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Shepherding you safely through difficult family transitions!

DIVORCE IN NEW YORK – DOMESTIC/INTIMATE-PARTNER VIOLENCE

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Allegations of Domestic Violence or Abuse (P. 139)

In a case involving allegations of domestic violence or abuse, the evaluation should address the following information:

1. Each parent's thoughts about the history of conflict resolution during the relationship and subsequent to separation;
2. Each parent's thoughts about the history of violence in the relationship;
3. Each parent's reports of psychological, emotional, verbal, physical, financial, or sexual abuse;
4. Each parent's reports of fear of the other and reasons for that fear;
5. Each parent's reports of the first, worst, and most recent incidents of violence
6. Each parent's reports of threats, including threats to harm the other person, pets, children, or property;
7. Each parent's understanding of where the children were when the parents fought and when these incidents occurred and each parent's understanding of how the children were (or were not) affected by the fighting;
8. Evidence that the evaluator explored, with sufficient depth, each of these issues;
9. An analysis of the allegations with a formulation of whether the evidence most likely points to abuse of a type referred to in the literature as coercive controlling violence (CCV), abuse

NOTE: *This monograph is intended as an educational guide and not as legal advice. Legal advice should only be obtained from a qualified lawyer who is familiar with all of the facts and circumstances of your matter.*

of a type referred to in the literature as situational couple violence (SCV), or abuse of a type referred to in the literature as separation-instigated violence (SIV);

10. Once a hypothesis has been developed, evidence that the evaluator considered the following issues in developing the most appropriate parenting plan:
 11. Whether or not there was a primary perpetrator;
 12. The potency of the violence and whether the risks are increasing or decreasing post-separation;
 13. Parenting problems (if any) of each parent;
 14. The perspective of the children

 15. In cases with a likelihood of CCV, evidence that the evaluator considered and understood the following: (p. 140)
 16. The importance of safety planning and lethality risk;
 17. Whether or not the abusive parent has taken responsibility for the abuse and its impact on the victim and children;
 18. Whether or not the abusive parent is using the children to control or otherwise undermine the parenting of the other parent;
 19. The inherent risks associated with the abusive parent having either legal or a significant amount of physical custody
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