support and parenting time is generally a matter of state law and different states have different laws, standards, and presumptions respecting the establishment of child support and parenting time. Domestic violence, as it relates to the establishment of parenting time and/or the best interests of the child, is treated differently under the laws of the various states. *See generally* Linda D. Elrod & Robert G. Spector, *A Review of the Year in Family Law 2012–2013: A Banner Year for Same-Sex Couples*, 47 Fam. L. Q. 505, 552–57 (2014); Jessica Pearson, *Child Support Programs and Parenting Time Orders: Research Practice, and Partnership Project*, Roundtable on Domestic Violence Meeting Synthesis, 7 (Sept. 2013), available at http://www.acf.hhs.gov/sites/default/files/programs/css/ocse_roundtable_synthesis_2013.pdf (last visited Oct. 31, 2014).

[11] The administration of child support generally occurs at the county level in most states. Custom and practice varies considerably from county to county even within a single state. *See generally* Pearson, *supra* note 9, at 246.

[12] *See* Maureen R. Waller & Allison Dwyer Emory, *Parents Apart: Differences Between Unmarried and Divorcing Parents in Separated Families*, 52 Fam. Ct. Rev. 686, 687, 699 (2014) (children born to unmarried parents who may have cohabited, may have been in a romantic relationship, or may not have cohabited or been in a romantic relationship); Solangel Maldonado, *Shared Parenting and Never-Married Families*, 52 Fam. Ct. Rev. 632, 634 (2014).

[13] *See generally* Alicia G. Key, *Parenting Time in Texas Child Support Cases*, 53 Fam. Ct. Rev. 258, (2015); *See* also Pearson, *supra* note 9.

[14] *See generally* Michael P. Johnson, A Typology of Domestic Violence: Intimate Terrorism, Violent Resistance, and Situational Couple Violence (2008).

[15] *See generally* Peter G. Jaffe et al., *Custody Disputes Involving Allegations of Domestic Violence: Toward a Differentiated Approach to Parenting Plans*, 46 Fam. Ct. Rev. 500 (2008).

[16] *See* Evan Stark & Anne Flitcraft, Women at Risk 76 (1996) (approximately half of children who witness domestic violence are themselves physically abused); Waller & Emory, *supra* note 12, at 688, 699 (unmarried parents more likely to report intimate partner violence and "single-mother families also appear to be

at relatively high risk for intimate partner violence regardless of marital or relationship status at birth").

[17] Peter G. Jaffe Et Al., Child Custody & Domestic Violence: A Call for Safety and Accountability 21-28 (2003).

[18] Complicating circumstances can include such things as the proximity of the proceeding to pregnancy, separation, and birth (which are especially dangerous times for battered women), the arrival of later-born children; blended relationships where the parents have some children in common and other children not in common, persistent poverty, and homelessness, to name a few.

[19] Most drafters of parenting time proposals recognize this conundrum. Consequently, proposals often include some provision to address domestic violence, either by allowing victims of domestic violence to opt out of the parenting time initiation process or by excluding domestic violence cases altogether. *See generally* Fact Sheet No. 14, *supra* note 3; Off. of Child Support Enforcement, *Child Support and Parenting Time: Improving Coordination to Benefit Children*, Child Support Fact Sheet Series, No. 7 (June 19, 2011) [hereinafter Fact Sheet No. 7].

[20] *See* Maldonado, *supra* note 12, at 635 (noting that low-income fathers may not have a home suitable for exercising parenting time); Waller & Emory, *supra* note 12, at 698.

[21] *See generally* Pearson, *supra* note 9 (discussing states with standard visitation schedules provided on a presumptive basis).

[22] Pearson, *supra* note 9, at 246.

[23] Standardized orders may be inconsistent with statutory domestic violence–related child custody presumptions such as those prohibiting joint legal or physical custody arrangements and/or parenting time with an abusive parent.

[24] Jaffe Et Al., *supra* note 17, at 21–28.

[25] In fact, this concern cuts both ways. A presumptive order might not provide enough protection for children like Charlie, Delia, and Ely, but might provide too much protection for children like Andy and Betsy. Neither outcome would be in the best interests of the affected children nor adequate for their parents.

[26] *See also* Gabrielle Davis et al., *The Dangers of Presumptive Joint Physical Custody* (2010), available at http://www.bwjp.org/files/bwjp/articles/Dangers_of_Presumptive_Joint_Physical_Custody.pdf (last visited Sept. 9, 2013); Nancy Ver Steegh & Diana Gould-Saltman, *Joint Legal Custody Presumptions: A Troubling Legal Shortcut*, 52 Fam. Ct. Rev. 263 (2014).

[27] Key, *supra* note 13, at 260 ("In effect, the standard visitation order was—and remains today—a default order which takes care of issues not agreed upon by the parties. In the absence of a parental agreement, the standard order 'governs the relationship of separated parents for virtually every minute of the year.' ").

[28] See Preventing Sex Trafficking and Strengthening Families Act, Pub. L. No. 113–183, § 303(b)(1) (2014). *See generally* Pearson, *supra* note 19, at 3, 19.

[29] *See generally* Fact Sheet No. 7, *supra* note 19.

Collaborating for Safety:

How One State Coalition and Child Support Agency Worked Together to Better Serve Families Experiencing Domestic Violence

By Sarah Smith, JD

When Krista Del Gallo joined the Texas Council on Family Violence (TCFV) 14 years ago, she didn't know much about child support.

"I never thought of child support as something survivors could actually get," recalls Del Gallo, an experienced domestic violence advocate. "I didn't realize that Texas actually gets more child support for kids than any other state. I had no idea that this was such a huge program and that it was so effective at getting money for so many families."

Child support first caught Del Gallo's attention in the mid-2000s, when the TCFV began developing economic stability resources for survivors. In the wake of federal welfare reform, public assistance was no longer a consistent or reliable form of income for survivors.

"TANF (Temporary Assistance to Needy Families)[1] cases were diving down to almost nothing," recalls Del Gallo. "Child support cases were in the millions."

Child support was another potential income stream for survivors, but not one without perils. Del Gallo had no idea what protections even existed in the child support system for parents and children experiencing domestic violence, so she reached out to the Texas Office of the Attorney General (OAG) Child Support Division.

The timing turned out to be perfect. Just as TCFV was turning its attention toward child support as a viable economic resource for survivors, Del Gallo says, the Texas AG's Child Support Division had been receiving federal financing to fund supportive services to families in the child support system. Both agencies recognized the opportunity to enhance supports for survivors of domestic violence in the Texas child support system.

"We both had a lot to learn from each other," Del Gallo recalls. "That is a good place to start."

What followed has been more than a decade of fruitful collaboration between TCFV and the Texas

Child Support Division. An informal relationship led to the formation in 2008 of a collaborative work group that did an in-depth safety assessment of the Child Support Division's policies and procedures.[2] Today, the Child Support Division has an ongoing Family Violence Education and Outreach (FVEO) project that raises awareness among child support staff on appropriate responses to family violence and educates survivors and advocates on how to navigate the system safely.

Child Support: The Potential Perils for Survivors

Economic issues weigh on survivors and factor into their decisions about relationships and safety. Financial challenges can make survivors more vulnerable to economic dependency in relationships and may contribute to a sense of being trapped in an abusive relationship. While income from child support can be a huge benefit, the process of obtaining child support involves safety risks for many survivors. This is especially true when survivors do not initiate child support enforcement, which is often the case in low-income families.

According to Del Gallo, "a case has a more adversarial feel when there is family violence. The process can give the abuser greater access to the survivor and the abusers are honing in and blaming the victim for everything."

The Texas OAG notes that the state's public records laws can conflict with efforts to keep survivors' information confidential. Survivors entering the child support system may not be aware that some of their personally identifying information can be made available to their abuser through the child support process. In Texas, for example, state law requires that a parent's address be included in publicly available court documents. Family violence survivors can secure exemptions from this requirement, but they have to be aware of the risk of disclosure in order to request address protection.

Family Violence Protections and Their Limits

The FVI is one tool child support agencies can use to help survivors stay safe. Flagging a case with the Family Violence Indicator (FVI) prevents the Federal Parent Locator Service (FPLS) from releasing the personal information of a parent needing protection from harm that the release of information could cause.

In Texas, Del Gallo says, child support workers err on the side of caution and generously apply the FVI. Parents are not required to provide proof of family violence in order to qualify for the confidentiality that comes with the FVI. Texas also recently revamped its screening process to include questions that help identify high risk cases.

In addition to the FVI, parents applying for TANF can obtain a good cause exception from the requirement that they cooperate with child support enforcement if they can demonstrate that it will put them or their children in harm's way due to domestic violence.[3] While the cooperation requirement is a federal law, states establish their own standards for good cause not to cooperate and how such good cause is proven.[4] In Texas, survivors seeking the waiver are given a form that a local domestic violence agency must sign to verify the existence of the danger and need for the waiver.

Navigating the System Safely Requires Guidance and Advocacy

Unfortunately, survivors in Texas do not always get the benefit of the FVI or good cause waiver, says Del Gallo.

One issue is that all the information that the survivor receives when the child support process is initiated can be overwhelming. If the child support worker flags the case with an FVI, the survivor is mailed an affidavit of non-disclosure that the survivor must complete and present in court. The court must then make a finding of non-disclosure to ensure that the case record is not made public.

"This is one of many pieces of paper that a survivor receives throughout the process," says Del Gallo. "Because it is mailed to them, it does not mean that they will read it and be prepared to present their need for this protection in court."

There are similar barriers to securing the good cause waiver. In order to obtain the waiver in Texas, a survivor must find a local domestic violence agency that will sign a form verifying that the survivor is in danger. The survivor must accomplish this and return the signed form to the TANF agency within 10 days.[5]

"This requirement is an onerous aspect of the process for many survivors because, in reality, the vast majority of survivors are not recipients of domestic violence services," explains Del Gallo. "They are now told they have to get this form signed and given a number to a program. It is usually a hotline number and then the hotline staff asks them to come into the agency. This can raise transportation, child care, or other challenges."

Although TANF policy explicitly requires public benefit workers to explain and offer the good cause waiver to victims of family violence, Del Gallo says survivors in Texas applying for public benefits are not always advised of this option. This problem is compounded because, according to Del Gallo, the computer system TANF workers use does not track whether the good cause policy is followed. Further exacerbating these challenges is the reality that TANF eligibility screening in Texas is often done over the telephone. This truncates the exchange between the worker and parent, making it difficult to identify domestic violence.

"Even if a survivor is aware of the waiver, they may not understand that asserting their need for the waiver will not compromise their benefits," Del Gallo points out. "Then there is how time-consuming it can be to obtain the waiver. There

are several layers a survivor has to overcome just to not have to apply for child support."

A Mutually Beneficial Collaboration

The ongoing partnership between the TCFV and the Texas Child Support Division has helped to address these gaps in the safety net for survivors.

"There was a huge lack of knowledge in every direction," recalls Del Gallo of TCFV's early interactions with the Child Support Division. "We recognized the need for training across the board, within the child support system, for advocates at our DV programs, and for potential child support customers."

Before the TCFV and the Texas Child Support Division embarked on their collaboration, the Child Support Division's domestic violence training consisted of a video.[6] Today, new child support staff attend a four-hour interactive family violence training, and all staff receive continuing education on family violence annually.[7] In addition, the collaborative has developed a four-hour advanced family violence training for Child Support Division attorneys.[8]

Together, the two agencies have developed a number of educational tools for advocates and survivors that are available on the Child Support Division web site and in written materials.[9] The TCFV and the Child Support Division have also created a toolkit that contains strategic guidance for advocates working with survivors navigating the child support system.

"There are some really important features [in the toolkit] for a survivor. We wanted to be sure advocates had the information they needed to think through the process with survivors," says Del Gallo.

The toolkit and the TCFV's other educational efforts have helped raise the level of domestic violence advocacy in the child support system. Two child support courts now have advocates on site. The results are apparent in the courtrooms.

According to Del Gallo, "Judges see the benefit of having people more prepared when they get to court. If you can help people get good orders in the first place, it saves time. Then the domestic violence attorneys do not have to clean up the mess later."

"Advocates are much more informed and competent," explains Del Gallo. "We regularly receive calls from advocates and survivors around child support issues that we can troubleshoot with the Child Support Division. The survivor cases that find their way to us are the hardest, worst cases. The fact that we have come to a good resolution to some of these cases speaks highly of the work we have done."

Domestic violence advocates and the Texas Child Support Division engage in an ongoing dialogue about issues impacting survivors. This collaborative rapport means that the Child Support Division can send direct referrals to TCFV or other domestic

violence agencies and advocates have a direct connection to the Child Support Division to address issues in specific cases.

These dialogues have also resulted in policy changes in Texas. After a father who was angry about an order that he pay $600 monthly in child support shot and killed the mother of his two children in 2013,[10] it came to light that the mother's application for Medicaid had triggered child support establishment efforts. This mother had reached out to the Child Support Division to stop enforcement because she felt it was putting her in danger and asked the Medicaid office to remove her benefits, but the case continued through the process and was set for court. Subsequently, TCFV and the Child Support Division worked together to get a rule change so that Child Support Division attorneys are now permitted to put a hold on cases referred through TANF or Medicaid if safety concerns exist. Attorneys are also trained now to review past case notes carefully to identify safety concerns. All of this serves to protect survivors better.

TCFV has also pushed for a new practice of having domestic violence agencies process requests for the TANF good cause forms over the telephone. Generally, agencies that receive funding through the Violence Against Women Act (VAWA) must obtain a signed release from a survivor in order to count their assistance as a service. Requiring survivors to travel to an agency created additional barriers for survivors, but now agencies can read the release of information authorization over the telephone and take the survivor's consent verbally.

Through the TCFV and the Child Support Division collaboration, domestic violence considerations have become an integral part of the child support process in Texas, and services for families experiencing domestic violence have improved significantly.

Del Gallo encourages state coalitions and local domestic violence agencies to reach out to their own child support agencies to explore opportunities for similar collaborations. The federal Office of Child Support Enforcement has been focusing recent outreach efforts on domestic violence, so state child support agencies will likely be open to such collaboration.

The Child Support Division points to a commitment from leadership and the implementation of family-centered, safety-first services throughout the system as keys to sustaining their collaboration with the TCFV over time. For agencies considering a family violence partnership, the Child Support Division recommends beginning with conversations with all possible stakeholders, including survivors, agency leadership and frontline staff, domestic violence agencies, court staff, and any agencies that intersect with child support. These exchanges can establish the foundational trust and understanding that are critical to building an effective collaboration.

"Once you start to learn from one another, the opportunities for collaboration continue to come, regardless of changes in staff, funding, or agency leadership," explains Del Gallo. "The ongoing relationship helps to institutionalize the commitment to strong domestic violence protections."

Thank you to the Texas OAG Child Support Division and Krista Del Gallo at the TCFV for sharing their insights for this article and for their continuing efforts to promote the safety of survivors and their children in the child support system.

For additional assistance in improving capacity and advocacy for domestic violence survivors in the child support system, contact:

The Resource Center on Domestic Violence: Child Protection and Custody at info@rcdvcpc.org or 800-527-3223

Michael Hayes, Senior Programs Manager, Office of Child Support Enforcement: Michael.Hayes@acf.hhs.gov

For more information on the Texas approach, contact:

Krista Del Gallo, Policy Manager, Texas Council on Family Violence: kdelgallo@tcfv.org

Molly Thibodeaux, Family Violence Specialist, Office of the Attorney General-Child Support Division: Molly.Thibodeaux@texasattorneygeneral.gov

End Notes

[1] TANF is a federal and state funded benefit program that provides cash assistance to the poor. It is commonly known as welfare.

[2] OAG Child Support Division official response dated July 29, 2016.

[3] Social Security Act §§ 453(b)(2) and 454(26) as amended by Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. 104-193; further amended by Balanced Budget Act of 1997 Pub. L. 105-33.

[4] *Id.*; Roberts, Paula, *Child Support Cooperation Requirements and Public Benefits Programs: Overview of Issues and Recommendations for Change* (Center for Law and Social Policy: November 2005).

[5] OAG Child Support Division official response, dated July 29, 2016.

[6] *Id.*

[7] *Id*.

[8] *Id*.

[9] The video and other resources for survivors and advocates are available at this link: https://www.texasattorneygeneral.gov/faq/cs-information-for-survivors-of-family-violence-frequently-asked-questions.

[10] http://www.newswest9.com/story/22829880/a-third-person-is-arrested-in-connection-with-the-midland-murder-on-thursday.

Finding Balance:
Domestic Violence and Child Support

BY JUDGE LYNN TEPPER
SIXTH JUDICIAL CIRCUIT, FLORIDA

Why doesn't she[1] leave? Why does she go back? Why does she keep re-filing these cases? Doesn't she understand she risks losing her children for failure to protect them?

Perhaps it is time to refocus these questions on the justice system. The actions and inaction of judges, child support enforcement attorneys, and caseworkers may actually have the power to help or hinder victims in overcoming one of the most significant barriers to leaving for survivors of domestic violence: financial instability. The prospect of losing their housing, property, insurance, transportation, and income may be at the root of victims' fears of leaving an abusive partner to protect themselves and their children. The reality is that *staying* may be her only option financially. Indeed, a survey of domestic violence shelters in 2012 revealed that 74% of victims reported staying with their abuser longer for financial reasons.[2]

In the traditional child support process, a victim is expected to face a partner who has physically and emotionally punished and humiliated her in a courthouse or a government office where there may be little regard for her individual safety. She may leave with just a piece of paper, no actual financial support, and little or no guidance on how to enforce the order to pay support on that piece of paper.

In most states, judges have the power to order child support at a hearing on a protection order, known as a Domestic Violence Injunction (DVI) in Florida where I am a judge.[3] Alternatively, some states permit temporary orders of support in divorce and paternity actions.[4] In states that permit courts to award temporary child support in protection orders, there is no valid reason for a judge *not* to award it. If your state does not permit child support to be included in a protection order, you should find out whether temporary orders of support can be issued in divorce or paternity cases. Paternity cases, whose purpose is to determine the legal father of a child, might provide an alternative forum for unmarried parents to seek a temporary support order until the case is decided.

Victims who petition for child support, or simply apply for public benefits and heed the mandate that they cooperate with child support enforcement, are often subject to threats and retaliation from perpetrators.[5] Whether a victim who has decided to leave an abusive partner can seek child support at a protection order hearing or must file a separate petition for support, the system often fails to do all it might to keep that victim and her children safe and financially secure.

Long lag times between a petition for support and the hearing date, as well as inadequate security within the courthouse, parking lot, and courtroom can increase the risk for victims.[6] If a victim manages to obtain a support order, she may not know how to enforce it safely and often don't receive adequate guidance in courthouses or child support offices.

For these reasons, it is critical that courts and other professionals prioritize cases involving child support and domestic violence.[7] This includes any case in which child support is an issue, not just protection order proceedings. State and county agencies responsible for child support enforcement flag cases with a Family Violence Indicator (FVI) when such abuse is identified in the application process.[8] The attorney representing the child support agency can and should advise the court if a case has been flagged for domestic violence. In my court, a petitioner for a protection order has the option of appearing after the respondent to avoid any contact. In states that have Domestic Violence Benchbooks, it is important that judges review them.[9] Judges can find guidance to implement courthouse security in all aspects at the NCJFCJ website.[10]

Here are some pointers for avoiding unnecessary delay and keeping the parties safe:

- If the obligor party does not appear, imputing a minimum wage or relying upon recent wage reports provided by child support enforcement attorneys[11] allows you to calculate a bare minimum obligation and get the order in place.
- If the parties submit financial affidavits detailing their income and assets, a child support order truly reflective of the family's need can be calculated using the child support guidelines (CSGL).
- It is possible to calculate adjustments that state statutes may require based upon the number of nights a child may, or may not, spend with the parent who owes support.

Ideally, orders should prevent the need for any contact between the victim and the abuser. In Florida, I issue Income Deduction Orders, which require payments to be deducted directly from the parent's paycheck and transmitted to the payee through the public agency that processes child support in Florida, the State Disbursement Unit. If the obligor does not have a regular income, the order should require payment to the State Disbursement Unit, which will transmit the funds to the parent or other payee. Both of these methods eliminate opportunities for an abuser to make contact with the victim using the pretext of child support payment. Beware of proposals for the abuser to make direct deposits into the victim's bank account, which are often proposed when attorneys represent the litigants. Orders for direct deposit should be an exception because they allow the abuser access to the victim's banking information and can result in disputes over whether payments were made. Similarly, orders for the obligor to make direct payments subject the victim to undue contact and forms of abuse and should be avoided. Generally, it is best to order that payments for insurance for the home or car be paid directly to creditors, with evidence of payment produced on demand, rather than involving the victim parent. It is also important to address health care costs, including insurance and uncovered expenses, in a child support order.

The court must provide guidance to the parents for enforcement of all aspects of its order, orally or in writing, whether it is a protection order that includes temporary child support or just a child support order. I created a 34-minute video[12] for litigants about how a case is conducted, possible outcomes, as well as guidance on enforcement and modification that is provided to litigants. The video is also distributed to local domestic violence shelters and legal aid offices.

Ordering the obligor parent to return to court for a review hearing within 60-75 days to produce proof of compliance with the court's judgment is an effective enforcement tool that does not burden the victim parent. Anticipating issues and providing court dates take the onus off of the victim. If the abuser fails to comply with the terms of the court's order, the victim can, however, file a motion for contempt due to noncompliance. Such a motion should include an affidavit from the victim as well as an accounting

from the child support processing agency in your jurisdiction in order for the court to find contempt. If the victim proves noncompliance, the court should act swiftly and firmly. If the obligor parent is able to pay, they should comply. There is no reason for a delay. The courts cannot be part of the perpetrator's effort to control and intimidate the victim.

Ordering temporary support in protection order, divorce, or paternity cases can make the process of separation or divorce through the court system safer and more efficient. The temporary order can eliminate the need for multiple court appearances, which can be stressful on the litigants. Where possible, the files or dockets of any open or prior divorce, paternity, or child support enforcement cases should be linked to the case you are hearing for support.[13] Adoption of the content of prior child support orders by reference to them in my orders avoids duplicative or conflicting child support orders. That way, the victim's needs are met and the perpetrator's obligations are clear.

END NOTES

[1] "She" is used here not to denote that only women are awarded child support but that they currently represent the great majority of recipients even if the father is the petitioner and receives custody.

[2] 2012 TRUTH ABOUT ABUSE SURVEY REPORT, available at http://content2.marykayintouch.com/Public/MKACF/documents/2012survey.pdf; see also THE COURT'S GUIDE TO SAFETY AND ECONOMIC SECURITY FOR VICTIMS OF VIOLENCE AGAINST WOMEN, available at www.wowonline.org/wp-content/uploads/2014/05/WOW-ESS-Courts-Sector-Guide.pdf.

[3] See, e.g., Fla. St. 741.30(6)(a)(4); Florida Supreme Court Approved Family Law Form 12.980(d)(1); see also NCJFCJ States that Authorize Child Support in Protection Orders at https://rcdvcpc.org/view-resources-temporary/106-chart-child-support-in-protection-orders.html.

[4] See, e.g., Ind. Code 31-14-11-1.1; Neb. Rev. St. § 42-821; N.Y. Family Court Act § 434; Mo. 32nd Circuit Rule 68.11.

[5] For more about mandated cooperation with child support, see *Child Support and Domestic Violence: An Overview* on p. 2 of this issue.

[6] Alicia Summers, Ph.D., Victim Series 9: Trauma-Informed Courts at http://www.ncjfcj.org/victim-series-09.

[7] *In Re Report of the Family Court Steering Committee*, 794 So. 2d 518 (Fla. 2001) (establishing Florida Supreme Court's "Guiding Principles" for a model or unified family court (UFC), including "[e]nsuring that cases involving domestic violence are identified and managed in a manner that is organized, timely, and sensitive to the special dynamics involved in these cases").

[8] For more information on the FVI, see *Child Support and Domestic Violence: An Overview* on p. 2 of this issue.

[9] http://www.flcourts.org/core/fileparse.php/273/urlt/ElectronicBenchbook20140-0AccessibilityOchecked01-26-2015.pdf. See also https://youtube/STGGPzSExFU (webinar explaining how to use the excel spreadsheet).

[10] Summers, *supra* note 6.

[11] I keep the current minimum wage child support guidelines calculations for 1-4 children handy. My judicial assistant inputs petitioner's financial affidavit information into an interactive child support guidelines tool and emails it to me. See https://youtube/STGGPzSExFU (webinar explaining how to use the excel spreadsheet).

[12] To view this video, visit the following link: https://video.snapstream.net/Play/9vTLasPMkjLLRYS7kBEun0?accessToken=b6rgjw8js0eh6.

[13] The "Coordinated Management" Model includes case management as well as coordination of all cases involving a single family, coordination, and monitoring of services. Technology assists in locating the related cases and creating the child support guidelines promptly. *Report*, 794 So. 2d at 522 (stating "[C]cases involving inter-related family law issues should be consolidated or coordinated to maximize use of court resources to avoid conflicting decisions and to minimize inconvenience to the families.").

A Conversation with Jacquelyn L. Boggess, JD

Executive Director of the Center for Family Policy and Practice (CFFPP)

CFFPP is a policy think tank that examines how welfare, fatherhood, and child support policy impact low-income parents and their children. They use research, policy analysis, and public education to expand opportunities and eliminate barriers for low-income parents to protect and support their children. A primary focus of CFFPP's work is very low-income or unemployed non-custodial parents whose financial resources are equivalent to custodial parents who qualify for Temporary Assistance for Needy Families (TANF), many of whom are African American.

Ms. Boggess has been with CFFPP since its inception in 1995. Much of her work focuses on the impact that the policy and practice of social welfare systems such as welfare and child support have on low-income fathers, mothers, and children.

SYNERGY: What is the Center for Family Policy and Practice (CFFPP) and why do you care about child support?

Jacquelyn Boggess: CFFPP started in 1995 as a policy arm of the Strengthening Fragile Families Initiative of the Ford Foundation.[1] The Ford Foundation went into this [initiative] to see to it that men were a part of social policy on low-income families. We were being asked to help think about policy that would allow non-custodial parents to be involved with their children. Part of that contribution was child support. We went into it looking at child support as a mechanism to enhance men's involvement in their children's lives.

SYNERGY: Does this still reflect CFFPP's mission?

JB: I think our mission has evolved. If what we were being asked then was to help think about policy that would allow non-custodial parents to be involved with their children, now we are looking at how two parents can take care of their children in a safe and efficient way. It is not about the involvement. We don't think father involvement is the right question. We think the question is how to get parents who don't live together to be able to take care of their children and themselves. Child support continues to be important for us because enough money to take care of children is important to parents and our governmental response to making sure that parents can and do take care of their children is the child support system.

SYNERGY: What have you learned about the child support system's response to these parents' needs?

JB: What we unearthed is a really important question about whether or not the child support mechanism served anybody in low-income families. We think that for the very lowest-income families—those that earn $20,000/year or less—the system is not serving mothers, fathers, or children.

SYNERGY: In what ways is the child support system not meeting the needs of these families?

JB: One of the biggest problems is the government reimbursement for TANF. We know that the people left on TANF are some of the poorest people in the United States. Taking their money and keeping it to reimburse TANF is the worst thing you could possibly do. You loan one poor person money and you insist on getting the money back from another poor person who may not be connected to her in any way except for the fact they have had children together. Then you add to that all the enforcement sanctions like driver's license suspension, so the parent who owes child support to the other parent can't work to help with the child. Even if he finally does get a job, the child may not get the money he makes because it could go to the state to cover the cost of TANF benefits for that child and the custodial parent.

This is the reality of life in America. There are a bunch of black men who do not have jobs, who never have had jobs, and who do not have a clean criminal record to ever get a job. The mothers of these men's children want and need money from him. But if there is no money, using all these enforcement tactics against a person who has no money is not helping the parent who is owed child support economically.

The child support system has to follow the law. Do you have money? If you have money, you must pay. We are going to go to your job and start taking it out of your check and give it to her so she can take care of the child. The child support system should be doing that, but it is going much beyond that. It is effectively saying to non-custodial parents, "You may not be working and you may never have worked, and you may not have a quarter to your name, but what we are going to do is charge you with having that money. We are going to charge you with having that money and see if you can live a life and contribute to a child's life in a way that helps the woman. See if you can do that with all of the black marks we are going to put against your name because you did not have the money." That is the other way that child support is harming families. The *Turner* Supreme Court case[2] said stop. The women are saying stop. When you go beyond that point because you want to teach a lesson by sending a person to jail for not paying child support, then you are not helping that woman or her child.

It is not just men who are going to jail for not paying child support. It is women. Not just women whose partner has the children. It is women whose children are in the foster care system. The law requires this mother to pay child support to the state to offset the cost of her child being in foster care. We are asking her to pay child support, do all the things you need to do so the family can be reunited, but the main thing is you have to pay no matter what and if you do not you may go to jail.

Some women are even paying child support that fathers owe to keep those fathers out of jail. For example, a mother who is still in a relationship with the father of her children who does not live with them may apply for TANF, which triggers child support enforcement against the father. If they live in Louisiana, that child support is owed to the

state to cover the cost of the TANF benefits that the mother and children receive. What is happening is that some women on TANF are paying that child support to the government with the little money that they have, so that the father is not faced with jail or another sanction for not paying child support.

SYNERGY: What about the statistic that 95% of the money goes directly to families?[3]

JB: Most of the money going directly to children comes from people with jobs, whose regular child support payments mean that their families are not receiving TANF. Of course most of the money collected does not go to TANF because most of the money in the system is collected from non-custodial parents who have jobs and whose families, therefore, are not on TANF.

If you look at only those people on TANF, then you will see that they only get about 27%[4] of what is collected for them. For the very poorest families where there is no money, we use these enforcement tactics against a person who cannot pay.

SYNERGY: Are the services offered through child support, such as the fatherhood programs that help fathers address barriers to employment, helping to improve prospects for the very lowest-income parents?

JB: I don't think it is helping. When I first started this work, fatherhood programs were created by men who had been in the same predicament themselves. Over time, almost every fatherhood program is beholden to the child support agency for funding. There is now a conflict of interest because the law is that for these poorest families, we are going to keep the money (for TANF reimbursement). Child support is fine for families that don't owe any money to the government. If child support wants to get somebody a job so that money can go to the children, all of it, I'm on board.

I have been at the fatherhood program when the guy has brought us a copy of his check that is zero dollars because all of it has been taken to pay child support, and his child does not get the money. Child support is working to get jobs to pay themselves back.

The people that use these fatherhood programs are the poorest. They want jobs. I want them to have jobs. The mothers of their children want them to have jobs. So the question is, over time, how many jobs have we been able to get for these men? How many jobs have those men been able to keep? How many of those jobs sustain those men so they can care for their children?

If I was betting my paycheck, I would say that it has not worked. The numbers I have seen about jobs gained are just barely statistically significant. If you look at the mothers of those same children, where are the jobs they are getting through welfare?

SYNERGY: Where does that leave a survivor of domestic violence who needs child support to find safety for herself and her children?

JB: We have to figure out how to serve people, individuals, and communities with a recognition that women are living with the issues, problems, and circumstances that our gender-biased society brings with it. And we have to do it with an understanding of family violence, gender-based violence, and interpersonal violence. We have to

understand how women live in the world, and that includes the impact of violence.

When you get to down to safety for a woman and her child, we all know that one of the things you do is ask her, "What do you need? What does this look like? How do we do this?"

Women told us in [the CFFPP publication] *Safety and Services*, "Yes, I want to live in a community where everybody has an opportunity for a job, an education. My brother doesn't have to live on my couch. My father doesn't still owe child support for his 40-year-old child so that I have to buy food for him. I need these folks to lean up off of me so I can take care of my kids."

In reality, what people do in our lives is take care of their brothers, fathers, and sons. We wanted to ask the women most vulnerable to violence from those men, "Even for you as a woman and survivor, would you say that getting services for these men is the best thing for you?" And these women said, "Not just even for me, but particularly for me."

We should be able to provide services to everyone, to talk about father involvement, fathers supporting children, fathers taking care of children during parenting time with an understanding of domestic violence and following her lead on whether this makes sense for her.

Domestic violence is one of those situations that we should ask her. Texas Council on Family Violence is doing great work around figuring out to ask survivors what to do next, how we should proceed. I would say that one of the ways that we get thrown off in this conversation is that we clump everybody together. Just look at the poorest families by themselves. And just domestic violence by itself. Tailor your child support intervention to the particular needs of these populations.

End Notes

[1] The Strengthening Fragile Families Initiative was created in the early 1990s to address the unmet needs of unmarried, low-income parents working together to raise their children through focusing policy advocacy, research, and service delivery. The initiative has ended and CFFPP is no longer affiliated with the Ford Foundation.

[2] *Turner v. Rogers*, 564 U.S.431 (2011) (holding that a court may not impose punishment in a civil contempt proceeding when it is clearly established that the person accused of contempt is able to comply with the order). The decision means that a court cannot hold a non-custodial parent in contempt and impose incarceration for failure to pay under a child support order unless it is established that the debtor-parent has the ability to pay the debt.

[3] Office of Child Support Enforcement, FY 2015 Child Support Enforcement Preliminary Report, http://www.acf.hhs.gov/sites/default/files/programs/css/fy2015_preliminary.pdf.

[4] This statistic is from the FY 2013 Child Support Enforcement Preliminary Report. The current percentage can be found in the 2015 preliminary report, *supra* note 3.

Child Support Informational Resources

National Conference of State Legislatures Child Support Project

Home Page

http://www.ncsl.org/research/human-services/child-support-homepage.aspx

Child Support and Family Law

http://www.ncsl.org/research/human-services/child-support-and-family-law.aspx

Child Support Digest Quarterly Newsletter

http://www.ncsl.org/research/human-services/child-support-digest-volume-4-number-2.aspx

Domestic Violence in Context: Unmet Needs and Promising Strategies

http://cffpp.org/our-publications/domestic-violence-in-context/

Child Support and Domestic Violence:

From the Global to the Practice—Issues for Advocacy, by Tyra Lindquist, Washington State Coalition Against Domestic Violence

http://wscadv.org/wp-content/uploads/2015/06/Child-Support-and-Domestic-Violence.pdf

Safety and Services: Women of Color Speak About their Communities

http://cffpp.org/our-publications/safety-and-services/

Prosecutor's Guide to Safety and Economic Security for Victims of Violence Against Women

http://www.wowonline.org/wp-content/uploads/2013/10/WOW-ESS-Prosecutors-Sector-Guide.pdf

Office of Child Support Enforcement (OCSE)

http://www.acf.hhs.gov/css/child-support-professionals/working-with/family-violence

http://www.acf.hhs.gov/sites/default/files/programs/css/enhancing_safe_access_inventory.pdf

Confidentiality Toolkit

https://www.acf.hhs.gov/sites/default/files/assets/acf_confidentiality_toolkit_final_08_12_2014.pdf

Enhancing Safety for Women: Communities of Color, Domestic Violence, and Social Welfare Services for Low-Income Men

http://cffpp.org/our-publications/enhancing-safety-for-women/

Wider Opportunities for Women, Promising Practices Model on Child Support in Domestic Violence Cases

http://www.wowonline.org/wp-content/uploads/2014/07/6th-Circuit-Court-Model-Child-Support-in-DV-Cases.pdf

GAO Report: State Approaches to Screening for Domestic Violence Could Benefit from HHS Guidance

http://www.gao.gov/assets/250/247427.pdf

New NCJFCJ Employees

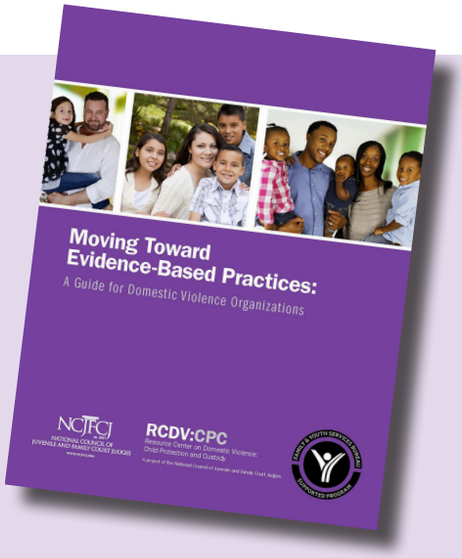
JENNIFER ARSENIAN, JD

Jennifer Arsenian joined the National Council of Juvenile and Family Court Judges (NCJFCJ) in September 2016 as the Senior Program Manager with the Family Violence and Domestic Relations' Cross-System Collaboration program. Ms. Arsenian has worked in the field of violence against women since 1995. Prior to joining the NCJFCJ, Ms. Arsenian provided policy analysis and project management for Alabama's two state coalitions against domestic violence and rape. She has been a member of the faculty for the National Judicial Institute on Domestic Violence since 2008 and worked as a consultant on domestic violence for the Alabama Administrative Office of Courts. Ms. Arsenian received her JD from Cumberland School of Law in 2006.

AMBER CLARK

Amber Clark is an administrative assistant in the NCJFCJ's Family Violence and Domestic Relations Program. Ms. Clark received her degree in Communications, with a minor in Women's and Gender Studies, from Santa Clara University in 2014. While attending Santa Clara University, she was a Rape Crisis Advocate for the YWCA in San Jose, Calif., and was voted Vice President of Communications and Marketing for the Violence Prevention Program at Santa Clara University. She is very excited to be back in the field of violence prevention and education.

Guide for Moving Toward Evidence-Based Practices Now Available!



The Evidence-Based Practice Research Team of the Resource Center on Domestic Violence: Child Protection and Custody is pleased to announce the publication of a new guide for programs seeking to identify where they stand in the process of documenting empirical evidence to support their program's effectiveness. The *Moving Toward Evidence-Based Practices: A Guide for Domestic Violence Organizations* (EBP Guide) is meant to be informative, to help you determine whether you are ready to evaluate your own program and practice, and to help you move forward with evaluation when you are ready to do so.

To get your copy, please visit **http://www.NCJFCJ.org/EBP-Guide**.

PATRICIA GOTERA

Patricia Gotera currently works as an Administrative Assistant for the NCJFCJ's Family Violence and Domestic Relations Program. She graduated from the University of Nevada, Reno in 2015 with a Bachelor's in Criminal Justice and an emphasis on Pre-Law. Prior to joining the NCJFCJ, Ms. Gotera worked for Microsoft as a Transactional Specialist and Power-of-Attorney, as well as working in numerous small-businesses throughout the community providing both operational and administrative support. The NCJFCJ has afforded Ms. Gotera the opportunity to pursue her passion in child advocacy and she looks forward to attending law school in the next few years to further her studies in Family Law.

ELIZABETH STOFFEL, JD

Elizabeth Stoffel joined the NCJFCJ in August 2016 as a Senior Program Manager for the Family Violence and Domestic Relations (FVDR) Program. Ms. Stoffel received her JD from the Santa Clara University School of Law and her MA in Social Psychology from the University of Nevada, Reno. She is a family law attorney who worked with the Nevada Network on Domestic Violence for 17 years. She has extensive experience developing and providing research-based training and technical assistance to hundreds of judges, attorneys, domestic violence advocates, and other professionals. Ms. Stoffel was a key author of the *Greenbook*, the NCJFCJ's seminal publication on addressing the overlap between domestic violence and child maltreatment.

RCDV:CPC

Resource Center on Domestic Violence:
Child Protection and Custody

The Resource Center on Domestic Violence: Child Protection and Custody is pleased to announce that we have developed a new and improved website. The new site has portals for survivors, professionals, and individuals seeking to learn more about domestic violence, child protection, and custody, and includes an internal search engine for NCJFCJ publications, webinars, and relevant partner resources. We invite you to visit RCDVCPC.org!

SYNERGY
RCDV:CPC The Newsletter of the Resource Center on Domestic Violence: Child Protection & Custody
A Project of the National Council of Juvenile and Family Court Judges
NCJFCJ | Synergy | Vol 19 | No 3 | Fall 2016

NATIONAL COUNCIL OF JUVENILE
AND FAMILY COURT JUDGES
P.O. Box 8970
Reno, Nevada 89507
Return Service Requested

NON PROFIT ORG.
U.S. POSTAGE
PAID
RENO,NV
PERMIT NO. 122

OFFICERS

Hon. Katherine Tennyson
President | Portland, Oregon

Hon. Darlene Byrne
Immediate Past President | Austin, Texas

Hon. Anthony Capizzi
President-Elect | Dayton, Ohio

Hon. Warner Kennon Sr.
Treasurer | Columbus, Georgia

Hon. Thomas Broome
Secretary | Pelahatchie, Mississippi

Joey Orduna Hastings, JD
Chief Executive Officer | National Council of Juvenile and Family Court Judges

FAMILY VIOLENCE AND DOMESTIC RELATIONS

FAMILY VIOLENCE AND DOMESTIC RELATIONS PROGRAM

Maureen Sheeran
Chief Program Officer

Eryn Branch, MA
Program Director

Amy Pincolini-Ford, JD
Program Director

Danielle Pugh-Markie, MPA
Program Director

Hon. Steve Aycock, (Ret.)
Judge-in-Residence

Jennifer Aresenian, JD
Senior Program Manager

Amber Clark
Administrative Assistant

Irene Gibson
Administrative Assistant

Ryan Gonda, JD
Senior Policy Analyst

Carlene Gonzalez, Ph.D.
Senior Policy Analyst

Patricia Gotera
Administrative Assistant

Nancy Hart, JD
Senior Program Attorney

Amanda Kay, JD
Program Attorney

Noko Knuf
Grants Analyst

Alicia Lord
Webmaster

Melissa Mangiaracina, JD
Program Attorney

M. Sheehan Niethold
Program Specialist

Kelly Ranasinghe, JD
Senior Program Attorney

Michele Robinson
Senior Program Manager

Brianne Smith
Program Manager

Sarah Smith, JD
Senior Program Attorney

Elizabeth Stoffel, JD
Senior Program Manager

Jenny Talancon
Senior Program Specialist

David Wohler
Senior Program Services Manager

Karen Zavora, JD
Program Attorney

Family Violence and Domestic Relations Program | (800) 527-3223 · www.ncjfcj.org

This document was supported by Grant Number 90EV0415 from the Administration on Children, Family and Youth Services Bureau, U.S. Department of Health and Human Services (DHHS). Its contents are solely the responsibility of the author(s) and do not necessarily represent the official view of DHHS or NCJFCJ.