

# The Kids Are Not All Right:

## WHAT HAPPENS WHEN CHILDREN WITNESS DOMESTIC VIOLENCE

By Judith A. Wolfer, Deena Hausner and Sue Brown

*Seven-year-old Katie wakes up from a sound sleep to the sound of glass breaking. Teddy bear in tow, she peeks out into the hallway. She hears her daddy, Bernard, scream at her mommy, Sylvia, who is crying. Bernard punches Sylvia in the face and her nose starts to bleed. Sylvia tries to get away, but Bernard grabs her by the throat and strangles her. Bernard finally lets go and Sylvia runs into her bedroom. Bernard goes downstairs and it's quiet. Katie creeps into her 14-year-old brother Sam's room and crawls into his bed. Even though he doesn't say anything, Katie can tell that he is awake.*





Many parents mistakenly assume that, if kids aren't physically present during a fight, they aren't aware of it and aren't negatively affected by it. Parents often think that, during an incident of domestic violence, their kids are sleeping, playing outside, or simply not paying attention. These assumptions arise as much from a parent's desire to protect a child from knowledge of domestic violence as from a parent's own denial about the abuse. As lawyers and judges, we often share, and promote, these mistaken assumptions.

A large body of social science research over the past two decades demonstrates conclusively that kids witness domestic violence at much higher levels than their parents report. One study found that kids provided detailed recollections of domestic violence that parents did not think they witnessed. PETER JAFFE ET AL., *CHILDREN OF BATTERED WOMEN* (1990). In another study, every police officer responding to a domestic violence call collected data on the number of children exposed to domestic violence incidents over a one-year period. The data collected by these police officers showed that children were present in almost 50% of domestic violence calls for service and that 81% of those children had directly witnessed the domestic violence through seeing or hearing the incident. John Fantuzzo & Rachel Fusco, *Children's Direct Sensory Exposure to Substantiated Domestic Violence Crimes*, in 22(2) *VIOLENCE & CRIMES* 158 (2007). Another study queried 550 college students and discovered that 41% of the women and 32% of the men had witnessed abuse by one parent against the other. L. Silvern et al., *Retrospective Reports*

*of Parental Partner Abuse: Relationships to Depression, Trauma Symptoms and Self-esteem Among College Students*, 10 *J. FAM. VIOLENCE* 177 (1995).

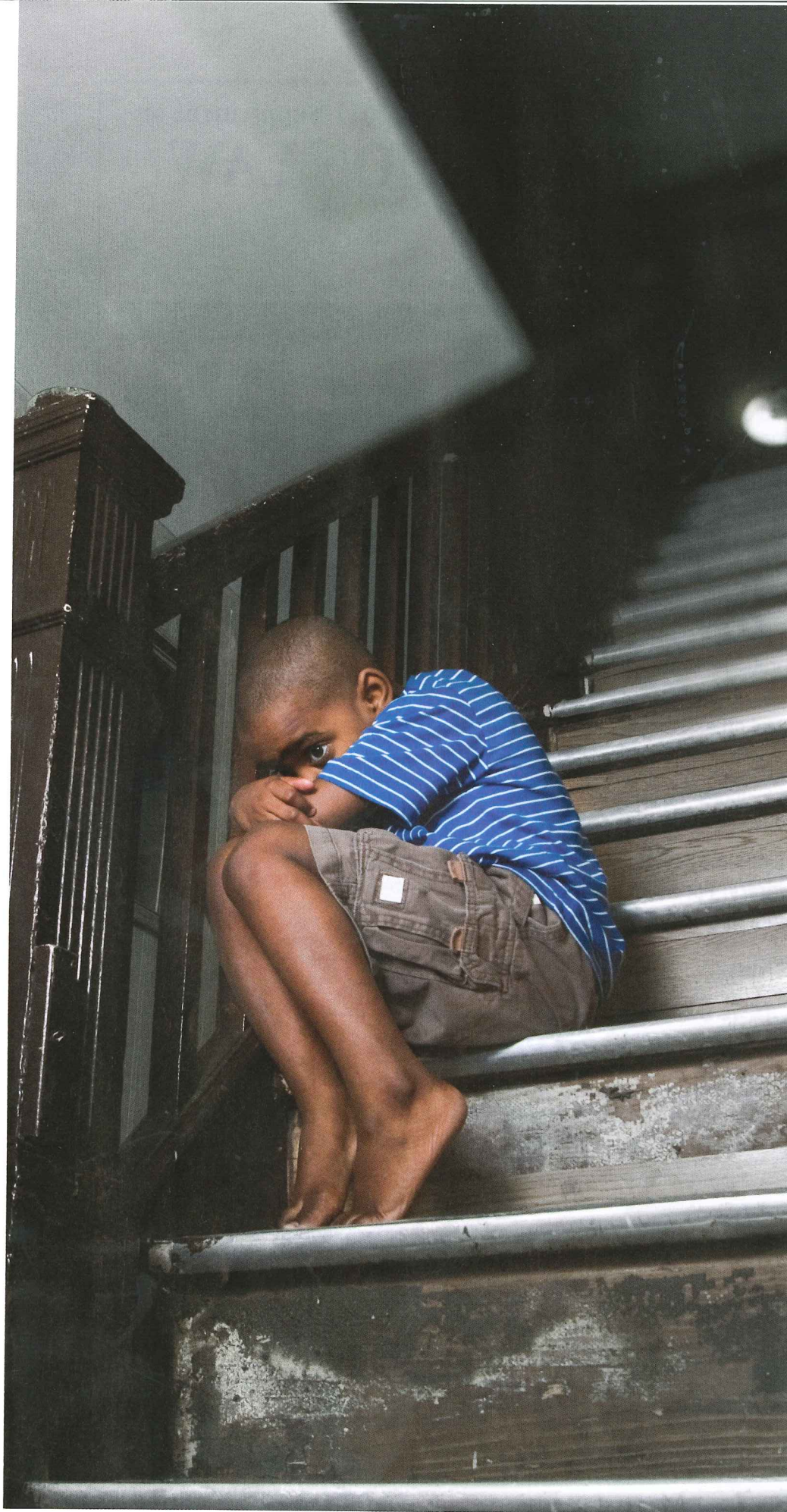
Let's face it: it is simply easier for us as judges and lawyers to believe that, unless the kids are physically injured in a domestic violence incident, they don't know much about the abuse and aren't directly affected by it. But we could not be more mistaken. Kids are all too aware of domestic violence, even if they were not physically present in the room where it occurred. Kids listen outside their parents' bedroom door, hide in closets and peer through cracks, and pretend to be asleep when they are not. The fact is that kids who live in domestically violent homes are negatively affected by what they see and hear, and our collective failure as adults to look at the short- and long-term effects of witnessing domestic violence is denial, pure and simple.

To confront our denial about the adverse effects of children's witnessing domestic violence, we ought to think twice about sending kids to visit a domestically violent parent without some kind of protection or concurrent trauma intervention. Before we send them off into the care of an abusive parent, we should hear from the kids themselves about what scares them, what they want, and what might make them feel safe. As lawyers and judges, we aspire to act in the best interests of the child. But when it comes to domestic violence, we focus on the adult victim and leave the kid witness of domestic violence unheard, unacknowledged, and unprotected.

Sylvia stands before the judge. She has a black eye and finger-sized bruises around her neck. She tearfully describes to the judge how Bernard punched her in the face and strangled her. The judge asks her if the children were involved in the incident. Sylvia says she thought they were asleep. She adds, though, that the kids have told her that they don't want to see their father because they are afraid of him. Bernard says that Sylvia is just saying this to punish him; he loves his children, and he has never hurt them. The judge tells Sylvia that her statement about the children is inadmissible and orders every other weekend visitation with Bernard.

In order to protect kids and break the cycle of violence, we must understand the myriad ways in which kids are adversely affected by domestic violence, starting with kids as young as infants. Children five years old or younger are more likely than older children to be present during incidents of domestic violence. J. Fantuzzo et al., *Domestic Violence and Children: Prevalence and Risk in Five Major U.S. Cities*, 36 *J. AM. ACAD. CHILD & ADOLESCENT PSYCHIATRY* 116 (1997). Infants in homes where parents are violent may sleep poorly, scream excessively, and have disrupted feeding patterns, resulting in poor weight gain and developmental delays. J. F. Knapp, *The Impact on Children Witnessing Violence*, 45 *PEDIATRIC CLINICS N. AM.* 355 (1998). In addition to emotional and developmental problems, young children are often the direct, although unintended, victims of domestic violence. Kids under the age of two are most frequently injured because they are in the arms of a parent during an assault. Cindy W. Christian, et al.,





*Pediatric Injury Resulting From Family Violence*, 99 *Pediatrics* e8 (1997), available at <http://www.pediatrics.org/cgi/content/full/99/2/e8>.

Preschool-aged kids who witness domestic violence commonly appear withdrawn, subdued, clingy, and anxious about being separated from a parent. Knapp, *supra*. Preschoolers may also regress to previously outgrown behaviors such as bed-wetting and thumb-sucking. *Id.* Parents may see an increase in child nightmares, and both parents and teachers may see young kids acting out scenes of domestic violence in their play. *Id.* All of these behaviors, even in kids who have not yet started school, should serve as warning signs that violence in the home is already causing psychological damage. Young children may be particularly vulnerable to the harmful effects of domestic violence because they have not yet formed the ability to cope with trauma. J. D. Osofsky, *Prevalence of Children's Exposure to Domestic Violence and Child Maltreatment: Implications for Prevention and Intervention*, 6(3) *CLINICAL CHILD & FAM. PSYCHOL. REV.* 161 (2003).

School-aged kids can develop a range of behaviors in response to witnessing domestic violence. Their temperaments may change, or they may have unpredictable and uncharacteristic reactions to events. Knapp, *supra*. They may also start to do poorly in school. *Id.* Because school-aged kids are still developing their abilities to describe their experiences and make sense of the world, their bodies often do the talking for them; they will complain of headaches and stomachaches, even though they are not actually "sick."

*Id.* Sadly, many kids feel responsible for the violence, thinking that they did something wrong to cause the hitting. G. Hornor, *Domestic Violence and Children*, 19 J. PEDIATRIC HEALTH CARE 202 (2005). Still others feel the urge to try to stop the violence and are injured when they attempt to intervene during an assault.

Adolescents who witness domestic violence at home exhibit shame, betrayal, and rage, and may cope by running away, cutting classes and dropping out of school, and using drugs and alcohol. Knapp, *supra*. In adolescence, when many children start to form romantic attachments of their own, teenagers demonstrate that the cycle of domestic violence will live on through them. Boys who

witness domestic violence are significantly more likely to use aggressive control and violence in their interpersonal relationships, and girls who witness domestic violence are significantly more likely to tolerate violence in their interpersonal relationships as well as experience depression and somatic complaints as adults. Silvern, *supra*; E. L. Lichter & L.A. McCloskey, *Exposure to Marital Violence in Childhood, Adolescent, Gender Attitudes, and Dating Violence: A Prospective Study*, 28 PSYCHOL. WOMEN Q. 344 (2004).

Studies that looked at physiological changes in child witnesses have discovered that these kids show higher resting heart rates than controls, as well as higher levels of

salivary cortisol levels, a hormone increasingly linked to Post-Traumatic Stress Disorder (PTSD). Thus, these kids are physiologically always on alert, and over the long term, are at higher risk of heart disease, immunological disorders, and PTSD. K. M. Saltzman et al., *The Psychobiology of Children Exposed to Marital Violence*, 34(1) J. CLINICAL CHILD & ADOLESCENT PSYCHOL. 129 (2005). Psychologically, kids who witness domestic violence learn some unfortunate realities; they learn that violence is an effective way to control other people and to resolve conflicts, that violence is a part of intimate and family relationships, and that domestic violence often goes unpunished. Osofsky, *supra*; S. R. Ornduff et al.,

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*Childhood Physical Abuse, Personality, and Adult Relationship Violence: A Model of Vulnerability to Victimization*, 71 AM. J. ORTHOPSYCHIATRY 322 (2001). Tragically, too, parents who witnessed domestic violence as kids are more likely to abuse their own children. D. Doumas et al., *The Intergenerational Transmission of Aggression Across Three Generations*, 9 J. FAM. VIOLENCE 157 (1994). If the legal system does not do more to protect children from the physical and psychological harms caused by violence between their parents, then it contributes to the perpetuation of the violence as these same children grow up to abuse their own spouses and kids.

*It is Saturday morning, and Sam and Katie sit in the back of Bernard's car in a McDonald's parking lot. Bernard and Sylvia are outside the car, arguing about the weekend's visit. Sylvia tells Bernard that Sam has soccer practice at 1:00 p.m. and Katie has a friend's birthday party at 5:00 p.m. Bernard yells at Sylvia that he will decide how the children spend their time with him. In the back of the car, Sam puts on his headphones and Katie starts to cry. When Bernard gets in the car, he angrily tells them that their mother doesn't really love them and never wanted to have them. When they arrive at his home, Bernard discovers that Katie wet her pants. Bernard does not take Sam to soccer or Katie to her friend's birthday party. When the children return to Sylvia's home Sunday evening, Sam is angry and aggressive towards Sylvia, calling her names. Katie has a nightmare and sleeps in her mother's bed that night.*

If we really want to help kids repair and heal after they have wit-

nessed domestic violence, we have to rethink our views of what constitutes a child's best interest for custody and visitation purposes. Many judges and lawyers hold the view that kids should have regular access to a non-custodial parent—even a domestically violent one—as long as that parent doesn't physically abuse the kids. This view is based on the very real benefit that kids experience when they have frequent contact with their noncustodial parent. But this view ignores the equally true reality that, without treatment, most batterers continue to act in narcissistic, psychologically abusive, and controlling ways towards their intimate partners and their children. Jaffe, *supra*. Because the domestically violent parent has not changed his or her behavior, a high probability exists that kids will continue to witness domestic violence, even though the parents have separated. Judges and lawyers don't need to read the latest research data to know that visitation and custody exchanges all too often provide the opportunity for new abuse and traumatization. M. A. Kernic et al., *Children in the Crossfire: Child Custody Determinations Among Couples With a History of Intimate Partner Violence*, 11 VIOLENCE AGAINST WOMEN 991 (2005). Just as Katie and Sam did, many kids continue to witness high-conflict, emotionally charged interactions between their parents during visitation exchanges. *Id.*

Results from a variety of studies tell us some interesting things about what may best help these kids. First, the longer a kid spends away from domestic violence, the fewer adverse effects that kid will experience. D. A. Wolfe et al., *Child Witnesses to Violence Between Parents:*

*Critical Issues in Behavioral and Social Adjustment*, 14 J. ABNORMAL CHILD PSYCHOL. 95 (1986). The cumulative effect of exposure to trauma may be the greatest contributor to negative outcomes for kids. S. A. Graham-Bermann & S. Perkins, *Effects of Early Exposure and Lifetime Exposure to Intimate Partner Violence (IPV) on Child Adjustment*, 25(4) VIOLENCE & VICTIMS 427 (2010). Thus, judges should consider the benefits of giving kid witnesses of domestic violence a break from the abusive parent for a period of time so that the kid can recover his or her "resilience," a psychological term used to describe one's ability to withstand or bounce back from highly stressful or traumatic events. Hornor, *supra*. Judges and lawyers need to weigh this factor against the equally important factor of contact with a noncustodial parent. Particularly when a domestically violent parent is not addressing his or her controlling or abusive behaviors at all, a time-out from seeing the abusive parent should be strongly considered in the custody/visitation equation so that kids can regain their resiliency.

Other studies have underscored that the more stable and socially connected kids are to their families, communities, and schools, the less domestic violence adversely affects them. R. H. DuRant et al., *Factors Associated with the Use of Violence Among Urban Black Adolescents*, 84 AM. J. PUB. HEALTH 612 (1994). Kids who have witnessed domestic violence need to stay in a familiar environment, such as their home or school, participate in sports and peer-group activities, such as Scouts, and continue to see extended family



members. Bernard failed to appreciate how important it was for Katie and Sam to continue their normal social activities. Judges and family lawyers should consider drafting orders that require parents to maintain these important social connections for kids.

Newer studies have begun to examine the parenting styles of domestic abusers. Abusive parents tend to be more narcissistic and self-absorbed than nonviolent parents. Since kids are all about their own needs and desires, the domestically violent parent's needs often conflict with the developmental needs of his or her kids. This may result in less engagement with and higher

negativity toward the children. E. M. Cummings et al., *Everyday Marital Conflict and Child Aggression*, 32(2) J. ABNORMAL CHILD PSYCHOL. 191 (2004). As members of the legal profession, it is incumbent upon us to look for programs and resources that can help domestically violent parents learn how to acknowledge and address their abusive behavior and its consequences.

These are only some of the recommendations suggested by the research. For a more detailed discussion, we highly recommend a 2006 publication by the National Council of Juvenile and Family Court Judges in collaboration with the Office of Juvenile Justice and Delinquency

Prevention, *Children's Exposure to Domestic Violence: A Guide to Research and Resources*, available for free at <http://www.safestartcenter.org/pdf/childrensexpostoviolence.pdf>.

As judges and lawyers, we can significantly improve the lives of child witnesses of domestic violence and contribute to ending the violence for future generations. But first we have to recognize that the kids are *not* all right.

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