

Abstract

This qualitative study surveyed 214 family court-involved, intimate partner violence (IPV)-exposed mothers located throughout the United States and used conventional content analysis to analyze participants' open-ended, qualitative responses to the question of who or what helped them as they underwent family court proceedings. Six clusters emerged from the data analysis. Participants described 1) connecting with others, 2) receiving validation/being believed, 3) adapting to a system that is not trauma-informed, 4) accessing tools and resources, and 5) managing post-separation family life as helpful. Participants also described substantial 6) barriers to navigating family law proceedings and some articulated that nothing helped. These findings support the importance of taking a trauma-informed, network-oriented approach to mothers who enter into family law processes with histories of IPV.

Introduction

For survivors of intimate partner violence (IPV) who are mothers, separating from an abusive partner can be particularly challenging, involving the navigation of child custody and co-parenting arrangements through the family and/or civil court systems with abusive ex-partners (Hardesty & Chung, 2006). Survivors may feel invalidated by family court professionals (Miller & Manzer, 2021; Rivera et al., 2012), and/or be met with an extension of the abuse when the other parent exercises coercive control through legal processes (Gutowski & Goodman, 2022). Family law processes may be prolonged over the course of years, resulting in psychological and economic costs (Douglas, 2020; Gutowski & Goodman, 2020; Ward, 2016). The current study considered how mothers cope and adapt with these experiences, asking what custody-seeking survivor-mothers found to be helpful throughout family law processes.

Methods

Qualitative responses were collected as a part of a larger study based on a survey of survivor-mothers' experiences in family law proceedings (see Gutowski & Goodman, 2022). Eligible participants were mothers of at least one child under 18 years with current or recent (i.e., within the past 1-2 years) family court cases, sourced through legal and domestic violence agencies. Of the 235 eligible and valid respondents, the 214 retained for the present study included all who responded to the open-ended question: "Who/what has been the most helpful thing to you in the court process?"

The authors used conventional content analysis as the analytic method (Elo & Kyngas, 2008). The authors engaged in three rounds of coding, and modified codes using constant comparison (Fram, 2013).

What Helps IPV-Exposed Mothers Cope and Adapt with Family Law Processes?

Julia Bradshaw, BA, Ellen R. Gutowski, PhD, Kashoro Nyenyezi, MPA

University of Toronto



Results

Cluster 1: Connecting with Others (n = 176)

"I have an amazing group of [...] friends who I have been meeting with monthly for the last 5-6 years. The support of these women is the reason I had the strength and courage to leave an abusive marriage. Without them I would have never made it through this process."

Cluster 2: Receiving Validation/Being Believed (n = 24)

"The judge was quick to stop my ex when he tried to lie about me, which made me feel validated (finally). My ex told a blatant lie, easily proved, and the judge called him out on it...It was a feeling of, "Finally! This is what I have been dealing with for years!" The validation was part of my healing process."

Cluster 3: Adapting to a System that is not Trauma-Informed (n = 36)

"I am no longer a victim and I do not 'react' like a victim anymore...[judges] want to see strong empowered parents getting custody...I have to be like an actress and pretend I think [my ex-partner's] threats are funny or that he doesn't scare me...it is too easy for judges who are uneducated in victimology to make mistakes and to retraumatize the victim."

Cluster 4: Accessing Tools and Resources (n = 43)

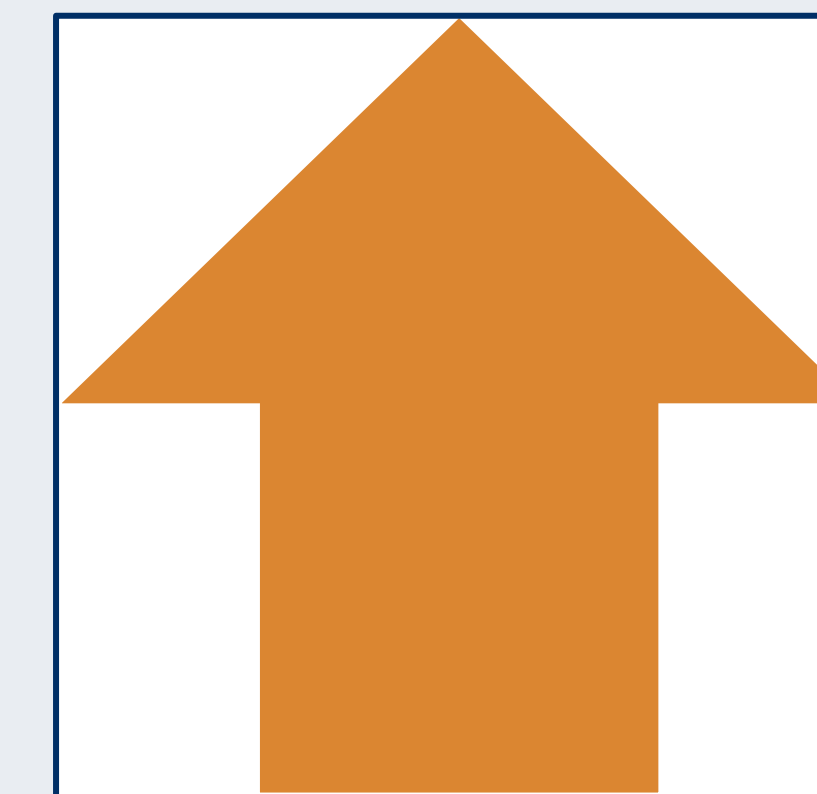
"I doubt that my children and I would be thriving if I had not educated myself about high conflict dynamics, domestic abuse, the perception of these concepts (and responses) in family court processes, family court statutes, and family law philosophy and psychology."

Cluster 5: Managing Post-Separation Family Life (n = 21)

"While I have been an advocate for myself and my children, I have not publicly shamed my ex-husband, nor have I been vindictive or punitive. I have consistently put my children first and took the high road."

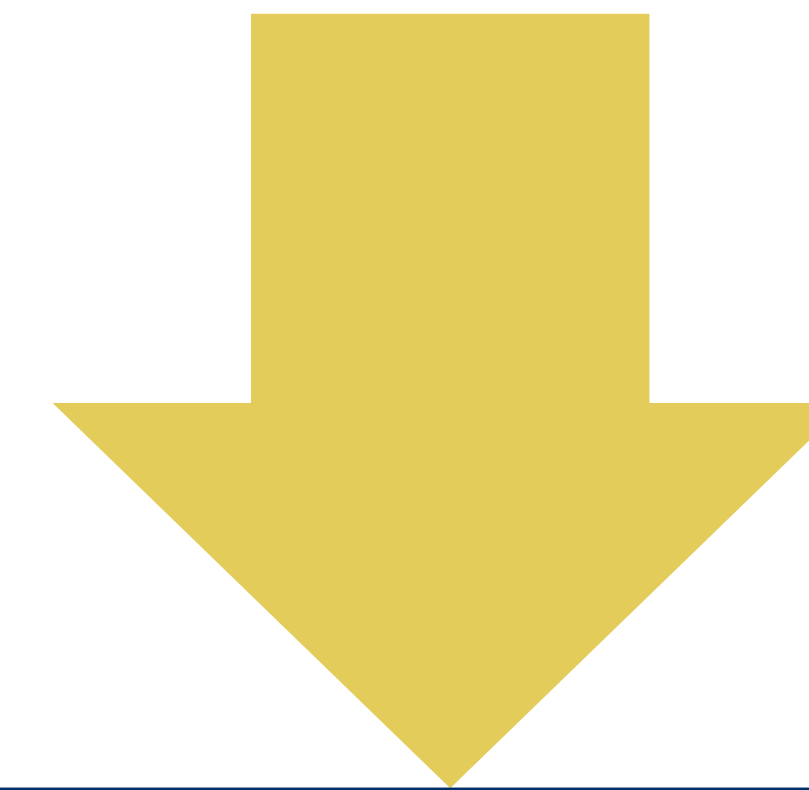
Cluster 6: Barriers got in the Way of Coping (n = 30)

"Nothing [has helped]. Absolutely nothing. No one has really been willing to help and everyone wants insane amounts of money. I believed in justice before this. Now I realize that the court system is nothing more than a source of income and politics. It's a business."



Factors that Helped

- Connecting with Others
- Receiving Validation/Being Believed
- Adapting to a System that is not Trauma-Informed
- Accessing Tools & Resources
- Managing Post-Separation Family Life



Barriers got in the Way

- Barriers got in the Way of Coping
- Nothing Helped

Conclusion

While prior research has uncovered negative experiences of IPV-exposed women in family court (e.g., Khaw et al., 2018), this study illuminated factors that helped survivors involved in this legal system. Consistent with a trauma-informed orientation to service provision, participants named the importance of relational support as well as the need to be believed and validated rather than discounted and discredited. Participants also explained the importance of adapting their behavior in order to be taken seriously in a system that presumes the absence of trauma, of accessing tools and resources (e.g., professional support, financial support), and of learning to manage post-separation family life (including co-parenting) with an ex-partner who abused them and sometimes their children. However, participants also noted substantial barriers, with a subset expressing that nothing helped them with their court processes.

As negative court experiences may be detrimental to the well-being of survivors and their children, and in some cases, prevent them from obtaining needed help, implementing trauma-informed practices that are accessible to all within the family court setting is an urgent necessity. Future studies should continue to investigate how family court processes may be modified to reduce distress to survivors and children.

References

- Douglas, H. (2020). Family violence, lawyers and debt. *Australian Journal of Family Law*, 33(3), 264-281.
- Elo, S., & Kyngäs, H. (2008). The qualitative content analysis. *Journal of Advanced Nursing*, 62(1), 107-115. <https://doi.org/10.1111/j.1365-2648.2007.04569.x>
- Fram, S. M. (2013). The constant comparative analysis method outside of grounded theory. *Qualitative Report*, 18, 1. <https://doi.org/10.46743/2160-3715/2013.1569>
- Gutowski, E. R. & Goodman, L. A. (In press). Coercive control in the courtroom: The Legal Abuse Scale (LAS). *Journal of Family Violence*.
- Gutowski, E., & Goodman, L. A. (2020). "Like I'm Invisible": IPV Survivor-Mothers' Perceptions of Seeking Child Custody through the Family Court System. *Journal of Family Violence*, 35(5), 441-457. <https://doi.org/10.1007/s10896-019-00063-1>
- Hardesty, J. L., & Chung, G. H. (2006). Intimate partner violence, parental divorce, and child custody: directions for intervention and future research. *Family Relations: An Interdisciplinary Journal of Applied Family Studies*, 55(2), 200-210. <https://doi.org/10.1111/j.1741-3729.2006.00370.x>
- Khaw, L., Bernea, A. M., Hardesty, J. L., Saunders, D., & Whittaker, A. M. (2018 & 2021). "The system had choked me too": Abused mothers' perceptions of the custody determination process that resulted in negative custody outcomes. *Journal of Interpersonal Violence*. Advance online publication. <https://doi.org/10.1177/0886260518791226>
- Miller, S. L., & Manzer, J. L. (2021). Safeguarding Children's Well-Being: Voices From Abused Mothers Navigating Their Relationships and the Civil Courts. *Journal of Interpersonal Violence*, 36(9-10), 4545-4569. <https://doi.org/10.1177/0886260518791599>
- Rivera, E. A., Zeoli, A. M., & Sullivan, C. M. (2012). Abused Mothers' Safety Concerns and Court Mediators' Custody Recommendations. *Journal of Family Violence*, 27, 321-333. <https://doi.org/10.1007/s10896-012-9426-4>
- Ward, D. (2016). In Her Words: Recognizing and Preventing Abusive Litigation Against Domestic Violence Survivors. *Seattle Journal for Social Justice*, 14(2), 11.