

APSAC Position Paper on Allegations of Child Maltreatment and Intimate Partner Violence in Divorce/Parental Relationship Dissolutions

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After two years of collaborative work on the contested issue of Allegations of Child Maltreatment and Intimate Partner Violence in Divorce–Parental Relationship Dissolution, at its January 2016, meeting, the APSAC Board of Directors voted unanimously to accept a position paper. Input on the position paper came not only from two think tanks held at the 2014 and 2015 APSAC Colloquia, but also from professionals with the wide spectrum of views about this contested issue. The complete position paper can be found on the APSAC website at <http://www.apsac.org>.

The paper provides guidance for professionals about intervention in these cases, addresses in a detailed manner the issue of parental alienation, and suggests future directions with regard to these difficult cases.

Four Critical Intervention Issues

(1) It is APSAC's view that child safety must take precedence.

APSAC's position is that child safety is more important than parental right to child access and must be considered before "friendly parent" statutes are invoked.

(2) The position paper advises professionals to differentiate interpersonal violence investigation and assessment from child custody evaluations.

APSAC's position is that mandated professionals must investigate these cases with as much diligence as other allegations of child maltreatment and intimate partner violence. Decisions about the likelihood of interpersonal violence must be made before issues of custody and visitation are considered.

(3) APSAC defines best practice for evaluation of allegations of interpersonal violence and relationship dissolution cases.

If the allegations of interpersonal violence are not resolved or appear inadequately addressed by the mandated investigators (child protective services, law enforcement), APSAC recommends a comprehensive family evaluation by mental health professionals with expertise in interpersonal violence and potential reasons for children's preference for one parent over the other. While taking into account professional and community practice and policy, APSAC provides guidelines about comprehensive evaluation of divorce/relationship dissolution allegations.

The position paper advises evaluators to rely upon multiple methods of data collection. In most cases, those methods are as follows: (1) document review, (2) interviews with all family members, (3) collateral contacts with professionals and others, (4) use of screening measures, and (5) psychological testing of parents and children. The paper urges caution regarding the use of parent-child interactions in the course of a comprehensive family evaluation because of their potential to cause child trauma and their limited utility in determining the likelihood of interpersonal violence. Evaluators are advised to consider multiple hypotheses for understanding the allegations of interpersonal violence, using a rule out approach for specific hypotheses, based upon the data gathered.

(4) The position paper discusses best practice for case management of marital-relationship dissolution cases with interpersonal violence allegations.

Comprehensive family evaluations may conclude with the following dispositions: (1) interpersonal violence likely, (2) interpersonal violence unlikely, or (3) interpersonal violence uncertain. In this way, APSAC provides guidance about decision making and case management for each disposition. Regardless of the conclusion, the child's best interest should determine issues of custody and visitation.

APSAC's Position on Parental Alienation

APSAC acknowledges that, when there are allegations of interpersonal violence in divorce-relationship dissolution cases, a hypothesis of Parental Alienation is often proposed. Because of this, the position paper describes the current status of the knowledge about parental alienation. APSAC concludes there is a lack of definitional clarity about Parental Alienation, there are questions about its appropriateness as a psychiatric diagnosis, and there is a limited empirical base to support the prevalence and characteristics of Parental Alienation.

The position paper contains an appendix that lays out definitions for Parental Alienation Syndrome, Parental Alienation Disorder, Parental Alienation Behavior, the Alienated Child, and the Estranged Child. Further, the position paper notes that Parental Alienation Syndrome or Disorder did not meet the criteria to be included in the *Diagnostic Statistical Manual-V*. Finally, the position paper contains an appendix that describes the limitations of the body of work on Parental Alienation, noting that there is

an abundance of literature on the topic, but most of what has been written is opinion, or lacks methodological rigor, or both.

Future Directions

(1) The APSAC position paper calls for new research on allegations of interpersonal violence in divorce–relationship dissolution, observing that there has been scant new research in the last 20 years.

(2) APSAC also recommends protocols and special courts for marital–relationship dissolution cases with interpersonal violence allegations. The position paper notes that special courts have been developed for infants who have to go into care and for substance abusing adults. The position paper also makes reference to the special courts used in Australia for allegations of interpersonal violence in divorce–relationship dissolution.

(3) Finally, the APSAC position paper calls for specialized training for professionals who encounter allegations of interpersonal violence in divorce–relationship dissolution cases. Professionals who require training include clinicians providing treatment to children in marital/relationship dissolution situations, judges handling domestic relations court cases, lawyers representing children and adults in domestic relations courts, child custody evaluators in the public and private sector, child protection investigators, and law enforcement officers.

About the Author

Kathleen Coulborn Faller, PhD, ACSW, DCSW, is Marion Elizabeth Blue Professor Emerita of Children and Families in the School of Social Work at the University of Michigan. She is also Co-director of the Family Assessment Clinic at Catholic Social Services of Washtenaw Co., Michigan. She has been presenter at a number of APSAC Forensic Interview Clinics and presents regularly at the APSAC Colloquium. She wrote the *APSAC Study Guide: Interviewing Children Suspected of Having Been Sexually Abused*.

Dr. Faller has been a member of APSAC since its inception. Presently, she is a member of the APSAC Board and the Executive Committee. She chairs the Practice Guidelines Committee, the Publications Committee, and the APSAC Awards Committee.