

APPENDIX A

Domestic Violence Evaluations and Assessments^{1,2}

Appendix A is an overview of issues³ related to domestic violence (DV) evaluations that may appear before the courts: criminal, civil, family law, dependency, or juvenile courts. Specialized domestic violence evaluations may have been requested by the court or introduced as part of the case by lawyers, professionals related to the courts, or the parties themselves. DV evaluations may be a standalone evaluation or be a subset of another evaluation.

- I. Domestic Violence Evaluations** are specialized evaluations of domestic violence–specific issues and are conducted using DV-specific evaluation protocols.
 - A. Domestic violence evaluations for court proceedings address a wide variety of questions⁴:**
 - Whether or not specific conduct that did occur fits the behavioral definition of domestic violence?
 - If the conduct is domestic violence, then who is the adult victim and/or who is the DV perpetrator of that conduct?

¹ This appendix focuses primarily on domestic violence evaluations/assessments of the perpetrator used in court proceedings; some of the comments and examples may also be relevant to evaluations for domestic violence adult victims and or their children. It is beyond the scope of this appendix to handle this topic in an exhaustive manner. It should be taken only as a primer for judicial officers, which highlights some of the dilemmas surrounding such evaluations. Also this appendix is limited to domestic violence evaluations only and does not address issues related to other types of non-domestic violence forensic evaluations, except where they specifically intersect with domestic violence evaluations. For this discussion, the terms DV evaluation and assessment are used interchangeably.

² See Chapter 2 for coverage of lethality assessments. That detail will not be repeated in this appendix; although, lethality assessment is always part of the domestic violence assessment.

³ There is little direct research on DV evaluations or assessments protocols. What is presented in here is the consensus of experts in the field and based on the author's seminars for judges and publications: A. Ganley, *Domestic Violence, Parenting Evaluations, and Parenting Plans: Practice Guide for Parenting Evaluators in Family Court Proceedings* (2009), available online through <http://www.kccadv.org/reports/family-law-reports/>; A. Ganley & M. Hobart, *Social Worker's Practice Guide to Domestic Violence*, Children's Administration, Washington State Department of Social and Health Services (2010, 2012R)

⁴ At the close of this appendix (pgs. 13-24) there are examples of questions that evaluators ask parties for purposes of conducting the evaluation and which judicial officers can also use in considering domestic violence in a specific case.

- If domestic violence has been or is present, what are the risks of future danger? To whom? And by whom? (Assessment of lethality and dangerousness?)
- What have been the impacts/harms of domestic violence on the adult victim?
- What have been the impacts/harms of domestic violence on the children?
- How does the domestic violence affect the parenting of the adult victim? Of the domestic violence perpetrator?
- What ongoing or future risks of harm does the domestic violence perpetrator pose to the adult victim? To children? To others?
- Is the DV perpetrator amenable to treatment/motivated to change?
- Are there co-occurring issues for the DV perpetrator that may negatively impact treatment/change?
- For court review: has the domestic violence perpetrator stopped the pattern of assaultive and coercive behaviors? Become a safe parent? A safe citizen?

B. Multiple Evaluations in DV Cases:

- **Not all evaluations in domestic violence cases are DV evaluations.** There may be different types of evaluations in DV cases. Sometimes a case before the court has multiple and competing evaluations. Knowing the limitations as well as the strengths of the different evaluations assists the judicial officer (1) in deciding which evaluation if any the court would order and/or (2) in understanding the relevance of DV evaluations brought to cases. Behavioral assessment techniques have been shown to be critical for assessing domestic violence, which is a behavioral problem rather than a personality problem. Often mental health evaluations (psychological or psychiatric) do not include *behavioral assessments* of domestic violence conduct. Therefore, they have limited value in addressing the standard questions before the court for DV cases:
 - Determining whether or not domestic violence occurred.
 - Determining who is or who is not a DV perpetrator (or DV victim).
 - Assessing impact of the entire pattern of assaultive and coercive behavior on the adult victim and children.
 - Determining future risks to adult victim.
 - Determining future risks to children posed by domestic violence.
- **Mental Health/Psychiatric Evaluations.** Standard mental health evaluations focus on personality, motivation, cognitive psychological functioning, and use psychological tests and tools (see page 8 for cautions regarding psychological testing in DV cases) in addition to interviews. Psychiatric evaluations do the above and include medical assessment techniques as well. Typically these evaluations do not systematically gather the information regarding person's

behaviors or conduct, which is standard procedure for a Domestic Violence Evaluation. Standard mental health or psychiatric evaluations do not provide the specific information needed for establishing a parenting plan or child welfare service plan, such as whether the party's mental health issue (or DV issue) affects their parenting capacities, whether the identified mental health (or DV issue) barrier to parenting are short or long term, and if the mental health (or DV issues are resolvable through specific conditions of the parenting plan or child welfare service.

- **Substance Abuse Evaluations.** These focus on assessing and individuals for substance abuse and or addition issues. There are standards for substance abuse evaluations (including procedures and tests that may be used). They do not assess for co-occurring issues (domestic diolence, sexual deviancy, etc.).
- **Sexual Deviancy Evaluations.** These are similar to substance abuse evaluations in that their purpose is to focus on one issue. This may be an appropriate evaluation as an adjunct evaluation when there are questions about a co-occurring issue of sexual deviancy.
- **Parenting Evaluations:** the focus of this evaluation is on assessing the specific parenting capacities of specific parents of specific children. There is a great deal of variety in how effective parenting evaluations are for cases with domestic violence. Traditional parenting evaluation protocols do not routinely screen for domestic violence and only address the issue if parents alleged domestic violence. Even then, they do not use behavioral assessment tools in the interviews with the parties. In addition, they frequently do not integrate standardized domestic violence assessment protocols in assessing identified domestic violence in the case.

Both mental health and parenting evaluations have other limitations in common: high cost, often difficult to obtain in communities, failure to address trauma, failure to assess domestic violence, and, too often, they are culturally or linguistically inappropriate. For domestic violence cases mental health evaluations, parenting evaluations, substance abuse, sexual deviancy evaluations frequently fail to capture the specifics of the abuser's pattern of assaultive and coercive behaviors and the impact of that conduct on the legal questions before the court.

C. Use of specialized domestic violence evaluations/assessments in different courts.

- **Criminal Proceedings.** There may be stand-alone domestic violence evaluations or DV risk assessments to address safety issues before, during and after court. Such DV evaluations may also be used to provide information for charging, as part of the testimony given at trial, or for sentencing purposes.

- Dependency court proceedings.** As of 2009, the Washington State Department of Social and Health Services, Children’s Administration has adopted domestic violence–specific policies⁵ which shifted to (1) universal (regardless of the allegation) screening/routine identification of domestic violence repeated at each stage of a child welfare case, (2) if domestic violence is identified in the case, then workers will conduct a specialized assessment of risks posed to children by identified domestic violence, and 3) case decision-making and service plans based on this Specialized Domestic Violence Assessment. The Children’s Administration has produced a practice guide so workers are able to conduct this routine screening and the specialized assessment of domestic violence as part of their safety assessment role rather than to refer out all domestic violence evaluations to specialists outside Child Welfare. As part of reasonable efforts, DSHS Children’s Administration is responsible for following its domestic violence–specific policies. See Chapter 11, Attachment 2 for more information. A domestic violence evaluation may be offered by Child Welfare workers or may be sought by the parents who are party to the case.
- Family Law Proceedings.** There may be either stand-alone domestic violence evaluations or a domestic violence evaluation may be a focused part of another evaluation. Washington allows psychologists to conduct limited service evaluations related to parenting evaluations ([WAC 246-924-467](#), limited services related to parenting evaluations) on certain topics (domestic violence, substance abuse, sexual deviancy, mental health issues) without the evaluator having to conduct a full parenting evaluation. For some cases, such a focused domestic violence evaluation is all that is needed. Having multiple evaluations may be burdensome to both the family and the court. In other cases, the domestic violence evaluation can be conducted as a subset of a parenting evaluation or a mental health evaluation. Those conducting a domestic violence evaluation within another evaluation still needs to follow the domestic violence evaluation protocol for that subset and have the same qualifications as professionals doing the stand-alone domestic violence evaluations.

D. Evaluating the evaluations. It is important that the court stay clear on:

- The legal questions of this case before the court.
- The purpose of the domestic violence evaluation and its relevance to those legal questions before the court.
- The reliability, validity, and relevance of the evaluation methods used in the domestic violence evaluation.
- The quality of the data and conclusions from the domestic violence evaluation.
- The qualifications and experience of a competent domestic violence evaluator.

⁵ A. Ganley & M. Hobart, *Social Worker’s Practice Guide to Domestic Violence*, Children’s Administration, Washington State Department of Social and Health Services(2010, R 2012) .

II. Domestic Violence Evaluations:

A. Which Court? What is/are the Legal Question? Can a DV evaluation address the questions before the court?

A specialized domestic violence evaluation can be helpful to the court in responding to certain legal questions before the court. A domestic violence evaluation conducted by a competent DV evaluator can provide invaluable domestic violence specific information to a court faced with making complicated decisions that have far-reaching implications in the lives of family members.

1. Criminal court proceedings

Domestic violence evaluation may be offered to assist the court in determining whether or not an individual committed a crime:

- a. **Did this defendant engage in this behavior or commit these acts? Was their conduct behavior a crime (e.g., assault, stalking, harassment) or not (e.g., self-defense, accident)?**

Domestic violence evaluations *alone* cannot determine whether or not someone engaged in certain behaviors. The domestic violence evaluator is rarely a witness to the events and may be interviewing only one party and gathering input from other parties. Evaluators are not the triers of fact and do not render legal opinions. Occasionally, in the course of an evaluation by a skilled domestic violence evaluator, the domestic violence perpetrator will self-report descriptions of behaviors that fit the behavioral and legal definitions of domestic violence and confirms that domestic violence occurred. Or in the course of the evaluation the domestic violence perpetrator may specifically use a controlling tactic of abuse (such as threatening to harm to victim or to the evaluator or to the judicial officer). In such cases, that information about or direct observation of conduct would be useful to the court. However, the lack of such collateral reports to the evaluator or the denial of domestic violence behaviors to the DV evaluator cannot be used to confirm that domestic violence did not occur. The court considers information in addition to the domestic violence evaluation to determine whether domestic violence behaviors constituted a crime (e.g. assault, stalking, arson, menacing, harassment) or not (the conduct was self-defense, accident, etc.)

b. Whether or not the criminal behavior was committed under duress? Whether or not there are other mitigating circumstances?

Once again, the domestic violence evaluator is not the trier of fact. Domestic violence evaluators may render professional opinions on the motivation and meaning of the identified conduct which may address the questions before the court involving mitigating circumstances. For example, a domestic violence evaluation in a case may reveal that the domestic violence victim/defendant engaged in the criminal act of robbery under threat of physical harm from the domestic violence perpetrator (i.e., domestic violence victims compelled to crime by DV perpetrators).

c. Sentencing:

Domestic violence evaluations may also assist the court in determining appropriate conditions for sentencing:

- Is the criminal conduct that has been adjudicated to have occurred actually domestic violence or not? (Does the criminal conduct fit the behavioral definition of domestic violence or not?)
- How lethal is the domestic violence? Future risk?
- Would the offender benefit or not from a batterer's treatment program?
- Is the domestic violence perpetrator amenable to treatment?

While domestic violence evaluations alone cannot determine whether or not the criminal act took place, the domestic violence evaluation can render an opinion as to whether or not this behavior is part of an ongoing pattern of assaultive and coercive behaviors known as domestic violence. Domestic violence is a pattern of behavior, not an isolated individual event. So knowing whether or not the assault or other criminal act constitute part of a pattern of assaultive and coercive behaviors defined as domestic violence is important in determining danger assessment, effective interventions, court orders, and sentence. For example, the facts of the case may clearly establish that the person did push the other person against a wall (i.e., committed assault), but unless this is part of a pattern of assaultive and coercive behaviors, that assault may not be domestic violence, and the offender would not benefit from in a domestic violence treatment program. For example, a if domestic violence victim retaliates after having endured repeated domestic violence by assaulting the domestic violence perpetrator, that assault is not part of an ongoing pattern of coercive control. The court would sentence on the assault issue, but not

call it domestic violence invoking domestic violence intervention strategies.

A domestic violence evaluation (or the court) may conclude that even though the offender committed the crime and the crime is part of a pattern of assaultive and coercive behaviors called domestic violence, the evaluation provides information that the domestic violence perpetrator is not amenable to treatment because he or she:

- totally denies his/her abusive conduct or justifies it; and/or
- is too high risk to repeat lethal domestic violence. For such cases domestic violence interventions programs would be contraindicated.

2. Civil court proceedings (family law, dependency, juvenile, protection orders, and tort cases).

A domestic violence evaluation may be relevant to a variety of other questions before the court:

- Is there domestic violence in this case? If so, who is the perpetrator? Who is the adult victim?
- Are there lethality and safety issues for the adult victim? Children? Community? Court? Imminent? Or future?
- Impact of the domestic violence on the adult victim?
- Impact of the domestic violence on the children?
- Impact on the victim's and/or domestic violence perpetrator's parenting?
- Custody issues? Residential access? Visitation? Parental decision-making regarding children?
- How does the specific history of domestic violence impact the parenting plans? How can a parenting plan be constructed that will keep both the adult victim and the children safe and support their resiliency? How can the parenting plan (1) decrease the abuser's ability to continue to exercise power and control over the victim and children and (2) engage the abuser in becoming a safe and responsible parent?
- How does the history or presence of domestic violence affect the child welfare decision-making and services for both parents and for the children in a specific case? Visitation?
- Damage assessment for tort cases involving domestic violence?

B. Elements of a Specialized Domestic Violence Assessment

The court should expect the following to be clearly stated in the Domestic Violence Evaluation:

1. **Purpose:** List of those questions before the court to be addressed specifically by this Domestic Violence evaluation.
2. **Domestic Violence Evaluation Methods Used:**
 - a. **Behavioral Assessment Interviews conducted with the parties and with collaterals (dates and time spent).**

Domestic violence evaluations rely heavily on behavioral assessment interview strategies and are a departure from many of the clinical interview techniques used by parenting evaluators and or in psychological evaluations of a party. These domestic violence behavioral assessment protocols are different than the allegation models used by many parenting evaluators.⁶ Behavioral assessment techniques have been shown to be the most useful in assessing domestic violence, which is a behavioral problem rather than a personality problem.

b. List all Materials reviewed for evaluation.

Domestic violence evaluations should be conducted using multiple sources of data

c. Tests (if used) administered and interpreted

Caution: Psychological testing is NOT useful for the following:

- Determining whether or not domestic violence occurred
- Determining who is or who is not a perpetrator (or victim)
- Determining future risks to adult victim
- Determining future risks to children posed by domestic violence

Many of the tests appearing in evaluations are psychological tests regarding personality. Domestic violence is a behavior problem, not a personality problem, and is exhibited by individuals from a wide variety of personality types, including those who test clinically normal. It is impossible to determine

⁶ For full comparison of the techniques used ...see A.Ganley, *Domestic Violence, Parenting Evaluations, and Parenting Plans: Practice Guide for Parenting Evaluators in Family Court Proceedings*, (2009), available online through <http://www.kccadv.org/reports/family-law-reports/>

whether or not someone is domestically violent by looking at results of a personality test. Being a victim of domestic violence is due to the behavior of another, and victims of domestic violence can have any personality type. Some victims may test with clinically significant characteristics, as a result of living with domestic violence, and these so-called personality “traits” often disappear when victim is free of the abuse and coercion. Some have personality or psychiatric diagnoses independent of being victims of domestic violence but their diagnosis does not justify DV perpetrators’ use of domestic violence against them. Psychological tests or diagnoses, if used, need to be interpreted in light of the information about the perpetrator’s domestic violence tactics.

Psychological tests cannot rule out risk to adult victims posed by domestic violence perpetrators. The current risk assessments involve interviewing and gathering information about the behavioral pattern, information about the offender, and the current context—not about the personality profiles of either party.

Psychological tests cannot determine risk to children from domestic violence. There has been some progress in developing instruments to measure risk of child maltreatment. However, these tools were not designed to measure risk to children posed by intimate partner violence. Whenever psychological tests are used in domestic violence evaluations, or in other evaluations for custody evaluations or for parenting plans, they must be interpreted in the context of a detailed assessment of the domestic violence.

However, psychological tests (personality and cognitive testing) may be helpful for treatment purposes. Understanding a person’s personality style or how they function may suggest which treatment approaches need to be used. Alone, they are not useful in identifying whether or not there is domestic violence and whether or not there is future risk.

3. Definition of domestic violence used in evaluation.

Most of the questions needing to be addressed by a domestic violence assessment require the use of both the behavioral definition of domestic violence and the legal definitions (see Chapter 2). Because domestic violence is a pattern of behavior with a variety of effects and posing a variety of risks, any assessment that determines yes or no domestic violence, based on a limited legal definition of domestic violence applied to one incident (see Chapter 2) is generally not useful to the court. Furthermore, limiting the evaluations simply to the legal definitions of domestic violence is inadequate for assessing dangerousness and for assessing the complex issues involved in family and dependency courts.

Evaluators use a wide range of definitions for domestic violence. For example, some think there is no domestic violence unless there has been significant documented physical injury to adult victim or child and therefore claim there is no domestic violence in the case. They may base their determination on outcome rather than on behavior engaged in by the offender, and in doing so, may place individuals at risk for future harm. Others may think there is no domestic violence unless there has been an arrest or conviction for domestic violence if the assault that occurred is distant history or against another partner. Others focus solely on the physical assaults. **At a minimum, the evaluator should state in the report or testimony the definition of domestic violence used for the evaluation so the court is able to understand the evaluator's opinions.**

4. Domestic violence evaluation questions and topics

a. Questions:

- Whether or not there is domestic violence? If there is, who is the adult victim and who is the domestic violence perpetrator? This should be clearly stated for the court.
- If there is no domestic violence, then the evaluator would state the basis for the no domestic violence conclusion. The domestic violence assessment would stop there.

b. Elements of Specialized Assessment of Identified Domestic Violence:

If there is alleged domestic violence, then the specialized DV assessment of the identified domestic violence should include the following:

- **Detailed description of the pattern of abuse *over the course of the time*:** physical, sexual, and psychological attacks (stalking, threats, reproductive coercion, emotional abuse, isolation, controlling tactics, etc.), economic coercion, and use of children against adult victim.
- **A description of the time period considered for the assessment:** throughout the course of the relationship, including the time period after separation, up to the date of the evaluation. Oftentimes evaluators only consider behavior during the relationship and ignore the behavior that continues after the relationship has supposedly ended. Domestic violence does not occur only in marriages or cohabitating relationships. The pattern or coercive conduct occurs throughout and after legal proceedings. There may be a shift in tactics, such as using the court system against the domestic violence victim or sabotaging the parenting plan, but domestic violence perpetrators continue their patterns of coercive conduct after separation.

- **Impacts of domestic violence on adult victim:** physical and mental health, education, employment, housing, social/family/community relationships, access to resources, autonomy, degree of control over the victim enforced by the domestic violence abuser, etc.
- **Impact of domestic violence on children:** including but not limited to impact on parenting by adult victim, and on parenting by perpetrator,⁷ as well as impact on the child’s safety, health, housing, education, social networks, religious affiliations, access to resources, etc.
- **Lethality assessment** (see Chapter 2, Section IV)
- **Co-occurring issues:** substance abuse, mental illness, sexual deviancy, poverty, etc.
- **Protective factors:** in adult victim, children, DV perpetrator, community, including cultural issues as related to protective factors.
- **Demographic data about parties and children**

Some of the evaluations will need to complete certain sections in more detail depending on the court.

5. Qualifications for a Competent Domestic Violence Evaluator

- a. Types of evaluators:
 - Psychologists, social workers, psychiatrists, lawyers
 - Family court service evaluators (King County)
 - Professional parenting evaluators
 - GALS (lawyers or mental health specialists) domestic violence specialists
 - Domestic violence specialists
 - For Child Welfare: court proceedings: social workers using Children’s Administration tools of safety assessment, structured decision-making assessment, family assessment, and who specialize in domestic violence cases following the 2010 DV practice guide
- b. Contributors to DV evaluations (do not conduct DV evaluations)

⁷ Appendix B.

- Treating therapists for parents, child
- CASA (volunteer or professionals), GALS
- Child care providers, parenting coaches, etc.

c. **Qualifications: specialized DV training, not necessarily degrees.**

- **Specialized education in domestic violence and domestic violence specific evaluation methodologies.** To conduct domestic violence evaluation, the evaluator must have specialized education in domestic violence dynamics, domestic violence–specific screening protocols, and domestic violence assessment protocols, domestic violence risk assessment, and in safety planning, as well as experience in working with domestic violence perpetrators, victims, and their children.

A professional may be a highly skilled forensic expert, parenting evaluator, mental health expert, or child welfare expert, but not be able to do a competent domestic violence evaluation. For the most part, psychiatry, psychology, and social work graduate-level education provides little, if any, education in the area of domestic violence. Consequently, to do a domestic violence evaluation, and to integrate that domestic violence information into their assessments, professionals need to take continuing education seminars in specific domestic violence–related topics and evaluation methodologies, as well as have direct experience working with domestic violence perpetrators, adult victims, and their children.

Judicial officers should consider carefully (specifically ask evaluators) what qualifies the professional to conduct domestic violence evaluations.

- **Evaluator’s consultation with domestic violence specialists** If an evaluator does not have this specialized training and experience, then the evaluator should consult with a domestic violence specialist and incorporate that information into their assessment of the case. This is especially important in family law and dependency cases with the complicated factors surrounding parenting capacities. The consultation should be done prior to interviewing the parties in order to select the most appropriate evaluation protocols and then again when coming to conclusions and or recommendations. This consult should be noted in the report or testimony before the court.

- **Therapists should not conduct domestic violence evaluations for their own clients.**

The role of the evaluator and the therapist is very different. While therapists can provide some useful information to evaluators or to the court (especially if they routinely gather behavioral information from their clients), their therapeutic role with the client may compromise their objectivity or their value to the client may be undermined when therapists are used as an evaluator.

Mental health professionals too often do not routinely screen for domestic violence, even though the standard of care has moved toward routine screening at least for domestic violence victimization for all patients (there is a growing trend in health care to screen for domestic violence perpetration as well).⁸ Consequently, some professionals do not even know whether or not their clients have experienced domestic violence as a victim or perpetrator, because they do not do routine screening. The professional may mistakenly think clients will bring up these issues on their own, and assume that if it was not brought up, then it did not happen. In family law and child welfare cases when adult victims raise domestic violence concerns, professionals often mistakenly assume that the adult victims are merely doing so to have the advantage in a divorce or custody case and dismiss the adult victims' concerns.

- **State-certified domestic violence perpetrator programs** by state standards provide to the court appropriate signed releases of information about clients status, treatment, and participation in the program (see State standards, Appendix B.).

Domestic violence perpetrator treatment programs may have a policy not to do domestic violence evaluations for the courts with their own clients or even for those not in the treatment phase of the program. There are multiple reasons why the programs may take this or a modified position:

- Competent evaluations, assessments, reports, or testimony for courts take a lot of time. Many programs have limited staff. It is difficult to do treatment assessments, maintain the active treatment program, and do separate domestic violence

⁸ K. McCloskey and N. Grigsby, "The Ubiquitous Clinical Problem of Adult Intimate Partner Violence: The Need for Routine Assessment," *Professional Psychology: Research and Practice* 36, no. 3 (2005): 264-275.

evaluations on individuals who often do not want to participate in or are not appropriate for the treatment phase of the program.

- An actual, or the appearance of, conflict of interest.
- It results in a situation where clients are more focused on the evaluation than on their participation in rehabilitation.

**SAMPLE INTERVIEW QUESTIONS
ASSESSMENT OF RISK POSED TO CHILDREN
BY DOMESTIC VIOLENCE**

Anne L. Ganley, Ph.D.

- Domestic Violence: Initial Interview Comments and Questions
- Interview Questions Re: Domestic Violence Perpetrator's Pattern of Assaultive and Coercive Behavior
- Interview Questions Re: the Impact of Domestic Violence on the Adult Victim
- Interview Questions Re: the Impact of Domestic Violence on Children
- Information to Consider in Assessing Protective Factors
- Interview Questions Re: the Outcome of the victim's Past Help-Seeking
- Assessing the Lethality Risk of Domestic Violence
- Domestic Violence Lethality Assessment: Factors to Consider

This material was adapted from the Family Violence Prevention Fund's publication *Domestic Violence: A National Curriculum for Child Protective Services, 1996*, written by Anne L. Ganley, PhD and Susan Schechter, MS.

DOMESTIC VIOLENCE: SAMPLE INITIAL INTERVIEW COMMENTS AND QUESTIONS

- All families disagree and have conflicts. I am interested in how your family fights (argues, resolves conflict). I am interested in **HOW** you and your partner communicate when upset.
- What happens when you and your partner disagree and your partner wants to get his/her way?
- Have you ever been hurt or injured in an argument (have you ever injured...)? Has your partner (have you) ever used physical force against you or anyone else or property during an argument? Has your partner threatened /intimidated you? Have you ever felt threatened or intimidated by your partner? How?
- If your partner uses physical force against a person or property in arguments with you, tell me about one time that happened. Tell me about the worst or most violent episode. What was the most recent episode? Are you afraid of you or your children being harmed or injured?
- Have you ever used physical force against your partner? If so, tell me about the worst episode. What was the most recent episode? Is your partner afraid of you?
- Have the children ever been hurt or injured in any of these episodes? Have the children been present? Are the children afraid of your partner? Afraid of you?
- How frequently do the violent episodes occur? Have there been any changes in the frequency or severity of the abuse in the last month or the last year? Is any of the abuse (physical, sexual, psychological) getting worse or happening more often? Have the police or any other agency been involved?

INTERVIEW QUESTIONS FOR ASSESSING DOMESTIC VIOLENCE PERPETRATOR'S PATTERN OF ASSAULTIVE AND COERCIVE BEHAVIORS

For each question listed below, if the adult victim (or domestic violence perpetrator) answers yes, encourage a description of exactly what happened. Monitor responses as they unfold and adjust your inquiries accordingly; you do not have to ask every suggested question. For example, sometimes in telling a story of an episode, the victim or perpetrator will supply many illustrations of domestic violence tactics inventoried below.

1. Physical Assaults

- a. Has your partner used physical force against you? (Have you... against your partner?)
- b. Has your partner pushed, shoved, grabbed, shaken you? (Have you...your partner?)
- c. Has your partner restrained you, blocked your way, and pinned you down? (Have you...your partner?)
- d. Has your partner hit you? Open hand? Closed hand? Struck you with object? (Have you...?)
- e. Has your partner choked you? Used weapons against you? (Have you...?)
- f. Has your partner assaulted you physically in any other way? (Have you...?)

2. Sexual Assaults

- a. Has your partner pressured you for sex when you did not want it? If so, describe how. (Have you...?)
- b. Has your partner manipulated or coerced you into sex at a time or in a way that you did not want? If so, how? (Have you...?)
- c. Has your partner physically forced you to have sex at a time or in a way that you did not want? Has your partner injured you sexually? Forced you to have unsafe sex? Prevented you from using birth control? Force pregnancy or termination or pregnancy, (Have you...to your partner?)

Continued...

HANDOUT 4—5

Continued...

3. Psychological Assaults

- a. Has your partner threatened violence against you, the children, others or self? (Have you...?)
- b. Has your partner used violence against the children, family, friends, or others? (Have you...?)
- c. Has your partner attacked property or pets, stalked, harassed, or intimidated you in any other way? Has your partner threatened to harm you? How does your partner frighten you? (Have you...?)
- d. Has your partner humiliated you? In what ways does your partner hurt you emotionally? What names or put-downs does your partner use against you? (Have you...?)
- e. Does your partner attempt to isolate you? Attempt to control your time, your activities, and your friends? Does your partner follow you, listen to phone calls, and open mail? (Do you...?)

4. Economic coercion

- a. Who makes the financial decisions? How are finances handled?
- b. Has your partner tried to control you through money (resources)? If so, how? (Have you...?)

5. Use of children to control partner

- a. Has your partner threatened or used violence against the children? Sexual abuse against children?
- b. Does your partner use the children against you? If so, how?
- c. Does your partner sabotage your parenting? Obstruct visitation?
- d. Has your partner taken or threatened to take the children?
- e. Has your partner threatened to harm the children? Interfered with your care for the children?
- f. Has your partner made the children watch or participate in your being abused? Made the children spy on you?
- g. Has your partner ever threatened to report you to Child Protective Services? Have you reported your partner to CPS? Immigration?
- h. Have you done any of the above?

INTERVIEW QUESTIONS FOR ASSESSING THE IMPACT OF DOMESTIC VIOLENCE ON THE ADULT VICTIM

When a victim or perpetrator acknowledges domestic violence, ask for elaboration as follows:

- 1. What kinds of injuries or health problems have you (has your partner) had due to the domestic violence?**
 - a. Loss of appetite or excessive eating? Sleep disturbances? Increased use of alcohol or drugs? Headaches, pain?
 - b. Increased illnesses or medical problems?
- 2. What kind of psychological and emotional problems are you (is your partner) having?**
 - a. Difficulties concentrating, depression, anxiety, fears, feelings of being numb, nightmares? Are you (is your partner) taking any medications for these problems?
 - b. Have you (has your partner) tried to hurt or thought about hurting yourself (herself)? Do you (does your partner) have a plan? Do you (does your partner) have a sense of failure?
 - c. Have you (your partner) thought of hurting or harming your partner (you)? Do you (your partner) have a plan? Do you (or your partner) have thoughts of hurting someone else?
 - d. Are you having trouble caring for the children?
- 3. In what ways does your partner control you? (Do you control your partner in any of the following ways?)**
 - a. Do you have to get your partner's permission (or does your partner have to get your permission) for any of the following:
 - What you wear?
 - What time you go to bed? Your daily schedule?
 - Who you see? What appointments you have?
 - Your discipline of the children? Where you work?

Continued...

HANDOUT 4—6

Continued...

- How you spend your money?
 - How much time you spend with your partner?
 - Talking with CPS? Therapists? Outside resources (church, treatment ,etc)
- b. What would happen if you (he/she) did something your partner (you) opposed? What would happen if CPS wanted you (your partner) to do something your partner (you) opposed?

INTERVIEW QUESTIONS FOR ASSESSING THE IMPACT OF THE DOMESTIC VIOLENCE ON THE CHILDREN

1. Injuries or health impact to children?

What kinds of health issues does your child have? Medical problems due to the domestic violence? Injuries or other health effects? Bruises, broken bones, black eyes, burns, pain, unconsciousness due to hitting or choking? Injuries from weapons? Has your child's health changed in recent months?

2. Psychological and emotional Impact?

Have there been any emotional changes? Withdrawal, depression, increased irritability, anxiety, nightmares? Are you aware of any suicidal thoughts or acts by the child?

3. Behavioral Problems?

Have your children had behavior problems in family, school, and peer relationships? Have your children used physical force or threats of physical force against you or others? Are the children dealing with anger in ways that disturb you? Problems in eating, sleeping, running away, alcohol or drug abuse, cutting themselves, harming animals, destroying toys?

4. Social Problems?

Have your children suffered social disruption due to the domestic violence: moves, changing schools, isolation from friends, loss of family members, etc.? Social relationships with family, peers, other adults? Problems in learning?

5. How does the domestic violence impact the adult victim's parenting of the children?

Is the domestic violence interfering with your ability to take care of the child, to consider the child's best interests, to keep the child safe? Do you feel supported in parenting the child? By the perpetrator? By others?

6. How does the domestic violence impact the parenting of the domestic violence perpetrator?

Is the perpetrator able to take care of the child, to consider the child's best interests, to keep the child safe? Does the perpetrator support the parenting of the adult victim? Does the perpetrator undermine the parenting of the victim or expect the victim to be the sole parent? Does the perpetrator use the children to control the adult victim? Does the perpetrator use physical force against the children?

INFORMATION TO CONSIDER IN ASSESSING PROTECTIVE FACTORS

Gather information about protective factors from all sources, including adult victims, perpetrators, and others with knowledge of family and community.

1. Victim resources include factors such as the victim's

- a. Resistance to the perpetrator's or community's victim-blaming.
- b. Belief in herself and/or her children.
- c. Willingness to seek help.
- d. Use of available money, time, and material goods.
- e. Work skills.
- f. Parenting skills.
- g. Ability to plan for the children's safety.
- h. Knowledge of the abuser and the situation.
- i. Health and physical strength.
- j. Use of safety strategies for herself and the children.

2. Children's resources include such factors as the children's

- a. Age and developmental stage.
- b. Positive relationships with adult victim, siblings, other family members, and neighbors.
- c. Actions during violence.
- d. Help-seeking behavior.
- e. Instructions from the adult victim or perpetrator about what to do.
- f. Ability to carry out safety plans.

3. Community resources for victim safety and perpetrator accountability include

- a. Victim advocacy/support services.
- b. Effective criminal justice response to domestic violence (police, prosecutors, courts, and corrections).
- c. Effective civil or family court response to domestic violence.
- d. Welfare and social services.
- e. Effective health care.
- f. Accessible safe housing.
- g. Community of faith.
- h. Family/friends of the victim and/or perpetrator.
- i. Rehabilitation programs for domestic violence perpetrators.
- j. Accessible substance abuse treatment for either survivors or perpetrators. *Continued...*

HANDOUT 4—8

Continued...

4. A perpetrator's resources to stop the abuse include

- a. Halting abuse of the victim or children during the CI'S process.
- b. Acknowledgement of abusive behavior as a problem.
- c. Acknowledgement of responsibility for stopping abuse.
- d. Cooperation with current efforts to address abusive behavior.
- e. Awareness of the negative consequences of abusive behaviors on the victim, children, and the abuser's physical well-being, self-image, legal status, social relationships, and employment.
- f. Cooperation during the interviews.
- g. Commitment to victim safety.
- h. Demonstration of ability to comply with court orders.
- i. Successfully stopping abuse in the past.
- j. Respect for limits set by victim and/or other agencies.
- k. Support for parenting efforts of adult victim.
- l. Consideration of children's best interests over parental rights.

INTERVIEW QUESTIONS FOR ASSESSING THE OUTCOME OF THE VICTIM'S PAST HELP-SEEKING

Understanding past outcomes of seeking help is important for current and future planning. These questions are directed primarily to the adult victim, although modified versions can be posed to the perpetrator or the children.

1. Does the extended family know about the violence? Who knows? What has been the response? Do you feel safe in talking with them about the problem?
2. Is there anyone outside the family (friends, co-workers, and clergy) who knows about the violence? How have they responded? Have you felt supported? Do you feel it is safe to talk with them?
3. Have the police been called? Who called them? What was their response? Did that help you?
4. Have you gone to court for a protection order? To press charges? To get a divorce? What was the experience like for you?
5. Have you ever left home to protect yourself or the children? What happened? Was this helpful to you? Were you able to take the children?
6. Have you ever gone to a counselor or to medical personnel for help with this issue? What happened?
7. Have you ever used a DV services program? What happened?
8. Has your partner ever gone to counseling or to a program for the domestic violence? What happened?

ASSESSING THE LETHALITY RISK OF DOMESTIC VIOLENCE

Domestic Violence can pose risk of injury or death to

1. adult victim
2. children
3. community members
4. perpetrators

Due to the behaviors of

1. perpetrator
2. adult victim
3. children

Gather information from

1. adult victim
2. children
3. other family members
4. perpetrator
5. others (probation, police, counselors, anyone having contact with family)

DOMESTIC VIOLENCE LETHALITY ASSESSMENT: FACTORS TO CONSIDER

- 1. Domestic violence perpetrator's access to the victim**
- 2. Pattern of the perpetrator's abuse**
 - a. frequency/severity of the abuse in current, concurrent, past relationships
 - b. use and presence of weapons
 - c. threats to kill
 - d. hostage taking, stalking
 - e. past criminal record
- 3. Perpetrator's state of mind**
 - a. obsession with victim, jealousy
 - b. ignoring negative consequences of his violence
 - c. depression/desperation
- 4. Individual factors that reduce behavioral controls of either victim or perpetrator**
 - a. substance abuse
 - b. certain medications
 - c. psychosis, other major mental illnesses
 - d. brain damage
- 5. Suicidality of victim, children, or perpetrator**
- 6. Adult victims' use of physical force**
- 7. Children's use of violence**
- 8. Situational factors**
 - a. separation violence/victim autonomy
 - b. presence of other major stresses
- 9. Past failures of systems to respond appropriately**