

Appendix 1: Domestic Violence Child Custody Protocol¹

DVCC Protocol

High conflict issues including domestic violence allegations are present in a significant number of contested divorce cases. The DVCC (Domestic Violence in Child Custody) protocol is a series of questions designed to guide the interviewer in assessing for the various aspects of how partners handle conflict, including domestic violence. The protocol is not a test and no definitive findings of abuse can come from the use of this protocol, but it certainly is a beginning step in asking questions that can assist the trier of fact in determining whether domestic violence – physical, emotional, and/or sexual – is present in a given case.

The protocol that follows is to be used by a licensed mental health professional – either with the professional asking the questions in an interview setting or to be filled out by the client in the therapist’s office. If an attorney chooses to use this protocol, that is, someone who is not a licensed mental health professional, it is strongly advised that the attorney make sure that the client has some therapeutic support during the time that this protocol is filled out. Again, the directions now delineated are designed for the client to fill out in the mental health professional’s office or as questions for the professional to ask the client.

The questions for this protocol come from a review of the literature on the correlations between domestic violence and particular items. Jacqueline Campbell (2006) has conducted numerous valuable studies that show correlations from which many of these questions have been designed. The American Bar Association (2004) has set forth a series of questions to help screen for abuse – emotional, physical and sexual abuse as well as threats. Ideas for questions were also incorporated in this protocol from the DOVE (Ellis and Stuckless, 2006).

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The questions that follow are broken down into several categories:

- General Questions. Numbers 1-10.
- Emotional Abuse. Numbers 11-30.
- Confinement and Control Issues. Numbers 31-52.
- Threats of Physical Violence: Numbers 53-67.
- Physical Violence: Numbers 68-85.
- Sexual Assault: Numbers 86-98.
- General Questions Specific to Abuse: Numbers 99-151.

This measure is a combination of these sets of questions and adapted to be applicable to child custody. No one, or even any given number of items in combination confirms a finding of domestic violence. This protocol is, though, a guide to the information that will be helpful in determining whether and if the father or the mother has perpetrated any kind of abuse on the other, and/or if the abuse was mutual.

Instructions. In your case there have been some questions raised about how you and your partner/former partner have or do resolve issues, in other words, how you deal with conflict. Please fill out the following questionnaire in detail. You might want to type your answers on separate paper. Be very thorough and absolutely honest. Please provide documentation for the points you have made. If anyone can corroborate anything you have said, please let me know in order that I might send him or her a collateral report to fill out. If anyone has written a declaration, please provide a copy of that as well as all medical and police reports and court records to date. Also, I need you to provide any and all corroborative data to back up any allegations that you make at the same time that you provide this answers to this form. If you are choosing to answer the questions via your computer, you have two choices: 1. You can ask for a computer-ready DVCC set of questions in order that you might type your answers in. 2. You can simply use the space needed to answer the questions on page 1 to the top of page 4, and then you can expand the text boxes for the questions on pages 4-6 in the section titled, *List of Incidents Form*, cut and past the questions into the first box and answer in the two other boxes – one set of answers in regards to what you have done and the other in terms of what your partner has done. Thank you. It is critical that you provide as much substantiation as possible for your answers.

DVCC

| Questions | Yes | No | Describe What & When |
|--|-----|----|----------------------|
| <p>1. How did/do you and your partner resolve differences?</p> <p>2. What happens when you and your partner argue? Describe what each of you does when you get angry?</p> <p>3. Are or were you and your partner isolated from others? From friends? From family? If so, please describe.</p> <p>4. Who controls what in the relationship? (money, chores, children, social calendar, major decisions, etc.)?</p> <p>5. Are there “trigger events” that trigger fights or disagreements between you and your partner, and if so, what are they?</p> <p>6. Can you and/or your partner tell when the other is about to get angry?</p> <p>7. What does each of you do to resolve a fight?</p> <p>8. What happens when a fight goes wrong?</p> <p>9. Who has or had power in the relationship?</p> <p>10. Do the two of you get in power struggles? If so, over what?</p> | | | |

| Questions. | Yes | No | Describe What & When |
|---|-----|----|----------------------|
| <p>HAS YOUR PARTNER EVER:</p> <p>11. Called you a name or made fun of you</p> <p>12. Ignored you</p> <p>13. Told you that you were a bad parent</p> <p>14. Refused to do housework or childcare</p> <p>15. Made you ask permission to use personal property</p> <p>16. Accused you of paying too much attention to someone or something else</p> <p>17. Made you beg for forgiveness</p> <p>18. Demanded to be waited upon</p> <p>19. Intimidated you through his tone of voice</p> <p>20. Gave you angry looks or stares</p> <p>21. Put down your family or friends</p> <p>22. Put down your physical appearance</p> <p>23. Tried to change your physical appearance</p> <p>24. Not taken advantage of your strengths or accomplishments</p> <p>25. Told you that no one else would want you</p> <p>26. Accused you of cheating on the relationship</p> | | | |

| Questions | Yes | No | Describe What & When |
|---|-----|----|----------------------|
| 27. Harassed you for information on past relationships | | | |
| 28. Put down or yelled at your children in front of you | | | |
| 29. Threatened to physically take your children away | | | |
| 30. Threatened to make you lose custody of the children | | | |
| 31. Bodily confined or held you against your will | | | |
| 32. Prevented you from leaving a room or your home | | | |
| 33. Stopped you from going to school or work | | | |
| 34. Prevented you from seeing your family or friends | | | |
| 35. Denied you the right to receive health care | | | |
| 36. Prevented you from taking any medications | | | |
| 37. Listened to your phone calls | | | |
| 38. Disabled your telephone | | | |
| 39. Opened your mail | | | |
| 40. Had you followed | | | |

| Questions | Yes | No | Describe What & When |
|---|-----|----|----------------------|
| 41. Checked the mileage on your car | | | |
| 42. Taken away your keys | | | |
| 43. Phoned you repeatedly at work | | | |
| 44. Got you fired from work | | | |
| 45. Controlled your food intake | | | |
| 46. Put you on a monetary allowance | | | |
| 47. Made you ask or beg for money | | | |
| 48. Made you explain how money was spent | | | |
| 49. Got angry if you were late getting home | | | |
| 50. Made you explain your whereabouts at all times | | | |
| 51. Insisted on having the final say in all decisions | | | |
| 52. Made you use drugs or alcohol against your will | | | |
| 53. Threatened to hit you | | | |
| 54. Threatened to throw objects at you | | | |
| 55. Threatened to use a weapon against YOU | | | |
| 56. Threatened to kill you | | | |
| 57. Thrown or smashed objects in your presence | | | |
| 58. Destroyed your personal property | | | |

| Question. | Yes | No | Describe What & When |
|---|-----|----|----------------------|
| 59. Hit walls or pounded his/her fist when angry at you | | | |
| 60. Driven carelessly when you were in the car | | | |
| 61. Abused family pets to hurt you | | | |
| 62. Punished your children when he/she was angry at you | | | |
| 63. Threatened to harm or kill your family and/or friends | | | |
| 64. Threatened to harm or kill your children | | | |
| 65. Threatened to harm or kill himself/herself | | | |
| 66. Hurt or mutilated himself/herself to scare you | | | |
| 67. Tried to run you over with a vehicle | | | |
| 68. Slapped you | | | |
| 69. Pushed or shoved you | | | |
| 70. Thrown you around (into walls, furniture, onto floor) | | | |
| 71. Hit you with an open hand | | | |
| 72. Hit you with a fist | | | |
| 73. Hit you with and object | | | |
| 74. Scratched you | | | |
| 75. Pinched you | | | |
| 76. Pulled your hair | | | |

| Question | Yes | No | Describe What & When |
|--|-----|----|----------------------|
| 77. Grabbed you | | | |
| 78. Spit on you | | | |
| 79. Bit you | | | |
| 80. Kicked you | | | |
| 81. Burned you | | | |
| 82. Injured you by holding or squeezing you too tightly | | | |
| 83. Choked or tried to strangle you | | | |
| 84. Used a weapon against you (stabbed, shot, etc.) | | | |
| 85. Hit you or run you over with a vehicle | | | |
| 86. Physically hurt you when you were pregnant | | | |
| 87. Physically hurt you while he/she was under influence of alcohol or drugs | | | |
| 88. Called you negative sexual names like "frigid" or "whore" | | | |
| 89. Forced or pressured you to participate in sex with him against your will | | | |
| 90. Pressured you to participate in a sexual activity that hurt you | | | |
| 91. Pressured you to participate in a sexual activity that you feel ashamed of | | | |

| Question | Yes | No | Describe What & When |
|---|-----|----|----------------------|
| 92. Forced you to have sex in the presence of others | | | |
| 93. Used threatening objects or weapons during sex | | | |
| 94. Prevented you from using birth control | | | |
| 95. Lied about his/her use of birth control | | | |
| 96. Withheld information about whether he/she had been exposed to a sexually transmitted disease or HIV | | | |
| 97. Physically attacked the sexual parts of your partner (breasts or genitalia) | | | |
| 98. Pressured you to get pregnant against your will | | | |
| 99. Are there any weapons in the home? | | | |
| 100. Do you or your partner have access to any weapons? | | | |
| 101. Have you or your partner been non-compliant with any court orders? Been arrested for anything? Not honored any Restraining Orders? | | | |
| 102. Have either of you ever or do you now have a substance use problem? Used? Misused? Abused? Ever Dependent upon any substance? | | | |

| Question | Yes | No | Describe What & When |
|--|-----|----|----------------------|
| <p>103.. Have either you or your partner been involved in any maltreatment of animals?</p> <p>104. Have either you or your partner been involved in any fire setting?</p> <p>If yes, please describe what and when.</p> <p>105. Did either of you “act out” as a child or adolescent?</p> <p>106. Have you or your partner ever threatened or attempted to commit suicide?</p> <p>107. Have you or your partner had any psychiatric history (especially manic and psychotic features) for you and/or your partner?</p> <p>108. Have either you or your partner taken medication for mental health problems (e.g. depression)?</p> <p>109. Have you or your partner been violent with/to children in the past?</p> <p>110. Do you have a child that does not belong to your partner? If so, does s/he physically or emotionally abuse your child?</p> <p>111. Have either you or your partner used pornography?</p> | | | |

| Question | Yes | No | Describe What & When |
|---|-----|----|----------------------|
| <p>112. Have you or your partner been involved in “forced sex” either as the perpetrator or as the victim?</p> | | | |
| <p>113. Have you or your partner been involved in control of the other through the children?</p> | | | |
| <p>114. Has your partner had a history of probation failures?</p> | | | |
| <p>115. Has your partner had a criminal history?</p> | | | |
| <p>116. Have you ever called the police because your partner assaulted you? Was s/he arrested or did s/he avoid arrest?</p> | | | |
| <p>117. Have you ever left home because you were assaulted or emotionally abused by your partner?</p> | | | |
| <p>118. Do you believe your partner is capable of killing you? Your children?</p> | | | |
| <p>119. Does your partner threaten to harm your children?</p> | | | |
| <p>120. Has you partner ever assaulted or abused you in the presence of your children?</p> | | | |
| <p>121. Have you felt controlled in this relationship?</p> | | | |
| <p>122. Have you felt oppressed in this</p> | | | |

| Question | Yes | No | Describe What & When |
|---|-----|----|----------------------|
| <p>relationship?</p> <p>123. Have you experienced fear in this relationship that is, have you been scared?</p> <p>124. Have you felt isolated in this relationship?</p> <p>125. Have you felt hopeless at times?</p> <p>126. Have you felt helpless at times?</p> <p>127. Please describe the conflict between the two of you as the relationship was coming to an end, at the time of separation, and since the separation.</p> <p>The following questions are to be answered if you consider that which has happened in your relationship to be abuse.</p> <p>128. How would you define abuse?</p> <p>129. Do you consider yourself to have been abused by your partner? YES NO If yes, please describe those things that you consider to have been abusive.</p> <p>If the answer is "NO" to Question 117, the questions end here. If, though, your answer to this question is "YES," please answer the following questions:</p> <p>130. Please make a calendar of the abuse that</p> | | | |

| Question | Yes | No | Describe What and When |
|---|-----|----|------------------------|
| <p>includes all of the incidents of abuse that are delineated above listed on that calendar. If you do not know specific dates, please estimate those dates and designate the estimates by placing an “e” for estimate in parentheses next to date that is estimated. For example, if you don’ quite remember when you were slapped, yet you know that it was in the fall of 2008, please indicate that as “Fall 2008 (e).”</p> <p>131. Describe the first, worst, and last incident of abuse in detail.</p> <p>132. Was there one single incident of abuse? or many?</p> <p>133. Would you describe the abuse as chronic, intermittent and/or reactionary?</p> <p>134. Did the abuse occur mainly around the time of the separation in the relationship?</p> <p>135 Is there a pattern of abuse that was prevalent before the separation? Or was the abuse prevalent at and about the time of the separation? Or has the abuse been prevalent only since the time of the separation?</p> | | | |

| Question | Yes | No | Describe What and When |
|---|-----|----|------------------------|
| <p>136. Was there is a pattern or are the incidents solitary ones?</p> <p>137. Do you believe that your partner has been chronically violent?</p> <p>138. Has the frequency increased? When? Is it over past year?</p> <p>139. Has the severity increased? When? Is it over the past year?</p> <p>140. Has your partner been violent in any of the ways described in this questionnaire in previous relationships and if so, when, how, and with whom?</p> <p>141. What was the age of your partner the first time that you know that he was violent in any of the ways described in this questionnaire whether that was in a relationship with you or someone else?</p> <p>142. Has your partner had any kind of treatment for violence? If yes, please describe and indicate whether or not the treatment was successful.</p> <p>143. Does your partner blame you for the acts of abuse that you have described in this</p> | | | |

| Question | Yes | No | Describe What and When |
|---|-----|----|------------------------|
| <p>questionnaire and/or does your partner focus on you, rather than on themselves, in terms of who is responsible for the problems in your relationship?</p> <p>144. Does your partner deny having done any or all of the things that you have described in this questionnaire? If yes, please describe that which is denied and that which your partner admits to having done.</p> <p>145. Does your partner acknowledge the violence? And if so, please describe.</p> <p>146. Does your partner have guilt and remorse for what they have done?</p> <p>147. Does your partner seem to understand and appreciate the impact that the violent acts have had on you? On the child(ren)?</p> <p>148. Does your partner have empathy for effects of the violence on you? On the children?</p> <p>149. Does your partner take responsibility for his/her behavior?</p> <p>150. Is your partner aware of your child(ren)'s needs in a way that is appropriate to the age</p> | | | |

| Question | Yes | No | Describe What and When |
|--|-----|----|------------------------|
| <p>that your child is? Is your partner aware of how the abuse has served to maintain control in the relationship?</p> <p>151. Has your partner followed through in the things that they have promised to change -- in a proactive manner? Have the things that they have followed through with been concrete and noticed by you?</p> <p><u>Back-up Information.</u> Please provide any of the following that you have to back up what you are saying from any of the following that are applicable: court records, police reports, medical records, child abuse reports, witnesses (including the child(ren) to any of the acts of the violence.).</p> | | | |