

# Child Safety First

## Preventing Child Homicides During Divorce, Separation, and Child Custody Disputes

Recommendations for Reforming U.S. Family Courts





# Acknowledgements

***Child Safety First: Preventing Child Homicides During Divorce, Separation, and Child Custody Disputes* is a publication of the Center for Judicial Excellence (CJE).<sup>1</sup>**

**CJE is a nonprofit organization based in San Rafael, California.** Our mission is to protect child abuse and domestic violence survivors in the U.S. family court system and to foster accountability throughout the judicial branch. For nearly two decades, the Center has been a voice for vulnerable children and a catalyst for child safety as we work tirelessly to expose the systemic failures in U.S. family courts that are harming countless children. We accomplish this by educating the media, lawmakers, and the public about the need for major reforms, while we spearhead legislation focused on keeping children safe and alive through their parents' divorce or separation.

This report would not have been possible without the strength and determination of the survivors who agreed to share their stories. We remain inspired every day to continue this work because of their commitment to transform their unthinkable tragedy into a positive force for change in the world.

We encourage you to review the resource list at the end of this report to learn how many families are commemorating the lives of their children. We have a vision of one day creating a memorial for these fallen children, to offer their families a place to grieve and to honor their children's lives.

We would like to extend our deep gratitude to Mara Tissera Luna, who authored and researched the report. Mara is an Argentine-Italian, California-based independent research consultant. She has 11 years of qualitative research and evaluation experience in child protection and forced displacement in the Americas and Europe. She has provided research and evaluation for UNICEF, the End Violence Lab at the University of Edinburgh, the Latin American Foster Care Network, and the University of Buenos Aires, among others. Her research and evaluations in the Americas and Europe have produced or contributed to more than 20 reports, handbooks, and articles<sup>2</sup> and a TEDx talk<sup>3</sup>.



We also want to thank Karina Padilla Malca, Ph.D., who assisted with this research, and our reviewers: Dr. Peter Jaffe, professor emeritus and director emeritus of the Centre for Research & Education on Violence Against Women and Children at Western University, Canada; Dr. Jean Mercer, Psychology Program, Department of Social and Behavioral Sciences, Stockton University, Galloway, NJ; and Kathryn Spearman, Johns Hopkins University, MSN, RN, Ph.D. Candidate. Their insights and expertise were invaluable in helping us shape the report. Please note the opinions expressed in this report are those of the Center for Judicial Excellence, and not necessarily those of our reviewers.

This report was inspired by the pioneering work in 2016 from Women's Aid, based in the United Kingdom, which published *19 Child Murders: What must change so children are put first in child contact arrangements and the family courts.*<sup>4</sup>

Project management and content direction of the report was provided by CJE Executive Director Kathleen Russell. Many thanks to Sarah Edwards for editing the report and to Emily Scherberth and our team at APCO for

designing it and helping get it out into the world. None of this would be possible without our dear friend Eszter Szocska's countless pro bono hours spent building our customized child homicide database, where we track this data on an ongoing basis.

We are also grateful to Jeremiah Lindemann from Esri Denver for his pro bono guidance and help developing our online murder map and graphics, and to Sandy Ross for connecting us. We are grateful to CJE Research Director Kate Mallek and CJE Esri Dashboard Manager Mei Harrison for their careful and conscientious work in honoring the children we commemorate. And to Logan Begneaud for her painstaking work during the earliest years of our data collection.

We are indebted to our 2021 summer cohort researchers Rebecca Coble, Rebecca McKown, Yasmine Yasin, and Dr. Jennifer Kagan-Vieter, as well as our data volunteers Connie Valentine, Kim Osmer, and others who helped create the database by delving into this painful material. A final thanks to the CJE Board of Directors for steering the ship, and to our generous donors over the years who have never wavered in their support of our mission.

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**On the right:** For years, White House protests were organized by mothers whose children were put into danger by family courts. This photo was taken an hour before Hurricane Sandy ripped through the East Coast on Oct. 31, 2012.

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# Introduction

In the United States, tens of thousands of children each year are ordered into unsupervised contact with their alleged abusive parent by family courts during custody disputes.

Tragically, in too many of these cases, filicide, or child homicide by a parent or parental figure, is the result.

Researchers at the Center for Judicial Excellence began documenting child homicide cases involving divorcing, separating, or court-involved parents more than a decade ago after realizing that no government entity or researchers were tracking these tragic homicides across the country.

We quickly recognized that these murders were not the isolated tragedies the news media reported them to be, but instead they consistently illuminated what domestic violence experts and researchers have known for decades: that divorce or separation is the most lethal time for family members suffering under domestic violence and coercive control.



**Pictured above:** Protective mother Jennifer Carniato (on right) sits down with NBC reporter Vicky Nguyen in 2018 to discuss her family's ordeal in a court-ordered reunification camp. Her judge ordered her to raid her daughter's college fund to pay \$40,000 for the controversial 4-day threat therapy.

By documenting more than 940 child murders by a divorcing, separating or court-involved parent or parental figure since 2008, CJE researchers have seen consistent patterns including:

- Family court personnel **routinely ignore well-established lethality risk factors and evidence of abuse** and instead prioritize shared parenting.
- The mere **mention of divorce or separation can trigger a perpetrator of coercive control to murder their children in an act of revenge against the other parent** for leaving them, but physical and legal separation creates the greatest risk.
- The news media is **woefully uninformed about trauma-informed best practices for reporting on child homicides.**

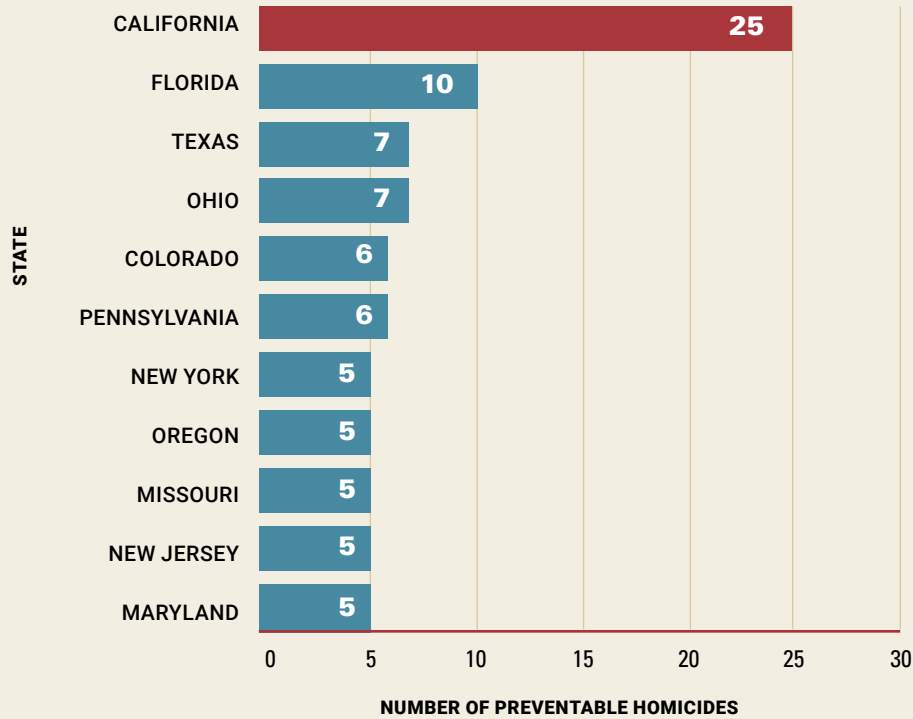


**Pictured above:** CJE Executive Director Kathleen Russell (left) helped organize numerous lobby weeks with allies at the U.S. Capitol from 2016 - 2018 to secure passage of H Con Res 72 through the U. S. House of Representatives with 86 bipartisan co-sponsors. This early work set the stage in Congress for Kayden's Law to follow from 2019-2022. CJE partnered with the California Protective Parents Association and DV LEAP in this campaign.

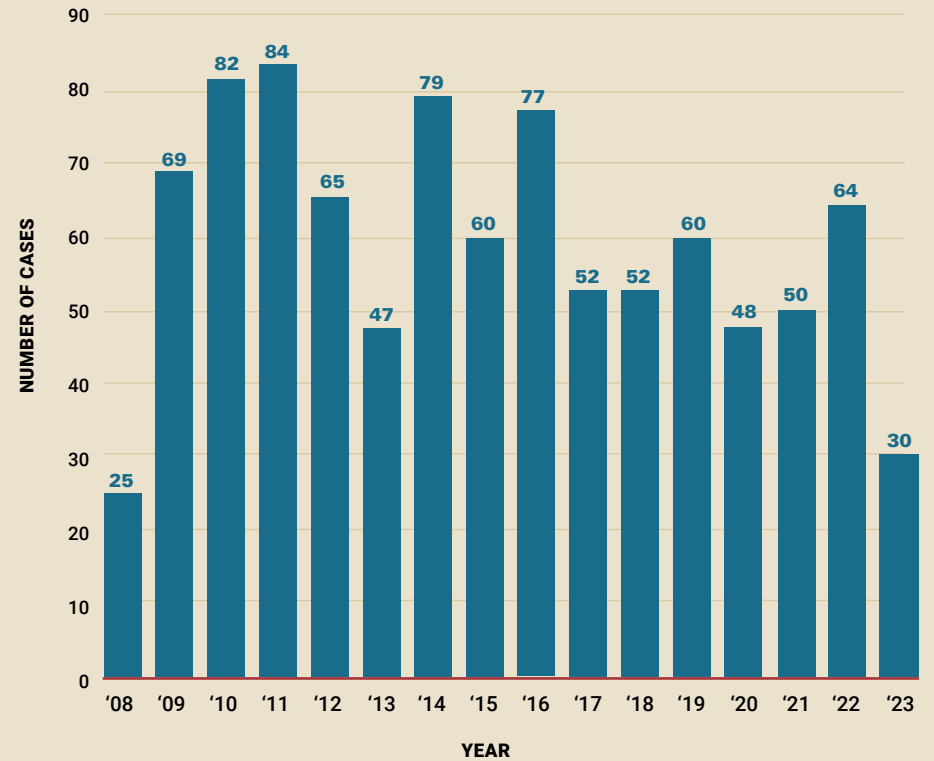


# Important Takeaways from the National Crisis

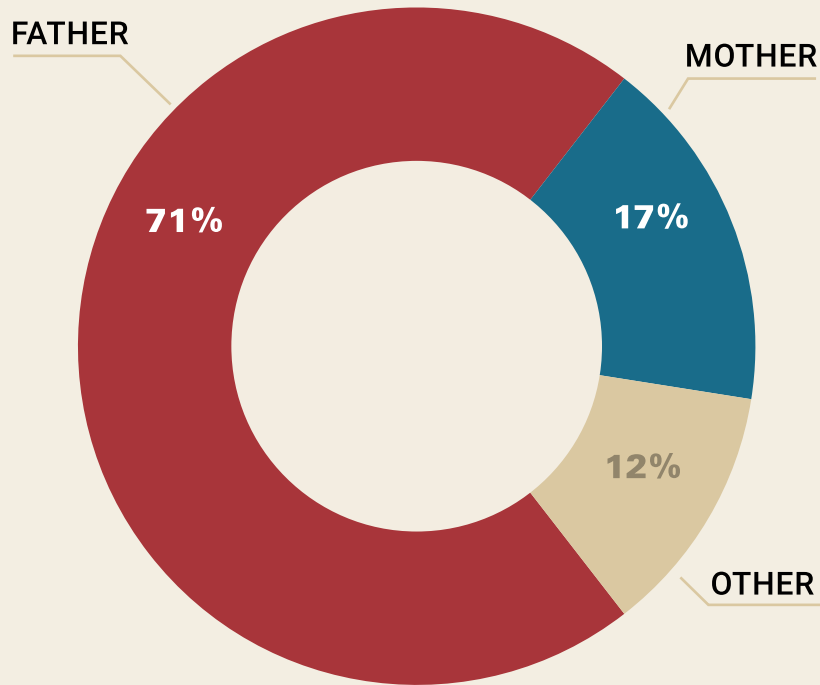
## 11 States With Most Preventable Homicides



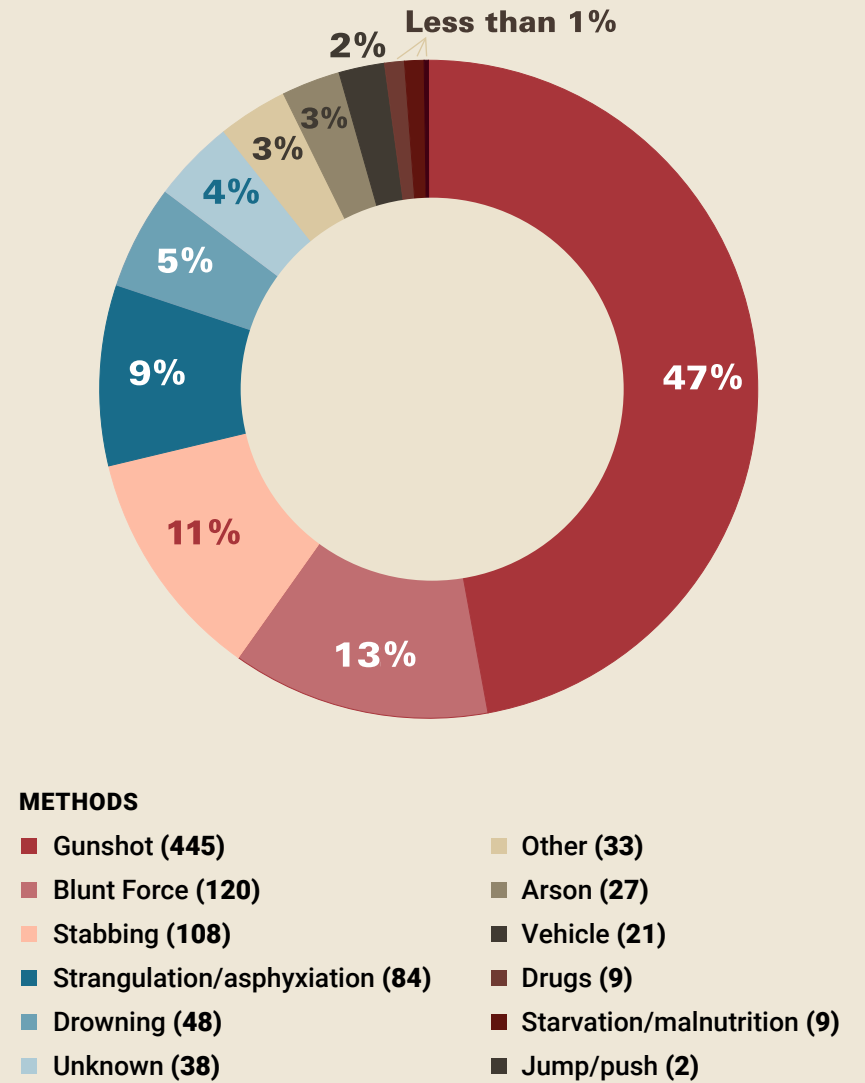
## Total Child Victims of Homicides We Track from 2008 - June 30, 2023



### Relationship of Killer

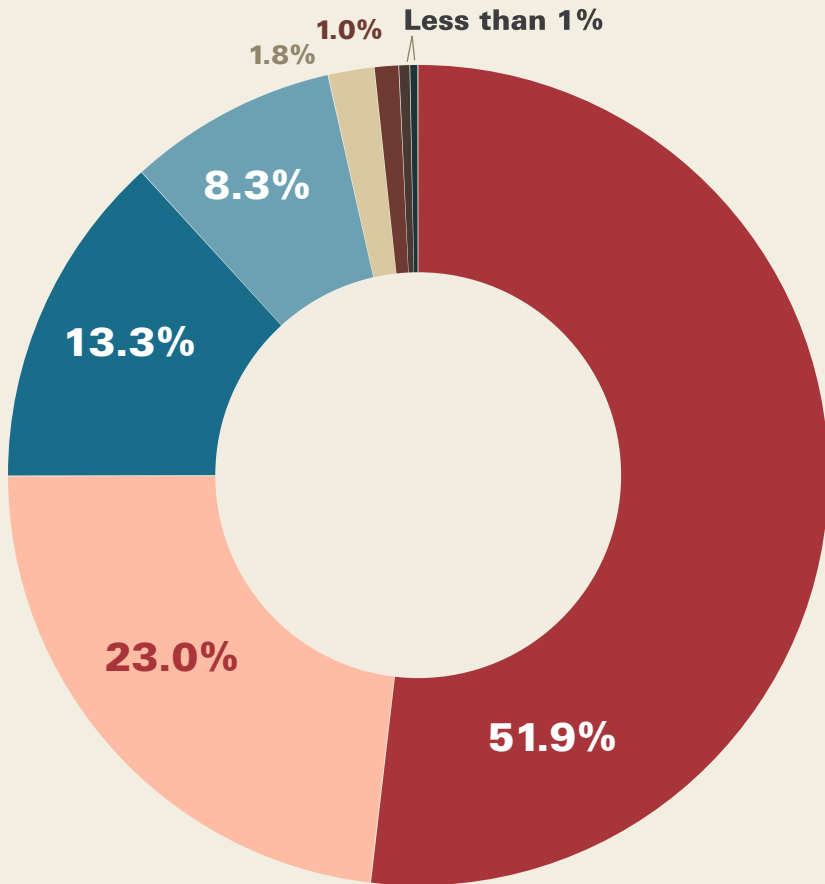


### Homicide Method





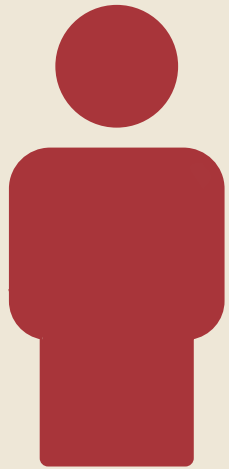
## Racial Background of Child Victims



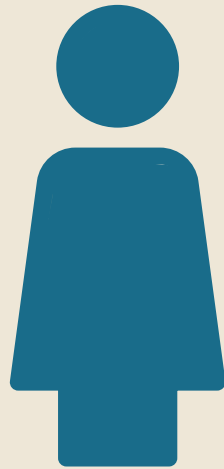
### RACES

- White or Caucasian (490)
- Black, African, or African American (217)
- Hispanic, Latinx, or Spanish Origin (126)
- Multiracial (78)
- Asian or Asian American (17)
- Middle Eastern or North African (9)
- Indian (4)
- Native American, Alaska Native, or Native Hawaiian (3)

### Gender of Child Victims



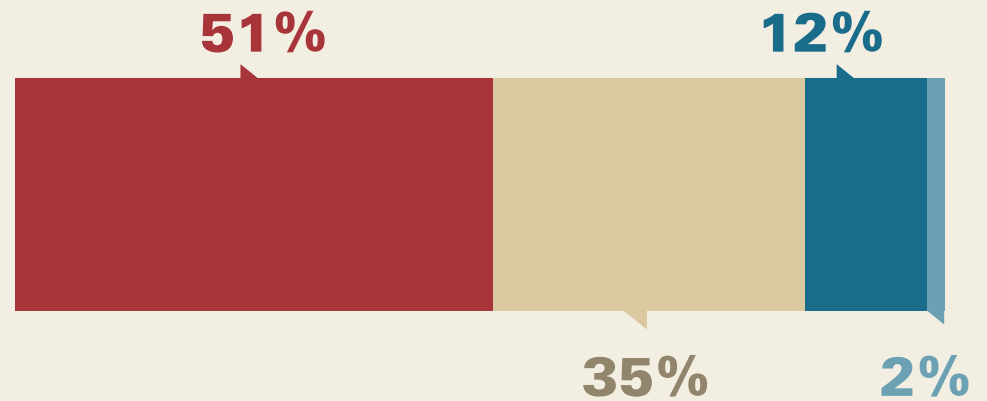
**52%**  
male



**48%**  
female

### Age of Child Victims

**5 & Under (481)**      **13-17 (111)**  
**6-12 (333)**        **18+ (19)**





# 1. Purpose and Scope

This report covers instances where judges and other family court professionals in child custody proceedings were warned about an abusive parent's history of domestic violence, abusive behavior, and/or severe mental illness but decided to place children into unsupervised contact with the abusive or unfit parent anyway, putting them at risk of harm and ultimately death.

These cases often involve multiple court professionals, including judges, custody evaluators, guardians ad-litem, attorneys, child welfare workers, supervised visitation providers, and mediators.

Our hope with this report is to provide evidence to advocate for eliminating preventable child homicides in divorce, separation, custody, visitation, or child support proceedings and to protect children in family courts.



This report's goals are to:

1. **Raise public awareness** of the systemic gaps and failures of the family court system that led to preventable child homicides by a divorcing, separating or court-involved parent or parental figure.
2. **Provide clear and detailed evidence** of what we've learned from documenting more than one hundred cases of preventable child homicides by a parent or parental figure.
3. **Present evidence-based recommendations** to lawmakers and other elected officials for child safety-centered policy reform in legislatures and state judicial councils.<sup>5</sup>

These crucial reforms must include mandatory, comprehensive domestic violence and child abuse training for judges and court-connected personnel who frequently deal with these issues in court.

This report focuses on the role of family courts in preventing child homicide by a parent or parental figure during divorce, separation, custody, visitation, or child support proceedings.

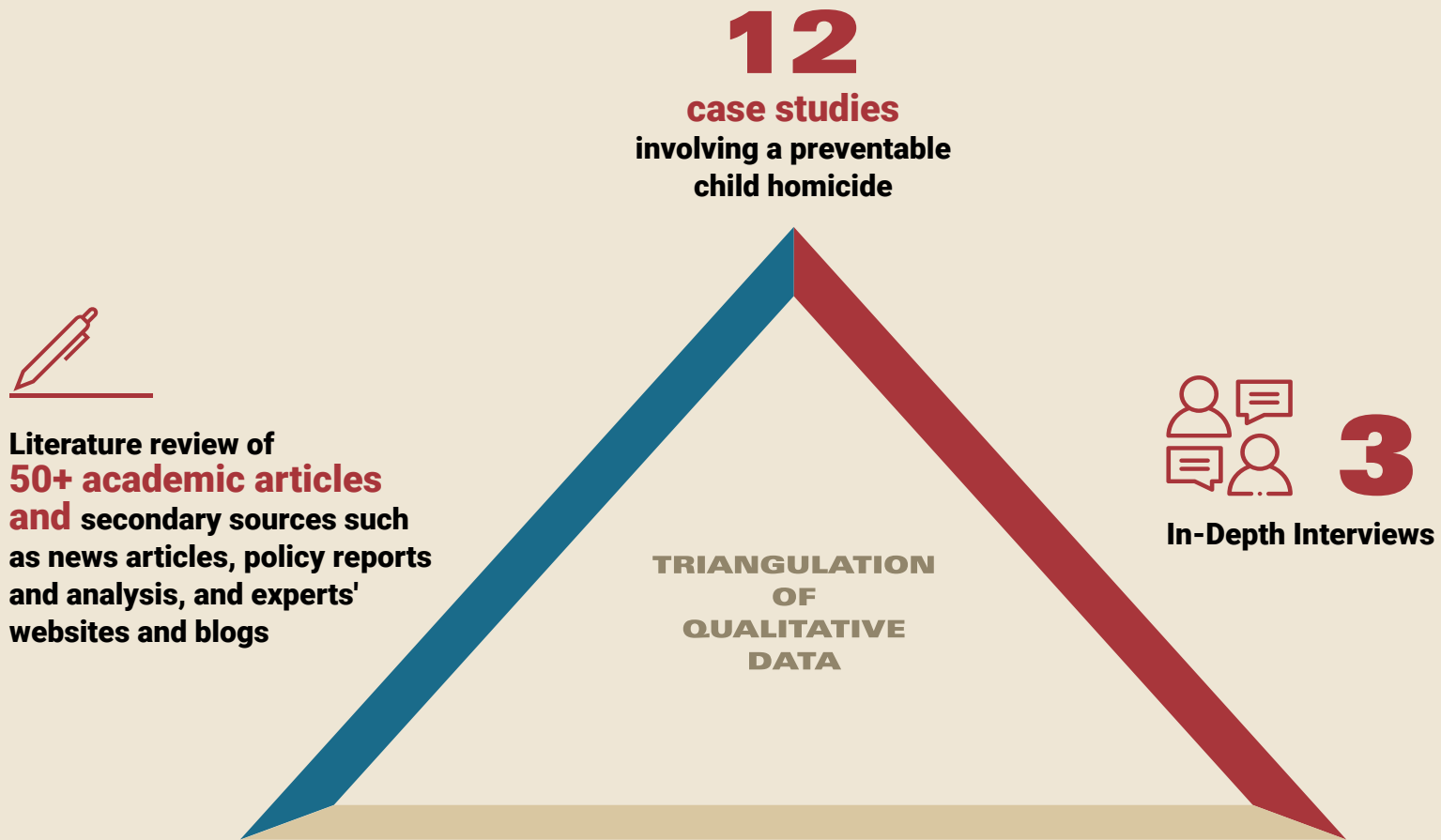
Whenever necessary to highlight systemic gaps and failures, we discuss other agencies and service providers. These include criminal courts, child protection services (CPS), juvenile or dependency courts, and other professionals who are mandated reporters, such as school employees, health care workers, and law enforcement personnel.

All the gaps focus on systemic gaps (instead of particular cases of individual or institutional neglect). The recommendations revolve around systemwide solutions, such as updating current practices and amending existing family court laws.



# 2. Methodology

The insights and recommendations in this report result from a qualitative analysis involving data triangulation – that is, the combination of multiple types of information,<sup>6</sup> namely:





**Pictured above:** Dozens of protective parents gathered in Washington, D.C. in 2018 to push for child safety in family courts, including protective mother Ana Estevez (on right) whose son Piqui was murdered in 2017.

## The production of this report involved three phases:

- 1. Conducting a comprehensive desk review** of publicly available sources, including 56 academic research papers and peer-reviewed articles mainly from psychology, criminology, and social sciences publications, and more than 20 secondary sources, such as policy reports, policy analysis, and specialized websites and blogs.
- 2. Preparing 12 stories**, which consisted of three subphases: 1) selecting the cases from a subset of 107 cases labeled as “preventable child homicides” from the database of more than 940 child homicides; 2) documenting the 12 cases by reviewing more than 50 news articles; and 3) analyzing and summarizing this information into the stories. By including quotes from surviving parents and story details considered representative of the larger database, we tried to provide insight and concrete examples of systemic court failures.<sup>8</sup>
- 3. Conducting in-depth interviews** with a smaller sample<sup>9</sup> of three surviving protective parents. Initially, five parents were contacted, but only three interviews were conducted (see Limitations section). It was critically important to us to amplify the voices of protective parents who survived the murder of their children. We wanted to include their accounts of what happened, their perspectives on what failed in their cases, and their recommendations for system actors about how to better protect children in family courts in the future. The research team and CJE are deeply grateful to the protective parents who took the time to be interviewed about the most traumatic experience of their lives.

## How We Selected Our Stories

The 12 stories of preventable child homicide we selected are publicly documented and include the following criteria:

- ✓ The parents were divorced, separated or engaged in custody disputes over child safety in family courts.
- ✓ The person who murdered the child(ren) had a previous history of domestic violence, child abuse, severe mental illness (i.e., alcoholism or drug abuse, suicidal tendencies or attempts, or a history of violent behavior), or had threatened the child(ren) or their other parent.
- ✓ There is evidence that a family court's failure was associated with the murder of the child(ren).
- ✓ The cases reflect the racial and gender diversity of the national database.
- ✓ In the case of interviews, some more recent stories (particularly those with less robust media coverage) were prioritized to demonstrate the urgent and ongoing nature of the crisis.

## A. Data collection and analysis of cases

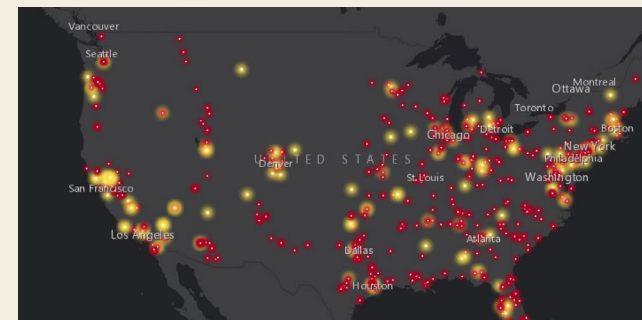
Since 2008, CJE has tracked the number of children murdered by a parent when divorce, separation, custody, visitation, or child support was mentioned in news coverage of the child homicides.

From the outset of our data collection, CJE researchers decided to make our child homicide dataset inclusive of all divorce or separation-related child homicides to help raise awareness and hopefully attract government resources to better serve at-risk survivors who are often unaware of the fatal escalation that can result from their decision to leave an abusive spouse or partner. Since the weeks surrounding the decision to separate from an abusive relationship or marriage is well-documented as the riskiest time for a survivor fleeing domestic violence, we decided to cast a wide net to capture as many cases as possible that resulted in the murders of children by a divorcing or separating parent.

Tragically, many of the children in our database were murdered before their parents ever filed for divorce or entered the family court system. The loss of these children is just as heartbreaking and significant as the murders of children whose parents engaged directly in the family court process.

A few of our cases involve "DNA parents" who never dated or married, but who were forced into family courts when a biological parent sought access to a child they had abandoned or never knew, and who they killed after court involvement. What we refer to as "preventable" child homicides – the focus of this report – represent a much smaller subset of the larger database.

To be categorized as a preventable murder, a child homicide must meet specific criteria, including evidence that a protective parent or parental figure sought to restrict the abusive parent's access to the child(ren) due to safety concerns, or that a case's clear lethality risk factors should have been detected by a properly trained judge or other court professional whose primary responsibility is to protect the best interests of the children.



Pictured above: CJE's U.S. Child Homicide Map, 2008-2023



In these preventable cases, protective parents oftens submitted evidence to the court of the danger their child was in through:

- Restraining order requests, including the child as a protected party.
- Emergency motions for supervised visits or to stop visits with the alleged abuser.
- Medical records indicating child sexual or physical abuse when in the abuser's custody.
- Documented oral or written threats to the child's safety.
- Evidence of the abusive parent's devolving mental health, including evidence that they had stopped taking medications or were threatening suicide or homicide.

The CJE research team also attempts to put ourselves "in the shoes of a judge" when determining whether a case meets the criteria of a preventable child murder. Therefore, if both parents have a documented history of child abuse or neglect, or if a case involves counterclaims of abuse by the alleged abuser that are not properly investigated – which is an increasingly common tactic by abusers attempting to confuse the court – we would typically exclude the case from the preventable designation. In these cases, it could be unclear to even a well-trained judge what is

truly going on and what should be done to protect the children. Needless to say, the preventable designation is used sparingly and carefully, which is why this number is much lower than our overall national child homicide count.

## B. Limitations and mitigation measures

Our research for this report is limited because it is based primarily on publicly available records and sources, which risk being incomplete and vary in depth and quality.<sup>10</sup>

We tried to mitigate this by reviewing and analyzing multiple independent sources of evidence.

CJE's murder data is collected primarily through local and national news coverage of children in the United States who are murdered by a divorcing or separating parent.

Some cross-referencing has been conducted with existing datasets such as the national Gun Violence Archive. Still, the primary collection of cases occurs through the use of Google Alerts that are created with keywords including "child murder," "divorce," "custody," "child support," "family court," "domestic violence," and more.



Pictured above: CJE has worked with journalists for nearly two decades on hundreds of stories exposing the child safety crisis in the family courts, including this hard-hitting story in the Sacramento News & Review.

Our reliance on news sources limits this research to reflect the biases that drive media coverage in the United States. CJE's data likely reflects the imbalance of news coverage that results from biased editorial decisions at news outlets that tend to cover cases involving wealthier and Caucasian children more exhaustively than similar cases involving African American, Native American, Latinx, Asian, immigrant, and lower-income children.

This media bias was particularly evident in the widespread national coverage of the 2021 disappearance and murder of the young white social media influencer Gabby Petito, while the nearly identical plights of hundreds of missing and murdered indigenous women and girls who have disappeared across the country have been ignored by the very same mainstream news organizations.<sup>11</sup>

Another limitation is that complete, in-depth testimonies by survivors, friends, family members, service providers, and others

involved in the circumstances that led to the murders are not widely publicly available. News media reporting is constrained by particular limitations in time, space, budget, and in the capacities of consumers' attention.

This leads news media outlets to publish partial accounts of what happened, or to avoid publishing accounts that present contradictory information or a more nuanced interpretation of the case.

In a few exceptional cases that were disproportionately covered by media outlets and where the protective parents became advocates after their children's murders, such as in the cases of Kayden Mancuso and Greyson Kessler, multiple sources of information were available, but this is far from the norm.

Finally, by interviewing some protective parents, we could center their voices in our findings. The criteria that interviewees be open, willing, and available to speak with our team

during a time-limited window excluded some protective parents. There are many reasons why survivors would avoid speaking out publicly or taking interviews. These parents encountered barriers at individual, governmental, cultural, and societal levels when they were trying to protect their children, which may have left them feeling fearful of not being believed.<sup>12</sup>

Their experiences are also paralyzing and traumatizing, so many survivors may process trauma by not speaking about it publicly.<sup>13</sup> They may also fear exposing themselves to negative judgments or that they will be treated differently by their social circle as a result.<sup>14</sup> Others expressed interest in being interviewed, but in the end, their busy lives would not allow it. In recognizing the limitations of this research, we call for further detailed analysis of the issues highlighted in our findings.

Finally, our small nonprofit team has limited resources to conduct comprehensive follow-up on these tragic child homicides. We believe that there are likely many more preventable tragedies within our database, but due to limited staffing and other resources, we have been unable to exhaust all avenues of potential follow up on these filicides, familicides, and child homicides.



**Pictured above:** CJE organized survivor testimony at every California Judicial Council meeting for years, so those managing the family courts were educated about the child safety crisis and the mounting death toll.

# 3. Key Findings and Recommendations

## **GAP 1: Family courts ignore signs of child abuse and the risks of children's exposure to domestic violence**

Court professionals in these cases often ignore four main facts about child abuse and domestic violence, which leads them to overlook warning signs and minimize the risk to children exposed to domestic violence.

## **GAP 2: Court professionals' biases often inform custody decisions**

Peer-reviewed studies have demonstrated that child custody decisions are often informed by judges' biases, which are frequently reinforced by poorly trained and biased court appointees, such as custody evaluators, guardians ad litem, minors' counsel, special masters, parenting coaches, and therapists.

## **GAP 3: The justice gap and financial conflicts of interest impact court decisions**

With costly attorneys', evaluators', and other appointees' fees and lacking free legal counsel in most states, economically disadvantaged parents, including those experiencing domestic economic abuse as part of coercive control, are at a great disadvantage in the family court system.

## **GAP 4: Coordination, communication, and collaboration between agencies are subpar**

There is a need for service providers from different sectors (including criminal courts, family courts, child protection services, juvenile courts, and professionals who are mandated reporters, such as school staff, health care workers, police station staff, and other law enforcement personnel) to strengthen coordination, communication, and collaboration to act faster and avoid contradictory orders.

### **RECOMMENDATION**

**Prioritize children's safety and well-being over shared parenting.** All custody and visitation decisions should prioritize child safety and hold the perpetrator responsible for their abusive behavior.

### **RECOMMENDATION**

**Use science-based, evidence-based tools to assess risk and lethality.** Family courts should systematically use a science-based, evidence-based approach for identifying risk and lethality, as other agencies have done for decades.

### **RECOMMENDATION**

**Establish systematic capacity-building and gatekeeping mechanisms for court professionals.** Family court-connected personnel should be effectively screened and properly trained in domestic violence and child abuse. They must also be held accountable for violating the ethical standards that govern their professions, especially when exhibiting biases that put children in harm's way.

### **RECOMMENDATION**

**Provide a right to free legal counsel in child custody proceedings.** All states should eliminate inequalities in family courts that emerge from financial interests by ensuring free legal counsel and the right to an attorney for low-income, unrepresented litigants in custody proceedings.

### **RECOMMENDATION**

**Improve cooperation and collaboration mechanisms between sectors and agencies.** States should set up a centralized multidisciplinary coordination mechanism to promptly identify, report, and discuss responses to individual domestic violence and child abuse cases, including by sharing information to support risk assessment, safety planning, and risk management.



# 12 Tragic Stories of Preventable Child Homicide

## An Overview of 12 Tragic Stories:

- All killings took place between **October 2012 and December 2022**.
- **Fourteen children** were killed by their fathers, **one** was killed by her mother, and one was killed by his mother's boyfriend.
- **Eight fathers** died by suicide after murdering their children.
- **One non-family member** (a visitation supervisor) was murdered.
- In all cases, the child had **a safer parent or grandparent who was attempting to protect their child** from abuse by the other parent or their partner.
- In all cases, the courts were aware of the perpetrator's violent behavior or coercive threats before the murder.
- In all cases, the perpetrator had a **history of domestic violence, child abuse, or severe mental illness** (i.e., problematic alcohol or drug abuse, suicidal tendencies, or a history of violent behavior), known to the family court, law enforcement, and other agencies (including the Department of Human Services or Child Protective Services) or the perpetrator had **threatened or abused** the child or the other parent.
- In all cases but one, **the court had formally ordered or mandated child contact** with the murderer.
- In all cases but one, the perpetrator was **the child's parent**.



// I think that the judges should be informed about what family violence is, that it is not just beatings, that people like this will use everything within their reach to get away with it, especially when they are sick or violent people."

## ILEANA GUTIÉRREZ

SAMARAH, SAMANTHA, AND SAMIA'S  
PROTECTIVE MOTHER



# Jayden Hines

(Age 2)

**One boy was killed by his mother's boyfriend while she was at work.**

Jayden's mother abandoned him shortly after he was born. She had lost custody of her first child from a prior relationship but still managed to regain partial custody of Jayden.

His mother's boyfriend had a history of abusive behavior toward Jayden. Jayden made clear through his behavior that he did not want to visit his mother.

Almost two months before Jayden's murder, Rashawd Hines, Jayden's protective father, filed a letter with the Clerk of Court. **He requested a new hearing, writing, in part, "I strongly fear for the safety of my children... my son cries his eyes out when he has to go... [to his mother's home]."** He heard nothing back.

Florida Department of Children and Families (DCF) issued a report after Jayden's murder admitting that workers "missed opportunities" to protect Jayden. A background check was never done on his murderer, who lived with his mother, among other issues.

**"When they did a background check on her, they didn't consider that she had lost custody of her oldest daughter due to similar circumstances [abuse]."**

They should have known that she lost custody of her oldest daughter, so why was she awarded visitation rights? They should have done their full background report on his mother, and the boyfriend as well."

**RASHAWD HINES**  
JAYDEN'S PROTECTIVE FATHER



*In Memory of  
Jayden Ameer Hines  
March 22nd, 2019 - April 9th, 2021*



*Celebration of Life  
Saturday April 24,  
12pm promptly  
Parkview Life Christian  
Life Center  
3520 Baker Dairy Rd  
Haines City, FL 33844  
Followed by Repass  
Any flower arrangements*

*4pm-5pm  
Public Viewing*

**From Rashawd Hines:** "When RJ gets older, I'll have to explain to him that a monster and a corrupt system took his little brother away. And it'll be one of the hardest things I'll ever have to explain as a father. And apologize to him that dad couldn't save him. It's hard to carry this pain."





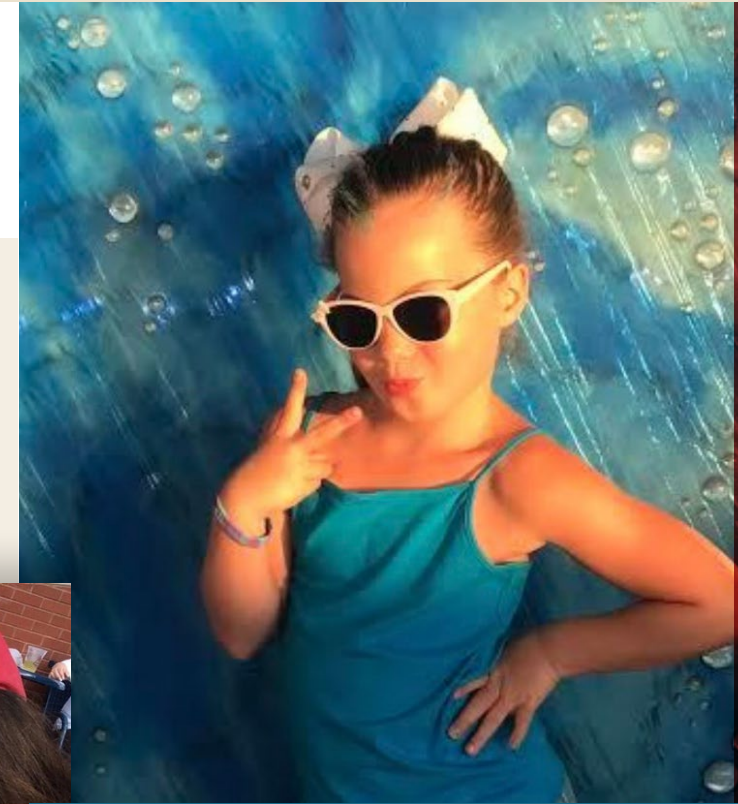
# Kayden Mancuso

(Age 7)

**One girl was killed by her father in a murder-suicide during court-ordered, unsupervised custody time.**

**Kayden's mother submitted evidence of the father's abusive, violent history, including criminal records and a protection from abuse order for his threatening to kill family members, but he was granted unsupervised visitation by the judge.**

A custody evaluator recommended to the judge that visitations be unsupervised only if Kayden's father received mental health treatment, which he never received.



"She was kind, caring, fun, witty, athletic, and sassy. She had this spark."

**KATHY SHERLOCK**  
KAYDEN'S PROTECTIVE MOTHER

**While the court record documented evidence that Kayden Mancuso's father had a history of murder threats and suicidal tendencies, the judge ignored these lethality factors.**

Her father was on house arrest for a year for an aggravated assault charge for a barroom brawl where he bit off part of a man's ear. He also reportedly punched the family dog, hit himself in the face when he got frustrated, and was barred from Kayden's elementary school for stalking and harrasing a teacher.





# Prince McLeod

(Age 15 months)

**One boy was killed by his father on his fourth unsupervised visit.**

A judge granted the father visits with Prince despite objections by the boy's mother Hera, who repeatedly brought evidence to court about the danger he posed to their son.

The father was previously charged with child abuse against his older son and was the sole suspect in the murder of that son's mother when the judge gave him unsupervised visits.

A jury convicted Prince's father of capital murder and sentenced him to life in prison for murdering his son for life insurance money.



**"He sentenced my son to death, because of his assumptions, bias, and a lack of knowledge of how to properly assess a case that involved domestic violence and child abuse."**

This same judge told me that for my son's case to reach the threshold of a 'Child in Need of Action' – CINA case – he'd have to come home to me with cigarette burns on his back. My son came home to me in a body bag."

## HERA MCLEOD

PRINCE'S PROTECTIVE MOTHER, IN TESTIMONY ON MARYLAND'S SB017, A 2022 LAW WHICH MANDATES CHILD ABUSE AND DOMESTIC VIOLENCE TRAINING FOR FAMILY LAW JUDGES AND MAGISTRATES





# Sophia Berry

(Age 5)

**One girl was killed by her father in a murder-suicide during court-ordered shared custody time.**

Requests by Sophia's mother, Andrea, and other family asking authorities to investigate signs of abuse and risks to Sophia's life from her father were ignored.

Child protection workers recommended that their department file a dependency and neglect motion against the father, but they did not follow through, and the court ignored key motions filed by Sophia's mother.

**Her mother was threatened with a loss of custody if she continued to mention her daughter's abuse in court.**



**"The courts say they act in the best interest of the child, but I saw nothing of the sort.**

I saw key motions that were filed and never acknowledged, I saw repeated delays and miscommunications, and I saw our case assigned to three different judges and two different courts in less than two years. I saw all this, and more. But I didn't see any actions taken in Sophia's best interest."

**ANDREA BERRY**

SOPHIA'S PROTECTIVE MOTHER



Pictured above: Sophia and her maternal grandma sewing a Wonder Woman costume.



# Tate Buening

(Age 10)

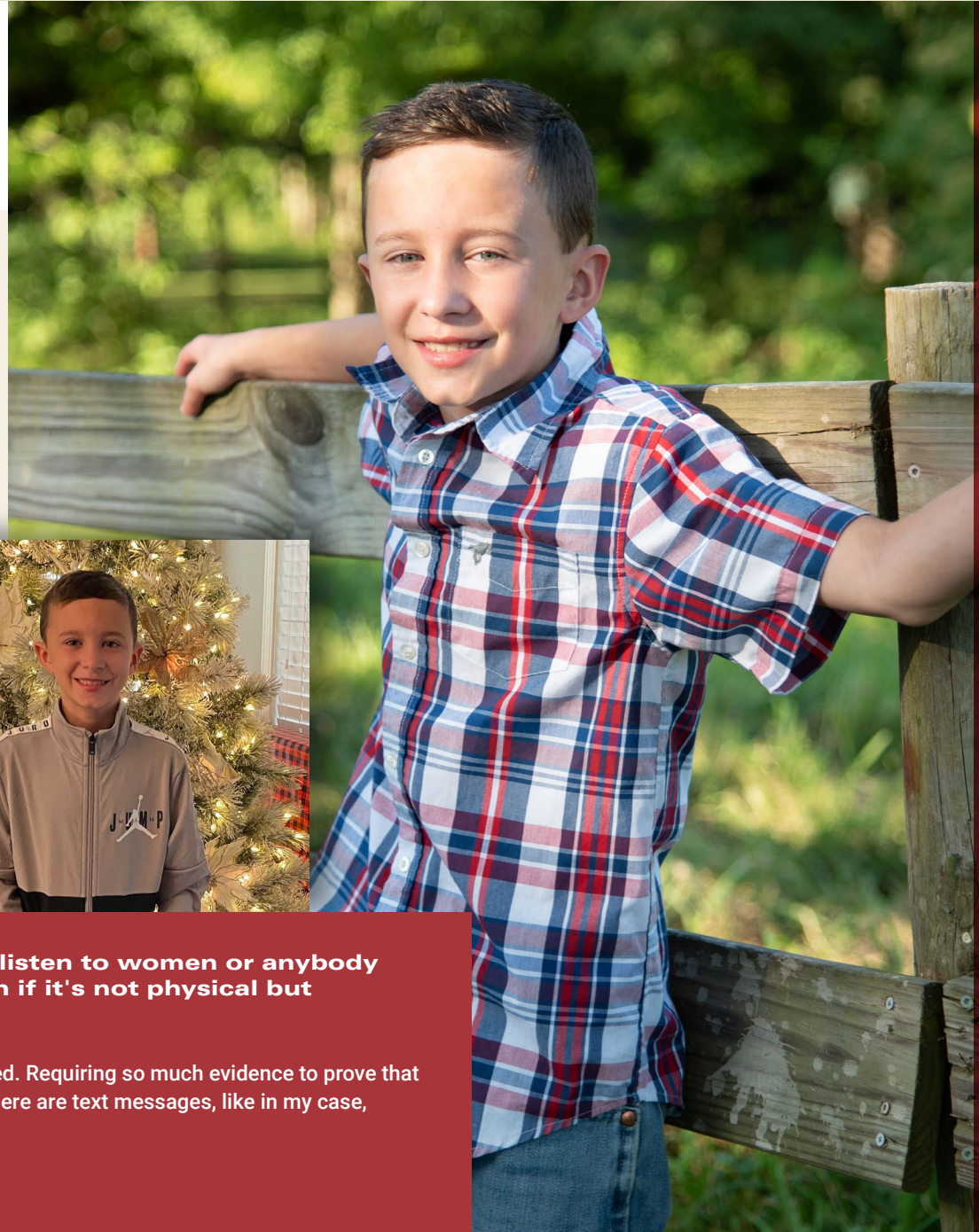
**One boy was killed by his father in a murder-suicide three days before a court hearing.**

Tate's mother had filed an emergency motion stating her son was "in great danger while in his father's custody," but she was put off for a month until family court was back in session.

She warned the court that his father had a history of violent behavior, suicide attempts, alcohol abuse, PTSD, and depression, but the father maintained visitation with Tate while his mental health spiraled downward.

She tried to get a protection order for herself and Tate but was told it might make her custody case more difficult, and that the level of threat did not allow authorities to arrest Tate's father.

**Without a protection order, there was nothing preventing his father from buying the firearm he used to kill Tate.**



**"I would just urge them to listen to women or anybody who has been abused, even if it's not physical but emotional abuse.**

Sometimes police reports don't get filed. Requiring so much evidence to prove that someone is abusive is dangerous. If there are text messages, like in my case, this should be taken seriously."

**KAYLA WHITE**

TATE'S PROTECTIVE MOTHER





# Autumn Coleman

(Age 3)

**One girl was killed by her father during his second visitation with her.**

Autumn's mother had gone to court just weeks earlier begging for protection for her daughter from her ex's erratic behavior as she tried to modify the visitation agreement.

Despite her mother's urgent request for help and the father's criminal background, the judge maintained the unsupervised visits with her father.

Autumn's father was charged with murder and arson and later died of the burns he received in the car fire he set that killed his daughter.

**"I am very afraid for my child's safety and mental development with her deranged father..."**

Father is losing a grip on reality, and I honestly feel my child is in danger while in his care."

## CHERONE COLEMAN

AUTUMN'S PROTECTIVE MOTHER WROTE TO THE FAMILY COURT JUST WEEKS BEFORE SHE WAS BRUTALLY MURDERED. CHERONE TOOK A DAY OFF FROM WORK AND WAITED HOURS AT COURT TO CONVINCE THE JUDICIAL REFEREE TO SUSPEND THE FATHER'S WEEKEND VISITS, BUT THE MATTER WAS ADJOURNED UNTIL JUNE.

Autumn Coleman was murdered across from the August Martin High School, so Coach Kyle Allen decided that the football team would honor Autumn by wearing her birthday on the back of their jerseys. They attend the annual vigil in her honor and invite her mother Cherone to enjoy their games.



Pictured above: Autumn was a very independent, super smart, funny child who loved music and loved to dance.

# Greyson Kessler

(Age 4)

**One boy was killed by his father in a murder-suicide during his court-ordered parenting time.**

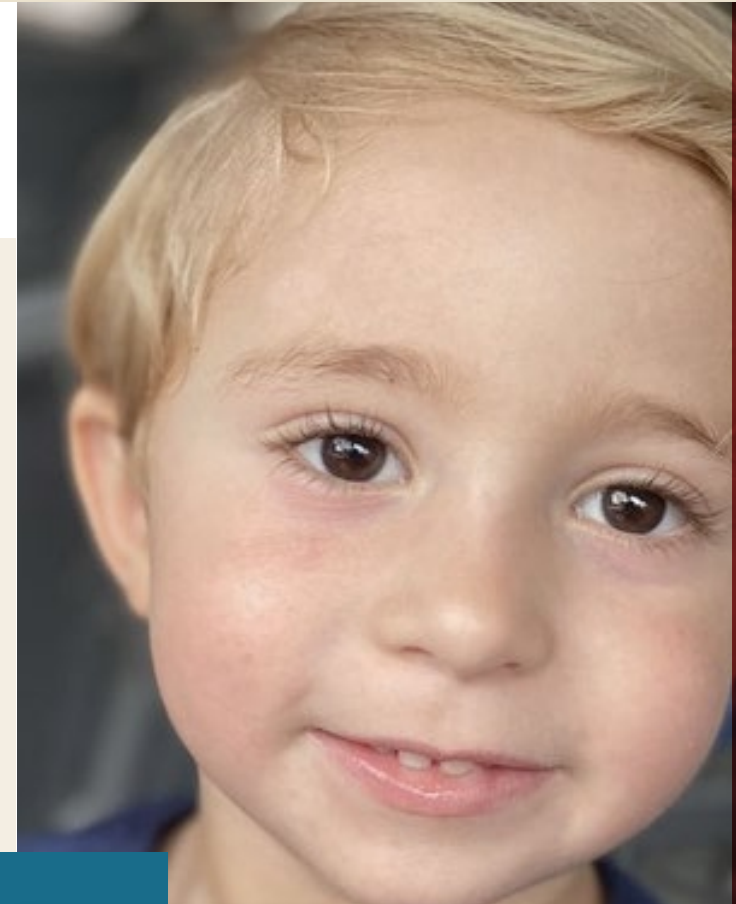
His father's history of abusive behavior and mental illness was documented in the court record. Greyson's mother petitioned for a domestic violence injunction, which was denied the day before he was killed, despite 250 pages of evidence.

When Greyson was not returned to her custody and remained missing from school, his mother filed for an emergency pick-up order, which was denied.

The day Greyson was found dead, his mother called police five times requesting wellness checks.

**They repeatedly put her off.**

After her son's murder, Ali Kessler worked tirelessly to get Greyson's Law passed and enacted into Florida law.



PLEASE JOIN US FOR A CANDLELIGHT VIGIL IN REMEMBRANCE OF

**GREYSON**

LET KIDS LIVE

**2ND ANNIVERSARY**

LIGHT THE NIGHT

SUNDAY, MAY 21, 2023

6 - 8 PM

DEICKE PARK IN PLANTATION

LIGHT A CANDLE AND RELEASE A BUTTERFLY FOR GIGS SPEAKER ON GREYSON'S LAW

**"His behavior is erratic and escalating, and I fear for my life, my boyfriend's life, and most of all my child. He is unstable mentally," Ali Kessler wrote in a petition to the court.**

But the judge denied it, saying, "Petitioner has failed to allege any overt acts by Respondent which would constitute domestic violence under Florida Statute."

**ALI KESSLER**  
GREYSON'S PROTECTIVE MOTHER



1 An act relating to domestic violence; providing  
 2 short title; amending s. 61.13, F.S.; requiring  
 3 court with jurisdiction over the proceedings  
 4 consider certain factors in deciding whether  
 5 parental responsibility is detrimental to the  
 6 making technical and conforming changes; providing  
 7 additional conduct regarding domestic violence  
 8 the court must consider when ordering a parenting  
 9 plan; amending s. 741.30, F.S.; providing an  
 10 additional factor that the court must consider in  
 11 determining whether a petitioner of a domestic  
 12 violence injunction is in imminent danger; conforming  
 13 a provision to changes made by the act; providing an  
 14 effective date.  
 15  
 16  
 17 Be It Enacted by the Legislature of the State of Florida:  
 18  
 19 Section 1. This act may be cited as "Greyson's Law."  
 20 Section 2. Paragraph (c) of subsection (2) and paragraph  
 21 (m) of subsection (3) of section 61.13, Florida Statutes, are  
 22 amended to read:  
 23 61.13 Support of children; parenting and time-sharing;  
 24 powers of court.—



# Anhurak, Xonajuk, and Dalavanh Dej-Oudom

(Ages 9, 14, and 15)

**Two boys, one girl, and their mother were killed by the father in a familicide within a month of the mother filing for divorce. No one survived.**

**Their father had a documented history of domestic violence and child abuse, which their mother Phoukeo explained in detail in her request for protection.** "The children's lives as well as mine have been threatened. Guns have been pulled out and pointed to our heads multiple times."

The court **denied the mother's request for a temporary restraining order** despite his harassment and threats to harm the children and her.

The children's mother was forced to quit her job and could not attend a court hearing out of intense fear for her life.

**Their mother Phoukeo told the court she received harassing telephone calls from her husband on June 7,** and that the father said, "If anything were to happen to the children, hopes I can live with that," and that "this will not end well."

Anhurak "A.J." Dej-Oudom, age 9



Xonajuk "J.J." Dej-Oudom, age 14



Dalavanh "Lala" Dej-Oudom, age 15





# Corey Micciolo

(Age 6)

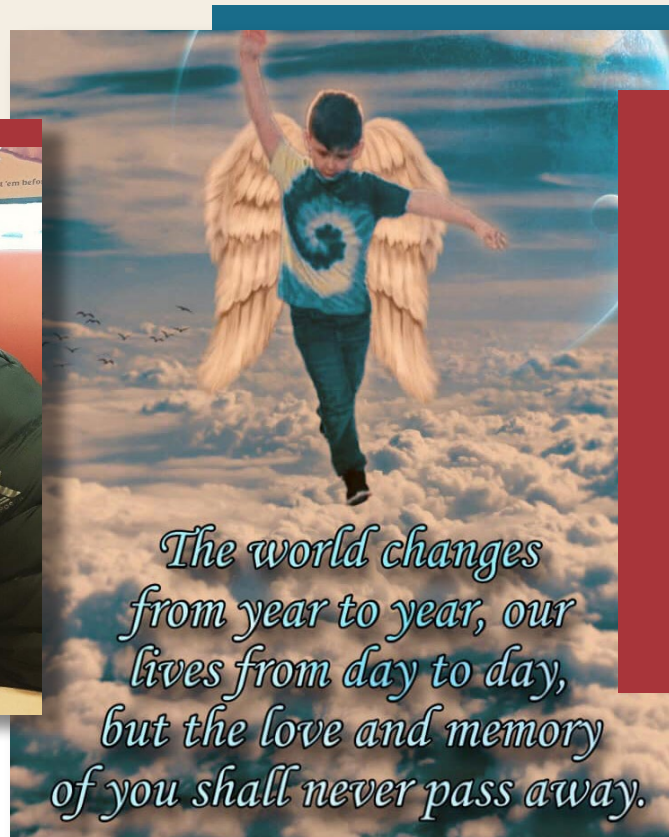
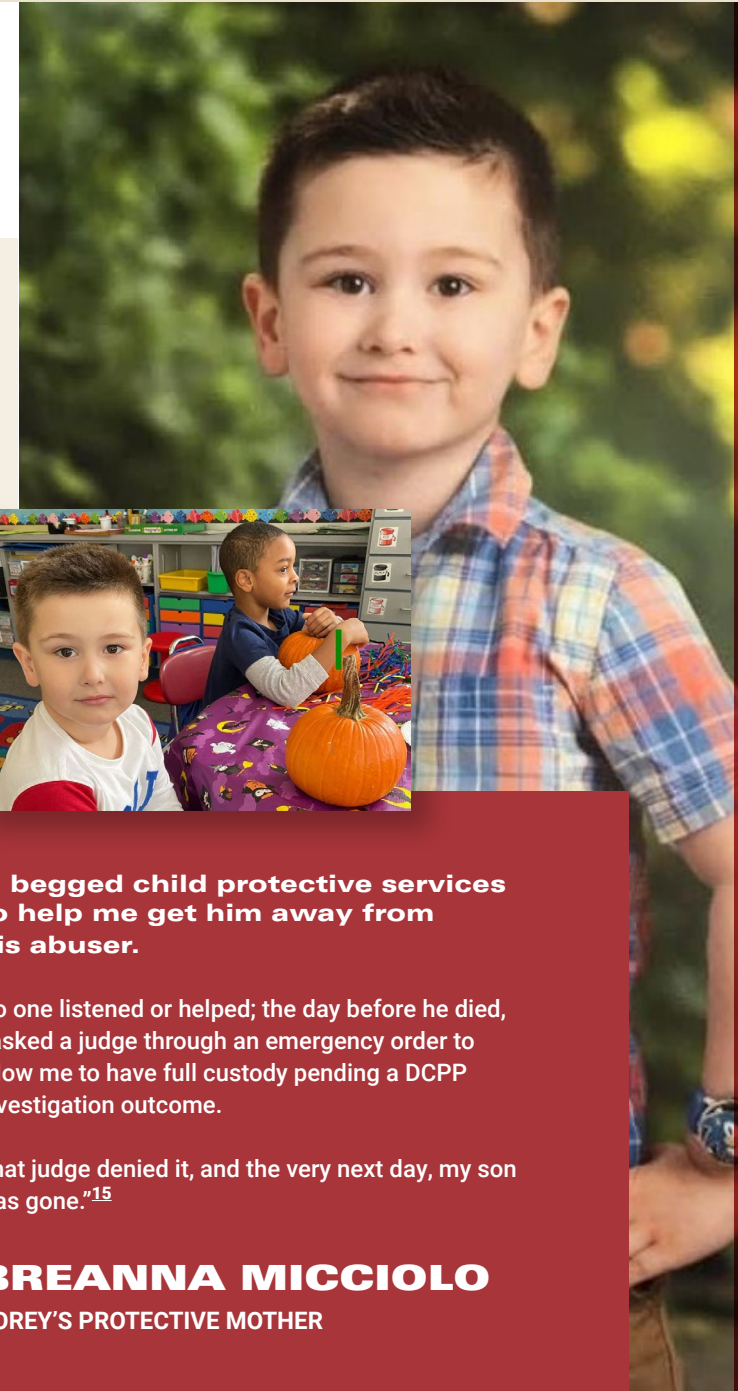
**One boy was murdered by his father during a court-ordered visit.**

Corey's mother tried to get temporary full custody of her son, sharing several warning signs of abuse with the court. These signs were also identified by a medical center.

One day before his homicide, the court denied Corey's mother full custody and ordered him to spend time with his father.

Corey's father has been charged with his murder and he awaits his trial from jail for killing his son. Corey's mother has filed a wrongful death suit against the New Jersey Department of Child Protection and Permanency.

The lawsuit details many abusive incidents by Corey's father that were reported to DCPD for 19 months before his murder.



**"I begged child protective services to help me get him away from his abuser.**

No one listened or helped; the day before he died, I asked a judge through an emergency order to allow me to have full custody pending a DCPD investigation outcome.

That judge denied it, and the very next day, my son was gone."<sup>15</sup>

**BREANNA MICCIOLO**  
COREY'S PROTECTIVE MOTHER

# Samarah, Samantha, and Samia Gutiérrez

(Ages 9, 10 and 13)

**Three girls were killed by their father in a murder-suicide on a court-ordered, supervised visit in their church. The visit supervisor was also killed.**

Their father had a history of abusive behavior, suicide threats, and even a hospitalization for suicide known by the police and family court.

He attacked police and hospital staff the week before the murders-suicide, as his mental health devolved into a crisis.

The girls' mother had included her daughters in her restraining order request, **but the judges only protected her, forcing the children to keep visiting their father.**



**Pictured above:** Samia, the oldest, loved to draw and paint and she wanted to be an architect. Samantha was fierce and wasn't afraid to stand up for herself or others. The youngest Samarah had a shy smile but loved helping her mom, teachers and classmates.

## IN THE NEWS

### TRAGEDY IN SACRAMENTO

Despite a 5-year restraining order, Samia (13), Samantha (10), & Samarah (9) Gutierrez were killed by their Dad during court-ordered visitation



**“They need to have the right to say that they do not want to go [be with their abusive father]...”**

Because if they do not want to go, it's for a reason. I can tell that my daughters loved their father at first, but after a while, they did not want to go anymore.”

### ILEANA GUTIÉRREZ

SAMARAH, SAMANTHA, AND SAMIA'S PROTECTIVE MOTHER





# Dylan Thebo

(Age 3)

**One boy was killed by his father in a murder-suicide during court-ordered, unsupervised parenting time.**

Dylan's mother Katie reported his father's abusive behavior and mental instability to multiple agencies, including the courts, police, and Child Protective Services, but the court declined to order a psychological evaluation.

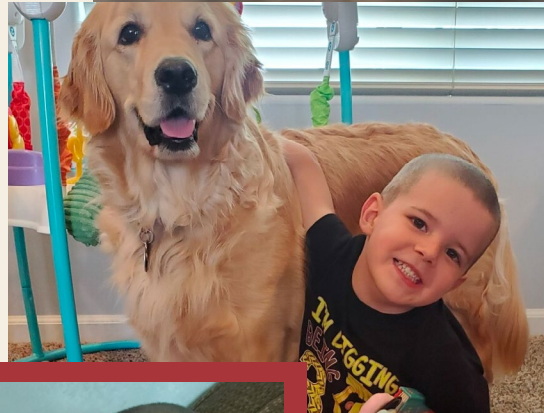
His mother feared for her life and the lives of her children. "He threatened to kill me, my children, and my family, and to commit suicide afterwards... I was concerned to be alone with our children and him," she wrote to the court.

She provided clear evidence in court of her ex's threats to harm the entire family, **but he was still awarded unsupervised time with Dylan.**

**"Domestic violence is not ok and it doesn't [always] present itself with a black eye or a broken wrist.**

It's threats, it's controlling somebody's finances, it's threatening their children: If you leave, this is what I will do."

**KATIE HALL**  
DYLAN'S PROTECTIVE MOTHER



**Pictured above:** Dylan loved Paw Patrol, trucks, and dancing, and he loved his older sister and the family's dogs. They enjoyed going for bike rides, walks, and singing in the car, and he looked forward to being old enough to play on a soccer team like his sister.

# Avery Hobbs

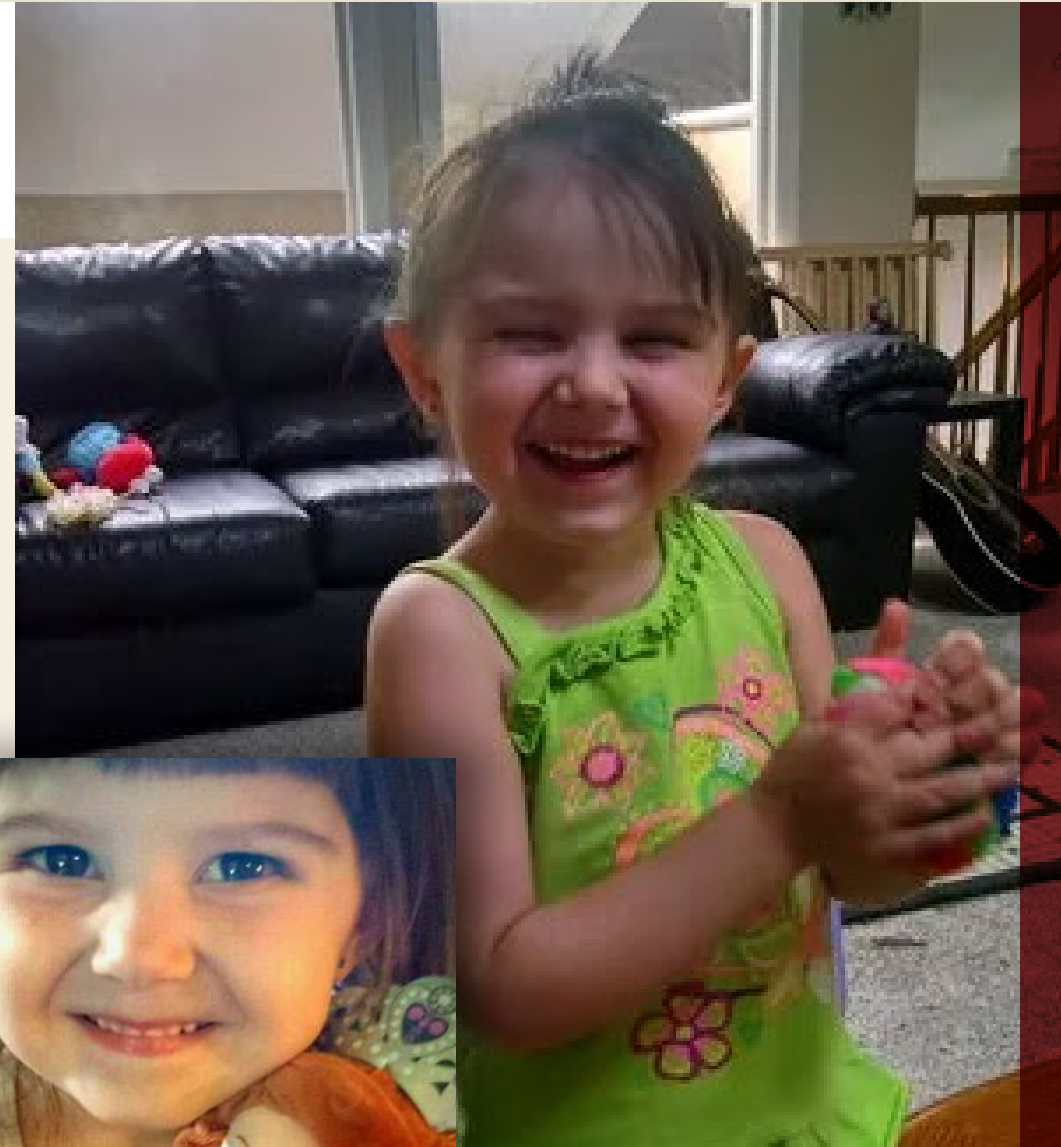
(Age 4)

**One girl was killed by her mother after the court forced her to reunify.**

Capable, loving grandparents who Avery lived with for years filed for custody, but Avery was repeatedly returned to her mother despite grievous injury on multiple occasions.

**The family court and CPS ignored reports of ongoing abuse by the mother from family and daycare providers, forcing reunification with her abusive mother.**

Avery's mother pleaded guilty to aggravated murder and was sentenced to life in prison with eligibility for parole after 20 years.



**"You're in shock, you're saddened, you're empty, and then there's also anger because you want to know why.**

We're still trying to absorb all of this. But I can state that we are thankful to the police for giving Avery a voice. We pray we can bury Avery and give her peace."

**TAMMY RISEN**  
AVERY'S PROTECTIVE GRANDMOTHER



Avery's paternal grandparents, Tammy and Jonathan Risen, remember her as "a little jokester" who "would just laugh whole-heartedly." Her father, Jamie Hobbs, said, "She was just an amazing child."





**Pictured above:** Kayden Mancuso's mother Kathy Sherlock mourns her daughter's senseless murder at a candlelight vigil in her community. These preventable tragedies often ripple out to devastate an entire community. The scars can last a lifetime in children who lose a sibling, cousin, or close friend.

# Gaps, Lessons Learned, and Recommendations for Systemic Change

## **GAP 1: Family courts ignore signs of child abuse and the risks of children's exposure to domestic violence**

Court professionals in these cases often ignore four main facts about child abuse and domestic violence, which leads them to overlook warning signs and minimize the risk to children exposed to domestic violence.

### **1. Child abuse and domestic abuse often co-occur within the same household.<sup>16</sup>**

In recent years, a growing body of scientific research has drawn intersections and a strong correlation between domestic abuse (mainly intimate partner violence) and child abuse, highlighting the need for an integrated approach to address both.<sup>17</sup>

Research shows that exposure to domestic violence causes lifelong severe biological, psychological, and social harm to children<sup>18</sup> and places them at a higher risk of child abuse and homicide<sup>19</sup> in divorce, separation, or custody disputes.<sup>20</sup>

### **2. In cases involving domestic violence and child abuse, shared custody places children at heightened risk.**

Because coercive and controlling behavior is pervasive and ongoing, perpetrators of domestic abuse often seek contact with the child(ren) to continue abuse after separation.<sup>21</sup> Coercive control can include violence, threats, intimidation, stalking, monitoring, emotional abuse, and manipulation.<sup>22</sup> Research studies and death review committees have found that in cases with a history of abuse in the relationship, the risk for potential harm or lethality increases after separation.<sup>23,24</sup>

Coercive control continues after separation in the form of post-separation abuse. This includes economic abuse, legal abuse, threats and endangerment to children,<sup>25</sup> and the pursuit of child contact, including through legal means, to assert power over the other parent. When considered from the lens of coercive control, a parent killing their children can be seen as the final step of a pattern of increasing coercive control rather than an act of unpredictable violence.<sup>26</sup>



// “There was not enough evidence of physical violence, it was more emotional. He behaved aggressively and threatened to commit suicide. The person who assisted me... told me that the judge was unlikely to accept the restraining order because there was not enough evidence.”

**ILEANA GUTIÉRREZ**  
SAMARAH, SAMANTHA, AND SAMIA’S  
PROTECTIVE MOTHER

A history of child abuse and threats toward children has been found to significantly increase the risk of harm after divorce,<sup>27</sup> and fathers are more likely to harm their children as revenge to punish the adult victim (often a woman) for leaving the relationship.<sup>28, 29</sup>

Many states have laws and rules directing the court to incentivize shared custody and contact with both parents,<sup>30, 31</sup> and many among them give preference to the parent who seems the friendliest.

The “friendly parent provision,” codified in many child custody statutes, requires a court to consider as a factor for custody which parent is most likely to be cooperative and foster the child’s relationship with the other parent.<sup>32</sup> Conversely, protective parents trying to keep their child(ren) away from an abusive parent are usually labeled as “high conflict” or “alienators” (see Gap 2).<sup>33</sup>

Although many state laws have exemptions for cases of domestic violence (see Annex 1) laws favoring shared parenting undermine court professionals’ consideration of abuse allegations because they are seen as interfering with the objective of shared parenting.<sup>34</sup>



// I think people aren’t believed because, especially with psychological abuse and coercive control, people can’t see that. And when you try and explain what is happening, you look and sound crazy, which takes away your credibility... I feel like we fell through the cracks.”

**KATIE HALL**  
DYLAN’S PROTECTIVE MOTHER

### 3. Unsupervised visits with alleged or proven perpetrators of domestic abuse and child abuse also place children at heightened risk.

As a result of family courts’ preference for prioritizing shared parenting in recent decades, tens of thousands of children have been ordered into unsupervised visitation with abusive biological parents by family courts. Perpetrators of domestic abuse and alleged perpetrators of child abuse may get unsupervised visitation rights,<sup>35</sup> which clearly places children at heightened risk.<sup>36</sup>





Pictured above: Cherone and Autumn together

Cherone reported that Autumn's father had become increasingly unhinged in recent weeks.

"I should've just kept her and gone to jail," Cherone said.

#### 4. Child abuse and domestic abuse are widespread and worsen if unaddressed.

Intimate partner violence, particularly against women, and adverse childhood experiences (ACEs) are all too common in the United States. According to the seminal ACEs research from the Centers for Disease Control and Prevention, which surveyed 17,000 adult Kaiser patients about their childhood trauma:

- About 61 percent of adults surveyed across 25 states reported they had experienced at least one type of ACE before age 18, and nearly 1 in 6 reported they had experienced four or more types of ACEs.<sup>37</sup>
- About 1 in 4 women and nearly 1 in 10 men have experienced sexual violence, physical violence, and/or stalking by an intimate partner in their lifetime.<sup>38</sup>
- More than 1 in 3 (39.3 percent) victims of rape were raped by an intimate partner in their lifetimes.<sup>39</sup>
- 41 percent (16.4 million) of female rape victims reported that the first victimization in their lifetime occurred before turning 18; 34.9 percent (or 11.7 million) of female rape victims were first victimized between 11 and 17 years old; 14 percent (about 4.7 million) were aged 10 years or younger.<sup>40</sup>

Many factors associated with the risk of child domestic homicide, such as a perpetrator's prior history of abuse, involvement with agencies, psychological instability, and substance abuse,<sup>41</sup> show a continued, escalating pattern when they are ignored or minimized by the system or untreated. In nearly every one of these cases, lacking an intervention, the abuser's violent behavior escalated.



## **RECOMMENDATION: Prioritize children's safety and well-being over shared parenting**

**All custody and visitation decisions should prioritize child safety and hold the perpetrator responsible for abusive behavior.**

Courts should:

- **Prioritize child protection and safety, considering that exposure to domestic violence (including homicide) places children at risk of experiencing violence.**<sup>42</sup>

Judges and other court professionals need to understand the signs of and children's reactions to child abuse. Children and young people suffering from coercive control by an abusive parent after the separation may respond in complex ways; for example, missing and wanting to have a relationship with the abuser because coercive control can include periods of seemingly 'caring' and 'indulgent' behavior.<sup>43</sup>

In custody cases involving allegations of domestic violence, child abuse, or other problematic behaviors that may threaten a child's safety with a parent, courts should only order secure, supervised visitation when warranted by a perpetrator's acknowledgement of abuse and completion of a certified batterer intervention program.

This means the child(ren) can only spend time with the parent in a secure facility with metal detectors and with a trained professional overseeing the visit to monitor and ensure the child(ren)'s physical and emotional safety.

- **Understand the power and control dynamics of domestic abuse beyond physical and sexual abuse and the gendered nature of domestic abuse.**<sup>44</sup>

The fact that in most cases the perpetrator is the father, with mothers and children the primary homicide victims, is well substantiated by academic research and death review committees and is reflected in CJE's U.S. Child Homicide database.<sup>45</sup>



Pictured above: Protective mother Kathy Sherlock hugging her daughter Kayden.



Pictured above: Corey loved playing football and also enjoyed playing the video game Roblox. He had a fascination with space and the solar system and loved playing with his friends. He also had a propensity for art and drawing.

- **Prioritize contact with protective parents and challenge abusive parents.**

In domestic violence cases where a pattern of violent behavior exists, the survivors' safety and well-being should come before any cooperative settlements or collaborative solutions (i.e., joint parenting, joint custody, shared parenting). Experts agree that the existence of intimate partner violence, especially coercive control and credible risk to the child of abuse or neglect, should make exceptions to the presumption that shared parenting benefits children.<sup>46</sup>

In practical terms, family courts should order supervised visitation or no contact with abusive parents<sup>47</sup> and avoid ordering harmful, ineffective reunification programs with them.

- **Refrain from incentivizing shared custody or unsupervised visits in cases involving allegations of domestic violence.**

Researchers Peter Jaffe and Nicholas Bala recommend that judges and other court professionals analyze cases involving allegations of domestic violence individually instead of blindly prioritizing contact with both parents. In cases where there's evidence of coercive domestic violence, custody orders should provide sole legal custody and primary physical custody to the non-abusive parent, while protective restrictions on parenting time should be ordered for the abusive parent.<sup>48</sup>

Conversely, in cases involving parents without a history of domestic violence but in which minor, isolated acts of violence and conflict between a couple amid divorce and separation exist, shared parenting with no or little contact between the parents and non-overlapping responsibilities for decision-making<sup>49</sup> might be feasible.

Judges and other court professionals need specialized training to differentiate between these two types of scenarios.



- **Consider children's needs, experiences, and opinions.**

All states should grant children legal rights of representation and participation in custody determinations based on their age, maturity, and wishes.<sup>50</sup>

Children's experience of domestic abuse, its impact on them, and their needs must always be fully considered.<sup>51</sup>

To ensure this, the following measures should be in place:

- I. Direct communication channels between children and family court judges, instead of communication mediated by custody evaluators or other court appointees representing children's interests (guardians ad litem, appointed counsel for children, special masters, mediators, and others), since their opinions can often contradict the direct requests of abused children<sup>52</sup> and determining "best interests" is subjective.

- II. Methods other than direct testimony, especially for children who are not mature and developed enough,<sup>53</sup> or who are experiencing trauma, to voice their concerns and opinions articulately in verbal and written form.

- III. Age-appropriate, child-friendly information and guidance about family court processes and the judge's decision-making on their custody in a language they can understand (including with the help of an interpreter).<sup>54</sup>

This also includes age-appropriate, child-friendly information on the dynamics and tactics of coercive control, positive and negative uses of power by a parent, and healthy and unhealthy parenting behaviors.<sup>55</sup>

/// My son hated going to his father's house; he would hide in closets, kicking and screaming."

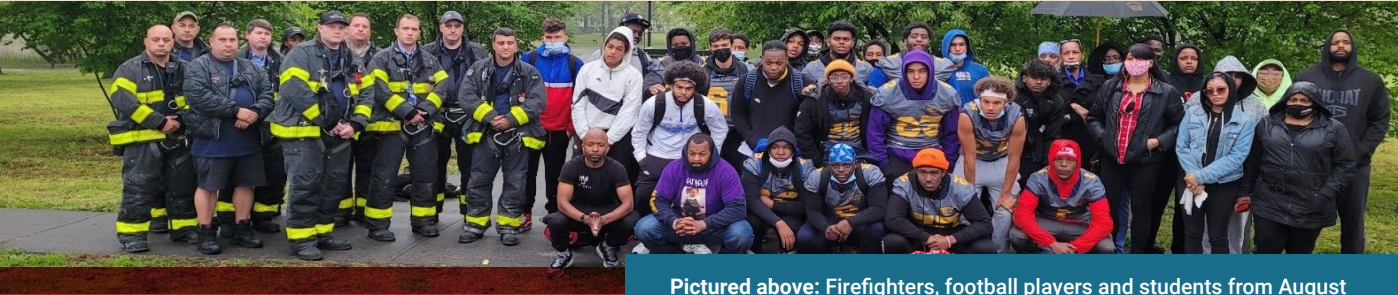
**BREANNA MICCIOLO**  
COREY'S PROTECTIVE MOTHER

/// Jayden would cry every single time he had to go with his mom. I suspected abuse because I'm a teacher, I know children, I know how they respond."

**RASHAWD HINES**  
JAYDEN'S PROTECTIVE FATHER



Pictured above: Jayden Hines at the barber shop.



Pictured above: Firefighters, football players and students from August Martin High School, and family friends show up each year to commemorate Autumn Coleman at a vigil organized by her maternal aunt. Healing from child homicide is a community-wide affair.

## **RECOMMENDATION: Implement proven, scientific, evidence-based tools to assess lethality risks to children.**

**Family court evaluators and other court appointees and employees who provide recommendations to a judge should routinely utilize proven lethality risk assessment tools.<sup>56</sup>**

According to studies led by Peter Jaffe and Marcie Campbell at the Western University of Ontario and Jacquelyn C. Campbell at the Johns Hopkins School of Nursing, as well as guidance by UN Women and the United Nations Population Fund (UNFPA), these assessment tools serve various purposes. They are primarily used to create an individualized safety plan. This is a summary of solutions and safety measures that the service providers from different agencies will employ to protect the protective parent and the children<sup>57</sup> against further violence.<sup>58</sup> It also helps professionals prioritize cases for intervention and identify monitoring and supervision

strategies for interventions that target either the victims or the perpetrators.<sup>59</sup> Besides this, the risk assessment helps improve decision-making accountability, transparency, and consistency.<sup>60</sup> Many tools have been developed for different professional communities and sectors.<sup>61</sup> Dr. Campbell's *Danger Assessment* is the principal tool used by law enforcement, health care workers, and domestic violence agencies to protect survivors, but it is not used in the family court system. This 20-question survey helps determine the level of risk a person faces of being killed by their intimate partner.<sup>62, 63</sup>

This assessment identifies the most common lethality factors found in intimate partnerships, and while it has been widely used for many decades to predict future homicides of women by their spouses or partners, family courts routinely ignore lethality factors and place children at grave risk that too often leads to their murders.<sup>64</sup> All court-connected personnel who provide recommendations to the court on parenting should employ Dr. Campbell's assessment to keep children safe.

## **Risk and lethality assessments should be comprehensive and ongoing.**

The initial risk and lethality assessments and safety planning need to be complemented by ongoing risk assessments. Risk levels can change over time, depending on the individual circumstances and resources of the survivors. Assessments should occur at least every three months or ideally once per month, and during periods of high risk for women and children, including right after separation and around the time of court hearings and when motions are filed, assessments may need to be done weekly or daily.<sup>65</sup>

Domestic violence survivors should be central in assessing their own level of risk. Still, because it is often hard for survivors to understand that someone they loved would be capable of killing them or their children, they may often underestimate the risk, so their own evaluation should be used as just one indicator.<sup>66</sup>

A comprehensive assessment prioritizes building trust with the protective parent and children and should include interviews with all members of the family (including the abuser if possible), friends, police, family lawyers, co-workers, and child protection staff or doctors who know the family and may know about previous abuse and risks.<sup>67</sup>





Pictured above: Prince McLeod deserved to grow up, as did all of the children in this report. We must do better in honor of their memories.

## GAP 2: Court professionals' biases often inform custody decisions

Peer-reviewed studies have demonstrated that child custody decisions are often informed by judges' biases, which are frequently reinforced by poorly trained and biased court appointees, such as custody evaluators, guardians ad litem, minors' counsel, special masters, parenting coaches, and therapists.

While research studies by Canadian experts Nico Trocmé and Nicholas Bala suggest that the rate of intentionally false allegations of abuse and neglect by parents and children is fairly low and exceptional (less than 2 percent of the time),<sup>68</sup> domestic violence survivors frequently report that their abuse claims are not believed.<sup>69</sup>

Pivotal research studies led separately by Daniel Saunders at the University of Michigan and Joan S. Meier at George Washington University have demonstrated that, in many cases, both male and female judges and custody evaluators hold negative stereotypes of protective parents who are women and report abuse.<sup>70</sup> These biases lead them to place greater weight in their decisions to claims of "alienation"<sup>71</sup> and co-parenting than to domestic violence claims.<sup>72,73</sup> In most cases, proving past and potential risks remains exceptionally challenging for protective parents because there may be no eyewitnesses or medical or police reports.<sup>74</sup>

Court and mental health professionals without specific training in domestic violence and child abuse tend to minimize the risks because they do not fully understand the violence, the insidious nature of many abusive tactics, or how to stop current abuse and prevent future violence.

While violent or abusive parents can and often do attempt to damage the relationship between children and their safe, protective parent as part of their pattern of abuse, this abusive behavior should more accurately be described as an aspect of coercive control, not alienation. Parental alienation is frequently misused in child custody cases by an abuser's lawyer to shift the court's attention away from investigating violence and child abuse.<sup>76</sup>

At the same time, it feeds into longstanding and documented gender bias in the courts, which contributes to mothers being seen as lying, vindictive, overly emotional, and lacking in credibility.

A study led by **Joan S. Meier** at George Washington University published in 2020 found that:<sup>75</sup>

- U.S. family courts reject 81 percent of mothers' allegations of child sexual abuse, 79 percent of their child physical abuse allegations, and 57 percent of their partner abuse allegations.
- Twenty-eight percent of mothers who allege a father is abusive lose custody of their children to that father.
- When the allegedly abusive father claims that the mother is "alienating" the children against him, the percentage of mothers who lose custody of their children to the father rises to half (50 percent).



Pictured above: Jayden Hines with his protective father, Rashawd.

**RECOMMENDATION:  
Establish systematic  
capacity-building and  
gatekeeping mechanisms  
for court professionals**

**Like other professionals whose jobs involve decisions about sensitive situations that affect children’s lives, including doctors and mental health and social workers, family court personnel should be properly screened and receive comprehensive initial and continuing training in domestic violence and child abuse. Family court personnel must also be held accountable for violating the ethical standards that govern their professions, especially when exhibiting biases that put children in harm’s way.**

- 1. All judges who preside over custody cases that include disclosures or discoveries of domestic violence or child abuse should have mandatory, specialized training in both areas.**

Judges who are recently elected or appointed, or who are new to the bench or to family court after being transferred from other unrelated areas of law, should be trained in domestic violence and child abuse as part of an onboarding process. In addition to judges, all court personnel involved in child custody cases should receive continuing education on these subjects to ensure they are informed about the latest scientific research and best practices.

Maryland leads the nation on this issue after passing Senate Bill 17, sponsored by State Senator Chris West, in 2022, which mandates 20 hours of child abuse and domestic violence training for new judges and magistrates presiding over cases involving domestic violence and child abuse, with an additional five hours of ongoing training every two years for judicial officers in these cases. This legislation sprung from recommendations made by the Maryland Workgroup to Study Child Custody Court Proceedings Involving Child Abuse or Domestic Violence Allegations, which was convened by the Secretary of State John Wobensmith at the initiative of Anne H. Hoyer.<sup>77</sup>

- 2. Court-appointed or outside professionals, such as custody evaluators, mental health professionals, and guardians ad litem, must demonstrate specialized training and expertise in child abuse and domestic violence.**

The Maryland Workgroup also recommended that this training include adequate education (at least a master’s degree); initial and continuous training on domestic violence and child abuse; proven expertise; clinical experience in working with survivors; and current, research-informed knowledge demonstrating competence in specified areas.<sup>78</sup>



Pictured above: Sophia loved blueberries and playing in her grandmother Valerie Berry’s garden. She would showcase her ballerina and dance moves, and loved her mother’s dog Duke.



For example, California requires mandatory training in domestic violence as a prerequisite for court-appointed child custody investigators and evaluators.<sup>79</sup>

All states should implement similar standards to ensure that everyone who influences judicial decisions in child custody cases has the proper expertise and training in domestic violence and child abuse.

### 3. States should ban or restrict the use of dangerous court-ordered reunification programs or treatments.

A cottage industry of disturbing “threat-therapy programs” aimed at reversing extreme cases of parental alienation has been increasingly appearing in family law courtrooms across the country. These unregulated programs are harming children through controversial techniques such as isolating children from their supportive family for months or years, forcing them into close contact with a parent they’ve reported is abusing them, withholding food in order to coerce their compliance with the program, and repeatedly threatening to send them to wilderness camps or to prohibit them from ever seeing their safe or preferred parent again.<sup>80, 81, 82</sup>

“// Lawyers get very minimal training on abuse and domestic violence. Unless you have experienced [domestic violence] yourself, or you work in the field, you have no idea what someone in a narcissistic or in an abusive relationship goes through. I get that every dangerous situation looks different, but there needs to be some kind of consistent training, at least checking some boxes.”

**KAYLA WHITE**  
TATE’S PROTECTIVE MOTHER

### 4. Family court personnel must also be held accountable for violating the ethical standards that govern their professions, especially when exhibiting biases that put children in harm’s way.

The oversight mechanisms for monitoring ethical violations by judges, custody evaluators, guardians ad litem, reunification counselors, and parenting coordinators, among others, were designed with public protection as their primary mission. Yet in California and likely many other states, these agencies routinely dismiss the overwhelming majority of public complaints about judicial and court-connected personnel misconduct.<sup>83</sup> Longstanding procedural barriers to public protection include:

1) the “clear and convincing” evidence standard for judicial discipline,<sup>84</sup> 2) the widespread use of private admonishments,<sup>85</sup> 3) the secrecy protecting “subject matter experts” who determine whether complaints are investigated, and 4) the agency bias that injured family law litigants are merely “emotional” because of their case outcomes and should be filing appeals with the appellate courts.<sup>86</sup> As a result, parents being harmed in family courtrooms are often left with no meaningful recourse when confronted with judicial biases that harm their children, and biased court personnel continue to harm the public with impunity.

**In an extraordinary victory for children’s rights and safety, President Biden signed Kayden’s Law as part of the Violence Against Women Reauthorization Act of 2022.<sup>87</sup>**

The four recommendations listed above in this section are a part of this historic federal bill, which Representative Brian Fitzpatrick (R-PA) sponsored to commemorate the life of 7-year-old Kayden Mancuso, his constituent, and one of the tragic preventable homicides featured in this report. For more details on Kayden’s Law, or the Keeping Children Safe from Family Violence Act, see Annex 1.

## Capacity-Building Training for Family Court Personnel

Training for family court judges and related personnel should focus on sharing updated, evidence-based knowledge on topics including:

- **How to prioritize the well-being of violence survivors over risky collaborative solutions** (i.e., “parallel parenting” vs. sole legal custody and primary physical custody to the non-abusive parent). This includes how to identify the dynamics of domestic abuse and post-separation violence; how to assess risk, safety, and lethality; how to support survivors adequately;<sup>88</sup> the impact of adverse childhood experiences and exposure to domestic abuse on children; the variations in how children respond to trauma; tools to assess children’s credibility in court;<sup>89</sup> and tools to identify cases where an abusive parent is making false allegations about the other parent.<sup>90</sup>
- **How to disprove parental alienation and challenge bias informed by it.** Peer-reviewed research has extensively disproven parental alienation as a concept that lacks validity for many years. It is not recognized as a diagnosis and rather only as a legal term, yet parental alienation remains the reigning paradigm in many family courtrooms.

It is not recognized as a mental illness by the American Psychiatric Association, American Psychological Association, American Medical Association, or World Health Organization.<sup>91</sup> It has never been listed in the Diagnostic and Statistical Manual of Mental Disorders (DSM). The United Nations Special Rapporteur on Violence Against Women and Girls, Reem Alsalem, submitted a 20-page report to the UN Human Rights



Pictured above: Corey Micciolo and his protective mother, Breanna.

Council for its June 2023 meeting which discusses “how the discredited and unscientific pseudo-concept of parental alienation is used in family law proceedings by abusers as a tool to continue their abuse and coercion and to undermine and discredit allegations of domestic violence made by mothers who are trying to keep their children safe.”<sup>92</sup>

Also, no single, agreed-upon definition for alienation exists among researchers<sup>93</sup> or legal professionals, which allows for the label of “parental alienation” to be systematically misused in child custody cases involving domestic and/or child abuse (see Gap 2).

- **How to provide targeted, victim-centered support.** This includes learning about the gender-based nature of domestic violence, which is rooted in gender inequality, the abuse of power, and structural gender-based power differentials that place women and girls at risk for multiple forms of violence; as well as learning about the processes of gendering that revictimize women survivors of domestic violence and put them under heightened pressure and scrutiny when compared to abusers.<sup>94</sup>



- **The various behaviors that judges might encounter**, both from the controlling and abusive parent and the controlled and abused parent and how the dynamics of domestic violence affect parenting, including how trauma-related problems such as depression and anxiety may interfere with the care of children.<sup>95</sup> According to the National Council of Juvenile and Family Court Judges, there is no “normal” way for a domestic violence victim or an abusive party to act in court.<sup>96</sup> In many cases, children’s “parental alienation-like” behaviors, such as rejecting a parent, may be justified responses to actual abuse or neglect.<sup>97</sup> Protecting children from abuse, violence, and risk of death (instead of protecting them from “alienation”) should be court professionals’ priority whenever child abuse or domestic abuse is established.
- **Values of diversity.** Trainings should include ways to eliminate racial, ethnic, and gender biases and respect diverse family backgrounds and cultures in recommendations about access to children.<sup>98</sup> This also includes broader guidance for understanding cultural and social differences (i.e., families from cultural backgrounds in which domestic violence is more likely to be hidden or normalized) and implicit and systemic biases in the legal system in responding to violence in the family<sup>99</sup> and cases involving parent(s) who suffer from mental illnesses.<sup>100</sup>
- **Cross-sector training and raising awareness**<sup>101</sup> of the role of each agency involved in the prevention of and response to domestic violence and child abuse and on how to improve inter agency collaboration.
- **How to use risk and lethality assessment tools.** Risk assessments rely heavily on professional judgment, professional training, expertise, and experience.<sup>102</sup> Family court personnel must use these proven tools to better protect the lives of children during the riskiest time of their lives.



“ In court all I heard was ‘This is what’s in the best interest of the child,’ and I want them to know that my little child that I raised here is dead.

Is that what’s in the best interest of a child?”

**TAMMY RISEN**  
AVERY’S PROTECTIVE PATERNAL  
GRANDMOTHER

“ Prince was an angel before he was born, during life, and certainly remains so to this day. In his 15 months of life, he made more of an impact than many people do in an entire lifetime.”

**HERA MCLEOD**  
PRINCE’S PROTECTIVE MOTHER



**Pictured above:** Tate Buening's big heart, infectious smile, comical personality, and kindness were contagious. He never met a stranger and never missed a chance to make someone feel special, his mother Kayla remembers.

### **GAP 3: The justice gap and financial conflicts of interest impact custody decisions**

The family court system in the United States is a private legal system, requiring resources to access. Because of the costly fees of attorneys, evaluators, and other appointees and the lack of free, court-appointed legal counsel in most states, lower-income parents, including protective parents experiencing domestic economic abuse as part of coercive control, are at a great disadvantage in the family court system.

Experts and academic researchers have warned that many failures of family courts are partly caused by undue privileges of parents who can afford to hire attorneys and other court appointees, like custody evaluators.<sup>103</sup>

In California, for example, 90 percent of all family law litigants do not have access to an attorney,<sup>104</sup> which is a major access to justice issue, especially for survivors fleeing domestic violence.

A seminal 2008 study from Adams, Sullivan, Bybee, and Greeson discussed the development of a Scale of Economic Abuse (SEA) and found that at least one of 28 economic exploitation and control factors was present in 99 percent of the 103 domestic violence cases studied.<sup>105</sup>

Given that economic abuse often renders survivors unable to afford rent, food, and other basic necessities, most survivors are unable to hire family law attorneys to protect their children.

Finally, another major barrier to justice for survivors striving to keep their children safe is the high cost of court experts and appointees who are often court-ordered and must be paid for by the parent.<sup>106</sup>

At the same time, in most states, free legal counsel is not widely available for low-income, unrepresented litigants. The right to free counsel in child custody cases (as in all civil cases) depends on each state. Only a handful of states provide a right to counsel in private custody proceedings.

Even in states that have enacted a right to counsel in civil law cases, legal aid programs are woefully underfunded and understaffed. Law student volunteers, private attorneys' pro bono legal services<sup>107</sup> for people who live at or below the federal poverty line,<sup>108</sup> and online resources or self-help centers for persons of moderate or middle income<sup>109</sup> have increasingly helped fill this justice gap in recent decades.<sup>109, 110</sup>

However, they can only meet a small percentage (about 20 percent, depending on the state) of the total need for legal counsel in civil cases for low-income people.<sup>111, 112</sup>

**All of these failures help reinforce the ever-growing justice gap in civil cases.<sup>113</sup>**

The United States ranks 126th out of 139 countries when it comes to accessibility and affordability of civil justice and 122nd when it comes to legal system discrimination based on socio-economic status, gender, race and ethnicity, religion, national origin, sexual orientation, and gender identity, according to the World Justice Project's 2021 Rule of Law Index.<sup>114</sup>





Pictured above: Jayden Hines loved PJ Masks, basketball, and attending practice with his father Rashawd, who called him his Point Guard.

Consequently, parents who have lower incomes, especially those who raise concerns about domestic violence and child abuse, are at a significant disadvantage in the family court system. Perpetrators of domestic violence who are wealthier than the protective parent can manipulate the justice system as a tool of coercive control for revictimizing their ex-partner.

Kathryn J. Spearman from Johns Hopkins University conducted an extensive analysis of scientific research produced between 1987 and 2021 on the impact of post-separation abuse. She found that legal abuse includes attempts and threats to take children away via custody proceedings, the instigation of frivolous lawsuits, other court-related manipulations,<sup>115</sup> and litigation tactics that shift blame to survivors and reduce their credibility.<sup>116</sup>

“ I was on my own, I was under the impression that I didn’t need an attorney because you know, facts are facts, proof is proof. I got all of the documents approved via text messages and written letters. I reached out to the attorney, but I got no response, but you know attorneys are just hired to take care of the clients, and therefore, money prevails.”

**RASHAWD HINES**  
JAYDEN’S PROTECTIVE FATHER

Low-income survivors of domestic violence, especially those who have survived or are experiencing domestic economic abuse as part of coercive control,<sup>117</sup> are the most likely to suffer because they can’t afford to hire attorneys and other court appointees.

Likewise, in courts where the judge is responsible for appointing court professionals for each case, these professionals have a vested financial interest in presenting an evaluation in line with the judge’s view.

“ I didn’t have a lawyer, I just did things in the company of a person from the church (a friend), who helped me fill out the paperwork. That was the most difficult part: the fact that you don’t know what to do. I had to send them with their father because I didn’t know if by not sending them, I would get in trouble with the law. In court, there was a person who helped me translate what I was saying. I feel that they didn’t say things the way I said them.”

**ILEANA GUTIÉRREZ**  
SAMARAH, SAMANTHA, AND SAMIA’S  
PROTECTIVE MOTHER



Pictured above: Greyson Kessler enjoying a swim.

## RECOMMENDATION: Provide a right to free legal counsel in child custody proceedings

All states should eliminate inequalities in family courts that emerge from financial interests by ensuring free legal counsel and the right to an attorney for low-income unrepresented litigants in custody proceedings.

Legal scholars, the American Bar Association, nonprofits, and right-to-counsel activists have advocated for federal, state, and local governments to provide legal counsel<sup>118</sup> for low-income people in civil cases that involve basic human needs such as child custody.<sup>119</sup>

This is particularly important in child custody and parental rights proceedings, given that a parent without an attorney is at a significant disadvantage, especially when the other parent is represented.<sup>120,121</sup> Nevertheless, **fewer than 10 states** guarantee the right to free counsel for indigent parents in private child custody, support, and visitation proceedings, according to the latest figures from the National Coalition for a Civil Right to Counsel.<sup>122</sup>

- **Categorical Right to Counsel** (there is a right to counsel without qualification for all indigent persons): New York.<sup>123</sup>
- **Discretionary Appointment of Counsel** (courts are permitted but not required to appoint counsel for any indigent individual, and a request may be required): Delaware, Michigan, Texas.<sup>124</sup>
- **Right Or Appointment Is Qualified** (the established right to counsel or discretionary appointment of counsel is limited in some way): Alaska, Massachusetts, Washington, and the District of Columbia.<sup>125</sup>

## Promising Practice

While California does not provide for or require the appointment of counsel in child custody, support, and visitation proceedings, it has created the Shriver Right-to-Counsel program to provide equal access to justice. In 2009, California enacted the **Shriver Civil Counsel Act**, which created right-to-counsel pilot projects.

In partnership with the courts and legal service providers, these became permanent projects in 2016<sup>126</sup> in San Francisco County, Kern County, San Diego County, Santa Barbara County, Sacramento County, Yolo County, and Los Angeles County.<sup>127</sup>

Between 2009 and 2020, the Shriver Program provided services to more than 43,000 low-income litigants in civil legal cases involving critical livelihood issues.

**The Sargent Shriver Child Custody Project (SASH)** has funded programs throughout California to represent indigent and disadvantaged litigants in civil cases, including domestic violence and deprivation of child custody cases, whenever the opposing party has an attorney, thus ensuring that both sides have counsel.

The SASH Custody Project provided **2,824 low-income parents** with legal representation, legal advice, and referrals and counseling between 2011 and 2019.<sup>128</sup>



## GAP 4: Coordination, communication, and collaboration between agencies are subpar

There is a need for service providers from different sectors (including criminal courts, family courts, child protection services, juvenile courts, and professionals who are mandated reporters, such as school employees, health care workers, police station staff, and other law enforcement personnel) to strengthen coordination, communication, and collaboration to act faster and avoid contradictory orders.

Professor Marianne Hester’s “Three Planet Model” describes how the domestic abuse, child protection, and family court systems operate within their own cultures, laws, policies, and practices – as if they were different planets with their own understanding of and responses to abuse.<sup>129</sup> This situation creates inconsistencies and contradictions in service provisions that leave protective parents and children unprotected<sup>130</sup> and under heightened pressure and scrutiny from the different agencies with vastly different expectations of them.<sup>131</sup>

For instance, a criminal court handling domestic violence claims may issue a restraining order protecting the adult survivor from contact with their dangerous ex-spouse, while at the same time, a family court may order the survivor’s children into ongoing contact with their abusive parent.

The family court’s focus on proving parental alienation by a protective parent may reduce the court’s scrutiny of the abuser, which often affects the court’s monitoring and supervision of court-ordered treatments.<sup>132</sup>

The lack of communication and coordination among system agencies and courts is particularly apparent in cases involving sexual abuse claims. Child Protective Services may investigate a claim and determine that it was “unfounded,” which often does not mean that the child was not abused, or that claim was false, but merely that they did not have enough evidence to pinpoint with certainty who the perpetrator was. Yet family court judges may see an unsubstantiated finding and assume that the child was alienated and coached to lie about their abuse, leaving vulnerable children in an abusive environment and fueling the court’s focus on parental alienation.

Protective parents routinely report that judges simply ignore an abuser’s lack of compliance with the court’s own orders – such as attending batterer intervention or completing drug testing – while the safe parents are held to account for minor digressions that pale in comparison. In our homicide review, we found troubling evidence of poor coordination, conflicting decisions, and delayed to nonexistent communication across agencies.

On the day of the murder, Kayla found her son’s body after a deputy sheriff was called for a welfare check and refused to enter the home to check on the child, saying it was a custody issue. *“The person who answered the phone was like, ‘this is a custody case, so we can’t get involved,’ and I feel like, in our community, that’s the message that is out there.”*

**KAYLA WHITE**  
TATE’S PROTECTIVE MOTHER

A week before the Gutiérrez murders-suicide, their father was arrested for drunk driving, battery of a police officer, and assault on an emergency room staff member. Yet none of this was communicated by law enforcement to the family court.

*“He tried to commit suicide, he was hospitalized, he was arrested, and he was drunk driving. Why did the police not do something about that? Why didn’t they do more? Everything was very easy for him; he got out of jail very quickly, and they didn’t investigate further. I don’t know if they realized it, but he had a restraining order. They did not take things seriously; it seems like it’s just another case.”*

**ILEANA GUTIÉRREZ**  
SAMARAH, SAMANTHA, AND SAMIA’S  
PROTECTIVE MOTHER

## **Recommendation: Improve cooperation and collaboration mechanisms between sectors and agencies**

**States should set up a centralized, multidisciplinary coordination mechanism to promptly identify, report, and discuss responses to individual domestic violence and child abuse cases, including by sharing information to support risk assessment, safety planning, and risk management.**

- There are two cross-cutting themes for all recommendations: 1) consistently and systematically engaging communities and working collaboratively with families and survivors to raise awareness of child and domestic abuse,<sup>133</sup> including incorporating their experiences, needs, and concerns into interagency collaborations in a meaningful way; and 2) designing responses that unequivocally support protective parents and challenge abusive parents.
- **States should establish a centralized, multidisciplinary high-risk committee** or coordination mechanism to identify, report, and discuss responses to individual domestic violence and child abuse cases and to provide victim-centered services in a coordinated and timely manner.
- **States should develop or improve existing formal protocols and policies** for service provision that clarify agencies' mandates and responses to children in detail.<sup>134</sup> This interagency mechanism should be guided by a strategy and plan of action to cover any gaps and duplications identified in the response. For example, the centralized system should have a mechanism in place to expedite information-sharing between agencies,<sup>135</sup> including guaranteeing that child abuse reports reach the agency they should (for example, from schools to hospitals, child protection services, family courts, and law enforcement) and monitor court-ordered testing and treatments for abusive parents. Any coordination mechanism and interagency procedures should be simple, swift, and easy to manage to make it easier for agencies to respond to emergencies.



Pictured above: Avery Hobbs (middle) enjoying a swim.

- **States should set up a centralized, standardized information management system** common to all agencies involved in responding to domestic and child abuse.
- **States should support a culture of learning among professionals**, as well as frequent and systematic needs assessment, evaluation, and learning processes that allow them to learn from experience and share and disseminate knowledge across agencies. This includes systematically collecting evidence and data and making it publicly available to all agencies.
- **States should encourage direct knowledge-sharing to improve all agencies' understanding of professional assumptions and practices of different professional groups.**<sup>136</sup> This may include cross-sector training on how to coordinate their actions within the system,<sup>137</sup> regular conferences or workshops across the sectors to share knowledge, and shadowing programs.
- **States should increase resources** to ensure that all agencies have a sufficient number of trained professionals and adequate financial capacity to respond promptly to abuse. This includes sufficient budgets for services, technical support and supervision, and ongoing training.<sup>138</sup>

**Recommendations for specific agencies:** Family courts, criminal courts, and other service providers need to coordinate their actions so that holistic, ongoing risk assessments and safety plans are effectively implemented.<sup>139</sup>

Police departments should also establish or further develop specialized domestic violence police units, ensuring that sheriff's offices receive training on domestic violence and child abuse.

**Pictured below:** CJE and our skillful allies celebrated another victory at the California State Capitol in 2015, after we worked with Sen. Bob Wieckowski to pass his SB 594 through the state legislature. This bill insisted that custody evaluators must follow the law.



## Promising Practices

- **The Child Trauma Response Team (CTRT)** in New York City implements coordinated, trauma-informed interventions for children exposed to domestic abuse by referring them to the services they need, among other responses.<sup>140</sup>
- **Interagency groups**, such as Domestic Violence Fatality Reviews/Domestic Homicide Reviews (DVFRs/DHRs), allow agencies to analyze past cases and learn from experience to prevent domestic homicides.<sup>141</sup>

For example, Washington State's DVFR teams have allowed diverse community partners, agencies, and domestic violence advocates to discuss current gaps in their community's coordinated response to domestic violence and to provide recommendations after a domestic violence-related death.<sup>142</sup>



# Glossary and Annexes

## Glossary

**Abusive parent (or abuser).** The parent who commits domestic violence against the other parent, hence exposing their children to domestic violence, and/or who commits child abuse against their children. During the divorce proceedings or separation process, the abuser often tries to take custody of or get unsupervised visits with their child(ren) to assert power and coercive control over their victims.

**Adverse childhood experiences.** Adverse childhood experiences, or ACEs, include all types of abuse (physical, sexual, and emotional) and neglect by a parent, caregiver, or another person in a custodial role (such as a religious leader, coach, or teacher) during childhood (ages 0-17 years). These result in harm, potential harm, or threat of harm to a child and include exposure to violence in the home or community. The presence of many ACEs increases health challenges later in life and can even shorten the life expectancy of adults.<sup>143</sup>

**Child abuse and neglect (known as child maltreatment).**<sup>144</sup> Any act or series of acts by a parent or other caregiver that results in harm, the potential for harm, or threat of harm to a child, including physical, sexual, and emotional abuse. Neglect is the failure to provide for a child's basic physical, emotional, or educational needs or to protect a child from harm or potential harm.<sup>145</sup>

**Coercive control.** An ongoing pattern of behavior in domestic abuse cases whereby perpetrators deliberately isolate their victims and inflict harm to control them.<sup>146</sup> This strategy of domination shows an escalation of risk over time<sup>147</sup> and continues after separation. Post-separation abuse includes threats and endangerment to children<sup>148</sup> and the pursuit of child contact, including through legal means, to assert power over the other parent.

**Domestic violence.** According to UN Women, this refers to any pattern of behavior that is used to gain or maintain power and control over an intimate partner. It encompasses all physical, sexual, emotional, economic, and psychological actions or threats of actions that influence another person, and it is one of the most common forms of gender-based violence experienced by women globally.<sup>149</sup> In its broadest sense, domestic violence may also encompass violence against children, parents, and the elderly.

**Family court professionals.** We use this term to refer to a broad range of multidisciplinary professionals and experts involved in child custody proceedings. This includes judges, magistrates, attorneys, counsel for children, custody evaluators, guardians ad litem, minor's counsel, special masters, and mediators, among others.

**Gender-based violence.**<sup>150</sup> Gender-based violence (GBV) refers to harmful acts directed at an individual or group of individuals based on their gender. It is rooted in gender inequality, the abuse of power, harmful norms, and structural, gender-based power differentials that place women and girls at risk for multiple forms of violence. Women and girls suffer disproportionately from GBV, even as men, boys, and LGBTQI+ people can also be targeted with violence related to gender norms.<sup>151</sup>

**Intimate partner violence.**<sup>152</sup> Intimate partner violence (IPV) is more exclusive than domestic violence because it specifically describes behavior by an intimate partner or ex-partner that causes physical, sexual, or psychological harm, including physical aggression, sexual coercion, psychological abuse, and controlling behaviors.<sup>153</sup>



**Mental illness.** In the context of this report, we use this term to refer exclusively to the abusive parent’s untreated severe mental illness which may have contributed to child maltreatment. Scientists have linked a parent’s or caregiver’s untreated mental illness, such as depression and anxiety, to heightened potential for child abuse and neglect as these factors can compromise parenting.<sup>154</sup>

**Parental alienation (formerly known as “parental alienation syndrome”).** In child custody disputes, this refers to the belief held by some court professionals that some parents (usually the mothers) who accuse the other parent of child abuse are creating false abuse claims to damage their children’s relationship with the other parent. It is not recognized as an official diagnosis or mental illness by the American Psychiatric Association, American Psychological Association, American Medical Association, or World Health Organization and has never been listed in the Diagnostic and Statistical Manual of Mental Disorders.

**Preventable child murder.** A child homicide case in which there is evidence that a protective parent or parental figure sought to restrict the abusive parent’s access to the children due to safety concerns or when a properly trained judge and/or court personnel charged with protecting the “best interests of the child” should have detected clear lethality factors.

**Protective parent (or non-abusing parent).** The parent who has a child with an abusive partner and who, during the divorce proceedings or separation process, finds their abusive partner is threatening to take custody of their child(ren) or trying to get unsupervised visits with them.



Pictured above: He was the kindest, smartest, most animated kid we have ever known, sunshine in a tiny human body. He exuded joy and loved everyone he met without hesitation. When Grey was born, we nicknamed him ‘Gigs’ because he was always smiling and laughing, remembers his mother.

# Annex 1

## Promising New Federal Kayden's Law

CJE and our pro bono lobbyists Hon. Greg Laughlin and Craig Saperstein from Pillsbury Law worked closely with Representative Brian Fitzpatrick, the National Family Violence Law Center, Kayden's protective mother Kathy Sherlock, protective father Darrel Riley, longtime child advocate Camille Cooper, humanitarian Angelina Jolie, and others for more than two years to get Kayden's Law adopted into federal law.

Kayden's Law, or the Keeping Children Safe from Family Violence Act, creates a financial incentive\* for states to pass legislation that modernizes their family court laws to better protect children from violence and abuse. To be eligible to receive federal Violence Against Women Act funds, states must pass legislation that includes these provisions, among others:<sup>155</sup>

- **Prioritize child safety.** A court may not remove or restrict a child from a parent or litigating party who is competent, protective, and not physically or sexually abusive and with whom the child is bonded or to whom a child is attached, solely to improve a deficient relationship with the other parent of a child.
- **Mandate judicial education.** All relevant court personnel involved in child custody proceedings, including judges, magistrates, guardians ad litem, best interest attorneys, counsel for children, custody evaluators, special masters, and mediators, are required to complete at least 20 hours of initial training and at least 15 hours of ongoing training every five years on domestic violence and child abuse.
- **Limit evidence to qualified domestic violence or child abuse experts only.** Expert evidence from a court-appointed or outside professional relating to any alleged abuse may be admitted only if the professional possesses demonstrated expertise and clinical experience in working with victims of domestic violence or child abuse, including child sexual abuse, that is not solely of a forensic nature.
- **Restrict dangerous reunification treatments.** A court may not order a reunification camp or treatment that lacks scientifically valid proof of its safety, effectiveness, and therapeutic value.



Pictured above: Kathleen Russell with Rep. Brian Fitzpatrick (PA-1) celebrating Kayden's Law at the White House in March 2022.

### State legislatures are beginning to debate and pass legislation containing Kayden's Law provisions.

- Colorado passed **House Bill 23-1178**<sup>156</sup> from Representative Meg Froelich and Senator Faith Winter, and Governor Jared Polis signed it into law.
- California **Senate Bill 331**, or Piqui's Law, was reintroduced by Senator Susan Rubio in 2023 after being tabled the year before because of intense opposition from the California Judicial Council on the mandatory domestic violence and child abuse training provision.

\* Congress has not yet appropriated funds for Kayden's Law, but our pro bono lobbyists are working with Rep. Brian Fitzpatrick (R-PA) and others to remedy that in June 2023.



# Annex 2

## These Survivor-Led Advocacy Efforts Deserve Your Support

Many of the parents and caregivers highlighted in this report are channeling their grief and turning their life's most devastating event into something positive to honor the memory and legacy of their murdered child or children in tangible ways that are helping other children. Please support them in all they do.

They are role models for tenacity, stamina, and grit, and we have so much to learn from them.

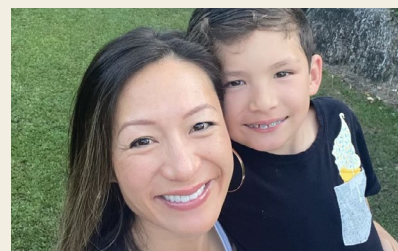
If your child was murdered by divorcing, separating or court-involved parent and you have written a book, created a nonprofit, or pushed for a law you'd like us to promote, please send us an email at [info@centerforjudicialexcellence.org](mailto:info@centerforjudicialexcellence.org), and we'll be sure to add it to our website.



### Tate's Legacy Foundation - Alabama

For more information: <https://www.tateslegacyfoundation.org/>

Protective mother Kayla White created Tate's Legacy Foundation in honor of her 10-year-old son Tate, who was killed on August 6, 2021 in a murder-suicide by his father. The foundation was created to raise awareness of domestic violence and risk factors that lead to physical abuse and fatalities. The foundation advocates for laws that prioritize child safety and makes donations to causes in Tate's name.



### Pierce's Pledge - California

For more information:

<https://www.piercespledge.org/>

Protective mother Lesley Hu created Pierce's Pledge in memory of her precious 9-year-old son Pierce who was tragically

murdered by his father on January 13, 2021. Family law attorneys who sign the pledge are committing to only represent clients who agree to disclose and safely store their firearms in a third-party location during their legal representation. CJE is proud to be the fiscal sponsor of Pierce's Pledge which is already protecting nearly 2,000 families.



### Wyland's Law - California

For more information: <https://wylandsmom.com/home-1>

Protective mother Christy Camara is working to get answers about the murder of her precious 10-year-old son Wyland on March 2, 2020 so she can develop Wyland's Law in California. Christy filed a 2022 lawsuit against the California Department of Justice which seeks to force the department to disclose the background check records that allowed her son's murderer to purchase a firearm from a licensed dealer despite the presence of an active restraining order that should have disqualified him from purchasing a firearm. Christy also just wrote a book, "Can I Still be Funny After My Son's Murder?"



# Annex 2



## Piqui's Law - California

For more information: <https://trackbill.com/bill/california-senate-bill-331-child-custody-child-abuse-and-safety/2358901/>

Protective mother Ana Estevez founded Piqui's Justice in the wake of her beloved 5-year-old son Piqui's murder by his father. Ana has been a longtime advocate for child protection in family courts, working to help pass H. Con. Res. 72 (Sessions (R-TX), U.S. House) and Piqui's Resolution (B. Rubio, D-CA) in 2018, and she is leading the effort to pass Piqui's Law (S. Rubio, D-CA) in 2023, which would bring federal Kayden's Law protections to California.



## Greyson's Choice - Florida

For more information: <https://greysonchoice.org/>

Protective mother Ali Kessler created Greyson's Choice in honor of her precious 4-year-old son Greyson, who was killed in a murder-suicide by his father on May 21, 2021. Greyson's Choice is committed to raising awareness about the risk of family domestic violence in all forms. One of the organization's major efforts is Greyson's Law, which became Florida law in May 2023. This important law expands the factors a court must consider when determining a detriment to a minor child when deciding parental responsibility.



## In Loving Memory of Duncan & Jack Leichtenberg - Illinois

For more information: <https://www.facebook.com/groups/61515533201/>

Protective mother Amy Leichtenberg has organized fundraisers for the past 13 years to honor the memories of her two beloved sons Duncan (9) and Jack (7), who were killed in a murder-suicide by their father on March 29, 2009. Amy bravely shared her story on the Dr. Phil Show with CJE back in April 2010, and she shared her story at the first White House briefing on the family court crisis that CJE organized in May 2010, along with protective mother Katie Tagle, who appeared at both events also.



## Justice for Corey - New Jersey

For more information: <https://www.facebook.com/groups/869641433623916/>

Protective mother Breanna Micciolo created Justice for Corey, an active Facebook group, to fight for justice for her precious 6-year-old son Corey, who was killed due to blunt force trauma by his father on April 2, 2021. His father has been charged with murder and is awaiting trial from prison. Micciolo is currently suing key players in the Department of Child Protection and Permanency in Ocean County, NJ for ignoring her reports of child abuse and denying her emergency custody request the day her son was killed. Hearings in the case are underway.



## Jesse's Law - North Carolina

For more information: <https://www.facebook.com/JessesLawNC/>

Protective mother Christy Adams teamed up with protective mother Victoria Hatton to honor Christy's beloved 3-year-old son Jesse Ray Adams, who was killed by his father in a murder-suicide on July 13, 2012. Jesse's Law North Carolina had language drafted in 2023 and hopes to rework the bill for introduction in 2024. Jesse's Law North Carolina is an active Facebook group that brings awareness to the many complicated facets of the family court crisis.



Pictured above: Senator Lori Berman (left), Ali Kessler, and Abby Ross working to pass Greyson's Law. Rep. Hillary Cassel co-sponsored in the Florida House of Representatives.



# Annex 2



Pictured above: Kayden's protective mother Kathy Sherlock met President Biden at the March 2022 White House event celebrating the 2022 VAWA Reauthorization, which Kayden's Law was wrapped into after years of hard work.



## Justice For Avery - Ohio

For more information: <https://justice4avery.org/>

Protective grandmother Tammy E. Risen created Justice4Avery.org to commemorate her beloved 4-year-old granddaughter Avery Hobbs, who was killed by her mother on August 1, 2016. A true "Granny on a Mission," Tammy wrote a book, "In the Best Interest of a Child," which sheds light on Avery's case. An updated version will be published in fall 2023. The organization also has created Developing Essential Advocate Restoration (D.E.A.R.) on Facebook for those in care of abused children. Tammy has spoken with lawmakers about introducing legislation to better protect children from abusive parents.



## Kayden's Korner - Pennsylvania

For more information: <https://kaydenskorner.com/index.php/home/>

Protective mother Kathy Sherlock established Kayden's Korner in honor of her precious 7-year-old daughter Kayden, who was killed by her father in a murder-suicide on August 6, 2018. The group is dedicated to the protection of children innocently involved in domestic custody challenges. Kayden's Law is included in the Violence Against Women Act of 2022, which incentivizes states to adopt child safety legislation to end the family court crisis.



## Gabrielle's Wings - New York

For more information: <https://www.gabrielleswings.org/>

Protective mother and media executive Michelle Hord founded Gabrielle's Wings after the tragic loss of her precious 7-year-old daughter Gabrielle on June 6, 2017 in a murder-suicide by her father. The nonprofit is dedicated to giving elementary-aged children of color in systemically vulnerable communities access to programs they may not otherwise experience. In 2022, Hord released her memoir "The Other Side of Yet."



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