

Managing Parental Contact in Abusive Divorcing Families

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Children in abusive families are often emotionally attached to both parents, despite the abuse. In these cases the dilemma for the divorce professional is how to foster the child's relationship with the abusive parent while protecting both the child and the parental victim. In other cases the child may be terrified of the abuser and show little positive attachment to him or her. In this latter situation the child will almost certainly be re-traumatized by having face-to-face contact with the abuser.

Thus before recommending or implementing any parenting plan that involves direct contact between a child and their abusive parent, it is essential to thoroughly assess the child's attachment to the abusive parent. It is dangerous to a child's psychological health to simply assume that all children should have direct contact with their parents, no matter how abusive the parents may have been. If contact with the abusive parent seems advisable, then it needs to be carefully managed. Here are some suggestions for managing varying levels of risk.

Supervision of visitation

The most protective setting for parental contact is a visitation center. Here there are strict rules about drop-off and pick-up that prevent parent-to-parent contact. There are also rules about parental conduct during the parent-child meeting that protect the privacy of the child and victimized parent so that the abusive parent cannot use the visitation to obtain information that enables the abuser to stalk, harass, or otherwise re-victimize them. This kind of closed setting is appropriate for abusive parents who have a history of major mental illness, substance abuse, severe domestic violence, child molestation, child physical abuse, or child abduction.

The next most protective setting is supervision in an open setting such as a public park or the non-custodial parent's home. The supervision should be done by a trained professional when any of the issues listed above are present, even in a milder form. In this situation the professional can observe the non-custodial parent and admonish them about any inappropriate behavior. The professional has little ability to enforce limits or rules of conduct, however, which can be a serious problem with abusers who are angry, defiant, blame their ex-partner or spouse for all problems, and have little insight into their own behavior.

If there appears to be little real threat of the abuser acting in an inappropriate manner, the open-setting visitation can be supervised by a family member who is relatively neutral and agreeable to both parents. This is useful for situations where one parent has made allegations of parental misconduct with little direct evidence to support their claim. The family supervision can offer some degree of reassurance for the accusing parent and protection for the child while the custody dispute is adjudicated and a GAL evaluation is being done.

Supervision of exchange only

When there is a risk of verbal or physical violence between the parents, or there are current Restraining Orders, the exchange of the child can be supervised in a variety of ways. First, the exchange can occur at a visitation center. This is certainly safe but the centers often have limited hours of operation and there is a cost for the exchange service.

Another possibility is to have the exchange occur in a safe public place familiar to both parents and children. The most protective is the lobby of a police station; the police officers offer physical protection, the station is open 24 hours a day, and there is no cost. However, the setting is sterile and can be frightening to a child. Restaurants and public parks offer less protective but neutral settings where the presence of strangers often prevents an outbreak of violence, if not verbal abuse. Finally, the exchange can be done at the home of a relative. Here the relative's presence offers some restraint for the parents and the child is in a familiar, warm setting.

No-contact exchange

Instead of using a supervised exchange it is often preferable to arrange the parenting plan so that the parents do not have face-to-face contact at drop-off and pick-up. The most common arrangement is to have drop-off and pick-up occur at the child's school or daycare center. When these facilities are not open, the exchange can occur at the home of a relative or friend, where one parent drops off half an hour before the other parent picks up.

No-contact exchange is appropriate for many high-conflict families, even those with no history of domestic violence. This arrangement prevents the parents from arguing in the child's presence and hence prevents the exchanges from exacerbating the parental conflict. The parents can share information through a notebook that goes back and forth with the child, or by telephone, email, or regular mail when the child is not present.

No-contact exchange does not provide adequate protection for victims of severe domestic violence, especially in situations where there is a risk of harassment or stalking.

Summary

The child's best interests should be paramount in making arrangements for parental contact in abusive divorcing families. In the process of advocating for one of the parents, one must not forget the tremendous impact that abuse has upon every child. Be sure to assess the level of parental abuse and evaluate the child's relationship with both parents. Think about how the victimized parent will respond to having contact with the abusive parent. Then consider how it will affect the child to have continuing contact with the abuser. If parent-child contact is advisable, then use the criteria outlined here to arrange a level of supervision that will provide adequate protection for the child and the victimized parent.

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