

Unmasking the Abuse: Psychological Defenses in Child Custody Disputes

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The following is written for child custody evaluators with the expectation that it will improve their assessment of risk to the subject children. It is argued that disputes engendering the need for these evaluations are a function of different parenting styles, but it is reliably reported as well that these disputes can mask coercive and controlling abuse. I describe two defensive mechanisms, projective identification and dissociation, that create the perceptual distortions responsible for the viciousness of many child custody disputes and can lead to custody decisions that may not protect the subject children. These defenses were theorized by early psychoanalysts and have now found significant empirical support. Additionally, this article may be of interest to those studying destructive conflict generally.

KEYWORDS *abuse, child custody disputes, conflict, disassociation, projective identification*

Child custody cases involving coercive and controlling abuse are particularly challenging for child custody evaluators, as this type of abuse is often difficult to identify and prove (Hardesty & Chung, 2006; Stark, 2009; Ver Steegh, 2005). Evaluators are advised by the American Psychological Association (2010) to protect the welfare of the subject children, but there is widespread concern that even in cases with documented domestic violence, child custody evaluation reports fail to emphasize the risk of abuse to the subject children (Bemiller, 2008; Gewirtz & Medhanie, 2008; Grych, Fincham, Joriles, & McDonald, 2000; Haselschwerdt, Hardesty, & Hans, 2011; Leshner & Neustein, 2005; Meier, 2015; Rosen & O'Sullivan, 2005; Russell, 2008; Saunders, 2015; Stark, 2009; United States Department of Justice [USDOJ], 2011; Winner,

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1996). This problem may be due to evaluators' tendency to see conflict in custody disputes as a "gray area" (i.e., as bidirectional), or to a lack of knowledge about coercive and controlling abuse. Custody evaluation reports significantly influence the court's decisions regarding custody and visitation (Davis et al., 2010; Lauria, personal communication, 2007), and thus developing a risk assessment tool to detect this insidious type of abuse is crucial to ensuring the safety of children.

Researchers have found that during custody disputes reports of domestic violence, or intimate partner violence, even when documented, are ignored or not taken into account during custody arrangements (Kernic, Monary-Ernsdorff, Koepsell, & Holt, 2005; Pranzo, 2013). This could be due to the assumption that domestic violence is inherent in high conflict cases (Bancroft & Silverman, 2002), the unfounded beliefs that women will falsely claim abuse in high conflict disputes (Austin & Drozd, 2012; Slote et al., 2005), and the court's preference for joint custody and co-parenting arrangements (Dragiewicz, 2010). Recently, Hardesty, Hans, Haselschwerdt, Khaw, and Crossman (2015) found that the mother's demeanor during evaluations is the most consistent predictor of custody recommendations and that more demur mothers who alleged minor and conflict-based violence, as opposed to severe and control-based violence, were more credible. The goal of this article is to focus on this type of coercive and control-based abuse, which is unilateral, difficult to detect, and often doubted, or overlooked, by evaluators. This article uses the term abuse, as opposed to domestic violence or intimate partner violence, because it reflects the coercive and controlling behavior that most puts children at risk.

This article proposes a new framework for understanding coercive and controlling abuse and a risk assessment tool to help evaluators identify it. Violence in the home may occur for a number of reasons (Johnson, 2008; Ver Steegh, 2005); however, in cases where children are regularly hit, neglected, or traumatized by their caretaker, it is likely to be the result of an impairment in the caretaker's self-regulatory systems. This can create the psychological defenses of "projective identification" and "dissociation," which lie at the root of coercive and controlling behavior. A better understanding of the psychological theory and neurobiology underlying these mechanisms will help evaluators recognize this type of unilateral violence.

CHILD CUSTODY EVALUATIONS IN THEORY AND IN PRACTICE

Evaluators are expected to adopt a scientific approach when preparing reports so that their conclusions are based on sound empirical evidence (Gould & Martindale, 2007; Grisso, 1990). The evaluator is expected to use diagnostic tools to make inferences about each parent's "parental capacity," which is the parent's ability to place the child's needs before his or her own

while maintaining appropriate behavioral limits. The analysis presented in the final report must meet either the Frye standard, which states that the evaluator's analysis must be generally accepted by a meaningful segment of the scientific community, or the Daubert standard, which is used in most states (Kaufmann, 2006) and requires a far stricter standard of relevant scientific evidence.

Evaluators may feel pressured, however, to recommend arrangements that adhere to prevailing political trends regarding custody (BeMiller, 2008; D. G. Dutton, 2006) or to their personal beliefs (Hardesty et al., 2015). They can be influenced, for example, by the prevailing theoretical doctrine that describes what a custody decision should ideally accomplish. Court opinion on child custody decisions began to shift in the 1970s from prioritizing the "tender years" doctrine, which assumed that the mother was best able to raise her young children, to the "psychological parent," and then to the "best interest of the child" doctrine (Gould & Martindale, 2007). The present standard is devolving into the "friendly parent" or "failure to cooperate" standard (Donovan, 2011; Saunders, 2011) and currently, many custody experts advocate for a co-parenting approach, managed by parent coordinators, that theoretically enables the children to bond with both parents while preventing either parent from feeling as if he/she has "lost" (Jaffe & Crooks, 2005). By prioritizing the friendly parent doctrine, however, the evaluator may overlook abuse.

There is concern that child custody evaluations are neither methodical nor empirically based, and that they make inferences that are not informed by current psychological theory and rigorous research (Tippins & Whittman, 2005). Winner (1996) observed that child custody disputes are rife with posturing, bullying, and intimidating tactics that reflect the personalities involved and the culture of many court systems. In cases involving coercive and controlling abuse, the need for empirical analysis is particularly great, as this type of abuse is often masked by deception and lacks physical evidence (Beck & Raghavan, 2010; Pence, Davis, Beardslee, & Gamache, 2012). The proposed risk assessment tool seeks to help evaluators identify coercive and controlling abuse by recommending a series of steps that will elucidate it. These recommendations include trauma-based assessments, participant observation, and an emphasis on the extensive but appropriate use of collateral contacts.

DOMESTIC VIOLENCE THEORY

In addition to doctrines that lay out preferred custody arrangements, evaluators are also influenced by competing theories on the nature of violence in custody disputes. Saunders (2015) noted that family court professionals continue to debate whether domestic violence is an umbrella term for different types of conflict or if it is, at its root, a uniform event.

Johnston and Campbell (1993) discerned five types of domestic violence: on-going or episodic male battering, female-initiated violence, male-controlling interactive violence, separation-post-divorce violence, and psychotic or paranoid violence, but acknowledged methodological problems in the way the research was conducted (Johnston, 1999). Nonetheless, it formed the basis for the family systems school of domestic violence, which maintains that there are different types of domestic violence and that domestic violence is typically an interaction between people with poor conflict resolution skills. This school of thought maintains that episodic male battering is more the exception than the rule in child custody disputes in which there has been violence (Jasinski, 2001; Johnson, 2008).

Dalton (1999) argued that Johnston and Campbell (1993) did not distinguish female-initiated conflict from victims who are either trying to fight back, defend themselves, or leave the violent relationship in order to protect themselves and their children. Furthermore, Dalton and Stark (2009) argued that the categories the family systems theorists propose fail to account for threatening behavior, which is used by the aggressor to intimidate and control his or her victim, but is not necessarily violent; they contended that physical violence is only one of several ways of obtaining control. Stark argued that this controlling, threatening behavior, which he termed “coercive control,” constitutes the essence of abuse as distinct from domestic violence generally Stark (2007). Stark’s model has received significant support (M. A. Dutton, Goodman, & Schmidt, 2006). Both Dalton and Stark noted that abuse creates a subtle dynamic that is based on fear and is difficult for even the litigants themselves to recognize.

Dalton, Stark, and others, such as Haselschwerdt et al. (2011), using examples from child custody disputes, helped develop the school of thought that asymmetrical violence is abuse and is distinct from domestic violence and the family systems approach. Stark (2009) wrote of an example where a litigant was only saved from being thrown down the stairs by the spouse by the interventions of their son, and the presiding judge viewed this behavior as not unusual in a long-term marriage. In these cases, the court determined that the litigants are equally responsible for their relationship devolving to the point of violence. While domestic violence can include physical outbursts of anger suggesting, for example, poor impulse control and conflict resolution skills, learned behavior, posttraumatic stress disorder, and other psychological conditions, abuse is the systematic control of another person through fear. This model emphasizes that abuse can be emotional (i.e., verbal), physical, sexual, or any combination thereof and that through intimidation, it can extend to controlling all aspects of the victim’s life.

Johnson (2008) reviewed the literature on the issue of differentiated types of violence and maintained that the evidence supports typologies of violence. Meier (2015) argued that this typology has had an impact on

custody evaluations and adjudications; and that generally that impact has been to minimize abuse by calling it “situational.”

COERCIVE AND CONTROLLING ABUSE IN THE CONTEXT OF THE FAMILY

The definition of domestic violence within child custody state statutes varies (Saunders, 2015) and is applied differentially, so the evaluator must use his or her clinical judgment and knowledge of the literature to determine whether the subject children are at risk. In general, evaluators must take into account numerous factors when assessing whether domestic violence or coercive and controlling behavior is at the root of a custody dispute. Research has shown that violent behavior is not gender-specific, but severe physical and sexual abuse is more likely to be perpetrated by men (Archer, 2000; Cho, 2012; Hamberger & Gus, 2002; Kimmel, 2002; Melton & Belknap, 2003). Evaluators must also take into account the distinct culture and community in which the family lives because while abuse may not be culture-dependent, a victim’s reaction to it may be governed by cultural norms (World Health Organization, 2005, 2009). Abuse is highly correlated with alcoholism and other addictive behaviors (Mignone, 2007; Shorey, Stuart, Moore, & McNulty, 2013; Stuart et al., 2003), and Alcorn et al. (2013) showed that the genesis of aggression can stem from the pathological stimulation-seeking behavior of psychopathic personalities and drug abusers. Additionally, the correlation between abusive behavior and abuse within an abuser’s family of origin is significant (Stark & Flitcraft, 1991). Aggressive behavior has also been seen as a symptom of complex posttraumatic stress disorder, particularly among war veterans, which is a growing concern given the recent influx of veterans into the mental health system (Finkel, 2013).

This article focuses on coercive and controlling abuse as a particularly serious threat to the welfare of children in custody disputes because it is difficult to detect and is often not physical, which means that there is no record of domestic violence. Flourney and Wilson (1991) reported that more than 50% of male batterers have normal MMPI profiles, and Otto and Collins (1995) reported that the MMPI does not identify abusers. People who conduct coercive and controlling abuse often appear as highly functioning people, particularly in public settings but intermittently in private settings as well. Many victims have reported that their abusers have been administered mental health exams, and often the results indicate that the abusers sincerely believe that their victims behave in a manner that necessitates the abuse (Bancroft & Silverman, 2002; Dalton, 1999; Maggins, 1996). Derry (2009) reported that in treatment, abusers give testimony that they feel entitled to their abusive behavior and that they benefit from their elevated status.

Dalton (1999) noted that untreated abusers and those abusers who, despite treatment, never gain insight, experience themselves as victims, and typically report that their victims are responsible for the dispute. Victims are apt to be abandoned and blamed by children (Wissink v. Wissink, 2002) and by parents, as Pelzer (1995) described. These disturbing facts are borne out in the psychodynamic literature (Freud, 1992; Miller, 1983) and by such phenomena as “traumatic bonding” (D. Dutton & Painter, 1993) in which a victim becomes attached to and supportive of their attacker or abuser.

Coercive and controlling abuse threatens the victim’s security and integrity through threats that may or may not be physical and is a mechanism of control that dehumanizes the abuser’s victim. In response to this abuse, many victims develop anxiety, depression, internalized negative introject (low self-esteem), and posttraumatic stress disorder (Teicher, 2007), which may include memory loss of the traumatic incidents and impaired mental functioning. This state of mind can make the victim feel “frozen,” so that they can neither fight nor flee, and they can behave in a way that is outwardly irresponsible or destructive (Wilson, 2014). Coercive and controlling abuse can cause the loss of control that lies at the heart of these psychological symptoms. This type of abuse can also lead to confusion in the family, as certain types of violence can polarize family members and create strong perceptual distortions on the part of the participants (Bancroft & Silverman, 2002).

PROJECTIVE IDENTIFICATION AND DISSOCIATION IN CHILD CUSTODY DISPUTES

This article argues that coercive and controlling abuse can be difficult to detect because of psychological defenses at its root, specifically projective identification (externalizing the problem) and dissociation (denying the problem all together) and that these defenses are at the root of affect dysregulation theory, and that they are related as projective identification effects dissociation. In this formulation, abusive behavior is inflicted by an individual who unconsciously needs a victim or, in psychoanalytic terms, an object that they can control to balance their emotional pain or lessen their symptoms. A range of people including intimate partners, siblings, parents, children, employees, or friends can become victims of these afflicted individuals. Untreated, abusers cannot, because of this defense, sustain a mutually respectful, interdependent relationship with another, nor can they take the perspective of another in any transformative way.

These psychological defenses create a chronic condition and that by virtue of these defenses, the abuser believes him or herself to be the true victim so that the abuser sees his or her aggressive behavior as defensive; the victim, in turn, may feel responsible for the abuser’s behavior, giving life to the abuser’s accusations and creating a key reason for the irreconcilable conflict

between the litigants. Furthermore, it is argued that neurobiological research shows that projective identification functions like an addiction because it occurs habitually, out of the perpetrator's awareness, and relies on co-dependent relationships.

In "Affect Regulation Theory" (1994) and "Affect Dysregulation Theory" (2003), Schore described research that demonstrates that in infancy the right brain, which is responsible for identifying and processing emotions, in effect regulates "biologically primitive emotions such as elation, rage, terror, disgust, shame and hopeless despair" (Schore, 2010, p. 14) through attachment with the right brain of the primary caregiver. In the absence of emotional regulation, Schore argued the individual "quickly and automatically" (p. 14) develops "affect dysregulation" by defending against negative feelings through psychological defense mechanisms, including, and very importantly, "projective identification." Furthermore, Schore (2003) linked projective identification to antisocial personality disorder (ASPD) and borderline personality disorder (BPD).

Projective identification was first theorized by Melanie Klein's seminal work, "Notes on Some Schizoid Mechanisms" Klein (1946), as a defense that is central to the human condition because it is a defense against primary, intolerable feelings of aggression and emptiness. She theorized that projective identification is a psychological mechanism to rid oneself of these feelings by attributing them unconsciously and automatically to another. The effect of this defense is for the afflicted person to attribute his or her own negative feelings to another person who becomes an adversary. Klein (1975) wrote, "...the ego's first mode of defense [is] an expulsion mechanism proceeding and fundamentally different from repression; it is a defense against aggression and the anxiety it arouses... which leads the ego to expel its sadism into the object both to protect itself and destroy the object" (p. 428). Kernberg (1985) observed that this object becomes an opponent who they feel they must control. Stein (1990) noted that, "according to Klein, the common thread running through all mental development may be said to be the regulation of feelings" (p. 508).

Klein (1975) noted that projective identification explains how afflicted individuals (i.e., abusers) in effect tend to *reverse* a situation, a notion that has been expanded on by several theorists (Jordan-Moore, 2012; O'Shaughnessy, 2012; Spilius, 2012). Such reversals occurs in custody disputes when one party may accuse the other of avoiding them when, in fact, it is they who have postponed and cancelled all engagements with the other party. Another common example is when one litigant may accuse the other of abandonment, when it is actually the accusing litigant who is having an extramarital affair.

Schore (2010) explained the neurobiological roots of projective identification as Klein conceived it. Neurobiology shows us, then, that projective identification is one of the mind's mechanisms for regulating affect and, Schore argued, untreated it becomes an automatic response to negative

feelings that can become a pattern of behavior. Similarly, Greatrex's (2002) analysis of the neurobiological research showed that projective identification develops from intense feelings and is integral to interpersonal relationships. Greatrex summarized how research has shown that the most habitual, change-resistant thought is rooted in these largely unconscious affective systems, and that these emotional systems are inextricably linked to and are activated by the individual's physiological response to stimuli, particularly stimuli that they must defend against, such as extreme feelings of aggression and emptiness. Greatrex explained that thought, which is born of these powerful emotional systems, is given an outlet through the mechanism of projective identification, so that projective identification shapes perception. It is noteworthy to add for the purpose of custody evaluations that Greatrex views projective identification as the means by which transference and counter-transference occur, and so through psychotherapy there is the potential for analyzing and treating these powerful and habitual feelings.

Wang (2009) echoed Klein (1975) and Greatrex (2002) in that he believes that projective identification moderates the intense feeling of emptiness, which he refers to as an "aversive inner tension" (p. 12) and rage the afflicted person feels, and which, in his formulation, is to some extent biologically determined. Also, Wang's suppositions about projective identification include that the afflicted accuse their adversary of what they, in fact, have done as a result of their intense negative feelings and takes the added step of linking projective identification to BPD, arguing that projective identification is at the root of BPD. Wang's formulation supports the contention that projective identification is a biological condition that is affected by the environment, including and most importantly the relationship with the primary caregiver. This condition takes hold because the afflicted individual's extreme temperament makes it difficult to create an adequate environment in which as a child they could develop a sense of self. This causes a child's and, untreated, an adult's tremendous rage at a target they believe is responsible for their extreme feelings. It is important for custody evaluators to know that Wang has developed treatment for such afflicted individuals, which he refers to as "The Developmental and Systems Approach."

Mitchell Slutzky (personal communication, 2013) relates projective identification to the confusion that can ensue in a child custody dispute. He observes that the defining feature of projective identification is that the "affect is experienced by the other person, not the person who is originating the feeling. The recipient of someone's projective identification ends up being induced to feel the affective state that is split off from the person who is originating this state . . . This is the essential issue that may explain the bizarre behaviors of a spouse of someone who exhibits projective identification . . . so they act in a way that they may seem the unfit parent." In a custody dispute, this may mean the more aggressive litigant's feelings of insecurity are felt and experienced by the other party, meaning that one party

who is unconsciously insecure causes his/her adversary tremendous self-doubt (and may help to explain why they often make poor advocates for themselves).

Projective identification, or unregulated affect, accounts for the rage we see in litigants who furiously and compulsively accuse the opposing party of dangerously inept, malicious, or immoral behavior. If records reveal “reversals” in the accuser’s thinking, for example, they were getting on a flight at a time when they said they were driving to see their children, it is likely that these psychological defenses are active. Often, enraged litigants will claim that the other parent is dangerous and unbalanced until home visits reveal that the “unbalanced” parent provides a warm and nurturing environment for the children; these home visits reveal that the aggressive litigant’s anger has no bearing in reality. Confounding the analysis is that, as noted, victims are likely to be depressed, distracted, and anxious in some circumstances. This may give credibility to the abuser’s perception as the abuser’s mind judges the dutiful person as irresponsible and corrupt and facts to the contrary are dismissed.

DISSOCIATION

The dissociation defense is another critical response to overwhelmingly negative affect. Stimuli that threatens our sense of self, or our sense of “self-continuity” as Bromberg (2008) referred to it, cause the threatened individual to psychologically and physically shut down (Bromberg, 2003). He explained that self-continuity is necessary for psychological survival and that dissociation is a part of our self that we cut off because we cannot integrate it into our sense of self. He likened it to the “not me” that theorists such as Sullivan have postulated (Chatelaine, 1992). Dissociation, then, reflects an intolerable part ourselves that is such a threat to our sense of self that the individual loses any awareness of it.

LeDoux (2002) emphasized the importance of dissociation as a response to distress. He notes the neurobiological processes that create the self and that shut down in the face of overwhelming negative information. LeDoux argues that the self is construed from many parts of the brain, accounting for our various self-concepts. He explains that the “psychological, social, moral aesthetic or spiritual self is realized,” (p. 3) on the brain functioning level, a synaptic, in that it integrates stimuli received from experience as well as genetic material. LeDoux shows that this self-system cuts off negative stimuli, including inherent emotions or external events.

Similarly, Amador (2007) associated dissociation with anosognosia, a condition in which one dissociates oneself from painful, significant impairments that are usually associated with a medical condition, such as a loss of a limb. Also, Schore (2010) noted that in infants it is a defense against

being overwhelmed and can take the form of “staring off into space,” numbing, and other psychological means of the infant removing themselves from the situation (p. 196).

In child custody disputes, the dissociated person so removes him or herself from the situation that he or she will report having marital relations regularly with the other parent, yet medical records show they were, for example, hospitalized at the time in question. Another example of dissociation occurs when the aggressor pushes his or her victim so that the person falls and then demands to know what the victim is doing on the floor, commanding them not to give excuses that they pushed them. Or, when a person drags his or her partner in public, by the hair, and then becomes, in the blink of an eye, a responsible and helpful citizen when the police approach. The facts forgotten, the aggressor becomes polite and respectful to all and helpful to his or her partner who would rather not press charges. These defenses and the perceptions they perpetuate are so strong that, for example, they can result in abusers denying actual tapes of their abusive behavior because, they report, it is contrary to their personal moral code (Sontag, 2002).

Bach (1977) described dissociation as an aspect of narcissism. He writes that narcissists are only capable of protecting themselves and refers to sessions with them as “waves on a beach” (p. 209), as in a moment they wipe away an elaborate sand castle, leaving no memory of it behind. By this, he meant that individuals so afflicted would completely forget a highly complex session because it was too painful to integrate into their self-system. Bach writes that the session, for all intents and purposes, never occurred. Indeed, these defenses create distortions that seem akin to Fromm’s “malignant narcissism” (Fromm, 1964), in which he described the protection of one’s ego at the expense of the greater good, that is, the inability to submit to one’s conscience.

IMPLICATIONS FOR CHILD CUSTODY EVALUATIONS

The projective identification and dissociation defenses, and the aggressive behavior they engender, account for the confusing, “he said-she said” exchange in custody disputes in which the clinical picture is unclear and its implications for the children even more so. Projective identification and dissociation reverse and reject reality, respectively, so that litigants create their own realities. Evaluators should be open, therefore, to the idea that the behavior of the litigant who is afflicted with these defenses, as it is documented in court records, may contradict other sources of information, such as treatment records.

Recognizing the Defensive Distortions

For example, in the initial clinical interviews with the opposing parties, one side is apt to denigrate the other, arguing that they were betrayed by them,

and seeks to create an alliance with the evaluator. The opposing party, meanwhile, reports that there is a stark difference between the other litigant's public persona and private behavior. While this individual is warm and engaging in public settings, he or she is angry and threatening in private. The manner of the "betrayed" party is somewhat relaxed in the initial interview while the latter party can exhibit a range of behavior from enraged, fearful, and guilt-ridden, to disingenuous and hyper, to measured and methodical. As a result, the evaluator often supports the abuser, as that individual "presents" as responsible and intact while the victim appears incapacitated; this dynamic is documented in Hardesty et al. (2015), which found that the mother's demeanor is the most consistent predictor of evaluators' custody decisions.

Unaware of the defenses of projective identification and dissociation, evaluators are in danger of believing what they hear in the clinical interview without comparing it to other sources of information, such as collateral contacts and court records. Evaluators may misread the parent-child interaction as an attempt to please the parent, when actually they are afraid of the afflicted parent; this gives credibility to collateral contacts such as treating therapists, who may be in the dark as to what is really going on. For this reason, Ellis (2012) argued that test results have little reliability in custody evaluations, and Emery, Otto, and O'Donohue (2005) noted their inappropriateness for custody evaluations.

A Tool to Assess the Litigants' Claims and Determine Risk

An effective way of discerning controlling and coercive abuse that is likely to endanger the children would include:

- (1) the appropriate use of collateral contacts so that they are admissible (Austin, 2002);
- (2) noting the disparity between what a litigant reports in the clinical interviews and other electronic communication and what has in fact occurred according to official records such as court or school records as exemplified by Caffrey (2004), who in a child custody evaluation was able to disprove one parent's account of the dispute by noting the disparity between what that parent reported and what court records demonstrated actually occurred;
- (3) trauma-based assessments such as the Family Trauma Assessment: Tip Sheet for Clinicians, as created by Kiser, Stover, and Guimond (2011), which is an open format developed by the National Child Traumatic Stress Network for assessing pre- and post-traumatic incidents through open communication, individual and group meetings, and assessing level of functioning. This is a guideline for gathering information in an open format; the evaluator can then compare the Family Trauma Assessment

information to other sources of data to identify inconsistencies or confirm events.

Additionally, the tool recommends:

- (4) knowledge of and sensitivity to the behavioral symptoms of trauma, which can leave litigants mute, frozen, and acting in a way that is contrary to their self-interest;
- (5) knowledge of and sensitivity to addiction and its attendant defenses so that untreated addiction is detected; and
- (6) “participant observation” through home visits and participation in the family’s activities (while the observer effect may be a factor, it can be triangulated with other information) so that the family members feel comfortable relaying important information over the course of the evaluation. It is the evaluator’s responsibility to ensure the accuracy of the information they are collecting.

These measures take time and an appreciation for the pressure the litigants are experiencing. Each party’s perspective, no matter how abnormal it may seem, must be respectfully included in the evaluation so that each party feels that their position has been acknowledged and considered. An analysis of the litigants’ positions and of the children’s condition and wishes for custody (if appropriate) must be fully represented and analyzed in the evaluation to the fullest extent possible, and limitations of the evaluation must be included.

CONCLUSION

To summarize, this article first describes the problem of identifying abuse in child custody disputes and the risk that poses to the subject children. It describes projective identification and dissociation, and the empirical support for these defenses, and contends that they are integral to coercive and controlling abusive behavior in child custody disputes. These defenses must be understood and recognized by evaluators so that members of the court understand the litigants and the nature of their dispute. The proposed risk assessment tool provides evaluators with a system to recognize coercive and controlling abuse through observation, trauma assessment, and extensive use of collateral contacts. This will help evaluators collect the critical information needed to identify coercive and controlling abuse and will hopefully lead to greater safety and well-being for families.

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