

# NATIONAL COALITION FOR FAMILY JUSTICE, INC.

## Santa Clara County Chapter

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## DOMESTIC VIOLENCE AND FAMILY COURT

Domestic violence is a very serious issue in society today and we applaud the efforts made by the Domestic Violence Council to raise awareness on this issue through conferences such as the one being held at the Fairmont today. We continue to be concerned, however, that this issue is not receiving the attention that it warrants in Family Court. There are judges and Family Court Services personnel who continue to either ignore or minimize instances of domestic violence in Family Court cases and to give custody of children to abusive parents who have a history of domestic violence.

There are wonderful laws on the books designed to protect children from being placed through custody proceedings in homes where there is the potential for them to be exposed to violence. Unfortunately, as good as many of the laws may be, if judges and Family Court Services personnel ignore them, then it has the same impact on children as if the laws did not exist. Family Court has been guilty of routinely utilizing psychologists lacking understanding of domestic violence issues to make custody recommendations. Two such psychologists are **Terry Johnston**, **Michael Jones**, and another mental health professional **Valerie Houghton**. There are a number of cases we have been tracking where these three psychologists made recommendations awarding custody to parents who have a history of committing acts of domestic violence, including some who are convicted batterers.

But they are not the only guilty ones. Family Court Services personnel have also made countless recommendations to judges to award custody of children to batterers. At least one such Family Court evaluator was discovered to not have the required domestic violence training mandated by the state. We suspect that there have been others similarly lacking in required domestic violence training. One has to ask the question, how could **Sandra Clark**, head of Family Court Services, allow any of her staff to make custody decisions when they lack appropriate DV training?

Then there are the judges. Unfortunately, many of them have ignored or minimized domestic violence when making custody decisions. This is a scary thing as the judge is the last line of defense between a child and a potentially violent parent. If a judge ignores or minimizes domestic violence issues then there is no hope. **Judge James**

**Stewart**, who is now retired, knowingly placed children in the care and custody of abusive parents. In one documented case in our files he changed a long standing custodial relationship and gave custody of a 7 year girl to her father who was a convicted batterer when her mother had no history of any type of abuse and was not found to be an unfit parent. Most recently, **Judge Infantino** refused to hear testimony and evidence concerning domestic violence in a case where a young boy is clearly at risk of being harmed or of harming others because of his environment.

Family Code Section 3011 states that in making a determination of the best interest of a child in a custody proceeding the court **must** consider, among other factors, any history of abuse by one parent against the child or against the other parent. Unfortunately, many family court services personnel and judges make a mockery of the legislative intent of this law by considering domestic violence in a case but then explaining it away. The very system that was designed to ensure that the best interest of children always comes first has failed countless children in our community by not paying appropriate attention to domestic violence issues. Perhaps the problem is that judges, evaluators, and others charged with custody decisions have become jaded with respect to issues of domestic violence because they hear the stories of abuse so often. Whatever the explanation for the court's negligence in this matter, it must be corrected immediately for the safety and welfare of our children. Family Court needs to stop paying lip services to caring about domestic violence issues and it needs to start practicing principles designed to treat DV as the serious issue that it is. What is needed is more training of judges, psychologists, and all Family Court Services personnel from the top down by people like **Robert Geffner, PhD**, a nationally renowned expert on issues of domestic violence. It is a travesty to allow someone like **Terry Johnston** to be involved with domestic violence training as her lack of training and insight into this issue is evident in the manner in which she has consistently excused violent behavior in batterers while blaming the victim, and has recommended that batterers be awarded custody of children in too many cases.

We are always encouraged to see judges and Family Court Services personnel attend conferences such as this one and yet we are always discouraged to hear of them leaving a conference like this and going back to the same old way of doing things. Family Court needs a paradigm shift in the way it handles domestic violence issues and this will only happen with the right leadership in place and with on-going training specifically designed for court personnel conducted by those who truly understand domestic violence issues.

## **WHO WE ARE**

The National Coalition for Family Justice is a non-profit organization that assists those going through the Family Court system to understand the issues and dynamics of Family Court. We are also committed to on-going efforts to create a more just environment in Family Court for the benefit of the families served by the court system. For further information on our organization, please visit our website at [www.nationalcoaliton.net](http://www.nationalcoaliton.net)