

## **Achieving Post-Divorce Safety. What we can learn to de-escalate high-conflict divorce after intimate partner violence**

How can post-divorce safety be enhanced by de-escalating high-conflict divorce after partner violence? This is an urgent question with international relevance that social professionals and police authorities' alike struggle to answer as our awareness of intimate partner violence prior to and after the finalization of divorce increases. It is crucial that we share with each other's insights, stories, and research from all over the world about post-divorce danger. Such research indicates that women in violent relationships are especially endangered in the period of post-divorce, when the frequency of severe violence escalates.

To reflect more profoundly on this issue and to prepare international action and follow up after the world conference, dr. Sietske Dijkstra (chair) initiated this session with an international panel of three professionals: Prof. Corine de Rooter (forensic psychology, Maastricht University, the Netherlands), Prof. Marianne Hester (gender and violence, University of Bristol) and Dr. Sietske Dijkstra (Dijkstra Agency, violence and interagency cooperation, Utrecht). A fourth Canadian professional practitioner, will join the panel via teleconference (Skype) to comment on how to protect all parties in a high-conflict divorce.

High-conflict divorce today is considered a painful, complex and frequent problem, at least in the West, with serious concerns about the rising number of victims and the high long term costs, even into succeeding generations. In August of this year the Dutch Bureau for Statistics (CBS) stated that more than half of all the women murdered in the Netherlands during the past five years had been killed by their partner or ex-partner. The typical victim was murdered violently in her own home. Fights and jealousy of the perpetrator were the most common motives, with the most frequent cause of death being either stab wounds or strangling. (Guns are generally unavailable in the Netherlands).

The image of parents fighting violently with each other in ways that harm children physically or emotionally characterizes the dominant discourse. Yes, children can be harmed by witnessing violence and do experience negative consequences from a high-conflict divorce. But this understandable concern can mask fundamental unanswered questions. What are the sources of the unfolding complexity, how is the prior and/or continuing violence effectively addressed, and whose responsibility is it to closely study the power dynamics of each family involved in such conflict? These questions remind us that there are at least three types of relationships to consider: between the ex-partners as adults, between the ex-partners as parents, and between the ex-partners as parents relating to their children. Parental alienation--the campaign by one parent to alienate the affection of the children toward the other—further inflames these complex and vulnerable relationships. The mixture of possibly violent conflict, psychological abuse, and alienations make for a potentially tragic outcome.

### **Case example**

An example is Naima, a highly educated woman in the Netherlands, with two children of nine and four, who divorced her highly educated ex-partner 18 months ago. They agreed between them to be co-parents. Ever since, her ex-partner has threatened and degraded her, even calling her a whore in front of her children. He has escalated to physical violence, twisting her arm and bruising her face with hard slaps when she brought their children to his house. He attempts to defame her professionally and publicly by sending messages to family and community members that blame her for the divorce. Naima understandably feels that her ex-partner has serious anger control issues. He will not and cannot not stop, in her view.

She feels endangered and has sought help, stating: *"I can only do wrong: react or not react, repeatedly it evokes the aggression of my ex-partner. To deal with this requires skills in the very areas in which our relationship failed."* She sees her ex-partner constantly escalating the conflict and not co-parenting at all. He initiates conflicts over routine co-parenting issues such as a struggle over who should hold the passports of the children, who controls with whom the children will stay, what holiday arrangements should be made, and which schools the children should attend. He complains publicly that she is an unfit, negligent mother and he has shrugged off the verbal warning by the police. Naima is worried about how the children are being affected by his unremitting hostility, knowing that he feeds her children a constant and poisonous diet of negative stories about their mother and takes every opportunity to undermine the parental authority she needs to be a good mother. She has the feeling that her ex-partner has developed tunnel vision so that what she as the co-parent believes, and what professionals and the community have to say, means little or nothing to him anymore.

Naima's view is that the Dutch protective services, called Safe Home, have not been very helpful. They have not wanted to get involved in the communication between her and her ex-husband, largely because of an email message he sent to Safe Home and to her, advising them that the case is far too complex. Youth care workers, child protection workers, guardians, judges, the police, mental health workers, lawyers, and mediators in the Netherlands and many countries have a hard time dealing with these complex cases of high conflict, tending to avoid them and not to cooperate among themselves. They often feel stuck, frustrated, and disappointed. Since 2014 Dijkstra has trained about a hundred youth care – and child protection workers in a three-day programme aimed at dealing with cases of high conflict divorce and overcoming obstacles to effective inter-agency cooperation. She noted that in the cases presented from professionals' practice the violence is rarely addressed effectively, and can become hidden behind a mask of what appears to be communication from a reasonable parent concerned that the needs of the children are not being met because of the failures of the other parent. She pleads for a multidimensional model to develop more common language and repertoire which focuses on: time, conflict, relationships, violence (addiction and psychiatry), systems, inter-agency cooperation and communication.

Such obstacles on the case level and in working effectively together highlight the often-overlooked difficulties in achieving the in-depth cooperation between disciplines and professions required for addressing these complex issues effectively. Professionals need to cross the lines that divide them if we are to unfold the complexity that is locked into all these cases in ways that overlap those lines so we

can analyze what is masked and harmed in the sometimes contradictory missions of the police, youth care, and child contact. Marianne Hester has provided with the idea of different planets a powerful metaphor of harmfully contradictory professional behavior.

Looking beyond the Netherlands, Canadian population research by Saini and others published in 2013 concerning child protection in nearly 12,000 cases from 1998 until 2008 showed that only about 12 percent of court cases involve custody arrangements, while twenty percent of children witness violence. The researchers observed a professional tendency to minimize when the other parent is accusing or referring; checking out referrals can seem time-consuming, with often ambiguous results, and professionals can be hindered by a lack of training that limits their insight.

Naima is Dutch, but her story resonates with the international issue of so-called child contact and high conflict custody in which the safety and dignity of formerly abused women and children are at stake. We need to improve our worldwide strategy to raise the high costs of post-divorce violence higher on the agenda, in order to counter the tactics of power and control in ways that create more safety for women and children during and after their stays in shelters, and to connect prior and continuing violence to high-conflict divorce. We need to find ways to make the violence and degrading visible and to promote cooperation on a daily basis among disciplines and fields. Violence and intimate terror can be hidden behind a friendly face and polite behavior. The reality of violence after separation can be masked by terms such as high-conflict divorce, failure to protect, and parental alienation.

## **Content of presentations**

To act in the best interest of the child is dominant in the discourse on divorce, implying that both parents (whatever their prior behavior might be) have the right to see their children. So child contact then becomes a complex, post-divorce battlefield. Yet Marianne Hester states:

*Despite increasing acknowledgement and recognition of domestic violence in English family policy, we still see that ... the child protection sphere 'masks' domestic violence by focusing on mothers' 'failure to protect', and within the contact sphere domestic violence is masked by the 'good enough father' and 'contact presumption'. And in other countries such as Denmark domestic violence is masked by the notion of 'sabotage'.*

If child custody evaluations and legal decisions are based on erroneous beliefs and unhelpful ideologies, family court and social professionals may wind up actually acting against the best interest of children. Corine de Ruiten developed an online survey including 14 multiple-choice questions about current empirical findings on HCD (high-conflict divorce) cases, which was completed by 863 Dutch professionals who handle HCD cases. Results revealed a relatively low correct response rate, with professionals correctly answering six out of 14 items on average. Specifically, social professionals' scores compared to scores of legal professionals were lower and their responses suggest a stronger bias towards parental rights. Professionals grossly underestimate the prevalence of domestic violence in HCD and overestimate the effectiveness of mediation in HCD. Overall, the findings suggest that professionals

are not free from biases and false beliefs and that they are largely unaware of the empirical evidence base relevant to their area of work. Professor de Ruiter provides recommendations for policy and practice, casting them in an international context.

This issue is challenging us to work together more profoundly in both the short term and the longer term – to work and learn together from and with each other. To do so involves sharing our knowledge and experiences more and facilitating a process of cross-training among disciplines to enhance collective learning, on a local, national, and international level.

In this international panel we (re)view our knowledge in close cooperation with the audience, incorporating five levels:

1. Our own experiential knowledge
2. The professional stand
3. The issue of inter-agency cooperation
4. The lessons learned from research, and
5. The (political) actions that are needed to achieve our shared goals.

We look forward to meeting the participants in ways that will help us all uncover the presently submerged problems and power dynamics. To achieve greater post-divorce safety means creating a better future for divorced and abused women and children.

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