

# ICADV

## Informer

### The Funding Restoration Project

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The Iowa State Legislative session just kicked off in January. But the staffs of ICADV and IowaCASA have been focused on the session for quite a bit longer than that. Funding is an important piece in ensuring that domestic violence programs stay open. While only part of the total budget, the state of Iowa has provided essential funding for programs in Iowa since the late 70s.

In 2003 the line item for victim assistance grants was eliminated from the budget due to state funding challenges. In recent years funding for domestic violence and sexual assault programs has come from

the reserve dollars in the Attorney General's Crime Victim Compensation Fund.

That reserve fund is now bankrupt. During this tough economic time sexual assault and domestic violence programs are asking the State to ensure they are included in the budget. The Funding Restoration Project is a partnership between ICADV and IowaCASA and their member programs to ensure vital state funding for sexual and domestic violence programs in Iowa so that no victim finds the door to safety closed.

ICADV and IowaCASA are thrilled that **victim services were included in Governor Culver's budget at \$4.18**

**million. But the fight isn't over.** The State Senate and State House are now going over the budget line by line looking for places to cut.

#### What can you do?

Advocacy is important and easy. Please **contact the Iowa Senate and House leadership and urge them to support victims services by appropriating the \$4.18 million** included in the Governor's budget. For help sending a postcard to your legislator please visit: [www.victimstosurvivors.org](http://www.victimstosurvivors.org).

HELPING  
 VICTIMS  
 BECOME  
 SURVIVORS

IowaCASA & ICADV  
 Funding Restoration Project  
[victimstosurvivors.org](http://victimstosurvivors.org)



It's about  
 time

ICADV

The planning for this year's *It's About Time Awards and Auction Gala* is in full swing. While official save the date cards have not yet been mailed, why not mark your calendar? **The event will be held Saturday, May 2<sup>nd</sup> at the Scottish Rite Consistory in Des Moines.**

Collection for auction

### Its About Time, For An Update!

baskets and items has begun. In addition to our past efforts, we are reaching out to area civic groups and clubs. If you are a member of an organization that would be interested in putting together a basket, we would welcome your donation.

There are already some great things to look forward to at this year's Gala. We are excited to announce that local artist, Roxi Copland, will be performing. If you're a golfer

then you won't want to miss our live auction. We have recently put together a vacation package to Hilton Head Island South Carolina! May 2<sup>nd</sup> is already looking like a fun night. We look forward to seeing you there!

For more information please contact:

[sarabetha@icadv.org](mailto:sarabetha@icadv.org) You

can also visit: [www.icadv.org/aboutTime.asp](http://www.icadv.org/aboutTime.asp)



Laurie Schipper,  
ICADV Executive  
Director

## Executive Discussion

Women's use of violence has been discussed and debated for well over three decades. Recently debate over this complex issue has resurfaced within the victim services and batterer's treatment fields. Kirsten Faisal, State Training Coordinator for ICADV, has written a series of papers discussing the topic. I wanted to share the first paper in the series in this month's newsletter. Kristen's paper is attached in pages 5-10.

- Laurie Schipper

## Staff in the Spotlight

**T**ina Fisher, the MUNA Legal Clinic Managing Attorney, gave her first oral argument in front of the Iowa Appellate Court in December 2008 and won. While this was an exciting experience for Tina, the case is much more than a line in the win column. It was an opportunity to keep a family together.

Tina's client, like all MUNA clients, is an abuse survivor. She lost custody of her child to her abuser in the "temporary matters" phase of their custody case. The order was in place for 18 months when the case finally went to trial. As a result of the trial Tina's client regained physical custody of her child. The abuser then appealed the case to the Iowa Court of Appeals. As a result of Tina's zealous advocacy, the Appellate Court affirmed the District Court's decision, keeping mother and child together.

Too often attorneys are painted as unscrupulous individuals who are far more interested in taking their clients money than doing what is right. However, when asked about "their lawyer" people rarely describe such an individual. They usually describe someone like Tina. A person who acted as their advocate, counselor and advisor and helped them through one of the most difficult times of their lives. On behalf of all the women and children Tina and the clinic staff serve, we would like to say thank you for your hard work and dedication.

**S**arabeth Anderson, ICADV Director of Development, was include in the Des Moines Business Record's 2009, Forty Under 40. This is the tenth year the Business Record has recognized outstanding young leaders in our community. According to the Business Record, this year's field of perspective honorees was stronger than ever with 180 nominees.

Candidates are judged on both professional accomplishment and involvement with civic organizations. In Sarabeth's case those two areas are extremely intertwined. Before joining ICADV's staff in 2006 Sarabeth led Habitat for Humanity of Iowa, and Dress for Success Wichita. While her career has been one of service, she has also been involved in service and professional organizations including the Ankeny Jaycees, the Association of Fundraising Professionals and the Polk County Women Attorneys association.

The ceremony honoring the 2009 Forty Under 40 will be held at the Polk County Convention Complex, March 3rd from 4:30 to 7:00. For tickets, contact the Des Moines Business Record at [www.businessrecord.com](http://www.businessrecord.com) and click BR Events.

## Thank You Target!

ICADV recently secured an \$8,500 grant from Target. The funds are designated to support the work of our Child Welfare Specialist, Annette Williams. Annette provides case consultation, training, and technical assistance to the Iowa Department of Human Services and other agencies on the issue of domestic violence and child protection. We thank Target for this grant and for everything they do to make our state a better place.



## Vagina Monologues Benefit MUNA Legal Clinic

Please plan to attend the Drake University Production of the Vagina Monologues. Not only is this a must see show, but this year the proceeds will benefit ICADV's MUNA Legal Clinic. We are honored to be part of V-Day 2009.

Drake University presents  
A V-Day 2009 Benefit Production of

# THE VAGINA MONOLOGUES

EVE ENSLER'S

FOR THREE NIGHTS ONLY!

FEBRUARY 26-28  
THURSDAY, FRIDAY  
AND SATURDAY

Proceeds benefit the V-Day Campaign  
for Women in the Democratic  
Republic of Congo and MUNA Legal  
Clinic in Des Moines, IA

Doors open at 7pm,  
Vagina Carnival at 6pm  
Bulldog Theater, Olmsted Center

Tickets available at:  
the Student Life Center in Olmsted Center  
2507 University Ave. (515) 271-3711

\$8 with Drake ID  
\$12 for non-students

## **Thank you to our Support Iowa Survivors Society! The 2009 members donated more than \$8,000 to fight Domestic Violence in Iowa!**

Will & Sarabeth Anderson  
David C. Baldus & Joyce Carman  
Jean Basinger  
Jan Berg Kruse  
Gail & Warren Bishop  
Judy Bradshaw  
Lori Bruflodt  
Rhonda Carver  
Mike Clancy  
Mary Jane Cobb & John Outcalt  
Tanya Daniels  
Janice C. Down  
Engle Family Foundation  
Ann M. Feddersen  
A.M. & Deborah Fink  
Jim & Deb Fisher

Keely R. Fisher  
Tina Fisher  
Rich & Lindsay Foster  
Robin Gaspri  
Joshua Guffey  
Andrea Hoffman  
George & Calista Hospodarsky  
Steve Kennedy  
Suzanne Koury  
Elizabeth Kruidenier  
Ivan & Marian Lyddon  
Monica McCarthy  
Linda McGuire  
Diane McKee  
John Menninger  
Louise P. Moon

Janice Murray  
Christopher E. Nelson  
Jeanne M. Nichol  
Bob & Chris Patton  
Vincent Preston  
Reed & Mary Beth Ramsay  
Royce Ranninger  
Jerry & Mary Ross  
Richard Sidwell  
Adam Stark  
Cecilia J. Tomlonovic  
David Ulrick & Janice Rutledge  
Fred Lorenz & Roberta Vann  
Maureen A White  
Noel Wrucke

**If you are interested in becoming involved please visit:**

<http://www.icadv.org/siss.asp>

## **Comfort Blankets Wanted**

Regular readers of this newsletter know that in the fall of 2008 ICADV staff started holding Trama and Abuse classes at the women's prison in Mitchellville. At least 85% of inmates have experienced sexual or domestic violence, many experiencing multiple traumas in their lives. Comfort Blankets are 24 inches square and are built into the curriculum as a grounding and coping tool. They can be made of fabric or yarn. If they are double layered fabric they must be sewn shut. If you would like to donate blankets please drop them off at the ICADV office. If you are not the crafty type you could donate supplies or funds to purchase them. Feel free to contact Joan Kennedy at 515-244-8028 or joank@icadv.org for more information.

### **Mission**



The Iowa Coalition Against Domestic Violence (ICADV) provides assistance and education to programs that serve battered women and their children, working to end violence in intimate relationships.

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# Iowa Coalition Against Domestic Violence

## Position Paper: Definitions

Kirsten Faisal

### Introduction

“Domestic abuse”, “domestic violence”, “battering”, “assault”...the list of terms used to describe the use of force and coercion within intimate partnerships sometimes seems endless, and yet there is no consensus in the field about what exactly these terms mean. A number of papers written in the last decade have attempted to define these terms, primarily as a vital step to explicating the motivations, context, and impact of such behaviors. Defining is the first step to discussion and the first step to developing effective responses. This paper is intended as a guide and a step toward building consensus on definitions so that the Coalition and its allies can work toward safer families.

### Legal Definitions

The code of Iowa defines an assault as follows:

*A person commits an assault when, without justification, the person does any of the following:*

- 1. Any act which is intended to cause pain or injury to, or which is intended to result in physical contact which will be insulting or offensive to another, coupled with the apparent ability to execute the act.*
- 2. Any act which is intended to place another in fear of immediate physical contact which will be painful, injurious, insulting, or offensive, coupled with the apparent ability to execute the act.*
- 3. Intentionally points any firearm toward another, or displays in a threatening manner any dangerous weapon toward another.*

*(Code of Iowa, §708.1)*

Domestic abuse is defined as:

- a. The assault is between family or household members who resided together at the time of the assault.*
  - b. The assault is between separated spouses or persons divorced from each other and not residing together at the time of the assault.*
  - c. The assault is between persons who are parents of the same minor child, regardless of whether they have been married or have lived together at any time.*
  - d. The assault is between persons who have been family or household members residing together within the past year and are not residing together at the time of the assault.*
  - e. The assault is between persons who are in an intimate relationship or have been in an intimate relationship and have had contact within the past year of the assault.*
- (Iowa Code §236.2)*

[And finally, Iowa law draws a distinction between domestic abuse and domestic abuse assault, the later term being limited to criminal cases, excluding dating partners.](#)

*For the purposes of this chapter, "domestic abuse assault" means an assault, as defined in section 708.1, which is domestic abuse as defined in section 236.2, subsection 2, paragraph "a", "b", "c", or "d".*

*(Iowa Code §708.2A)*

While it is important to acknowledge the legal usage in the state, these definitions are too narrow for public policy discussions. They focus on single incidents rather than the overall pattern of behaviors in the relationship, and on physical forms of abuse. There are many other forms of coercive and degrading behaviors that are as manipulative and threatening as physical violence. This is not to suggest that ICADV believes that behaviors such as emotional abuse should be made illegal, merely that physical abuse is one among a myriad of strategies used against intimate partners.

## Intimate Partner Terrorism

The concept of a pattern of coercive and threatening behaviors used to establish and maintain power and control over an intimate partner was identified early in the history of the battered women's movement as *battering*. More recently, researchers and advocates struggling with these definition issues and wishing to clean the slate of preconceived meanings for terms have proposed such labels as *intimate terrorism*, *patriarchal terrorism*, *coercive controlling violence*, and *abusive-controlling violent relationships* to describe this cluster of behaviors. The goal is to encapsulate the full range of coercion and control utilized by the perpetrator beyond the use of physical violence. **To this purpose, for public policy discussions, ICADV recommends the term *intimate partner terrorism (IPT)* to refer to an ongoing pattern of abusive, threatening, and coercive behaviors aimed at gaining power and control over an intimate partner.** This means that not all acts that meet Iowa's legal definition of domestic assault are intimate partner terrorism, and that one may engage in IPT without violating the law.

About a third of all women killed in the United States are killed by current or former intimate partners (compared to about 3% of male homicides), usually as the culmination of exactly this pattern of intimate partner terrorism. The battered women's movement, begun as a grassroots effort by survivors of IPT, can, I hope, be forgiven for focusing primarily on this form of violence.

"[...] for years, victim advocates have used the term domestic violence to refer exclusively to classic battering, that is, a complex of violent activity and coercive behaviors motivated by a batterer's intent to control the victim and children. By staying on this message, the advocacy community has built a powerful infrastructure that supports victims and children subjected to the coercive tactics of batterers. Its response to the growing awareness of multiple types of violence in intimate relationships, all with adverse impact on children, has often and understandably been to resist both a diffusion of its message and the concomitant risk of shifting resources away from the female victims and children."

Maintaining a primary focus on this issue does not mean that the battered women's movement negates the seriousness of other forms of violence any more than the focus of the civil rights movement on enfranchising people of color negates the importance of disability rights.

## Self Protection

*Self defense* also has numerous legal definitions. Again, turning to the Iowa Code as a starting point:

*704.3 Defense of self or another.*

*A person is justified in the use of reasonable force when the person reasonably believes that such force is necessary to defend oneself or another from any imminent use of unlawful force.*

*704.1 Reasonable force.*

*"Reasonable force" is that force and no more which a reasonable person, in like circumstances, would judge to be necessary to prevent an injury or loss and can include deadly force if it is reasonable to believe that such force is necessary to avoid injury or risk to one's life or safety or the life or safety of another, or it is reasonable to believe that such force is necessary to resist a like force or threat. Reasonable force, including deadly force, may be used even if an alternative course of action is available if the alternative entails a risk to life or safety, or the life or safety of a third party, or requires one to abandon or retreat from one's dwelling or place of business or employment.*

Any discussion of self-defense cannot be divorced from legal concepts of reasonable use of force and a *reasonable person standard* of perceived threat and options for response. The experiences and voices of women, and particularly battered women, have been excluded historically from the development of these concepts; consequently, these definitions are limited by being based on a male model, originally conceived to deal with situations such as a bar fight in which two people were equally matched in physical and social power, or the homeowner defending his property against an intruder.

Battered women, because of their unique experience and heightened level of attention to the particularities of their batterers' behavior, are likely to have a different measure of threatening behavior and awareness of the imminence of an assault than the average juror or judge. They also have already had their options for response limited. As such they may not meet a generalized reasonable person standard of decision making in reacting to the danger of their situation unless their actions are placed within the context of an ongoing pattern of intimate partner terrorism.

This is not a plea for special lenient treatment for battered women—in fact, many of the loudest critiques of the battered women's syndrome defense have come from the battered women's movement-- rather it is a demand that pervasive gender bias be recognized and that full access to the justice system be provided to battered women as both victims and defendants.

Thus a strictly legal definition of self-defense, like the code definitions of domestic abuse above, is too narrow in the context of public policy discussions. **ICADV recommends the use of the term *self-protection*** to avoid having the variety of protective actions that survivors might use becoming muddled with legal models of self-defense.

### **Reactive/Resistive Violence**

The next two forms of violence are likely to cause the most debate. The first has been termed *reactive violence*, *extra-legal violence*, and *violent resistance*, and defined as force used in reaction to the primary aggressor's violence, motivated by a desire to reduce or eliminate that violence, or even simply as a broader form of self defense.

Some victims of intimate partner terrorism use force against their partner in retaliation for abuse, others to assert their personal autonomy. These women talk about trying force once other options have failed, or that it seems like 'the only language he understands'. Some victims, who have been battered in previous relationships, may use force against a new non-abusive partner to send the message that they will not tolerate being controlled again. This use of force could be broadly seen as motivated by the desire to reduce the chances of victimization (as opposed to an attempt to gain control over an intimate partner). While perhaps not meeting the criteria of *self-protective*, ICADV recognizes these acts as not uncommon victim responses—sometimes linked to trauma reactions—to intimate partner terrorism. Interventions for people using ***reactive/resistive violence***, as ICADV chooses to name it, must necessarily be designed differently than interventions for people who use force in order to dominate and control: safety being the first requirement for intervention.

### **Situational Violence**

*Common couple violence*, *situational couple violence*, and *conflict instigated violence* are terms proposed by various authors for situations not marked by a pattern of power and control by one partner over the other, and usually occurring under unusual and highly stressful situations. Coercion or intimidation intended to keep one partner in an ongoing state of fear are absent. When the use of force arises only after separation it has sometimes been referred to as *separation instigated violence*. Examples might be: a woman slaps her husband across the face when she discovers he is having an affair; or, while grabbing her purse so he can get the keys to his apartment, a man knocks his girlfriend to the ground after she breaks up with him. Contrary to popular belief, the battered women's movement does not deny that this kind of violence occurs. It does not, however, rise to the level of societal intervention as often as IPT given that it is less likely to result in severe injuries, homelessness, trauma, or homicide; and, being in less fear or danger, the parties involved are less likely to seek medical or police intervention. It is probable that instances of situational violence are more likely to be raised in civil court domestic relations proceedings than in emergency rooms or battered women's shelters.

These events can easily rise to the level of a criminal act of domestic abuse assault under the Iowa Code and yet are not *intimate partner terrorism*. Once again, the kind of intervention needed is going to be vastly different than that still being explored to treat batterers.

The chief difficulty with this category of force lies in the fact that batterers (and in fact, many battered women) will assert that the assault they were arrested for was ***situational violence*** rather than IPT. It may even be the first time that physical force *was* used against the intimate partner, yet deeper probing into the context of the relationship reveals the pattern of non-violent coercive tactics and threats that preceded the assault.

## Pathological violence

Finally mention must be made concerning what ICADV terms *pathological violence*. This is a use of force that is a side effect of mental and physical health issues; it is usually generalized, not directed primarily at an intimate partner as are the previous forms of violence discussed: the elderly man with Alzheimer's that assaults his wife and the nurse attending him is not motivated by a desire for power and control but by a disease compromising his impulse control. Nevertheless, the vast majority of people living with mental illness are more likely to be victimized by violence than to use force against someone.

*Pathological violence* becomes a public policy issue when it is claimed as the reason for abuse behavior by persons who use force for the other reasons given above. It is not uncommon for batterers to claim that they can't help their behavior, including temporary insanity defenses in homicide cases. Batterer Education Program facilitators are frequently told by batterers that they were 'out of control' and didn't know/couldn't help what they were doing. It is interesting to note that this mental deficit typically only occurs in regard to a intimate partner, which is also an issue for researchers who say that battering arises out of brain damage or other mental incapacity. Batterers are not so eager to stand by their helplessness excuse once it is suggested that—if that is truly the case--permanent incarceration may be the only way to achieve public safety.

## Conclusion

*"When battered women use force they do so for a number of reasons. The following reflect some of the most common reasons:*

- \* Self-defense, including escape attempts*
- \* As response to batterer's use of force-to stop or dissuade him from continuing to assault her*
- \* Pre-emptive--if she believes an assault is imminent, some battered women may try to "induce" the incident to get over the tension of waiting and/or to gain some control over when and where the assault takes place. A battered woman may try to "induce" an assault in an effort to potentially minimize the harm, embarrassment, and disruption to their schedule that the assault will cause. Pre-emptive force offers battered women some semblance of control over their situation.*
- \* Because not using force hasn't kept them safe*
- \* Retaliation for a history of abuse"*

Discussions of partner violence and abuse are political and raise tension because they direct attention straight at the most intimate of human relationships. We cannot separate ourselves and our experiences from debate the way we might be able to distance from discussions of other crimes. Advocates frequently must address myths and misunderstandings about intimate partner terrorism, ourselves, and our movement, and acknowledge the variety of human behaviors and challenging social issues, while presenting a clear statement of our position(s) and staying focused on our issues. Tension, confusion, discouragement, or struggle should not deter us from debate. We should be proud that, as a society, we have reached a stage that we can and must engage in a more sophisticated and nuanced discussion of the use of force in intimate relationships. The way we frame the issues involved delineates the paths we will take to developing effective interventions for both perpetrators and victims.

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notwithstanding ICADV's own name—sometimes the reputation and name-recognition of an agency is more important than change. Stay up with current language—just ask the United Negro College Fund!

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For the purposes of this paper, the term “battered women” is understood to include males subjected to IPT by their male or female partners.

For the purposes of this paper a *batterer* is someone who perpetrates *intimate partner terrorism*.

Though well-documented, a full discussion of gender bias in the courts is beyond the scope of this article. For a report on Iowa, see the *Equality in the Courts Task Force of the Iowa Supreme Court*, February 1993. For an example specific to battered women, see J.D.; Slote, Kim, J.D.; Ghosh Driggers, Monica, J.D.; Mesh, Cynthia; Bancroft, Lundy; and Silverman, Jay; *Battered Mothers Spouse Rights Report on Domestic Violence and Child Custody in the Massachusetts Family Courts*, Final Report of the Battered Mothers Spouse Rights Project, Wellesley Centers for Women, 2002.

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