



Surviving Post Separation Abuse & YOUR HIGH CONFLICT CO-PARENT

Day 3: **Wednesday, April 19**

Leveraging the Current Research in Family Court

Veronica York & Barry Goldstein, JD

[00:00:00]

Sybil: Welcome everyone to the Expert Interview series Virtual Summit on surviving post-separation abuse, and a high conflict co-parent. Our goal is to offer you action-oriented strategies to help you communicate, parent, regulate, and really mitigate all that comes in the aftermath of an abusive relationship.

I'm Sybil Cummin. I'm a licensed professional counselor and creator of Rising Beyond Power and Control, the Rising Beyond Community and The Rising Beyond Podcast. And today we are gonna take a look at what the current research actually says about post-separation abuse and our family corpse. And then what you can do to prepare, to prepare yourself, to prepare your case, and to really go into it to get [00:01:00] better outcomes for you and your children.

So I have got two people with me today. I've got Veronica, York and Barry Goldstein, and they are gonna share their expertise. They've been doing this for years. Veronica is a domestic violence and child abuse custody expert, consultant and advocate. She is advanced training in family law Mediation writes articles and performs presentations on the topic of contested custody and domestic violence in child abuse cases.

She also trains family court professionals on the current scientific research that shows standard court practices are harming children, the misuse of parental alienation and the tactics of post-separation abuse in the family court system, and then Barry Goldstein. If you've been in this field, you actually know who Barry is, but I will share a little bit about him anyways.

So Barry has worked in the domestic violence movement for 40 years. He is the author of six of the leading books about domestic violence, child abuse, and child custody. Barry [00:02:00] served as an instructor in a batterer program for 21 years. He was the director of research for the Stop Abuse Campaign and currently serves as consulting expert for the Center for Judicial Exo.

Barry has worked with many leading organizations as a speaker or expert, including the National Council of Juvenile and Family Court Judges Office on

Violence Against Women, the A P A, which is the American Psychological Association, Canadian Institute of Health, National Domestic Hotline, and on and on and on.

And there's so many more. So both of you guys, thank you so much for being here and sharing your expertise for my audience. You're welcome. Good to be here. So let's just jump into it. So women coming into this a lot of times they leave and think that once they leave, like, abuse is over, I will be safe.

And then they hop into the family court system and they are shocked by what they're experiencing. So can you all tell me a [00:03:00] little bit about what the current research says about post-separation abuse, what domestic violence actually looks like within the family court system and post-separation abuse?

And whoever wants to get us started can get us started.

Veronica: What the current reserach currently says is that, there's two main bodies of research that we use when we are expert witnesses in cases like this, and that is the ACE study and the SAUNDER study.

And it would take me an hour to go into all of the things that we talk about, but I will give you a quick overview. ACE is Adverse Childhood Experiences. It is by the C D, C, so we're talking about two studies that are peer reviewed, scientific evidence-based research that go to the essence of the wellbeing of children in family court.

So Ace tells us that children who are exposed to domestic violence and traumas and other things will live shorter lives and have a lifetime of health and [00:04:00] social problems. So what's more important than making sure that the children who are exposed to these things are protected?

So that's why we wanna bring this research into the court system to show them that what they're currently doing is not helping these children, it's actually making things worse. The second study, Saunders, is a study done in the National Institute of Justice in the US Justice Department. And it was a study that was done to assess the domestic violence knowledge of judges, lawyers, and especially evaluators, because evaluators are the ones who give most judges and lawyers their information and, and much too often misinformation.

And the reason for that is because, for reasons back in the 1970s, courts have turned to mental health professionals for domestic violence and child abuse. And the problem is, is that mental health professionals don't have any specific

training in those areas. And so what Saunders found is that when court professionals are dealing with [00:05:00] these cases, they need training in very specific areas.

And those areas are screening for domestic violence risk assessment, post-separation abuse, which is what we're talking about, and then the impact that domestic violence has on children, which is ACE. And so I know we're focusing on post-separation abuse today, but that's basically what the research is saying is that the court professionals today don't have that knowledge and so therefore they're making recommendations and decisions that are harming children.

Sybil: Yeah. And I right fully understand that. So I'm a mental health professional and I was not trained well by my, you know, graduate program on domestic violence, or I didn't even know the term post separation abuse. And so, I wasn't trained and so is making sure that people working with these kids, with these parents are really well trained as well, Barry. So how do you see the, kind of the impact of judges [00:06:00] or PRE's, which is a parental responsibility evaluator or CFIs, how them not knowing these studies, how do you see that playing out in the family court system?

Well, if

Barry: you think about it, we have a system in which a unscientific, alienation theory, that was created to help abusive fathers gain custody. So it's a bias theory. It's not based on any research and it's twice rejected by the American Psychiatric Association. We're not aware of any other courts that would even consider a theory twice rejected by the Weeding Professional Association.

And this theory has been allowed to poison the whole system in domestic violence custody cases. So this bogus theory [00:07:00] has more influence over the court than Ace and Saunders. The two leading studies that go to the essence of the wellbeing of. Without ACE Courts routinely minimize the harm from domestic violence and child abuse.

Without Saunders, they rely on the wrong professionals. So instead of using a multidisciplinary approach that would include experts in domestic violence and child abuse, they use mental health professionals and legal professionals. And it's not that they have nothing to offer. Mm-hmm. But they don't have the specialized knowledge of domestic violence and child abuse.

And so there are many standard court practices that as and Saunders tell us are a mistake. And so of course when you're using these mistaken practices, you're

gonna make decisions that [00:08:00] destroy the wives of children. And fundamentally, that's what's going on in domestic violence, custody cases.

Sybil: Yeah. And so it's really hard to hear if you are a parent who is trying to protect your kids.

You're fearful for their safety. And you walk into this arena where it's like, oh my gosh, like I really thought that these were the people that were gonna look out for me. Look out for my. And that doesn't seem to be the case. So for those people who are listening, I feel like the majority of people that are in my world do know this term.

But how would you describe the term? And I use my little air quotes, parental alienation. What does that mean? Well,

Veronica: there's no standard definition for parental alienation. As Barry mentioned, it was a theory that was designed back in the 1980s by a man named Richard Gardner who wanted to have something [00:09:00] to For abusive fathers to be able to go to court and get custody of their kids.

You know, he had many public statements that he thought that sex between adults and children was acceptable. This is a man that did over 250 custody evaluations in the family court system and really changed the discussion. That was very harmful for children. And so what we wanna do is we wanna change that discussion back to something that's gonna be beneficial for children going through these cases.

And that is instead of the discussion that they're having now, which is how can the mother and children accommodate the father's abuse? Essentially his bad behaviors. We need to change the discussion to what can the father. To reduce the fear and stress on the mother, on the children and the mother that they depend on.

Because ACE tells us that it's not the, the immediate physical injuries that causes the most harm, which is what courts tend to [00:10:00] focus on. Mm-hmm. But it is the fear and stress that they live with. So the fear and stress is what causes the consequences from ACEs, which are the, is the anxiety, the depression, the low self-esteem, the suicidal ideations.

These children, you know, in these cases, suffer from all of those things. Sometimes one or two, like, because they are living with that fear and that stress

and the courts, instead of recognizing that are forcing these children to spend time with an abuser and that doesn't let, allow them to heal from those things.

They're giving. They're that, you know, they wanna promote shared parenting. Mm-hmm. And shared parenting is something that they've been told is best for children, that children do better with both parents and their lives. However, we understand through the research that children do not need both parents in their lives.

They need their primary attachment figure more than the other parent, and [00:11:00] they need their safe parent more than the abusive one. So until that abusive parent can change their behavior, They need to be supervised until they can do more, more good than harm. As of right now, they're doing more harm than

Sybil: good.

Yeah. Yeah. And Barry, how can we you know, go into court knowing, right. I always say, you know, parental alienation is gonna, it's gonna be said like in these cases to like muddy the waters, right? It like distracts from. What's really going on. And judges have to look both ways. It's like the cool I was, it's like the cool kids' term, and so they like jump on it.

What are ways to protect, like, protect kids and protect a, you know, victim parent, someone who's been victimized when that term is like, like thrown out there in court cuz it's gonna be mm-hmm.

Barry: Well, we want attorneys for protective mothers to say to the court, there is [00:12:00] now a specialized body of scientific research from the best possible sources that says that many of the standard court practices are working poorly for children and what's significant.

You know, we will often calculate the child's ACE score, they get a score of one for each ace they've been exposed to. Mm-hmm. Not each incident, but each type of ace. And the bottom line is children exposed to multiple ACEs. As is always true in domestic violence, custody cases, will live shorter lives and face a lifetime of health and social problems.

That's a really powerful statement . You know, no judge wants to hurt children even though so many of their actions make you think the opposite. So when the court learns very [00:13:00] directly the risks that standard practices could cause, we find that many, not all judges, but many judges, will listen to that and

are more open to going away from the standard flawed practices that hurt so many children.

Sybil: Yeah. And for any of you all watching or listening in the notes of this episode, we will have a link to the ACEs information, so you know, kind of what we're talking about, but it's. A questionnaire that basically goes through different experiences that a child may have during childhood, and for each one they get a point or a ding.

And so we'll put that in there just so that you know a little bit more about what we're talking about and that. Just because you have a High ACEs score does not mean you are doomed. There are things that you can do and some of the things we're talking about right now [00:14:00] is what are the protective factors that we can put in place for these kids that have experienced this?

So both Veronica and Barry mentioned like being with a safe, protective parent. That is one of the protective factors. For these kids. And so, yeah. I'm interested to know, do you all have any other kind of thoughts about how someone, knowing this is the arena they're gonna come into, they're gonna find themselves What are some other things they need to have on their radar or other strategies they can kind of put into place?

So one, it sounds like having a good relationship with your attorney. If you're, if you are fortunate enough to be able to afford an attorney what are some other pieces or, or you can elaborate on that, that might be really helpful.

Veronica: So yeah, so actually I think picking an attorney is probably the main.

I have talked to so many mothers who have been through multiple lawyers, have drained their bank accounts, have drained their savings, have [00:15:00] drained everything, and it's because they're, they're trying, they're, they're trying to find a lawyer who's going to advocate for them. And it's super hard to find a lawyer that really, truly understand these dynamics because they have been trained their entire career is a certain way and they have to do things differently in cases like this. In fact, I wrote an article that was specifically targeted to family court lawyers about these types of cases and the things that they need to understand and know before they take on a case like this.

You know, it runs a gamut. I've, I've worked with cases where the lawyer is almost just as big as of abuser as the ex was to lawyers who just don't get it. And then there are good lawyers out there, and what Barry and I tell our clients is that when they call us for help is that you know, your lawyer doesn't have to

know all of these things. We will present the research to the court. They just need to be willing to listen and to advocate and to present the research and [00:16:00] to be willing to learn. Cause a lot of lawyers believe that, that they think they know everything already. And that's the problem.

And they've always done things one way and they're gonna continue. And, you know, the, the court's not gonna listen. The court's not gonna do that. They already know. But they don't know because the court has never heard this information before. So we need to really advocate to bring this information into the court and let the courts make the decisions with the information.

One of the first things we tell them to tell the court is that there is now the research that, you know, says that, you know, the current current court practices are harming children and we just want them to be open to take a fresh look at the case based on the research. And we think that's a reasonable request and most judges will listen.

You know, we just have to ask them to.

Barry: If I could, the other side of it that's important in terms of the attorneys. Is, as part of a research for my Quincy book, I asked medical [00:17:00] doctors what really goes through the essence of these cases when a child has been exposed to multiple ACEs? Is there something we can do now to save the child from the awful consequences?

And their answer is, yes, this is good news. These children can be saved. But there are two things that are needed. And standard court practices prevent this from happening and subdued children, the two things that the doctor said are needed. Number one, the children are going to need both medical treatment and therapy to deal with problems as they develop now and in the future, which means that the safe parent must have control over decision making.

Because abusers use decision making to block anything the mother wants, particularly to block therapy. Cause the abuser is afraid [00:18:00] the child will reveal his abuse. The second thing, and this is even harder to convince the courts of, is that the children cannot be exposed to more abuse to more very stressful situations.

Which means until, and unless the abuser changes his behavior, any visitation needs to be supervised.

Sybil: Yeah. And it's like, Having the courts kind of see that. I know a lot of the attorneys in my area, my geographic location are like, don't use the term domestic violence. It is the kiss of death in court.

Right research shows you have worse outcomes if those words come out and you are accusing one parent of those kinds of things. But I fully agree that I right, as a child therapist. Very often, I have a hard time getting consent from both parents in these cases. I'm [00:19:00] seen as very threatening, which is funny.

I'm like five feet tall. Like I play, like, I play like half my day. But I, I'm seen as very threatening because I do develop relationships with these kids and they do share things and I can see, right. We were talking about parental alienation. I know what coaching looks like and I know what it doesn't look like.

So I am someone who can say like, this child is, is actually really fearful to be with one parent versus the other, and there's no coaching. So I'm really scary to someone who's abusive. Do you use play therapy? I do. I do.

Barry: You know, the interesting thing about play therapy in the context of child custody is children will reveal whatever they need to subconsciously in their play, in their artwork.

And what's really helpful in terms of these cases, [00:20:00] no parent can coach a child. You know how to draw a picture, how to play with the egos, so it takes coaching off the table, which is really helpful. And the other thing is we, you're from abuser's attorney. I don't want the child in therapy. They'll be talking about painful things and it'll retraumatize them. But what's happening with play therapy is they're going to meet somebody that they're gonna like and they're going to play. So it's a positive experience for children in addition to being really helpful. You in terms of therapeutic stance. And you know, I think that doesn't get discussed enough and I'm glad you do that cause I think it's really helpful.

And I also

Sybil: wanna

Veronica: add that in cases of child sexual abuse where there's allegations of child sexual abuse, we find that play therapy is the best thing for these children. Because almost always the parental alienation claim comes in when there's [00:21:00] allegations of child sexual abuse.

Sybil: And I'm so glad, Barry, you brought that up because I say it, so I, I teach too. So I have interns and I work with really not, not age wise, young, but younger clinicians right in the field. And yes, when someone comes, when a kiddo comes in and sits down and they're like six and says, Mrs. Sybil, my dad touched me, inappropriately .

Right. Like, I'm like, oh, interesting. What does that, what does that mean? And half the times they can't tell me. But when they are in the dollhouse and they right, are showing, you know, like a child naked and a parent naked in my dollhouse doing things, nobody told them like, Hey kiddo, you're gonna go in Sybil's office and grab these toys and you're gonna do these things.

Right? Nobody can say that. And, If you're listening, looking for an expressive therapist. So you know, if [00:22:00] they're, you know, 12, 13, 14, they don't wanna play with me. But they might do art with me, or they might do, like, I don't do music therapy, but they might be able to work with a music therapist, so they may be able to work with someone who doesn't just talk to them, because in those areas, It is really hard to coach them to do certain things, so I'm so glad you brought that up.

So yeah. So good. Right. So just kind of summarizing, we need a good relationship with the attorney. Find a well trained therapist, and I think, Barry, you mentioned this before, this.

Like, interdisciplinary approach, this integrated approach where like the therapist can speak with different people within the system. The attorney is willing to kind of speak with people in the system. But I don't see a lot of that.

Are there any other things that you're, that you're seeing that you're like, yes. You know, if you're a protective parent, really think about doing this.

Barry: And we will do that as [00:23:00] part of our work. We are happy to speak with any of the attorneys or with the therapists. We think that's good and we wanna talk and we wanna share the research because it will help them.

And most of the time the professionals that the courts are using don't have ACE and Saunders. Mm-hmm. And if they were it from, And they'll use it in other cases that's gonna benefit the children. Do you

Sybil: think it would be helpful? So again, we're gonna have the ACEs stuff and the Saunder study, we'll just have it, the links.

So I am a parent, protective parent and I'm going to an attorney and Right. I give them, we in my community call it the Trapper Keeper 2000 because Right. I'm an eighties girl. I'm from the eighties. So the Trapper Keeper was super cool. But it's like the packet, the documentation, of all the things that you're gonna have to hand over to your attorney or to the PRE, you're gonna do their huge packet of [00:24:00] stuff.

Do you think it would be helpful to have those studies as a part of your trapper keeper that you're gonna give to your attorney?

Veronica: You know, those studies are long and, you know, if your lawyer's willing to read 'em, great. The research presented in court is really hearsay unless it's presented by an expert.

And so that's why, you know, it's important. You listed off. It's good to have a good attorney, good to have a, a trauma informed therapy. It's also to really good to bring in your case an advocate, a domestic violence advocate, a coach or an expert witness like Barry and I. Because if you're wanting to present the research to the court, you need an expert to come in and talk about the research and talk about the implications and applying it to your case.

So that's certainly going to be helpful. And we tell our clients that call us for expert witness help that we will not do any good to them unless their, their lawyer is on board, unless their lawyer is willing to advocate and present the research. And [00:25:00] so, yes, introducing 'em to that research is important.

However, if you're going to use it in your case, you do need an expert witness to come.

Barry: The Saunders study. It's it's hundred 75 pages, so we would be delighted for everyone to read it, but is a practical matter that's probably not gonna happen. And now we have on our website articles that cover some ACE and Saunders and other issues.

And you know, there might be 5 or 10 pages so you know anyone who's welcome to those. If you wanna you know, use any of our articles. You important material or anything like that, that's fine. And that may be something that the professionals in the case are more willing to read and

Sybil: to use. Right.

And that you're not gonna pay \$300 an hour for someone to read for 175 pages. Right.

Veronica: Plus the articles at Barry and I write and that Barry has written for a long time explains the research. And, and applies it to the case. So it's much more, it's [00:26:00] more helpful in that way for the lawyers to see.

Sybil: Yeah. Is there a way as these protective parents are in court, ways that you see are the most, I guess, either helpful or detrimental in the way that they present? So if they are going to be on the stand there will be cross-examination and there is a goal of it. I always say manufacturing, they're crazy, right?

The goal is to manufacture this protective parents crazy on the stand. Yeah. What are some things you, I guess you guys, and I don't know, tips that you can help with kind of the best ways to present in a court setting?

Barry: Well, you know, context is really important in understanding domestic violence and courts who often don't understand that, abusers often wanna decontextualize things.

They start a story after they did something bad. Talk about the victim's reaction. But what you want to do, one of the [00:27:00] ways of looking at this in almost every case we have during the relationship, the father either wanted or demanded that the mother do most in the childcare. In any other court, this would be understood as an admission by the father that the mother is a good parent.

Otherwise, he would've sought other arrangements for children that he loves. So that's a great starting point. Now, when the mother decides to end the relationship there is a pattern where abusive fathers respond by seeking custody, or sometimes shared parenting is the first step towards custody, and they claim that the mother is suddenly unfit, suddenly is my word.

Because they were, realizing, they just admitted she was always good until then. And basically they'll say she's crazy and or she's yelling. [00:28:00] And the really good question is, what are the chances that a mother suddenly became unfit? Because the relationship ended and she reported his abuse.

Because in the real world the answer is very close to zero. But in a court system that isn't using the research, that is relying on professionals that don't understand. That is pushing for shared parenting in order to settle cases that uses

a high conflict approach. When it's really a DV case. The courts very frequently reach these unlikely conclusions.

But that context I think is helpful for the court to see what's going on.

Sybil: Yeah. And Veronica, how do we people document the context because they have like these short little snapshots . In front of the judge. What are some ways to pull those [00:29:00] pieces in, in kind of a quick way?

Veronica: I think the key was what Barry said about abusers decontextualizing. So they will start the story, they'll be like, well she did this and she did that. A lot of it is you know, their reaction to their abuse. And a lot of it is just made up manipulated lies. And so what they need to do is they need to pick out those things that they're being accused of, that are outright lies or that are, obviously exaggerations of the truth or, or were true, but it was because of something the abuser did to make that reaction. And so they just need to be very methodical and strategic about picking those specific things out. And showing whatever evidence they have that shows that those things are inaccurate, they're false, they're not true. Because the one thing that abusers do in courts right now that they're very successful at is making the mother credibility is, you know, [00:30:00] is making her look like she's not credible.

And so we really need to understand how to mitigate that by, you know, showing, doing that to other side. It's like when they're making the false accusations, we need to show the court that they're not credible by representing the evidence and the research that shows that what they're saying is inaccurate or untrue.

And so kind of focusing on that so that we can move forward in presenting what really is going on. And again, changing that discussion in the case to what can dad do to reduce the fear and stress. Cuz they want us to focus on all of these things that are muddying the waters and they're not really getting to the essence of why we're here.

That is the wellbeing of the children. So we really need to focus on that. We need to focus on what's best for the kids instead of swinging

Sybil: back and forth. Yeah, and I really appreciate that because when I am working with [00:31:00] the protective parent, the focus really is, and this sounds so horrible and I don't want it to sound horrible, but I'm kind of a realist too, of like in court they actually don't care a whole heck of a lot about how you were treated.

They just don't. So your language is all about your kids. Which is interesting because that is most of my client's goal is to protect their kids. And so it is, it's just that little bit of a mindset shift of how are you bringing the kids' best interest into this. If the evaluator wants to hear about your experience, they will ask, but your focus is, this is how this affected the kids.

This is how that affected the kids.

Veronica: Right. And that's where the ACE research comes in. And it also, we need to let, help courts understand that when a father hurts the mother, he is also hurting the children. There have been many children who have been murdered because the judge said this specific thing that just because he hurt the mother doesn't mean he'll hurt the [00:32:00] children.

And that is false. So we need courts to understand that when a father hurts a mother, he is also hurting the

Sybil: children. Yeah, absolutely. A hundred percent. And I think the three of us are all on the same page, that there needs to be some major system reform. And yet we have to help people that are in this moment before their system reform, like as as it is now.

So in wrapping things up, do you all have any other like, yes, this is like a tip or a something you need to know if you are a protective parent dealing with post-separation abuse in the family court system?

Barry: Well, the one thing I would like to leave everyone with is there is a solution. It's a comprehensive solution.

It's called the Safe Child Act, and you can find it on our website and elsewhere. I think there's about seven states that have introduced it. None have passed it yet, but it's a comprehensive law. [00:33:00] It starts with the idea that the health and safety children must be the first priority. It requires courts to use the research to have an early hearing just based on abuse issues, so we don't get distracted with a lot of less important issues. If we pass the Say Child Act, that's gonna solve the problem. And unfortunately there have been peacemeal laws passed that were really good laws that you know should have made a difference. And each time the courts found workarounds so that they could continue doing the mistakes.

And what Safe Child Act does is it tells the courts very specifically, stop doing the things you're doing that are hurting children. Cause that's the only way they're gonna stop if they're told don't do

Sybil: it anymore. Yeah. And that there's a very like specific , don't do this. You need to actually do this.[00:34:00]

Don't do that. You're doing this right. Yeah. And Veronica, do you have anything else to leave our audience with?

Veronica: Yeah, I mean, I, what I like to hear when, when we speak with clients is a lot of times after we talk with them, they say they have hope and that's what we wanna leave them with is hope.

Because there is hope and , there are things that you can do. There are ways that you can help your children through this, and we talked about some of those, you know, with good therapists and with knowing these things and just knowing that there's research out there, there's, and knowing that you're not alone and knowing that this is starting to get more and more traction.

People are talking about this more and more. So, keep using your voice, keep speaking your truth. Gaslighting is the big one in this because we're told that didn't really happen. That you're never gonna get what you want in court. But ignore that because you have to keep fighting.

It's, it's your kids, right? So there is hope and we, we certainly are working to change the laws and [00:35:00] bring the research and help mothers protect their children.

Sybil: Yeah, I agree. Hope is so important and not feeling alone. And if you, you know, don't feel comfortable sharing your voice in this, you know, big way.

You're just sharing it within your case, your community, just this small way, but keep sharing your voice. And those of us that have the privilege to share from a louder voice. I hope that those of you that are kind of learning and and in a position like myself, like Barry and like Veronica will continue to be loud.

In, in this world so that more change can happen. But I just wanna thank both of you all for joining and really helping support this population. It is really underserved, I feel like, from people that really understand. So the more of us that can do that and work together the better. And for those of you watching, I hope that was helpful and be looking for the next video to drop in your inbox.

And I hope you have a good rest of your day..

Barry: Thank you. Nice speaking with you.[00:36:00]