



# Report on Research

College of Agricultural, Consumer and Environmental Sciences

## Child Custody with Abusive Ex-Spouse? Study Shows How Women Decide

What influences women when they are making child custody decisions that will bring them into future contact with a violent or controlling ex-husband? Fear, pragmatism, and the belief -- sometimes reinforced in mandated divorce education classes -- that their children will suffer if both parents are not in their lives, according to a University of Illinois study in the August Journal of Social and Personal Relationships.

“Will the mother and father be able to co-parent without a recurrence of violence or controlling behaviors? That’s the most important consideration in making child custody decisions,” said Jennifer Hardesty, a U of I assistant professor of human and community development.

Unfortunately, other factors, including fear, practical considerations about money, and guilt over breaking up the family, influence such women heavily when they are making custody decisions, the researcher said.

Hardesty conducted extensive interviews with 19 abused women of varying backgrounds and in varying stages of the divorce process to develop a theoretical model for future research. The study was conducted in two Missouri counties that required divorcing couples with minor children to attend a class on post-divorce parenting.

“Fear was very important in the women’s decisions to leave, but guilt over breaking up the family was more influential in making custody decisions,” she said.

Aside from the obvious fear of being hurt or killed, mothers feared their former husbands would harm or take the children. Nearly all of the mothers experienced some form of abuse between the time they initiated separation and finalization of the divorce.

Women also feared courtroom dynamics and a lengthy custody battle. One participant said, “Get me into a courtroom where they’re going to grill me and ask me questions, and it’s frightening. I don’t like that grilling; it’s very reminiscent of what he did to me for many, many years.

“I didn’t fight it. I did like I always do. I backed down,” she continued. “I thought he was going to drag this out until I’m 100 years old.”

Half of the women believed their attorneys had not advocated for them as victims of abuse. Only one had an attorney who brought the prior abuse into the proceedings by including in the divorce petition threatening notes written by the woman’s husband.

And although experts recommend that abused women be screened out of co-parenting classes, such as the class mandated in the two Missouri counties studied, half of the women in the study were directed to participate in the classes, even though all but one of the women’s attorneys knew there had been violence in the relationship.

“Many women talked about the influence of that class on their thinking about custody,” said Hardesty. “They’d say, I can’t restrict his involvement with the children because I know it’s bad for the kids if we’re not getting along and both involved in their lives.”



Family, friends, and social institutions promote what Hardesty called “a family ideology” that influenced the women. “I listen to Dr. Laura every day, and I know it is really good for the children to see both parents every day,” said one mother.

Many mothers wanted their custody decisions to balance their own and their children’s safety with the importance of father-child relationships. “Denying him contact is not right to do to him. He’s had a hard life. I just know it would be hard on him for me to take away his rights to his kids,” said another.

Pragmatic concerns also played a large role in women’s decision making. One woman reluctantly agreed to a joint physical custody arrangement in which the children lived with their father during the week and she had them on weekends.

“I knew I had to have my job. Somebody had to support these kids. I was working 60 to 70 hours a week. If I had them on weekends, I’d have quality time. He had the time during the week because he didn’t work,” said one mother.

One woman agreed to joint legal and physical custody because she doubted she could find good, affordable child care. “He came to me and said, ‘If you give me 50/50 custody, I’ll do whatever I can to help you pay your day care.’ For my three children to go to day care, it’s \$1,000 a month. I really felt like I had no other choice.”

Women with health problems were concerned about having enough energy to endure a custody battle. “I was on heart medication and antidepressants. I could hardly function anymore. My lawyer said, ‘If you have a nervous breakdown, you may not get custody of your kids at all.’”

### Child Custody, cont.

After the divorce, many mothers continued to co-parent in a context of fear, the researcher said, adding that the fathers in this study seemed to have a high level of involvement compared to divorced fathers in general. "He's still in control of every freaking thing I do!" said one mother.

As a first step, Hardesty believes the legal system should identify divorce cases in which domestic violence is a factor. "We need to know when there is too much risk for ongoing involvement and learn to tailor interventions, such as the post-divorce parenting class, to meet the different needs of parents with histories of violence," she said.

"So many people think that leaving the abuser means the end of the abuse; when children and custody arrangements are involved, that is often not the case," she said.

Lawrence H. Ganong of the University of Missouri co-authored the article. The study was funded in part by the National Council on Family Relations.