## 8.28 Family Court Practices Increase DV Homicides Q&A

1. **The attendee was wondering about the evidence of the importance of non-abusive fathers in the lives of children, and how that impacts and compounds the challenge of questions about parental equality?** 
   1. Answer: Courts have constantly heard children do better with both parents in their lives. This is true but not when one of the parents is abusive. ACE tells us an abusive parent does more harm than good. As DV experts, we know there is a good chance an abuser won't change but we need to give the court a path for the father to be involved. This should place the burden on the father to change his behavior rather than ask the mother and children to accommodate his abuse. It is absolutely true that good fathers benefit children.
2. **Is there a breakdown of men murdered who were DV perpetrators vs men murdered as victims of DV? Many attendees are very interested in this topic and would like to know more about self-defense murders of men versus men who were murdered as victims of DV.** 
   1. Answer: The statistics shown are criminal findings that the man was murdered. I have not seen any statistics where the victim really killed defensively and that would be a subjective determination. I am sure a significant number of the men murdered were abusers.
3. **Could you talk a little about abusers claiming to be the victim and courts buying into it? What can advocates do for clients in that situation?** 
   1. Answer: The one thing advocates and expert witnesses can say is that it is a standard abuser tactic for abusers to make false reports and claim to be a victim. That is supported by what we said about the Bala Study.
4. **How accessible or reasonable is it to obtain a forensic psychologist for a domestic case expert?**
   1. Answer: There are very few evaluators that have the DV expertise that is needed. It would be useful if we could compile a list.
5. **What do we do if we find ourselves in the situation of serving as an expert witness when the judge seems biased and awards custody to the abuser?** 
   1. Answer: would say that if you have a good answer I would love to hear it. We like to start by saying there is now a specialized body of scientific research that demonstrates many of the practices courts have been using for decades are working poorly for children, and so your honor, we would ask you to be open to listening to this research and taking a fresh look at the case based on the research. Frankly, when judges are biased, we don't tend to do well.
6. **I read that Kayden's Law is not federally mandated but is a federal incentive. Could you please explain the difference and why do you think it has not been mandated nationally?** 
   1. Answer: The federal Kayden's Law is not binding on the state courts. We like to say it should be persuasive, particularly because it is based on the best scientific research. We also like to make a distinction between objective, subjective and ideological opinions. Ideological opinions are not based on any research and are biased, so not worth much. Subjective opinions can be useful if the expert is fair and knowledgeable, but the problem is they sometimes are disproven by the research the expert is unfamiliar with. Most of our opinions are objective, based on highly credible research and that is more useful for courts. The problem is courts are not used to making this distinction.
7. **In our family law cases, Attorneys are difficult to go up against when the protective parents are usually self represented. I believe the bar association also plays a huge part in harming children. Is there a solution to address the bar association for the attorneys who are just as ruthless as the abuser?** 
   1. Answer: There is good research, particularly a chapter by Judge Mike Brigner that courts should level the playing field by requiring the wealthier father to pay legal and other costs. The best way to deal with over aggressive attorneys is for their tactics to backfire. It often shows the father is willing to hurt the child in order to win the litigation. If courts recognized it these tactics would be counter-productive.
8. **Having the funds to hire expert witnesses is an issue if you are helping folks pro bono. Any other ideas to educate judges and/or more successful litigation strategies?** 
   1. Answer: It should be viewed as malpractice to respond to a DV custody case without ACE and Saunders because they go to the essence of the wellbeing of children. We can advocate for this and it should be part of legislative reforms.
9. **Do the presenters have more detail on the legislative changes in states that led to a decrease in DV homicide? Something more detailed to demonstrate the hypothesis that changes in family court procedures are indeed correltated to a new increase in DV homicides?**
   1. Answer: We may not have what the questioner is seeking. The laws and practices that make it harder for victims to escape their abusers lead to murders. The retaliation against mothers, lead mothers to stay with abusers and some won't survive this decision. Most mothers tell us their state is the worst and none of the states have safe practices.