



## What is Domestic Violence?

Definition: Domestic violence is a pattern of assaultive and coercive behaviors that operate at a variety of levels—physical, psychological, emotional, financial, and/or sexual—that perpetrators use against their intimate partner.

### Domestic violence

- (1) often involves a combination of tactics aimed at establishing control of one partner over the other;
- (2) is not just physical violence but may include stalking, threats to commit suicide or kill, kidnap or otherwise harm family, friends or property;
- (3) may involve repeated use of degrading or coercive language; and
- (4) may involve controlling access to food or sleep, money, credit cards, documents such as immigration papers, or medical care.

## What is the Connection Between Domestic Violence and Child Support?

- Ninety percent of women with current/former abusive partners indicate an interest in pursuing child support if they can do so safely.
- Abuse often continues or increases after a victim separates from the abuser. Separation, establishment of child support, or enforcement may trigger a violent response, even if the past abuse was not physical.
- Lack of economic stability is a primary reason domestic violence victims stay in or return to an abusive relationship.
- Fifty percent of battered women in one study stayed in an abusive relationship because they did not feel that they could support themselves and their children

**What to Expect:** Victims may have reasonable fears about participating in child support proceedings. Just as victims of family violence have experienced different forms of abuse, their responses can vary widely. A perpetrator may present as charming and persuasive, try to verbally or non-verbally intimidate the victim, attempt to use the judicial system to further harass the victim, threaten noncompliance, deny allegations of family violence, or make false allegations against the victim. There is no “typical” presentation of a victim, or of a perpetrator, in court.

### Additional Web Resources

- [www.acf.hhs.gov/programs/cse/pubs/factsheets/child\\_support/family\\_violence\\_collaboration.pdf](http://www.acf.hhs.gov/programs/cse/pubs/factsheets/child_support/family_violence_collaboration.pdf) (fact sheet on family violence collaborations in child support)
- [www.njdiv.org/content/view/full/12/27/](http://www.njdiv.org/content/view/full/12/27/) (current resources and links on domestic violence)
- [www.vawnet.org/domestic-violence/](http://www.vawnet.org/domestic-violence/) (special online collection of research, policy and practice information)
- [www.thehotline.org/resources/](http://www.thehotline.org/resources/) (National Domestic Violence Hotline for direct assistance for victims and materials)
- [www.acf.hhs.gov/programs/cse/pol/AT/2010/at-10-12.htm](http://www.acf.hhs.gov/programs/cse/pol/AT/2010/at-10-12.htm) (federal regulations on safeguarding child support information)

## What Should Judicial Officers Know About Domestic Violence and Child Support?

### Safety Considerations in the Courtroom and Courthouse

- Institute safety and confidentiality procedures
- Inform parties that verbal and non-verbal threats, intimidation, or violence are unacceptable, and that parties should not direct remarks to each other
- Consider allowing the victim to appear telephonically or by video conference
- If the victim must appear in court, consider that the court date may be the first time the victim has seen the abuser in a while
- Minimize contact between the parties inside and outside the courtroom (such as with separate waiting rooms, sitting in separate locations in the courtroom, and staggering exit times)
- Have resources available in court that provide information and referrals for victims, including the National Domestic Violence Hotline

### Good Cause Waiver

A client may claim “good cause” for a waiver of a Medicaid, TANF, or cash assistance program requirement to pursue child support when the program requirements make it difficult to escape violence or put the individual or other family members at risk of further domestic violence. A good cause determination should halt the child support process.

### Family Violence Indicator (FVI)

States are required to place an FVI on any person’s record in the State Case Registry if the disclosure of location data could jeopardize the safety of the party or child in the case. The FVI prevents any information from being released from the Federal Parent Locator Service (FPLS) to any state, without a legal override by an authorized person. States have different methods of setting the FVI, though in all state the FVI should be set on the people who need protection, not on the perpetrator of family violence.

### Paternity Establishment and Locating Missing Parents

Paternity establishment identifies a child’s legal father and is a necessary part of the child support process. Through the FPLS, child support agencies have tools to help locate noncustodial parents for paternity and order establishment. Establishing paternity and initiating a child support action may increase conflict and may pose safety risks for domestic violence victims, and a victim of domestic violence may not want anyone to know where she is.