

Domestic Abuse Restraining Order Reform Talking Points and Highlights

Domestic violence victim advocates, elderly services advocates, advocates for persons with developmental disabilities, and justice system representatives have identified a number of issues related to the accessibility and enforcement of domestic abuse restraining orders. This critical tool for victims of domestic abuse must be as relevant and useful as possible so that it truly contributes to the safety and well being of all individuals who are impacted by domestic violence.

This bill proposes a number of key reforms to the existing Domestic Abuse Restraining Order statute, Wis. Stats. 813.12.

- **Broadened Relationship Definitions to allow all victims of domestic violence the protection of restraining orders:**
 - Inclusion of adult caregivers of the elderly or of persons with disabilities;
 - Inclusion of dating relationships to make Wisconsin law consistent with the Federal Violence Against Women Act

- **Increased definitions of abusive conduct, particularly conduct that is targeted at the elderly and at persons with disabilities:**
 - Criminal Damage to Property
 - Criminal Mistreatment of Animals

- **Allowing a guardian to apply for an order for protection on behalf of an incompetent person whom is not able to apply for this relief on their own behalf.**

- **Clarification of Service by Publication.**

- **Clarification that a court commissioner or judge shall not dismiss or deny granting a temporary restraining order or injunction based upon the existence of other pending civil or criminal actions.**

- **Increased time limits for both temporary restraining orders and injunctions.**

- **Confidentiality of the victim's address to make Domestic Abuse Restraining Orders consistent with other similar orders.**

- **Clarification of the enforceability of restraining orders under certain circumstances.**

Rossmiller, Dan

From: Sen.Burke
Sent: Monday, February 04, 2002 3:33 PM
To: *Legislative All Assembly; *Legislative All Senate
Subject: Co-Sponsorship of LRB 3191, relating to domestic abuse restraining orders and injunctions



To: All Legislators

From: Senator Brian Burke
Representative Steven Wieckert

RE: Co-Sponsorship of LRB 3191, relating to domestic abuse restraining orders and injunctions

Attached is a draft of a bill that will expand the scope of Wisconsin's domestic abuse restraining orders. These improvements will bring Wisconsin in line with 22 other states across the country, as well as the federal Violence Against Women Act. This legislation was requested by the advocates at the Wisconsin Coalition Against Domestic Violence and the Wisconsin Coalition Against Sexual Assault.

Restraining orders are a critical protective measure for victims of domestic violence. Often they are the last barrier between the abused and their abuser. This legislation will expand the scope of the domestic abuse restraining order to include these populations as well as augment the time limits places on restraining order and injunctions once they are obtained.

The most significant change offered in this legislation will expand restraining order law to include individuals involved in dating relationships. Until now, individuals who were victims of violence at the hands of a dating partner could not access a domestic violence restraining order; under this bill that would change. Instead of being forced to seek a less restrictive harassment order, victims will be able to access the more effective domestic abuse order, which allows for greater protection over a longer period of time. The other addition to the current domestic violence restraining order is the inclusion of caregivers who provide in home and live in care services to vulnerable and elderly adults. Because violence against these individuals is tragically common, it is critical that they be protected as well.

Along with these additions, this bill will strengthen the restraining orders themselves. The temporary restraining order will be increased to cover a period of fourteen days instead of seven, and the term of injunctions granted will increase from two years to four years. This will ensure not only that victims are protected, but allow law enforcement adequate time to notify the aggressor of the existence of the order. Also, this bill creates a provision which guarantees that the address of the victim remains confidential when the order is served.

To co-sponsor this legislation, please contact Katy in Senator Burke's office at 6-8535, by NOON on

Friday February 8, 2002.



01-31913.pdf

**Testimony of
State Representative Steve Wieckert
Regarding the
Restraining Order Modification Bill
SB438, Before the Senate Committee on Judiciary,
Consumer Affairs, and Campaign Finance Reform
March 5, 2002**

Chairman George and Members of the Committee,

I appreciate having the opportunity to discuss briefly today about the importance of this bill.

For the purposes of obtaining an injunction, "domestic abuse" is currently defined by a set of relationships. For it to occur, both the victim and the perpetrator must be either a member of the same family or of the same household, have been formerly married, or have a child in common. Perhaps at one point this definition was satisfactory, but today it no longer is. This bill will expand the scope of "domestic abuse" to include two new types of relationships: dating relationships and caregiver relationships.

To understand the need for this legislation, you simply have to turn on your television. It is hard to avoid the stories and reports of dating violence and elder abuse. To understand the magnitude of these problems, consider the following:

Studies estimate that between one and four million women each year suffer violence at the hand of an intimate – either their husband or a boyfriend. Most of these women are between the ages of 18-29 – ages when often they are single, going to college, or starting their first job in the real world. More than one in four high school and college students will experience dating violence – and right now, our laws offer them nowhere to go when it comes to getting a restraining order for this abuse. There is a clear need for us to make it easier for those who are in violent and abusing dating relationships to get out, for their own health and well-being.

The bill also expands the definition of domestic abuse to include relationships in which one adult is being cared for by another. As the baby-boomers enter their golden years, the issue of caregiver and elder abuse will continue to grow larger. Whether they are being cared for by a nursing home, an assisted-care arrangement, or even by their children or other relatives, they should know that they will be taken care of at the highest level possible, and will be treated with the dignity and respect they deserve.

Unfortunately, according to numbers released by the federal Administration on Aging, that isn't always the case. In 1996, approximately 450,000 elderly people in this country were abused or neglected in domestic settings. And again, under current law, this is not considered domestic abuse.

This bill works to change that. It makes both dating and caregiver abuse "domestic abuse" for the purpose of seeking an injunction. It also expands the list of behaviors that constitute abuse to include destruction of one's property and mistreatment of one's pet.

The bill also makes it easier for individuals to obtain temporary restraining orders. It allows the petitioner to mail or fax a copy of the petition or a summary to the respondent. It lengthens the period that the court has to hear the request from seven to fourteen days, and lengthens the maximum length of a domestic abuse injunction from two years to four years. Finally, it makes a common-sense change by prohibiting the petitioner's address from being included on any materials that might be served to the respondent.

It is my hope that your fast action on this bill will help us to better protect those in dating and caregiver relationships from the violence that occurs far too often in the context of those relationships.

March 5, 2002

MEMORANDUM

TO: Members of the Senate Judiciary Committee

FROM: Patti Seger, Wisconsin Coalition Against Domestic Violence, Policy Development Coordinator, 608/255-0539

RE: Support for Senate Bill 438

Civil restraining orders are one of the major remedies the justice system provides to victims of domestic violence. Research on restraining orders has shown that the effectiveness of protection orders for victims of domestic abuse depends on how specific and comprehensive the orders are and how well they are enforced. Senate Bill 438 expands several definitions in Wisconsin's domestic abuse restraining order law, allowing for more comprehensive relief to a broader range of victims. The **Wisconsin Coalition Against Domestic Violence (WCADV)** supports this effort to strengthen protection for victims of domestic abuse.

Key proposals in SB 438 include:

➤ **Expansion of relationships that are defined as "domestic" under Wisconsin law.**

One of the many recommendations by the National Council of Juvenile and Family Court Judges (NCJFCJ) in their Model Code to Domestic and Family Violence is that the class of persons who may apply for restraining order protection be broadly defined. Comprehensive inclusion of all those exposed to risk within a family or household gives courts the latitude to construct relief to prevent further abuse and to provide essential safeguards.

SB 438 includes a definition of **dating relationships** that is both consistent with federal law (Violence Against Women Act, 2000) and 30 other states plus the District of Columbia and 3 US territories. It has long been recognized that domestic violence does not uniformly begin after an intimate couple is married or residing in the same dwelling (although sometimes this is the case). We all know and understand that many violent relationships begin in a far earlier stage...when the couple is dating. Under current law, victims of dating relationships can obtain a less effective Harassment Restraining Order.

There has also been increased recognition of abuse of some of the most vulnerable adults in Wisconsin...the elderly and those suffering from developmental or other disabilities. While Wisconsin does have a Vulnerable Adult Restraining Order, it does not provide same or similar relief as provided by the Domestic Abuse orders. The Vulnerable Adult order provides for service provision but will not enjoin an abusive person from contact with the victim of that abuse.



SB 438 will also allow a guardian to apply on behalf of an incompetent adult.

➤ **Increased definitions of abusive conduct.**

Many domestic batterers use a variety of intimidating and destructive tactics to manipulate and control their victims. SB 438 will include Criminal Damage to Property and Criminal Mistreatment of Animals as increased definitions of abusive conduct. There has been a rapidly growing body of research on the link between animal mistreatment and domestic abuse.

➤ **Confidentiality of victim's address.**

Wisconsin's Harassment Restraining Order allows for the address of the victim to remain confidential, however, this is not the case with Domestic Abuse Orders. Victims of domestic abuse are particularly vulnerable to stalking and increased physical violence when they attempt to leave their abuser. Every effort should be made to assist victims' in achieving safety for themselves and their children, including maintaining the confidentiality of their residence.

➤ **Increased time limits for both the temporary restraining order and injunctions.**

This proposal extends the length of the temporary restraining order from 7 days to 14 days to allow adequate time for civil process servers to serve the respondents. It also extends the potential length of the injunction from 2 years to 4 years. Many victims are forced to return to court after 2 years to obtain another 2 year order if the respondent's behavior has not ceased. Allowing for increased length of injunctive relief will provide longer term protection for the victims that need it, those that do not need this long-term protection can seek a shorter term.

The proposed changes in SB 438 go a long way toward increasing safety and protection for victims of domestic abuse. However, we recognize that the mere existence of a restraining order alone will provide total safety for the victims. Victims of abuse report the highest degree of safety when a range of services and community supports exist in conjunction with the restraining order. Two additional legislative proposals, SB 439 and SB 440, should they pass will also provide that wider range of support for victims of abuse. On behalf of victims of domestic violence, WCADV urges you to pass SB 438.



Wisconsin Coalition Against Sexual Assault

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March 4, 2002

To: All Senate Judiciary Committee Members

Re: Statement of Support

Please support the following bills that will ultimately extend further protection and assistance to victims of domestic violence:

SB 438 – reforms the Wisconsin's Restraining Order law by expanding the scope of protection for victims and enhances protection for individuals in dating relationships,

SB 439 – raises the standard of communications between advocates and victims of domestic violence and/or sexual assault, and

SB 440 – reforms Wisconsin's current stalking laws to cover additional behaviors that can be construed as stalking and increase penalties for offenders.

We have worked with and supported the Wisconsin Coalition Against Domestic Violence as well as other domestic abuse providers in Milwaukee to promote this legislation. Please continue this effort by supporting these bills in your committee.

Sincerely,

Amy Krymkowski
Government Relations Specialist

Memo

To: Senator GRG

From: MM

Date: January 27, 2002

RE: LRB 3191/1; relating to Domestic Abuse Restraining Order Reform

Victim advocates and justice system representatives have identified a few major problems regarding the accessibility and enforcement of domestic abuse restraining orders.

Under current law, domestic abuse is defined as abuse by one adult to another if the adults are members of the same family, members of the same household, are former spouses, or have a child together.

This bill would broaden the definition to include caregivers of the elderly or disabled, and dating relationships.

Under current law, the definition of abuse behavior includes sexual assault, intentional infliction of pain, intentional impairment of physical condition, or the threat to commit any of those acts.

This bill would increase the definition of abuse to include destruction of property of the other person and mistreatment of an animal belonging to that person.

The bill also would allow a guardian to apply for protection on behalf of an incompetent person. It would increase the time limits for both temporary restraining orders and injunctions. It would increase confidentiality. It would clarify that a court commissioner or judge shall not dismiss or deny granting a temporary restraining order or injunction based upon the existence of other pending civil or criminal actions. It would clarify the enforceability of restraining orders.

Custody and Domestic Violence: A Day in the Life in Wisconsin

Man Held in Altoona Slaying: Woman, 24, found stabbed in apartment

A 34-year old Eau Claire man with a history of domestic abuse is in jail for the murder of an Altoona woman Friday at her apartment. Ellen R. Glodowski, 24, who worked at an elderly housing unit in Eau Claire, died from multiple stab wounds, said Todd Chaney, Altoona's public safety director.

Police found Glodowski's vehicle at her apartment. After getting no response at the door, and because of the situation's urgency, officers entered. They found Glodowski's bloody body in her bedroom. "It was obvious it was a murder scene, Chaney said. "This was a rage crime." A knife, the suspected murder weapon, was found at the scene. State Crime Laboratory officials from Wausau were called while authorities searched for Gonzalez and the couple's 3-year old son, who lived with Glodowski. Gonzalez took the boy to a different house in Altoona, then went to his brother's house in Elk Mound, Chaney said. It's uncertain, but likely the boy was at Glodowski's apartment at the time of the murder, he said. "We were not only concerned about the crime scene, but also for the whereabouts of the boy", Chaney said. "We didn't know exactly what we had for quite a while there."

Gonzalez and his brother came to the Eau Claire Police Department about 11 p.m. Friday. Gonzalez was arrested and gave a statement to Eau Claire County Sheriff's Department officials that he committed the murder, Chaney said. Crime Lab officials were at the crime scene until about sunrise. The apartment remains sealed. Neighbors of Glodowski said they knew little about her, other than she was quiet. But Shanda Repicky, of Altoona, a close friend of Glodowski, said she was concerned about her safety. "I was probably one of the few people who knew what was going on", Repicky said. "He (Gonzalez) had been in jail twice for domestic fights. She was afraid of him. She didn't get a whole lot of satisfaction from the system." Repicky said Glodowski requested Gonzalez only have supervised visits with the couple's son, but was denied.

"He threatened to kill her right in front of me once," Repicky said. "She didn't think it was serious." Gonzalez, according to court records, was charged with misdemeanor counts of domestic battery and disorderly conduct stemming from a May 20, 2000 incident. He pleaded no contest to the disorderly conduct charge on August 16 and was placed on probation for one year.

-Eau Claire Leader-Telegram, April 8, 2001

The above story is a tragic example of the devastation that can arise out of abusive relationships. While not every story ends in tragedy, as it did for Ellen Glodowski and her family, the potential for continued violence and even homicide is present in many violent relationships.

Since Mandatory Arrest was implemented in Wisconsin, on April 1, 1989, there have been around 30,000 reported incidents of domestic violence annually. Additionally, local domestic violence programs serve over 35,000 individuals (men, women and children) and respond to over 60,000 crisis calls each year. Despite the overall trend in America to recognize the seriousness of domestic violence, abusive men that fight for custody are winning 70% of contested custody disputes, getting at least joint physical and legal custody or sole custody.¹ Many courts compound difficulties related to adult victim and child safety because of an unwillingness in family law cases to recognize domestic abuse, its seriousness, and its profound effects on children.

There are many stories similar to Ellen Glodowski's. Some of those stories appear on these many pages. Ellen's name will be the only name that appears in this document. All other names and/or

¹ Adams & Greaney, Report of the Gender Bias Study of the Supreme Judicial Court, 1989.

references that could identify the survivors, even when survivors gave permission to use them, were removed to protect these families that were so willing to share their experiences. Our challenge is to find ways to protect innocent children and victims from the trauma of further acts of violence.

Barron County

I work with a group of students in the Elementary School located in Barron County. I was nervous about working with these little kids. I decided that since I have children of my own who are the same ages. I will talk with them like they were all my own. The topic I chose, "Words that Hurt". I figured this should be easy because this is what they learn about at beginning of school and Daycare. My first group was the FIRST GRADERS. I was only allowed 30 minutes with each grade. Things were going smooth and group discussions were productive. For the last 5 minutes of group the kids asked if they could color now? Absolutely, they welcomed me and invited me back. As I was preparing for the next group every single student (six) started disclosing about the Violence they witness at home. Details were tremendous, my first thought were "OH MY GOD !!!!!" I ask to make sure the children were safe and their siblings. We did talk about how their parents' behavior changes when alcohol and drugs are involved. This set the course for the next few groups about ensuring their Protective and Safety behaviors were in place. To be quite honest, I almost walked away from my JOB that day. My heart hurt so much.....Then I realized if I were to run away from the ugliness of their little lives, "What will become of them?" How could they change their own way of thinking that it is NOT NORMAL to watch your parent get slapped, shoved, kicked or whatever. I decided that I can make a difference by empowering these LITTLE kids with knowledge and better behavior patterns.

-Submitted by Children's Advocate, St. Croix Alternatives to Domestic Violence

Brown County

"I shouldn't have to wait till I'm older to have a say. It's my life, they have no right to control my life. I don't want to go to my dad's. Why do I have to go? He's mean to me!"

-8 year old child

I would like to introduce myself to you. I am a domestic abuse survivor and mother of an abused 3-year-old son. The following few paragraphs can only give you a brief glimpse into my life and I cannot possibly put into words the emotional hell we endure daily.

I was in an abusive relationship with a man from 1990-1997. From the beginning I was with him he reminded me daily of how fat, stupid, ugly, worthless and useless I was and that no one would ever want me. A story that I am sure you are very familiar with. I was also physically abused quite regularly. In 1997 I became pregnant with his child. At the moment I told him I was pregnant, he told me to get rid of "it". He also told me to "come over there he had a coat hanger for me". (He'd do the abortion.) He told me often that it wasn't his kid anyway. Because I was brought up a Catholic, I didn't believe in abortion and had intended to keep the child. I had always wanted children. Under different circumstances would have been ideal, but I wanted to be a good mom and promised my child that before he was even born I would do just that. In early 1998, I moved into my own apartment after living with my parents since 1997. I wanted a healthy environment for my son without that abusive man in our lives. My son was born in 1998. Upon recommendations of family members, I applied for government assistance. I was FORCED to give the father's name or not receive any help. Because I had been abused for so long, my self-esteem was gone and I would have folded under the slightest confrontation. I gave his name and the nightmare has not stopped since. Of course he was identified as the father and he continued to deny paternity even after the test was 99.97% positive.

He was then awarded visitation rights and began to take my son. He told me that he never wanted the kid but he was going to take him from me and make my life hell. He still tells me he is going to take him from me. I was granted a 2 year injunction for threats against my life. This in actuality meant nothing because the court order stipulated that he pick up the child and I pick up the child after the visit. The police dept. informed me that each time I went to his house or he came to mine, we were violating that injunction and it could not be enforced. Every visit my son had with this abuser was traumatic, physically and emotionally. He did not want to go with him from the beginning. My son came back with facial bruises, tongue bruises, welts inside his thighs, rectal tears, circular bruises, pinch marks and worst of all the purple mark of a full handprint in his thigh. He screamed and cried at the sight of his father. He even ran away and hid behind chairs, but still his father made him go. The injuries continued. C.P.S. became involved from the beginning of the injuries. I was told although there was evidence of abuse, there was no proof. The father's explanation for these injuries every time was "I don't know what happened" and that was an acceptable answer. One C.P.S. worker told me she agreed with me there were issues but had to follow her supervisors orders. The original GAL appointed sat with the father and his family before court hearings and in court. No one was on the side of my son.

My son has told me that daddy hurts him, daddy slaps him, daddy kicks him, daddy pulls hair, daddy hurts penis. He knew at 2 how to hold a cigarette and what beer tastes like. My two year old could swear like a sailor. He comes home from visits in wet pants and underwear. He needs medication and his father will not give it to him. My son is now three and still tells me things happen at daddy's and that he doesn't want to go with him. Also because his verbal skills have developed, his father now does more subliminal torture. He made him sleep in a crib until it became recommended by the GAL to have a bed for the child. His father keeps his favorite stuffed toy in the other room and my son is not allowed to sleep with it. He has no clothing or bed sheets. He is never fed and routinely loses weight after weekend visitation. He challenges my son when he says he doesn't want to go on visits. (His words are "You got something to say to me?" It's not a question but a threatening challenge.) My son always backs down.

Please help us. When I heard there were some try to change visitation laws, I was ecstatic. I even cried. I hope you are the answer to our prayers.

-Anonymous

The arrest of my husband (following calls made by neighbors) was the separation that initiated the process of our divorce. It was not an isolated incident or the first time my husband had physically harmed me. Depositions taken by the divorce attorneys disclosed that of at least five other incidents I could recall my husband under oath admitted to four of them in his deposition. When I was asked by my divorce attorney if my husband had hurt any of our two boys, then 3 and 4, I recalled several incidents. In one incident my older son was crying and saying to me that his dad kicked him in the leg and his dad denied it in front of our son. After leaving our son's bedroom, I asked my husband what happened and he replied that "our son refused to say his prayers so I kicked him".

During the time of our separation, which lasted nearly a year, primary placement/ custody of our sons was given to me with alternate weekends given to their father as well as visitation periods during the week that allowed their father back into the family home. There were several more incidents to follow where their father would hurt me inside the home, especially just before he would be leaving with the boys. I was instructed from then on to bring the boys out to their father's car when he came to pick them up. There later came the incident by which their father followed me back into the garage and grabbed me from behind. I struggled to get away and ran out of the garage. He ran after me and grabbed me again on the driveway, when then my older son, 7 at the time, got out of the car and

stepped up to his dad, putting his hands on his stomach pleading with him to stop. Fearing for myself as well as for my sons, I contacted the Family Violence Center who then assisted in my getting a restraining order.

With the restraining order in place, only 1 1/2 months passed to find out that then my older son was being hurt by his dad. (Note: both of our sons have had developmental delays/special needs, with the younger one being medically diagnosed with autism spectrum disorder) My younger son's therapist and I suspected physical abuse by his father and reported it to police. My older son has reported three separate incidents of being hit by his dad. Two officers showed up to take reports from my older son and me. Both officers concluded and said to the boys that it is not safe for them to go to their dads so they should stay with me. Approximately 1/2 hour later, these officers returned to say that they had to take the boys to their fathers due to an injunction his attorney was able to obtain against me for keeping them the time before when being hit.

Despite a school counselor's call to child protective services months earlier...despite incidents recorded...despite our younger son's refusal to go with his father...despite my older son telling the GAL that he wanted to spend most of his time with mom because he doesn't feel safe with his dad and does not want to again be hurt by him...the court ordered a 50/50 placement for the boys of which 6 months would be with mom and 6 months with dad.

With the way this case was handled legally, it makes me really wonder if I should have stayed in the marriage with the man who is physically and emotionally abusive so I at least could protect my sons from any further harm. For these two boys, who both have had special needs since birth and have necessitated early intervention as directed by their pediatrician, should a 50/50 placement have even been a consideration to be in their best interest? Much more, is such a placement schedule with father....who has been abusing their mother in front of them, hurt physically and emotionally by their father themselves....serving the best interests of these boys?

-Anonymous

Burnett County

I am amazed that my three children are survivors of seven plus years of substantiated and documented domestic and sexual abuse. Their abuser/biological father retaliated by filing a custody suit that became a weapon in which the legal system allowed him to abuse the children. Since there is no safety provision in the Wisconsin system for supervised visitation facilities as provided for in 48 other states, my children are now at the mercy of the court. Subsequently, they have endured more sexual, physical and emotional abuse, to include threats on their lives by their father to silence them, as well as forcing me into obeying court ordered visitation. The courts also allowed the abuser's family *or no one at all* to supervise my children due to lack of funds or supervisor ability.

From this custody dispute evolved many horrible experiences, all of which are documented. My children experienced regression, nightmares, fear of authority, anxiety disorders, post-traumatic stress disorder, depression, suicidal and homicidal tendencies and more. The long term effects of this case have now cost the taxpayers even more money as this nightmare has come full circle: the first child victim in this case is now incarcerated at age 19 for battery. If the system had been knowledgeable and sensitive to domestic and sexual assault, and of the dangers caused by court-ordered visitation, and the effect it can have on children, it may have made the difference in this child's life. It is ironic that the victim of this sexual predator is re-victimized by being incarcerated while the real perpetrator has still

not been held accountable for his actions. Again, the cart is put before the horse thus ignoring a problem that inevitably only gets bigger.

-Anonymous; Children ages: 6, 7, 19

Calumet County

Was the legal system on my side?

I left my husband and stayed in a shelter. While I was there, my partner told my family that I was going crazy and needed help. My family took me to a hospital and he had the children while I was there. When I got out, he would not return the children to me. He had an order through the court which would not allow me to drive my children in a vehicle. I was only able to see them for a few hours during the week and every other weekend. My children were also unable to stay overnight at my home.

Besides the fact that my husband was emotionally, physically and sexually abusive to me, he also had three counts against him for prowling. Mediation was a joke, they never even met with my children. Through the whole process, I was always the "crazy one" and the law was on his side. My lawyer was not much help either. He didn't feel that I had the money or the power to win a custody battle. My soon-to-be ex- was not going to give up the fight. Not that he actually wanted the children, he just didn't want me to have them. My lawyer believes in the future he will give them back to me.

He now has full custody. My children continuously talk about living with Dad is like living in a boot camp. They are not allowed to be children.

-Anonymous

Chippewa County

I am living in Chippewa County where they give Joint Custody to men who are domestic abusers and child abusers. I hope there will be a change for the better sometime soon when we have people who are convicted of domestic abuse. They should NOT have joint custody of their children. What kind of message are we sending to our children when they are court-ordered to spend time with the abuser. When women finally leave their abuser, he no longer has physical contact with her, but then he uses the children to get the woman to do what he wants, when he wants. This has to stop!

My children have been in counseling for 8 years now and they do not understand why they are court-ordered to see their father. Then they blame me and take their anger out on me because I keep sending them back to avoid being charged with contempt of court for withholding children who are afraid of their abusive parent. These children will not tell many people they are afraid because they know what will happen to them if they speak out.

If we want to end domestic violence, we need to take a very hard look at the current custody laws and take a hard look at cases where domestic abuse occurs and protect our children. Joint custody is very confusing to children. My children love their father and are also disappointed and mad at him not to mention being embarrassed by his terrible behavior. Please take a look at what we are doing to the children and change the current laws and start allowing children to live a happy and violence-free life!

-K.

Clark County

After being married for several years to an abusive man, a program participant decided to end the marriage. The catalyst for the decision was abuse toward the couple's five-year-old son during an abusive incident. Law enforcement was involved in the incident, and even though he had harmed the child and his wife sustained multiple injuries, the police and on-call social worker determined that the child should remain in the care of his father. For nearly two weeks, the father withheld the child's whereabouts from the mother. She had no access to her child until the courts intervened.

The couple is currently pursuing a divorce. The mother has regained primary placement of the child, who started kindergarten in the fall. The father is allowed to see the child on weekends. Since the separation, the child has begun to act out. He has hit and scratched other children in his class. His teacher also reports that he cusses. He has also shown regressing behaviors, wetting and/or soiling his pants when with his father on the weekends. His mother states that these behaviors were not present before the separation occurred.

-Submitted by Legal Advocacy Program, Clark County Domestic Violence Project

A program participant underwent a custody battle with the father of her young child. The couple was never married, but lived together for approximately two years. At each turn during the custody battle, this woman felt as though nobody believed or thought important the abuse that she and her five children suffered at the hands of her ex-boyfriend. This program participant was treated with disrespect by the judge handling the case. In the written record of the custody hearing, the judge stated, "There's no evidence of inter-spousal [abuse] - we don't have spouses here. No battery or abuse here." The history of abuse was clearly outlined for the lawyers, guardian ad litem, and judge. The judge makes reference several times to the fact that this program participant had children by different fathers, and states that that "indicates a lack of stability" and that this young child "shouldn't get mixed up as you have these men that you live with." The program participant was married to two of those fathers. The other died before the child was born. The father was granted primary placement of the young child. Since that time, the child has stated to her mother, "my daddy's going to shoot you" and "my daddy's going to send you to jail." The child has been sick numerous times with irregular bowel movements (indicating a poor diet) and re-occurring rashes. These ailments were not present when the child lived primarily with her mother. On one occasion, the child appeared ill when she was dropped off for a weekend visit with her mother. Her mother took her to the emergency room where she was told that a mild concussion was likely and that the child should not be returned to her father's care until the local Department of Social Services was informed of the incident. The Dept. of Social Services was informed, but decided not to investigate as they thought, based on the child's statement, that she had sustained the injury playing with her older half-sibling. The mother had no option but to return her child to the home. Her daughter becomes hysterical when she is told she must return to her father's home, crying and screaming. The program participant fears that her ex-boyfriend's verbal abuse toward their daughter will escalate into physical abuse. As it is, the father has informed the school that she not be informed of what is happening with their daughter and consistently uses his wealth and connections with law enforcement and the legal system to manipulate her. He routinely threatens that he will take her back to court until she cannot see her daughter at all.

-Submitted by Clark County Domestic Violence Project

Columbia County

This is a story of a 16 year marriage. There was one disabled children. Domestic violence was reported to police 6 times. The mom was a stay-at-home mom and primary caretaker (of the child) for the entire marriage, and all of the sudden he is the better parent. The court never looked at the fact that domestic violence was a big part of their life. The attorney told her to work together, it would look better for her

in court. During the investigation (custody study) the *Guardian ad Litem* (GAL) went to his home but never went to hers. In fact, he told her it wasn't necessary. The whole case was pretty much the same, always bypassing her. It was a complete one-sided case. The judge, the GAL, the mediator, and family services had the case decided before it ever went to court. I have never seen such a crock in the 8 years I have been doing this work (victim advocacy). Sometimes her son doesn't show up for visitation with her and she will call and call. She'll call her attorney and he tells her to document it for the court. The judge demanded mediation and said if they didn't come to some kind of agreement he would decide for them. They never considered that intimidation might be a problem. Her attorney told her to figure it out because it would be 4 more years before this will end. There are statutes that are supposed to protect her and I reminded her attorney of this. He pretty much told me that she has to do this. The case went before the judge and he decided in dad's favor. He now has full custody and she have every other weekend, unless he works, they she may get the chance to have him 1 extra day. For 16 years she was the primary caretaker and now she isn't good enough.

-Submitted by the Legal Advocacy Program of Hope House

Dane County

I left my husband quickly because he pushed me down some stairs and hit me repeatedly one day. I was really scared of him. He had threatened to kill me before and after this incident -- violence had been a pattern with him. But before that I was too scared to do anything. Anyway, during our separation I got a lot of support and good advice. When I explained what had happened in our family, judges approved restraining orders for me and both of our kids. After that incident and many other incidents, the police and DA charged him with battery and disorderly conduct, with 9 counts of violating the restraining orders. I was one of the lucky ones, with a clear paper record of domestic violence and many professionals documenting the situation. During the two-year period of separation, we were in and out of court frequently for divorce issues and criminal proceedings related to his domestic violence charges. Of course, we never saw the same judge -- family court and criminal cases were entirely separated. So the family court judges had no experience of the arrogant angry way my abuser responded to the criminal charges. During our marriage, my abuser had almost never been alone with the children -- because I wanted to make sure they were safe, and because he wasn't very interested in caring for them himself. During these two years of our separation, because of the child abuse restraining orders, my abuser saw our kids for 10 hours a week of supervised placement. He frequently cancelled placement for months at a time. For two years, he averaged six hours per week of placement. When he kept placement he was verbally abusive to the kids and their supervisors, he did not regularly feed the children or give them naps (they were 3 & 5) . He alienated three different supervisors because of his treatment of them and the kids. One of them, a professional social worker, wrote the family court judge and *Guardian Ad Litem* (GAL) with her concerns about his treatment of the kids during placement. He expressed no interest in the kid's doctors visits, their preschool, or any other decisions regarding them. Also, despite the restraining orders, he sent me cruel and abusive letters and was unable to speak with me without verbally attacking me -- often in front of the children. In spite of all this, in court, he and his attorney were arguing for 50/50 placement and joint custody. We were ordered to have a study done by Family Court Counseling Services (FCCS). In the study, the FCCS counselor did not attempt to obtain any records of the kid's dad criminal domestic violence cases, nor did he consider or even mention domestic violence as a factor in the custody recommendation. He did not speak with the social workers, police officers, judges, probation officer or any of the officials in the criminal cases. Also, the FCCS counselor did not interview any of the people I provided as witnesses (teachers, doctor, etc), or speak to the professionals who supervised the kid's dad during placement -- the professionals who were saying he was dangerous and neglectful as a parent. The FCCS counselor did not look at my calendars where I had carefully documented two years

of the kid's actual and scheduled placement time with their father. Despite this, the final FCCS report concluded that we were both lying (the kid's dad and myself) and we should be forced to have joint custody and placement. I will tell you I went into court that day with dread in my heart. Thank God I had a good attorney and I could pay her fees. She managed to negotiate, in the final hour before our divorce came to conclusion, that if I dropped the three restraining orders, I would have primary placement, the kid's dad would have his 10 hours/week (instead of living with him half the time), and we would have joint custody. I grabbed it. His probation terms offer similar protection to a restraining order (basically not much, but you can call the police and it would break the terms of his probation, so he might care). Obviously, there is no way he and I can negotiate custody decisions, but at least the kids spend most of their time with me because of the placement agreement. If we can stay out of court on custody conflicts, I know they are mostly safe.

-Anonymous

I am getting divorce from a very cunning professional man who is a manipulator and controller extraordinaire. He never beat me up or threatened to hurt me physically, but he had many of the characteristics of a controller. He was verbally abusive, violent (threw things, etc.), threatened suicide to keep me in the relationship, withheld sex, had many affairs but was extremely jealous (secretly read all of my emails and journals and then raked me over the coals about the contents for hours on end), etc. Our marriage counselors recommended that we discontinue the counseling, separate, and that he get into anger management. He was admitted to a program but dropped out after a few sessions because he didn't think he had a problem.

He always insisted that the kids (3) were my responsibility and was abusive when I would ask for help with them (which I rarely did because of this reaction). After two years of trying to end the marriage, I finally got him to move out. One of my big reasons, other than the affairs, was that he was abusive (verbally) to me in front of the children and I had serious concerns about sexual abuse by him of my 9-year-old daughter and possibly my 3-year-old daughter. He was also addicted to marijuana and used cocaine sporadically. I filed for divorce. I also started my 9-year-old daughter in therapy. The abuse was reported last week by two sources other than myself, but my daughter did not talk when questioned at school during her lunch hour by a police officer and novice social worker so the case was dropped.

He literally terrorizes me on many levels, because he needs to maintain total control. One of the ways he is doing this is by trying to get 50% placement of the children, even though he works an extremely demanding, rotating, unpredictable schedule that includes nights and weekends (he is a physician) and I am a full-time stay at home mom. He apparently has convinced the GAL that he is the model father because the GAL has started awarding him half time, despite the sexual abuse reports and many things he himself has said about not being able to handle the kids. The GAL has never even met the kids or confirmed with them any of the things I have said. He has been on the case for several months now.

We now have to meet at a hotel to exchange the children because he has been so verbally abusive at the house in front of the children. The last time I let him drop the kids off at my house he vandalized my boyfriend's car and wandered around the property taking pictures to "prove to the court that I have a boyfriend," which was not something I was trying to hide.

I am so frustrated by the way the "system" deals with this kind of thing. It seems like as long as the guy isn't an axe murderer, he gets whatever he wants, particularly if he is a wealthy, white, successful professional. I can clearly see that 50% placement is a way for him to keep control and to punish me on an ongoing permanent basis. He also may be seriously damaging my 3 daughters in many ways.

There is no way he can keep up 14-16 days per month with the kids. He couldn't even handle 3 or 4 when we were married. But no one seems to pay attention to any of that.

-Anonymous

Dodge County

We had a woman come to our support group for several months. She had been involved with a man who ended up going to prison. They had a son together. The man never had any interest in the boy. When he got out of prison, his parole officer told him that he could get his child support reduced if he had joint custody of the little boy. This man, until that day, had no contact with the little boy and repeatedly said he wanted none. He had been abusive to the woman and had gone to prison for some kind of assault.

Based on the advice of his parole officer, the man went to court and obtained joint custody saying regardless of his past, he should have a chance to be a father. The little boy was terrified of the man and was frightened to go with him. She was told she had to send her son for visitation or she would be held in contempt. She became so afraid of this man that she and her son moved to Dodge County just to have some physical space from him. That is when they started coming to our support groups.

The little boy disclosed in support group that his dad liked to trap little animals and kill them in front of him. The man told him that if he wasn't a good boy, the same thing would happen to his dog. When we last had contact with the mom, she was attempting to borrow \$20,000 (which her new lawyer said it would take) to fight this man in court again. Her lawyer said it would be a tough fight but she said the fear in her son's eyes made the fight necessary.

-Submitted by People Against Violent Environments, Beaver Dam

Door County

How much is too much? A question I asked myself several times over year past. Was it the arguments every time I wanted to do something like work, go to church, get a GED, or just take a drive by myself? No! Maybe it was not being able to be at my fathers beside as he lay dying or not being able to go the hospital while our two year old lay alone with pneumonia. No! Was it the names, black eyes choking me, shooting at me? No no no no. No time seemed like the right time. I had no money, no job, and no place to go. There was always another birthday or holiday and previous engagements coming up.

I was left with the question again. How much is too much? A mother's natural instinct is to protect. Too much is when our children get involved. When it's time to go to work and your four year old begs you to take her and her little sister to church. She says daddy can't hurt us there. A little girl who wets herself if daddy raises his voice. Dad's handprint on a cheek, a spanking turning into busted lips or bloody noses. Questions arise, why? Answers: she should be taking a nap, I didn't mean to, it won't happen again, or it was her fault she knows not to push me.

My girls are 3rd generation living with violence. Currently my teenager is living with her father. My custody hearing is soon approaching and I am facing the possibility that my 2 younger daughters may have to live with him or be ordered to have visitation with this violent man. How is this in their best interest?

MGH 3 children 4-13

After years of abuse, I was finally able to get my children away from their father when I found he was beating them and withholding food from them as punishment when I was at work. During a child support hearing the family court commissioner awarded unsupervised visitation to their father and allowed him to take them to a home out of the county during his periods of placement. (Even though this man has threatened to take them away from me forever.)

When I told my children that they would have to see their father and go with him for the weekend they were terrified. One child told me he would turn himself into a piece of furniture so that he would not have to go. While they were packing to prepare for the weekend, I stepped into their room to see how they were doing and I discovered one of my boys had tied a kitchen knife to his leg and had a plastic bag with spices that he was telling his younger brother they could throw in Dad's eyes if he got mean. When I asked him if he was scared to go with their dad he told me "not if I can bring the knife with me"

Anonymous 5 children 6-15

I have many nightmare stories to tell about visitation gone bad. I will narrow them down to a few. When we first went to family court, the court commissioner ordered visitation, but also ordered absolute sobriety as a condition for times of visitation. When I brought my 4 year old son to the apartment, his father was extremely intoxicated. As I tried to leave he tried to push me down the stairs. I was stuck, I had to leave him there or be killed or seriously injured. I immediately went to the neighbor's apartment down stairs and told them what was going on and that I needed to call the police. I went back to my apartment and met with the police officer who then brought me back to my husband's in a squad car. He and his partner went up to the apartment and removed my son and brought us to the police station. My little boy was frightened beyond belief. When the social worker on call came in she simply asked why would I leave my child there if his father was drunk? After that we went back into court where my husband was then ordered to have supervised visitation, with overnight privileges. He was then living with his AA sponsor who had agreed to be the supervisor. I felt this would be safe as they were in his home and he had very strict rules about drinking. When I returned the next day to pick up my son, he wasn't there. I asked the supervisor where they were and why wasn't he with them. His response was that he had kicked my husband out of the house for breaking the rules and that I might find them at the laundromat. I was furious that I had not been called and terrified because I had no idea where my child was. When I went driving to look for them, I found my son sitting alone on the curb outside of a sleazy bar crying. Inside his father was drunk and in the middle of a bar fight. My son later told me that his dad had intended to kidnap him, but needed a drink first. After several incidents like these, I refused to put my child in this kind of danger again and I was soon served with contempt of court papers. This should not be allowed to happen.

-Anonymous

Douglas County

This is my letter to the Legislature as a survivor of domestic abuse with custody issues that continue to go back and forth. I would like the courts to be concerned with children's safety. When everyone recommends supervised visits, I think the court should listen. Not just listen to the one who is speaking louder, or because the father thinks he has his rights to see his children but it is actually his way of using the system to emotionally batter a surviving victim. I wish the courts would listen to the children and be concerned with their safety.

I would also like to know how come the victims have to obey the court order but the perpetrator does not. When ordered to Deferred Prosecution that fizzled out, nothing was done. Parenting class had

been ordered, did not comply. Anger management was ordered, did not comply. Child support was ordered, as of to date, still does not work. There was a contempt order for child support but nothing was done with this either. He was ordered to pay half of the medical bills but has not complied yet. There was no accountability time and time again. Furthermore, I had contempt charge filed against me for trying to keep the children safe and I would have been put in jail and/or fined for not letting him see the children because he was maltreating them. I feel there is not justice here.

I am called a surviving victim of domestic abuse because I was strong enough to make the right decision and get out of an abusive marriage for the sake of my children, who were 5 months and 2 years at the time.

-Anonymous

Dunn County

I have worked with a woman for many years who freed herself from an abusive relationship, but will for many years be connected with her abusive ex-partner because of their children. While their divorce is final, the battle over custody and placement over their children continues. He continues to bring their case back in front of the courts to gain placement to lower or eliminate his child support. Even after an instance of abuse against one of the children, he gained primary placement of the other child. While he has placement of this child, he does not abide by the court orders of visitation. Not showing up at the drop-off location to exchange the child. During this time, she is also paying child support to him when she has full placement and custody of one child and 50/50 custody and visitation with the other. By doing this, he is constantly using their children to gain power and control over her life.

-Submitted by Legal Advocacy Program, Bridge to Hope

Eau Claire County

In 1993, while exchanging physical custody of our four young children after a weekend visitation in my home, my ex-husband physically attacked me in front of the children. He left me with a skull fracture, a broken nose, and a concussion and left the children with emotional scars that they will always carry.

Although my ex-husband has spend most of the last eight years incarcerated in jail or mental health institutions, he still surfaces from time to time to demand visitation with his children. His indigent status earns him the dubious right of having his legal fees waived in order to "exercise his rights". I have incurred thousands of dollars of debt to lawyers and therapists trying to protect my children from further harm and to insure that any visitation the courts do grant him is supervised.

I fear one day, his legal status of joint visitation will enable him to demand that a school release his child to him, and that in a manic/drug-influenced/paranoid haze, one or more of my children will end up as a tragic headline in the newspapers.

Please change this law in order to afford victims of violence some measure of protection from ongoing harm.

-J.M. (age 40), 4 children (15,13,11,9)

Fond du Lac County

In April of this year, a young woman came to our door to obtain a restraining order against her boyfriend and father of her child. Her appearance mortified the staff. Our client was seated in the living room. Her face was red, black and blue. Her face was swollen beyond the point of recognition. Her eyes were swollen shut from the blows she had received to her face. If this was not enough, our client had broken bones in her face including her nose and her cheek. Bite marks, cuts, and bruises were visible throughout her entire body. Filling out the necessary paper work for the restraining order took longer than normal due to the fact that she had to hold her head in order to try and control the excruciating pain from a severe concussion she had also received from the beating. The restraining order was granted by the courts but the child custody issues were a more complicated matter. The Family Courts believe in keeping families together, seemingly no matter what the circumstance. It is believed that a father has a right to see his child at all costs. Through a long, traumatizing battle, sole custody was granted to the client. The lengthy process, however won, forced a re-victimization onto the client causing more trauma than she had already endured.

-Submitted by Legal Advocate, Friends Aware of Violent Relationships

Forest County

I am awaiting my final divorce hearing that is scheduled for November. My three daughters are ages 12, 5 and 3. I was in an abusive relationship for the majority of my 12-year marriage. It took me so long to finally get up the courage to leave my abusive husband for fear of a custody battle.

I finally fled to the shelter for my and my children's safety because I just couldn't take the abuse anymore. While we were in shelter, my oldest daughter disclosed that she too was a victim of her father's physical abuse. Social services were notified and completed an investigation of my daughter's disclosure. The child abuse allegation was substantiated. In addition to what happened to my daughter, there were records of reports that I have made about what I had endured over the years.

I had fled to different town and found a great new apartment for my daughters and I to live in. My two oldest children started attending new schools and we were on our way to starting our lives over. Those plans were quickly crushed because the visiting court commissioner who heard our temporary divorce hearing would hear nothing about the abuse. I was ordered to return the marital property, take my girls out of their new schools, and my husband was given temporary joint custody with frequent visitation. My oldest daughter is in fear every weekend when it is my husband's time for visitation. She is forced to be with the very man that tormented her both emotionally and physically. We all thought that we were finally safe and free from him when we left. We thought the courts were there to help us and protect us. We found out too soon that we were terribly wrong. I still have to see him when I drop off the girls for the weekend, but worst of all is that my girls have to stay with this abusive man every week because of this ridiculous court order of joint custody and visitation. So much for our safety and freedom from abuse!

-Anonymous; Children ages 3,5,12

Green Lake County

This is the story of a woman who lived in an extremely abusive marriage for two years. One night, after her husband had beaten her severely, she fled her home and went to the home of a friend, where she called the police. Her husband was arrested, charged and convicted of domestic battery and domestic disorderly conduct. He received two years of probation and moved to Milwaukee with their two children, ages 5 and 3. She began living with an ex-boyfriend in his two-bedroom house (she was

not economically self-sufficient, as her husband had ensured that she did not work for a number of years), filed for divorce, and began the process to regain custody of her children.

At the time the divorce became final, she still lived with her boyfriend and, according to the court, did not have "adequate" housing arrangements for herself and her children. Therefore, temporary custody of the children was awarded to her abusive ex-husband, with visitation every other weekend. This order was to be assessed when she obtained permanent housing without the aid of her boyfriend.

After a short time, she could not stand to be without her children so she went back to her ex-husband and was subjected to beatings almost daily, often in the presence of the children, until one night she again fled for her safety. Her ex-boyfriend again offered her a place to live. She was unable to take the children because her ex-husband threatened that if she tried to, she would be arrested for violating the court order.

One week later at 3:00 a.m. she lay sleeping in bed next to her boyfriend and was awoken to the sound of her ex-husband outside screaming and banging on the doors and windows. In fear, she lay quietly hoping he would leave, when the lights in the bedroom suddenly went on and her ex-husband jumped on top of the couple and began swinging. He eventually grabbed her boyfriend in the groin and continued to beat him senseless. At this point she ran, grabbing the cordless phone, and hid in the basement while she called the police.

When the police arrived her ex-husband was placed on a probation hold (probation has since been revoked). He was eventually charged with a Felony BC 2nd Degree Sexual Assault/Sex Organ Injury, Misdemeanor A Battery, Misdemeanor A Battery-Domestic, a Misdemeanor A Criminal Trespass to Dwelling, all of which are charged with Habitual Criminality attached to the charges.

Since the arrest of her ex-husband, I have become her Victim Advocate. She has set up living arrangements at the current residence that includes a separate bedroom for the girls. Within that bedroom there is one single and one bunk bed. Licensed childcare has been arranged, as well as arrangements to offset the costs of the childcare, medical insurance, food and clothing. She then petitioned the Court, obtained and used legal counsel, and still she has been unsuccessful in having her children returned to her custody. Instead, they remain with her father-in-law while her children's father faces up to an additional 13 years in prison for his latest attacks.

Because of father-in-law is unwilling to comply with the court ordered visitation arrangements, in the past three months she has only been able to see her children once. There has recently been a *Guardian ad Litem* assigned to the case; yet, no hearing been scheduled to date.

-Submitted by Victim Advocate in Green Lake County

Jackson County

My name is K---. I live in Jackson County, Wisconsin. I have three children, ages 8, 12, and 14 years old. My 12-year-old is severely autistic and has special needs. My abuser/husband landed me in the emergency room in September, 2000. The emotional, mental and physical abuse had gone on for years and was only escalating. I decided enough was enough and filed for a 2-year domestic abuse protection-order, which I was granted. The judge who granted my protection order also informed my husband to avoid the children until a family court commissioner ruled on custody. My abuser/husband filed for divorce at this time. In October, 2000, we went before the family court commissioner. Temporary joint custody of the children as granted, with primary placement to be with myself. Although my abuser/husband found a different residence, the family court commissioner granted him the right to have his placement times in the home (my home) every weekend, against my wishes and the protection order. This was ended after I came home and found a threatening message. My abuser/husband is still allowed to come on the property for placement exchanges. He has also violated his protection order many times over and fell through the loopholes despite police reports, witnesses

and evidence. His lawyer claims the family court commissioner granted him permission for contact with me concerning the children. To this date, neither my lawyer nor me have documentation to support this.

It is my hope that the language of the family law of May 2000 will be changed in order to protect victims/survivors of domestic abuse who are going through custody/placement issues. The issue of a family court commissioner being able to modify a protection order against the petitioner's wishes is ludicrous. It amazes me how a family judge can overrule a civil court ruling. It appears to mean that there is no consistency throughout the systems. Thank your for challenging this law.

-K., mother of 3 children

Jefferson County

"D" was recently divorced from a man named "B". They were married for 7 years, and have a daughter, now 4 years old. While they were married, he engaged in the following abusive behaviors toward "D" that were witnessed by their daughter:

Slapped, kicked and punched with closed fist, including in a moving automobile. Injuries included bruises and broken nose. Rape. Yes, rape in the presence of the daughter. In fact, he would hold a pillow over her face until she lost consciousness, then rape her, in the presence of the daughter. He would also threaten to rape her in the presence of the daughter as a way of getting her to do what he wanted. He routinely called "D" a "cunt". On several occasions, the daughter said to her mom, "Mommy are you a cunt?" He has been arrested numerous times for domestic abuse, both of "D" and of previous partners. He has joint custody of the daughter. Visitation is contingent on him taking medication for his bipolar disorder.

-Submitted by PADA of Jefferson County

Kenosha County

I am a mother of four young children, living in Kenosha County. My story is not unique. It is a reality. I have been in the long process of divorcing my abusive husband for nearly two years now. The custody laws have added much confusion and pain to the already difficult situation, with uninformed GAL's and judges forcing mediation, and placing the burden upon the abuser and the victim to "work their differences out". It is the epitome of barbaric attitudes. My husband is using the system to continue his wrath upon the children and myself. There is no where to hide because there is no "judicial shelter" to seek refuge from. Rights of visitation and custody given to the abusive parent allows this. And in the meantime, the children are being destroyed.

My children are paying the ultimate price. The court system is set up to permit my husband to further inflict his sickness and abuse upon my children and myself. The very thing I tried to protect and prevent by leaving the marriage. My husband has been charged for sexual misconduct to teenage babysitters in front of my children during visitation. He has abused me in front of the children, and has abused the children. Yet still, our justice system is allowing him to have joint placement. Upon the exchanges of our children for visitation, he has attempted to sexually abuse me and the continuing verbal abuse is something I've grown to expect. As for my children, they have arrived to me with bruises, they have grown increasingly violent, and are displaying the reflection of their father. Our children are the future, and what is being created by allowing innocent lives to be torn apart for the sake of the *new era of joint placement*, is nothing more than judicial genocide of children and adult victims of these perpetrators. While I will continue my journey, and try to repair the emotional and

physical damage my husband has done, I am still endlessly picking up the broken dreams and trust of my children. They are still being sacrificed but this time, the justice system is their enemy.

-Anonymous

Kewaunee County

I am a divorced mother of two girls (5, 8). I knew that I needed to get out of my abusive marriage or I would end up dead. My girls deserved better. During child exchanges my husband would use this time to abuse me, sexually, physically, emotionally. But I was told nothing could be changed. Police were called several times leaving the children with the abuser. (Victims worse nightmare, especially after being threatened with him taking the children so I would never see them again.)

When meeting with the court appointed custody study team and asked if there was any domestic violence, I said yes, and told a lot about different abusive situations. I told her (the social worker of times he would rape me in front of my daughter, the social worker asked if you knew you were going to be raped why would you take your daughter to bed with you? She then replied we will get back to this later, and never did.

The custody study team determined that the best decision was joint custody. My lawyer fought this decision and won. However the children still have visitation with their father, he uses them to get to me, and emotionally abuses them.

When women decide to leave and are finally safe, who is protecting the children when their mothers aren't there? Both women and children are revictimized over and over again.

-Anonymous

My nightmare as a battered woman didn't stop after I left my husband. Even though I divorced him and got a restraining order, it still was not over. My daughter would still have to go there for visitation. At first, things were ok, but little by little she started wanting to go there less and less. She would cry and at times even hide in her room. All she would say is was "I don't want to go, he yells all the time." The problem was she was too fearful of her father to let me say anything to him and I was afraid for her also. My attorney said there wasn't much I could do unless she was willing to talk and possible face him in court. When she came home with a black eye because he threw a chair at her, I went to the police. At first I wasn't very hopeful, they called him and of course he said it was "an accident." I knew this man's temper, I believed my daughter, even if they didn't. I didn't send my daughter there for visitation the next scheduled time, but I knew I couldn't keep her from him until something was done legally. On her next visit, he tried convincing her that it happened differently. My daughter is a very intelligent child and didn't let him convince her otherwise. I then went to my attorney, she got us meeting with the DA and my daughter got to tell what happened. Thank God that DA listened. He was arrested and a no contact order was issued. He has since plea bargained the case and is not able to see my daughter for 5 years unless she wants to see him (SHE DOES NOT). If she changes her mind, the visitation must be supervised.

Children should not have to go through this kind of nightmare! Abusive husbands do not always stop with their wives, the legal system needs to pay extra attention to these cases. If a child is crying and doesn't want to go, they could not be forced. They are people and should be heard.

-Anonymous

LaCrosse County

I feel I have lost the real me. I don't know whom to trust – or that I can trust anyone. He tried to make me feel paranoid and crazy, and I'm not sure how to get that dignity and self-respect, that he took, back. I'm constantly looking over my shoulder, waiting for his next move, feeling I'm not safe anywhere. Our baby has become his ultimate leverage over me.

-Mom with 8 month old child

Lincoln County

My custody issues began the day my husband locked me out of the house after he had beaten me up. I tried to get back in but he locked the doors and I gave up I couldn't take no more. I honestly did not know this would come back to haunt me when I left that day. He had been abusing me for seven years. How can he take the kids.

He continuously stalked me. He threatened me so many times at work that my employer allowed me to park near the door so he couldn't get to me as easily.

I was arrested for non payment of a ticket for failing to have a spotter on the back of the jet ski while someone was water skiing. When the ticket came he withheld it from me. I did not know I was getting a ticket because at the time of the incident I was told that the DNR would be contacting me. His attorney declared that I was under investigation for attempted murder on this incident. This was not true but the Judge did not ask for any documentation. I was judged accordingly.

At one hearing when I requested that I receive notification of any emergency or medical problems. The Judge said that he could see that this would not work out so he gave my ex full custody. The hearing was not even to hear custody issues.

One day he grabbed me and tore my shirt. I called the police but they did not take him right away because of him having sole custody of four little girls. They gave him time to get the bail money before he went in. Then they arrested me because he had marks on him and he told them that I had body slammed him and attacked him. I am 5'7" and weigh about 135 lbs. He is 6'2" and weighs 280 lbs. I worked a plea agreement with the DA because I didn't have the money to fight it. I was put a probation as per this agreement.

One time he ran me off the road and I swerved to avoid him hitting me, I went into the ditch. The cops would not arrest him because he said he did not do it. He had come up with a witness but when this happened there was no one with him. He got custody of the kids by manipulating me and the system. The police had come to our house so many times that they told me that they would arrest both of us and put the kids in foster care.

-Anonymous

Marathon County

I was divorced on 1998. My ex-husband was abusive to me during our marriage. During the divorce, he continued to abuse me and was stalking me. As a result, during the divorce I moved from Marathon County to another community. The advocates of the Women's Community Center in Wausau assisted me. The move was part of my safety plan...in that the geographical distance provided me with some safety. Post divorce his abusive behaviors continued. He remains controlling and threatening during his interactions with me. We have two children. He has been abusive to the children.

Due to recent physical and sexual abuse of our children, I filed last February for a change in custody.

We were court ordered into mediation. Statutorily, mediation should have been waived due to documented abuse as well as documented alcohol abuse. However, the Judge denied my request to waive mediation and assign a GAL. So, I traveled to Wausau for the mediation...that is where the divorce case remains. Mediation resulted in an impasse and so the GAL was appointed. My ex-husband failed to appear for the Impasse Review Hearing. His behavior escalated over the summer. I expected this as I knew based upon his past patterns of behavior that he would not handle the petition for a post divorce modification in a calm / benign fashion. {I am seeking sole custody w/ supervised visits} He advised the mediator that the children were lying regarding the abuse in January.

There is a long -standing pattern of verbal, emotional and psychological abuse culminating in violence. The situation is beyond poor judgement and poor parenting. It is abuse. It is unacceptable. In such a situation, children must rely on the adults in their lives to protect them. When the perpetrator is one of those adults, the children must rely on others, especially the "system" to provide that protection!! I have attempted to engage the system on various levels to intervene on behalf of my children. As a parent I have found it distressing to be told to wait until the damage is deemed great enough to take meaningful action on behalf of the children. I have found it equally distressing that this sends the message to both my ex-husband as a perpetrator and my children as victims/witnesses that this type of behavior is acceptable, and thus there is no point in reporting such violence because it will only jeopardize their safety further.

I don't know what will happen next. What I do know is that I can not imagine how it must be for women that have additional challenges/obstacles. I have a good job. I have health insurance. I have an education. In fact, I work within the system so to speak. I have a driver's license and transportation. I have an attorney. I have a supportive husband. I have a support network. I have a supportive employer. There are many women that lack resources and support. This truly saddens me...some day...some way ...I hope I can help.

-Anonymous, 2 children

Marinette County

"Just tell the truth." "Don't stay in such an abusive, unhealthy environment." "Think of your children." These were the things that were said to me by friends and mental health professionals. So I left my husband of nine years, after being ridiculed, tormented and repeatedly sexually assaulted. I went into the legal system, and I told the truth. And my husband got sole custody of our two small daughters, despite the fact that the judge stated that I was the better parent.

I feel I was penalized by the judge and the Guardian *ad Litem* in the case because they didn't want to hear that a white, middle-class, employed man without a criminal history could be abusive and assaultive toward his wife. Despite the testimony and validation of abuse that came from two separate mental health professionals, one of whom was court-appointed as a neutral party, that information was not given any weight toward the "best interest of the child". The "truth" I told about domestic violence was considered evidence that I would stop at nothing to "ruin the good reputation" of my husband. My commitment to counseling and undoing the damage of the abuse on me was viewed as proof that I was "unstable".

After several years I got my daughters back by signing away child support and agreeing NEVER to take them for counseling. The judge signed that stipulated order without any consideration for the fact that my children and I would suffer for both of those conditions.

-B.L., 2 daughters

This is the story that involves a 4 year old child, the mom and the abusive dad. The father had been abusive to the mom and had sexually abused the child. (This case will more focus on the child sexual abuse issue.) The child had disclosed to a teacher who reported it to CPS who in turn reported it to law enforcement. After going through that process, the child had a therapist whom also had disclosures. There was also a pediatrician whose findings were supportive of child sexual assault. In essence this was a case where actually everyone agreed that the kid had been assaulted. The father is pursuing supervised visitation with the child with his grandparents as supervisors of the father/perpetrator and the daughter. The grandparents and the GAL feel that the mom has alienated the kid from dad. They also have a psychiatrist for dad that says he does not fit the profile of a pedophile. Mom was denied a child abuse restraining order. The mom is being threatened with violation of a court order if she does not deliver her child for visitation, knowing that her child has been abused.

-Submitted by a sexual assault program

Milwaukee County

I am at the end of my divorce. Under current legislation my soon-to-be ex, who I have a domestic abuse restraining order against, will be sharing 50/50 custody and placement. He violated the restraining order twice. He used the kids in many ways to get to me. He used the kids as weapons and was confusing them. He made my kids violent and abusive, like him. He works many hours so for 13 years I raised the children like a single mom. Temporary order of placement gave him Fridays and Sundays. The courts seemed to infer that the children are with the mother the majority of the time so their violent, out-of-control behavior must be their mother's fault. "*She can't control them*"...and so forth. They didn't take into account that he talked to them every day, eventually turning them against me during the divorce. It was a living nightmare. If this bill was passed, the children may have been protected from mental and emotional abuse aimed at me. In other words, they were used as weapons and pawns in his sick game of control, power and manipulation.

-Anonymous

Monroe County

In 1996, I met my husband who manipulated me by saying that his ex-wife was at fault for everything in their marriage. He said she lied about the abuse of her kids. So, I married him, had a baby, and he started telling me that my family is bad for me. He tried hitting me a couple of times. He locked me in, nailing the windows shut and hanging heavy curtains. I couldn't work, he would call to make sure I was home. He said I was cheating but in actuality, he was cheating.

So I divorced him and he got joint custody of our daughter who was continually sexually abused. My ex knew that it had been done before and he did nothing to stop it. When I told him that he couldn't see her again, he laughed and said he would be seeing her again. He is now homeless and still screaming to see his daughter who is only three.

-T.S.

One daughter, age 3

In our case, the judge presiding over the divorce never heard of the repeated incidents of abuse. The only abuse he heard anything about was the last one (while we still lived together). The injuries that I received then will be with me physically until I die. I have permanently lost 70% of normal function in both hands and arms. The nerve damage causes chronic, intense pain. My six children see the pain I

live with daily. They see the limitations these injuries have left me with and they work to do what I can no longer do well. They know their father did this to me. Two of them witnessed the entire incident, which lasted over an hour.

We have joint custody. Our oldest child is now 19 years old and still feels the pain of his abuse against her. He tried twice to run her over with his car. The other children range in age from 9 to 15 years and all were affected by the custody decision. Joint custody allows this abusive father to continue his verbal and emotional abuse and perpetuates the experience and effects of abuse on all of the children. The only way any of us can escape the abuse and really heal ourselves is to have the abuser unable to continue his abuse.

To have joint custody of minor children with an abusive parent fails to break the cycle of abuse. My ex-husband understands the right of joint custody granted by the court as the court telling him he can go on doing what he did before the divorce. In other words, the court is telling him to go on abusing his children. The very system that promised me protection from abuse and my children is permitting abuse when they grant joint custody!

-A.D., Six children: Ages ranging from 9-19

Oneida County

When I divorced my husband, I wanted sole custody of our children. I was told that the state really liked to see both parents involved and joint custody was awarded. My ex-husband was never involved with the kids when we were married and the kids never want to go with him. He uses the children and pick up and drop off times to continue with his abuse. I finally was able to leave after twelve awful years and he still has control over me. I have refused to give the children over in the past and have been warned by the Sheriff's Department that I could be arrested for this. I have thought about fleeing. My husband's abuse didn't stop with me; he was verbally abusive towards the children. But, because he never hit them, he has joint custody. Although they saw their father beating their mother, they weren't the victims, so he has joint custody. I have to live with this for twelve more years.

-Anonymous, Children ages 6 and 10.

Outagamie County

My children and I are survivors of 25 years of domestic abuse. My children are adopted and they all have special needs with two of them being very severe. My oldest son who is 22 years old is in a group home and my 17 year old daughter is with my. My middle son who is 19 has taken after his father and is very abusive to all. He has been jailed due to the abuse. The courts gave my ex joint custody of my daughter and he has visits with her even after he sexually abused her. She has Downs Syndrome with severe medical problems so he says that she doesn't know what she's talking about. My ex has let her brother who is court ordered to have no contact with her have contact with her anyway. She is very afraid all the time when she knows she must go with him. She acts up severely at home before and after visits. When my ex visits with my oldest son, who is autistic, he also acts out.

I feel it is wrong of the courts to order joint custody and visits with the abuser just because he is the father. They need to stop and listen and see that this affects the children as well as the women. Look now---my second son is an abuser himself and is abusing his girlfriend, children, brother, sister, grandmother and mother.

Thanks for listening and I hope we can stop what's happening and change the way things are done.

-C.K., 3 children (22, 19, 17)

My child and I have not as of yet been freed from the threats, insults of the abuse of my ex-husband. I was in an 8-year-old marriage that became unbearable. I finally got the courage to tell my father when my son was 13 months old. I filed for separation and the courts would not see what happened to me. I was told that courts don't hear or won't hear about abuse. The state has a new way called get along with each other...that's what's best for a male child. And joint custody is what you want for your child. The courts have given my husband a "get out of jail free" card and my son and I continue to pay for the 8 years of marriage plus 5 years after the divorce. I have been court-ordered to 2 studies, 4 mediations, 2 GAL's, 6 counselors by my ex-husband's choice. This is to prove I am "Crazy, nuts" (my ex-husband's words).

This is joint custody? 50/50 placement? My ex-husband tried to force me to take an over-dose at knife-point. The police were call by others...I was told that I better not tell or I would never see my son again. I and my son have been shaken to the point of bruising on our arms. Kicked in the stomach when I was with child, with my son. And the emotional abuse...tell me that I was fat, ugly, stupid. When I had to lock myself in my son's room at night just to be safe. Then when he left for work in the morning, I packed what I could of my son's things. I took shelter with my parents. And that is where I and my son have been for 5 years. Because when you get out of an abusive marriage it stops the violence, right? Please save our children. Joint legal custody gives the perpetrators control over our lives forever.

-L.W., 1 child (age 6)

Portage County

Is joint custody progress? Joint, together, team, partner, significant other, husband, wife; these are all words that come to my mind when I think of joint. Can you come to an agreement jointly when for a long time you couldn't be a team? My partner and I were never truly a team because I feared his reactions, threats, insults, and most of all his anger. We are now separated, with joint custody, expected to make joint decisions on the behalf of our son. I thought that by leaving the abusive relationship I would reclaim my freedom and make the fear go away, any gap in our custody papers leaves me prey. He thrives on any control he can get. Decisions are made for control, not for the best interest of our child. Joint custody in my situation is not effective.

-A.R.

Rock County

A woman and her three children came to stay with us from California. When she arrived she revealed that she was a Janesville resident and had fled to California from a domestic violent husband to be close to family. She had been mandated to come back to Wisconsin with her children because of the beginning process of a legal divorce. Her husband, as she stated, had abused her and the children over a period of 6 years.

Through our advocacy work with the children it was revealed that they had been physically abused by their father and were not comfortable being with him in most settings. Before any legal and definite custody orders had been established the parents had to share 50/50 custody of the children. After the kids weekly visits with Dad they would complain that grandma and grandpa were the only people they saw and Dad was never around. They also complained that Dad didn't allow them to attend their extra-curricular activities when they stayed with him. He also withheld serious medical information from the mother that the children endured on their visits with him.

Throughout the divorce proceedings the father had decided to fight for primary placement of the kids. At the hearing to decide who would receive the primary placement the father stated on the stand that he physically picked up his child and threw him full force into the couch to teach him what it felt like to be hit by a car. He went on to describe numerous acts of domestic violence the kids either witnessed or were a part of.

In the judge's final statements he stated that the mother had been successful in getting the kids into extra-curricular activities, a church group and sports. He also stated that the children were excelling in school, better than ever before. He noted that the children had been making great positive changes due to the mother's willingness and effort for her kids. The judge did also say that the mother did not follow through with some conditions set upon her through the courts.

The judge's final statements for the father were detailed in explaining his lack of effort to come to school functions, conferences and the kids outside activities. He also was disappointed to see that the father had not, as requested, look into any schools in his area for the children to attend nor did he spend time with the children on his visits because as the father stated "work has to come first."

The custody orders were established with primary placement with the father. The judge reached his decision based on the fact the mother had fled with the children.

-Submitted by YWCA Domestic Violence Program

Rusk County

A woman is continuously abused physically and verbally by her husband. She divorces him but they still have children in common. She gets primary physical placement. Then one night, the ex-husband comes to the house and rapes her. She calls the police about the rape and goes into shelter. The officer who took the mom's statement called the abuser and told him not to worry about the charges. The officer also told him that she was going into shelter and gave the shelter's address to the abuser. The woman, feeling scared, tried to kill herself and was involuntarily confined to the hospital. Now her mental state is being used against her. She has not lost custody completely but has lost primary physical placement and her abuser is challenging her having any custody at all.

-Submitted by WCASA

Sauk County

In this story the husband and wife are separated and the mom had physical custody of the children. He had a visitation with the children and on the return of the children, he started a fight with the mom. It got physical, he broke the sliding glass door and also smashed her things. She called the police but they did not arrest him. The police told him to leave the property and he did. He has been diagnosed as having suicidal and homicidal tendencies. There has been a lot of domestic abuse in their history, which was never discussed in family court. She has been labeled a chronic nuisance by the police and they told her not to call them anymore or they may arrest her. She has since lost custody of her children and gets little visitation. The court never considered that there was a lot of intimidation going on in the court room and the domestic abuse in their relationship was never brought up. Her attorney told her that she shouldn't bring it up! Another case lost.

-Submitted by the legal advocate at Hope House

Sawyer County

When the court awards joint custody, I feel the abusive parent should have to be in counseling, anger control classes, and whatever else one needs before even being allowed to see the children. The visits should be supervised until the abusive parent has met all the requirements to ensure the safety of the children. Please think of the innocent children that can live free from the abuser.

-Anonymous, Lac Courte Oreilles

I am a staff member at a shelter in Lac Courte Oreilles. I see many families come and go. Some of the victims openly discuss their issues on the abuse in their home life. The children are a very big issue. They do not need that kind of life to be brought up in. They need to be safe and secure at all times, away from the abuser until the abuser receives the help to become a better parent.

-Staff member, Oakwood Haven, Lac Courte Oreilles

Shawano County

We know the story well. She had been going to counseling and support group. She knew she could not continue in this manner. She had tried to set boundaries.

The physical abuse had been going on for most of their married life. It had accelerated after her miscarriage. Money was a big reason for disagreement. She had received money from an estate. He wanted it. The next thing she knew, divorce papers were served.

In discovery, there were requests upon requests for information. He would come by her new apartment to bring her things from the house. Instead of boxing the items up and leaving them on his porch as agreed upon, he brought them one by one to her new apartment. There were delays upon delays in the courts. He would make an excuse why he could not appear and always at the last moment. When he didn't play this game, his attorney would cancel. They were so sure that she could not stand the pressure and would give in.

She was afraid of him. He had a friend in her apartment building. He used this as an excuse to harass her. In the court-room, she tried to explain the previous abuse was not allowing her to meet with him. There was a restraining order that the judge thought they should put aside to solve their differences. The threats of violence influenced her settlement. She got very little for her years in the marriage...because domestic violence was not addressed, he still harassed her after the divorce. She finally moved to another area to have a new beginning.

-Submitted by Domestic Violence Center of Shawano County

Sheboygan County

I am a divorced mother with four girls, age 15, 11, 8 and 2. I was in an abusive relationship for four years with the father of my baby, Emily. It ended very badly. He left us with no money, food or shelter. I had to seek help.

Mediation was a joke. My ex-husband was verbally abusive there to me and they still gave him joint custody. When we got to the divorce hearing, they didn't let me talk about any of the abuse or my fears of visitation and custody. Even though he asked for joint custody, he wouldn't use the visitation. He said it was because he was angry with me and didn't want to take it out on her! It has now been 9 months since my daughter has seen her father and now they have cut my child support to \$200 a

month. During the divorce, my daughter had many ear infections and was on medication all the time. I called my ex-husband to talk about having ear vents put in her ears. He said no! I then talked to my attorney who advised me to get letters from doctors. The doctors called my husband and told him that in our child's case, ear vents were the best thing for her. He still said no! Then the judge had to make the decision. She got vents.

This doesn't seem fair. There is nothing joint about any of this. I thought when I left him the abuse would stop but it hasn't. He has more rights than the victims he left behind.

-J.B.

I have two children (girl, age 11 and boy, 18 months). Last year, after 15 years in an abusive relationship, I found the courage to leave. The thought of my daughter seeing her mother being beaten, kicked, choked...was unbearable.

I went into court thinking the judge would be appalled by what he heard. He wasn't and granted joint custody.

My ex-husband, by this time was living with his girlfriend. Their relationship is, of course, abusive as well. My daughter is once again watching adults interact in what she has become accustomed to thinking is a "normal" relationship. The only difference is that I am not there to protect her.

-Anonymous

My greatest fears for my children are that since my husband can no longer control me, he will exert abhorrent psychological abuse upon the children. The children are afraid to be alone with him. Even with expressed graphic details to all of the attorneys involved, neither they nor the judge valued the children's adamant and consistent fears. Throughout all of my dealings with the court, not once has my reports of physical and psychological abuse been accepted or valued in anyway; hence minimizing the well being of my children.

-My children range in age from 4 to 15.

Trempeleau County

I am a survivor of domestic violence and I would like to share my custody battle with you.

On January 3, 1994 I left my abusive husband after several hours of physical and verbal abuse endured by myself and my four children. We spent time in a women's shelter and eventually I found housing and moved into town, I enrolled in technical college and earned a degree and eventually found adequate employment. My husband has an extensive record of violent behavior including spending time in jail for conspiracy to commit murder. In 1996 he was being investigated for trying to hire someone to kill me when he was subjected to a house search conducted by Probation & Parole and other government agencies. He was serving probation as a result of the battery charge stemming from the beating he had given me on January 3. He was charged with a felony weapons violation and sentenced to 52 months in Federal prison. At the time he went to prison we were in the process of getting a divorce, due to financial obligations I had to stop the divorce proceedings so I could continue to receive disability payments to pay the mortgage on our joint property. In April 2000 he was released from prison and I again started divorce proceedings. This is when my custody battle began.

My husband did not show up in court for our custody hearing so the Family Court Commissioner ordered full temporary custody to me, allowing for 1 day of visitation per week. My husband then

insisted we undergo a custody assessment which involved having a psychological evaluation for both of us, social service workers interviewed me and the children and did a home visit, I was told the children needed to be present for the visits, however, when my husband did not comply and have the children there the social worker said she wouldn't push the matter. My husband has called the police and sent them to my house while I was at work on allegations that the children "were killing each other" and "had no food to eat in my house." The officer reported these allegations were not true. I also had to go into social services and explain that these allegations were part of my husband's plan to prove me unfit as a mother. My husband has repeatedly accused me of neglect saying I work from 6 a.m. until 10 p.m. and am never home with the children. In fact, I work from 8 a.m. until 4:30 p.m. and have used a majority of my vacation time to stay home with them when they are ill or take them to various appointments.

The issue I have with the entire custody process that I have endured is that I think it is extremely unfair that my children and I have been subjected to all these investigations and assessments when we have never done anything to deserve this scrutiny. I have been the sole caregiver and parent to these children from conception to today. I am the parent who always met their basic needs, comforted them when their father was abusive to me, helped them with school work, went to parent-teacher conferences, took them to scouts, gymnastics, and sporting events, nurtured them when they were sick, took them to the doctor and dentist, made sure birthdays and holidays were happy for them, took them to church...all the "normal" things children need to grow up happy and secure. Their father has not been involved in their lives in any meaningful way, he doesn't understand their medical conditions (even though I've told him), doesn't know what grades they are in, has forgotten their birthdays, does not attend parent teacher conferences, doesn't support their involvement in activities, has allowed our teenage son to host a beer party, and doesn't have a clue about encouraging positive involvement in church, sports, or scouts. Besides his lack of parenting skills he has an extensive criminal record, admitted he kicked our daughter during an assault on me, has a long documented history of psychological problems including post-traumatic-stress disorder, schizophrenia, alcoholism, and paranoia. I feel it would have been more appropriate for the court to look at past documented behavior of my husband and myself and not involve the children in the custody battle. Another issue that is not considered is the effects of a "joint custody" ruling on battered women. My husband abused me for 15 years and continues to harass me and do whatever he can to undermine my relationship with our children and humiliate and badmouth me throughout the community. He has admitted coming into my house when I'm not home and has stolen several things from my house including personal photographs. His desire is to destroy me and my life and I fear that when he doesn't succeed with his present tactics he may still resort to killing me. But yet, the courts assume it's possible for us to "work together" to raise our children? Perhaps our judges need some training on domestic violence, battered women's syndrome, and the cycle of abuse.

Unfortunately, my battle is not over. The custody assessment team has completed their interviews and evaluations and I am waiting to hear what their recommendation will be. Even if the team recommends that I be awarded sole legal custody my attorney and I have to convince the judge that "joint custody" is not an option.

I applaud your efforts to educate lawmakers and the courts about the injustice being committed against battered women and their children.

-Anonymous

Walworth County

One of our clients was a victim of emotional, physical and sexual abuse for several years. After she could not take it any longer she filed for divorce. He was so angry that she filed that he left a gold bullet on her pillow. The perpetrator and our client have a child in common. The judge ordered joint custody as part of the temporary divorce order. The perpetrator used this to his advantage to continue to control our client. For example, her mother in Brazil had a heart attack and was near death. The perpetrator refused to allow them to leave the country. Also, he didn't like the babysitter our client chose. One time when he picked up their daughter from the sitter he yelled and screamed at her because our client had forgotten to pack a blanket so their daughter wasn't allowed back in the day care. The perpetrator knew that our client didn't have any other option for childcare. Therefore her only option was to let his family watch their daughter. The perpetrator also used joint custody as an excuse to call and harass our client. He was constantly questioning who she was with and where she was. If the police were ever called he'd always claim they were discussing custody matters. Some nights he would call over 15 times. Our client was also physically abused by this perpetrator on several occasions while exchanging the child for visitation. At their final court appearance the judge ordered permanent joint custody. Our client has not been seen or heard from since. We feel she could not deal with this decision and fled with the child.

Submitted by The Association for the Prevention of Family Violence Legal Advocate

Washington County

When you consider the best interests of the child, do you consider domestic abuse as one of your factors? I am a divorced mother of 2, an 8 year old boy and a 5 year old girl. My children and myself are survivors of mental and verbal abuse. Because my children still have contact with their father, they are still abused in that way. I also fear that there may be physical and sexual abuse going on but haven't been able to prove it yet. I have many problems with them, especially right after visitation. For example, even with the hall light on, they each have their own flashlight for night time trips to the bathroom, and I still get called to help them back to their bed for fear of what might be under it. They want to eat out all the time like they do with their father. They expect surprises (gifts) upon their return because Disneyland Dad always has 1 or more for them. They are constantly talking about the bathroom and bodily functions and cracking jokes about it. My eldest occasionally gets to the point where I fear he may physically hurt his sister—only because she looked at him.

My 5-year-old has at times hit or terrorized younger children at daycare, taking out her frustration. How can she verbally tell someone how she is hurt and confused by the mental games Daddy plays with her head? My 8-year-old, last year at school, blamed other kids for things he did. He went through a stage of stealing things. These are only some of the things I deal with. Do you have any idea how frustrating any of these are on its own, and when you combine 1 or more together, how much more frustrating it makes it? As soon as I start to get a handle on things, they go back to visit Dad and all my work seems to go down the drain.

One last thought: Have you ever had your child tell you that they feel "safer" with you than with the other parent? Do you have any idea how that can make you feel?

-Anonymous

Waukesha County

The issue of custody in Milwaukee County involving domestic violence situations should be looked at more carefully. I have two girls ages 3 and 1. The commissioner granted joint custody - equal placement even with the 5 domestic violence incident reports on his desk. Including one while I was

pregnant. It is unfortunate that the court system isn't more concerned for these innocent children."
-20 year old Milwaukee Co. woman, in Waukesha Shelter with 2 girls

In September 2000, I obtained Domestic Abuse and Child Abuse Temporary Restraining Orders for my daughter and I. The judge ordered my husband to vacate the house because of the abuse he admitted to, but the judge did not grant issue the injunction. Two days later the divorce court commissioner granted 50/50 placement of the children. Then, both children witnessed death threats and verbal abuse to their mother and witnessed and were subjected to emotional abuse. In July 2001, I obtained a 2-year Domestic Abuse Injunction for myself.

-Female: Age 39, Two Children: Age 7 and 2

Winnebago County

Where do I begin with the problems I have experienced? My rapist, also known as my soon to be ex-husband, and I currently share joint custody. Last March our oldest daughter became ill. She had a stay in the hospital. She was only 3 at the time and it was very serious. My ex-husband went out of his way to make things difficult on me. In order to hurt me he insisted that my daughter be released into his custody because it was his weekend even though she was crying to come home with Mommy.

Abusers will use anything they can (including their own children) to hurt their ex-partner. My soon to be ex has used every excuse to see me and call me about the children he can think of and then he says mean and hurtful things. He badmouths me in front of them. He has a lot of control over my life through the joint custody and he is constantly looking for ways to make me pay for leaving him.

-Anonymous

Wood County

I met my husband when I was a young teenager. I didn't know the odd things he did to me sexually were not normal. When we had our oldest son, my husband spent most of his time away from home. He always had something to do, and it usually happened at night.

One of my many faults that he never neglected to point out was that I couldn't budget money well enough to suit him. He had a good job, didn't he? What was my problem?

Eventually it became clear that my husband had an addiction to pornography. He was so good at hiding it that I felt guilty for even considering it. It wasn't until my 10 year old son made sexually offensive remarks to his little sister that I realized my husband's addiction now included him. My son now was emulating everything his father did. His younger sister and I were the recipients of every verbally abusive statement either of them made.

When I tried to divorce him, he had that money and I was the "crazy" one who spent all of her time trying to concoct stories.

As it stands now, he gets the children every two weeks. By the time I get them back, my son is so out of control all he talks about is what garbage I am and how "cool" his dad is. My daughter is a sad, confused child who wants the light on all night and who spends her time clinging at my side. By the time she starts to get adjusted to me, it's time to take her back to her dad's.

How can I prove this in court? Please give my children the protection they both need. You are my last hope that they will both have a normal life.

-Anonymous