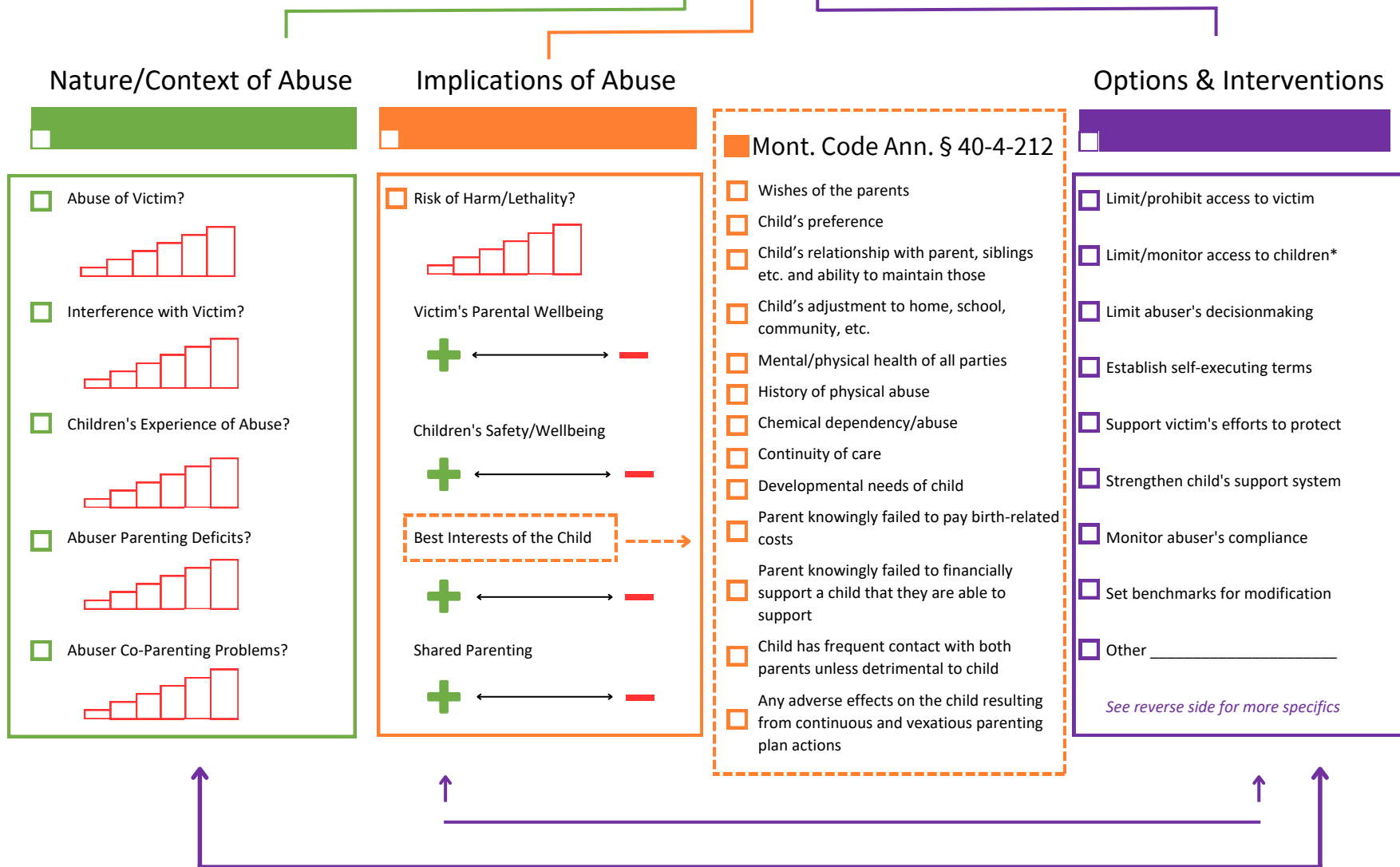


# RESPONDING TO IPV IN CUSTODY AND PARENTING PLAN CASES MONTANA

Is abuse an issue?    What is the abuser doing?    What's the effect on...?    What can be done about it?



## Nature/Context of Abuse

- Abuse of Victim?
- Interference with Victim?
- Children's Experience of Abuse?
- Abuser Parenting Deficits?
- Abuser Co-Parenting Problems?

## Implications of Abuse

- Risk of Harm/Lethality?
- Victim's Parental Wellbeing
- Children's Safety/Wellbeing
- Best Interests of the Child
- Shared Parenting

## Mont. Code Ann. § 40-4-212

- Wishes of the parents
- Child's preference
- Child's relationship with parent, siblings etc. and ability to maintain those
- Child's adjustment to home, school, community, etc.
- Mental/physical health of all parties
- History of physical abuse
- Chemical dependency/abuse
- Continuity of care
- Developmental needs of child
- Parent knowingly failed to pay birth-related costs
- Parent knowingly failed to financially support a child that they are able to support
- Child has frequent contact with both parents unless detrimental to child
- Any adverse effects on the child resulting from continuous and vexatious parenting plan actions

## Options & Interventions

- Limit/prohibit access to victim
  - Limit/monitor access to children\*
  - Limit abuser's decisionmaking
  - Establish self-executing terms
  - Support victim's efforts to protect
  - Strengthen child's support system
  - Monitor abuser's compliance
  - Set benchmarks for modification
  - Other \_\_\_\_\_
- See reverse side for more specifics*



# RESPONDING TO IPV IN CUSTODY AND PARENTING PLAN CASES MONTANA

## EXAMPLES OF MORE SPECIFIC OPTIONS & INTERVENTIONS

<p><b>LIMIT OR MONITOR ABUSIVE PARENT’S ACCESS TO CHILD OR VICTIM PARENT:</b></p> <ul style="list-style-type: none"> <li>• Limit methods of communication (no in-person, telephonic or social media contact)</li> <li>• Prescribe frequency and methods of communication (email only, text only, etc.)</li> <li>• Restrict length and/or content of communication (1-page, 10-minutes, scope, etc.)</li> <li>• Limit access to sensitive information (addresses, account numbers, SSNs, records)</li> <li>• Issue and enforce no contact orders and orders for protection</li> <li>• Require neutral exchange locations (school, place of business, etc.)</li> <li>• Require third party exchanges (professional, friend, family member, etc.)</li> <li>• Restrict visitation to designated location (grandparent’s home, public park, church)</li> <li>• Restrict visitation to a geographical area (25-mile radius, in town, state, or country)</li> <li>• Condition visitation on having third party present (professional, friend, family)</li> <li>• Restrict what can happen during visitation (no alcohol or drugs, no weapons, etc.)</li> <li>• Establish benchmarks for unsupervised access (no abuse, no threats, no violations)</li> <li>• Condition access on compliance with established terms (sobriety, BIP, car seat, etc.)</li> <li>• Appoint a post-visitation safety monitor to ensure visits are safe and go as planned</li> <li>• Periodically monitor and conduct risk and danger assessments</li> <li>• Define consequences for non-compliance with access restrictions</li> <li>• Other:</li> </ul>	<p><b>LIMIT ABUSIVE PARENT’S RULEMAKING OR DECISION-MAKING AUTHORITY:</b></p> <ul style="list-style-type: none"> <li>• Grant sole legal custody to victim parent, with or without specified exceptions</li> <li>• Grant parallel legal custody, with or without specified exceptions</li> <li>• Appoint a parenting consultant to confer with abuser on all major decisions</li> <li>• Appoint a parenting monitor to oversee and periodically assess abuser’s parenting</li> <li>• Limit abuser’s ability to dispose of real or personal property or to dissipate assets</li> <li>• Appoint a special master to monitor and effectuate property allocations</li> <li>• Other:</li> </ul>
<p><b>MONITOR AND ENFORCE ABUSIVE PARENT’S COMPLIANCE WITH PARENTING PLAN:</b></p> <ul style="list-style-type: none"> <li>• Conduct review hearings</li> <li>• Establish schedule for abusive parent to demonstrate compliance with plan</li> <li>• Set automatic consequences for non-compliance with parenting plan</li> <li>• Appoint a compliance monitor at abusive parent’s cost</li> <li>• Hold abusive parent accountable for unjustified, unexcused, intentional violations</li> <li>• Other:</li> </ul>	<p><b>SUPPORT VICTIM PARENT’S EFFORTS TO PROTECT CHILD:</b></p> <ul style="list-style-type: none"> <li>• Link parental decision-making authority to parental responsibility for child’s care</li> <li>• Designate victim parent as the custodian of records</li> <li>• Provide victim parent with information about available community-based resources</li> <li>• Facilitate victim parent’s access to available community-based resources</li> <li>• Establish self-executing parenting plan enforcement mechanisms</li> <li>• Allow direct and expedited access to parenting plan enforcement mechanisms</li> <li>• Establish automatic bill-paying processes for abuser’s financial obligations</li> <li>• Delineate reasonable house rules</li> <li>• Limit grounds upon which abuser may object to the victim’s parenting decisions</li> <li>• Permit the victim to relocate with the child in accordance with the law</li> </ul>
<p><b>REQUIRE ABUSIVE PARENT TO PARTICIPATE IN REMEDIAL INTERVENTIONS AND/OR SERVICES:</b></p> <ul style="list-style-type: none"> <li>• Refer abusive parent to batterer intervention for assessment and proper services</li> <li>• Refer abusive parent to parenting after violence for assessment/proper services</li> <li>• Other:</li> </ul>	<p><b>STRENGTHEN CHILD’S SYSTEMS OF SUPPORT:</b></p> <ul style="list-style-type: none"> <li>• Ensure that parenting plan accommodates child’s interests, activities and supports</li> <li>• Provide sufficient parenting time flexibility to adapt to child’s age and social needs</li> <li>• Structure parenting time to maintain access to child’s support system</li> <li>• Connect child and victim parent to available community based resources</li> </ul>

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