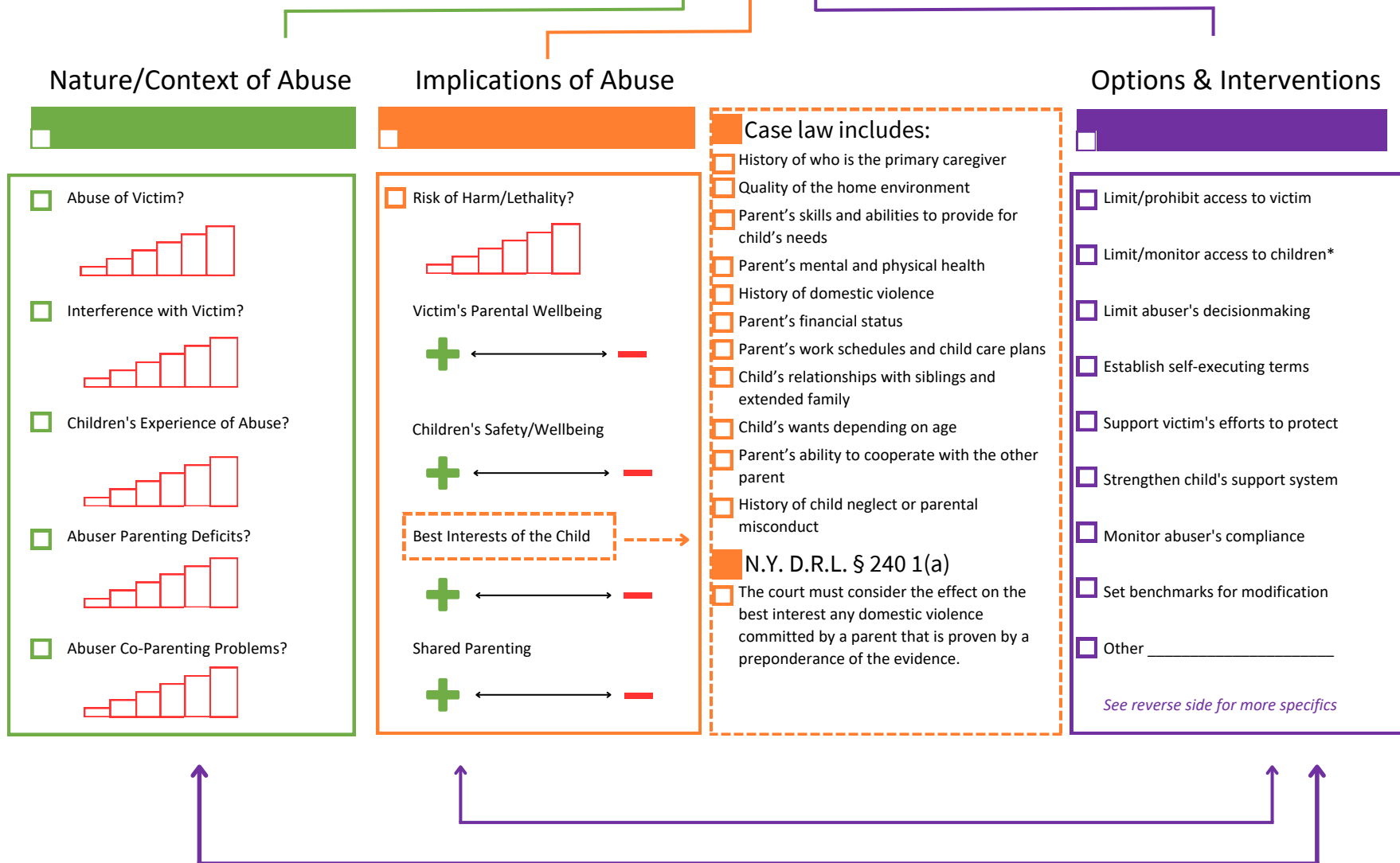


RESPONDING TO IPV IN PARENTAL RESPONSIBILITIES CASES NEW YORK

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

Case law includes:

- History of who is the primary caregiver
- Quality of the home environment
- Parent's skills and abilities to provide for child's needs
- Parent's mental and physical health
- History of domestic violence
- Parent's financial status
- Parent's work schedules and child care plans
- Child's relationships with siblings and extended family
- Child's wants depending on age
- Parent's ability to cooperate with the other parent
- History of child neglect or parental misconduct
- N.Y. D.R.L. § 240 1(a)**
- The court must consider the effect on the best interest any domestic violence committed by a parent that is proven by a preponderance of the evidence.

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 PARENTAL RESPONSIBILITIES CASES NEW YORK

EXAMPLES OF MORE SPECIFIC OPTIONS & INTERVENTIONS

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

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