

# Breaking the Silence

## CHILDREN'S STORIES

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viewer's guide

## introduction

*Breaking the Silence: Children's Stories* is a powerful documentary that chronicles the impact of domestic violence on children and the recurring failings of family courts across the country to protect them from their abusers. Co-produced by Tatge/Lasseur Productions and Connecticut Public Television, the film features interviews with children and their battered mothers, detailing their stories of abuse at home and their revictimization at the hands of the family court system.

The National Network to End Domestic Violence, the National Resource Center on Domestic Violence, the National Sexual Violence Resource Center and the Legal Resource Center on Violence Against Women are proud to create the *Breaking the Silence: Children's Story Viewer's Guide*. This guide will help those organizing public educational programs to facilitate discussions on the issue of child custody in domestic violence cases. We also encourage individuals watching *Breaking the Silence: Children's Stories* to use this guide to enhance their own understanding of the issues presented.

The film explores a controversial theory often used in family court to deny battered women custody of their children — Parental Alienation Syndrome (PAS) — and what can be done to ensure the needs of children are met when abuse allegations occur during divorce proceedings.

Discussions and programming about family violence often cause emotions, memories, and current or past trauma to resurface. For individuals and organizations planning screenings of this film, it is advised that an advocate be available at the screening to provide support to individuals who may wish to talk privately.

While this documentary focuses on specific incidences of the family court system failing battered women and their children, it is important to note that there are good lawyers, guardian ad litem, judges and advocates across the country who are working to ensure children are protected. There also are programs to train family court officials in appropriately handling domestic violence-related cases. It is our hope that this documentary will encourage these allies to work with their colleagues to further enhance the family court systems response to battered women and children.

*Breaking the Silence: Children's Stories* is made possible by the generous support of the Mary Kay Ash Charitable Foundation.

## a message from the producer and director

It has come to our attention that some questions have been raised regarding the family court issues presented in *Breaking the Silence: Children's Stories*. We wanted to explain to you our approach to this work.

When we began this project over a year ago, our goal was to produce a documentary about domestic violence and children. We had no preconceived notions about the issue, no specific agenda to prove or disprove. The finished documentary is simply a result of where countless hours of extensive research and interviews took us. These are the real stories of real women who lost custody of their children when Parental Alienation Syndrome (PAS) was used as scientific proof in their family court cases. These were the stories we found over and over again.

There have been a number of concerns raised regarding PAS and how it is addressed in the piece. We do not make the assertion that the phenomenon of alienation does not exist, simply that PAS is wrongly used as scientific proof to justify taking children away from a protective parent. We as filmmakers are in no position to determine the scientific validity of PAS. However, the fact remains that the American Psychological Association (APA) and the American Medical Association (AMA) have not recognized PAS as legitimate science.

Some individuals have expressed concern that the documentary only features the stories of women as the victims of domestic violence. Research shows that "while women are less likely than men to be victims of violent crimes overall, women are five to eight times more likely than men to be victimized by an intimate partner." (U.S. Department of Justice, *Violence by Intimates: Analysis of Data on Crimes by Current or Former Spouses, Boyfriends, and Girlfriends*, March 1998). If we had featured the stories of one man and five women who had been victims of domestic abuse, statistically we would have grossly overstated the problems of men in this area. Nevertheless, we recognize that men are also victims and men are also sometimes victimized by family courts, but it is overwhelmingly women who are victims. In all cases, the children are the victims.

We have received some questions regarding the statistics quoted in *Breaking the Silence: Children's Stories*. For instance, attorney Joan Meier makes a statement that in custody cases where the mother alleges battery by the father, the father is awarded custody two-thirds of

the time. This came from “Domestic Violence, Child Custody, And Child Protection: Understanding Judicial Resistance and Imagining the Solutions” by Joan Meier, Journal of Gender, Social Policy & The Law [Vol. 11: 2]. Information contained in the program also came from a 2004 study by the Harvard School of Public Health that examined litigation in Massachusetts family courts involving a sample of battered women. They found that the courts consistently dismissed or minimized the relevance of the male partners’ abuse in awarding custody of children to such men. Furthermore, Tatge/Lasseur Productions has decided to post some of the studies and documentation we used in the program on our web site at [www.tatgelasseur.com](http://www.tatgelasseur.com).

These are difficult and controversial issues that stir human emotions. Nothing can galvanize one’s passion like the welfare of a child. We understand certain individuals will never be completely satisfied with the information presented in the documentary. All we can do is offer, in the most open and transparent manner, the reasoning and research that went into this program.

Sincerely,

Dominique Lasseur, Producer  
Catherine Tatge, Director

Parents have the right to protect  
their children from abuse by the  
other parent

## what is...

**Child Exposure:** Children who live in a violent household are exposed to a range of assaultive and coercive behaviors and tactics used by the abuser to control and intimidate their partner. Children may see the violence, be used as part of it, attempt intervention, hear violent episodes, or experience the aftermath (Edleson, 1999).

**Domestic Violence:** A pattern of behavior that is used to gain or maintain power and control over an intimate partner. Abuse is physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that frighten, intimidate, terrorize, manipulate, hurt, humiliate, blame, injure, or wound someone.

**Ex Parte Communication:** When one party in a custody case has oral or written “off-the-record” communications with the judge, without notifying the other party, in an attempt to influence the judge’s decision in the case.

**Guardian Ad Litem:** Since children under the age of 18 cannot make legal decisions for themselves, a court often will appoint an independent adult to act on behalf of a child in cases where the legal interests of a child and the interests of parents conflict with one another. The guardian ad litem’s role is to make certain that the interests and legal rights of a child are given adequate consideration and are adequately protected in that process.

**Maternal Preference:** The assumption that laws and precedents favor mothers in child custody decisions.

**Parental Alienation Syndrome:** A distinctive family response to divorce in which the child becomes aligned with one parent and preoccupied with unjustified and/or exaggerated criticism of the other parent.

**Sexual Abuse:** Sexual assault includes a wide range of victimizations beyond rape or attempted rape. These crimes include completed or attempted attacks involving unwanted sexual contact between the victim and the offender.

## know the facts

*Below are statistics regarding domestic violence, sexual assault, and child custody. Citations for statistics can be found at [www.nnedv.org](http://www.nnedv.org).*

**One in four American women report being physically or sexually abused by a husband or boyfriend at some point in their lives.**

**Three million to 10 million children witness abuse each year in their homes.**

In a national survey of more than 6,000 American families, **50 percent of the men who frequently assaulted their wives also frequently abused their children.**

**Men who abuse their partners are 6.5 to 19 times more likely than other men to commit incest with their children.**

**One in four girls and one in six boys are sexually assaulted before the age of 18.**

**Persons under 18 years of age account for 67% of all sexual assault victimizations reported to law enforcement.** Children under 12-years-old account for 34% of the cases, and children under six-years-old account for 14% of the cases.

Despite accusations that mothers are widely using false child sexual abuse allegations to win custody of their children, in a 12 state study of approximately 9,000 divorce cases, **child sexual abuse allegations were made in less than 2% of contested divorces involving child custody.**

In custody cases where the mother alleges battery by the father, **the father is awarded custody two-thirds of the time.**

The Massachusetts General Hospital Study found that **60% of children sexually abused were forced to visit their alleged abuser, often overnight, with no or almost no supervision** after the allegation.

According to one study, when abusers are not given sole custody of the children, **5% of abusive fathers threaten during visitation to kill the mother, 34% of fathers threaten to kidnap their children and 25% threaten to hurt their children.**

## video highlights

### **Marie Claire and Catherine — Animal Abuse**

Marie Claire and Catherine talk about their father's violence towards the pets. Sometimes abusers seem like the “perfect” parent or spouse – and the abuse of animals might be the only “unusual” thing that can be seen outside of the home.

A survey of pet-owning families with substantiated child abuse and neglect found that animals were abused in 88% of homes where child physical abuse was present. A study of women seeking shelter at a safe house showed that 71% of those having pets affirmed that their partner had threatened, hurt, or killed their companion animals.

### **Randall and Sarah — Runaways**

Randall talks about running away from his grandparent's house to escape his father's abuse. Later in the film, Sarah talks about staying in an undisclosed location because she did not want to live with her dad, and is not allowed to live with her mom.

Many children who run away from home come from homes that are not meeting their needs. Some may be experiencing physical or sexual abuse, other may witness violence or substance use, or may experience emotional abuse or neglect.

- 1 in 7 children will run away from home – and more than a third of all homeless people are children
- 46% of runaway and homeless youth report being physically abused
- 17% report being sexually exploited
- 38% report being emotionally abused
- 75% of runaways are female

For more information about a runaway, contact the National Runaway Switchboard at 1-800-RUNAWAY (786-2929) or visit [www.nrscrisisline.org](http://www.nrscrisisline.org).

### **Amina — “Bad Kids”**

Amina talks about how her dad told her she didn’t treat him well, in private and in public. Her dad also put her in voluntary foster care. From the outside, it could look like she was a kid with behavior problems – until we know what is happening in private. It is important to keep this in mind when we are told about “bad” kids.

### **Jeff & Sisters — Sexual Abuse**

Jeff’s mom says that the older of his two sisters began to act out sexually. It is not unusual for kids who are experiencing sexual abuse to act out those behaviors with other kids. It is also important to know that some sexual behavior is a natural part of kids’ development. If you are worried about your child or a child you know, you can contact your local sexual assault program for more information.

Most children who experience sexual abuse do not abuse other people. In studies of sex offenders, they more often were victims of physical or emotional abuse. For more information about sex offender behavior and treatment, contact your local sexual assault program or the Center for Sex Offender Management at [www.csom.org](http://www.csom.org).

Jeff’s mom also talks about her daughter undergoing a sexual assault examination after reporting abuse by her father. It is important to note that the physical findings of child sexual abuse are often not present and should not solely be relied upon on. The most important determinant of abuse should be the child’s account of the incident.

“Taking my child away from me  
for this period of time will un-  
make any woman”

*Breaking the Silence: Children’s Stories*

## discussion questions

- What are the strengths and weaknesses of the documentary? Did the documentary raise any issues that you would like to explore in greater detail?
- Do the individuals and experiences described in the video represent types of individuals and experiences you have encountered? How so?
- How has the video affected your understanding of domestic violence, child sexual abuse, and child custody matters? Was there anything that surprised you as you listened to the stories?
- Marie Claire and Catherine's mom talks about remarrying her abuser after being separated for several years. She noted that returning to her abuser was the safest choice she could make. What are other reasons a woman may return to her abuser?
- Although her father has custody of her, Sarah is in hiding and her school principal is not allowing her father on to school grounds after witnessing his outbursts. How might other adults in a child's life support them? What are some of the potential implications for not complying with court-ordered custody?
- What are some questions judges should ask the accused, the victim and the children to help them determine what is really happening?
- What resources are available in your community to address domestic violence, child sexual abuse, and child custody in these areas? What resources are needed? What are some strategies for developing resources?
- What other positive things are happening in your community to end family violence? In your state? Across the country?
- What is the one thing you want people to come away with after seeing this documentary?
- What barriers are exposed in the film that make it difficult for the public to believe the survivors and children? What other barriers do you think exist and how can they be addressed?

## what you can do

*If you are concerned about the issues raised in the documentary, there are things you can do to work toward positive change. Below are some ideas on how to get involved and educate yourself on these topics.*

- If you are concerned about a child in your life, be consistent, reliable, trustworthy, and supportive. Most importantly, listen to and believe them.
- Educate yourself and others about domestic violence and sexual assault by visiting the National Resource Center of Domestic Violence at [www.nrcdv.org](http://www.nrcdv.org), the National Online Resource Center on Violence Against Women (VAWnet) at [www.vawnet.org](http://www.vawnet.org) and the National Sexual Violence Resource Center at [www.nsvrc.org](http://www.nsvrc.org).
- Learn about your state's domestic violence, sexual assault, and child custody laws by visiting [www.womenslaw.org](http://www.womenslaw.org).
- Contact your state domestic violence or sexual assault coalition to find out how you can participate in or start a court watch program in your community.
- Volunteer at a local domestic violence program or rape crisis center.
- Contact your state court system to find out how you can volunteer as a guardian ad litem.
- Survivors of domestic violence who are thinking of leaving their community should consult with an attorney before leaving to discuss laws that may affect them and their custody case.
- If you are an attorney, guardian ad litem, or judge, ask the child what he or she wants and take this preference into consideration.
- Lawyers can use the American Bar Association's new tool to screen for domestic violence and provide appropriate support and resources for clients. Visit <http://www.abanet.org/domviol/home.html> for information.
- Child custody cases often exhaust a mother's financial resources. Donate to the NNEDV Fund's Direct Assistance Fund that provides emergency financial grants of up to \$2,000 to battered women and their children who lack the necessary financial resources after fleeing an abusive home. To learn more about the Direct Assistance Fund, please visit [www.nnedvfund.org](http://www.nnedvfund.org).

## where you can go for help

*If you are a survivor of sexual assault, domestic violence, or child abuse, or are concerned about a child in your life, the resources listed below may be able to help. If you are in imminent danger or your child has recently been abducted, call 911 immediately.*

### **National Domestic Violence Hotline 1-800-799-SAFE (7233)**

The National Domestic Violence Hotline offers confidential crisis intervention, safety planning, information about domestic violence, and referrals to local service providers.

### **National Sexual Assault Hotline 1-800-656-HOPE (4673)**

This nationwide partnership of more than 1,100 local rape treatment hotlines provides victims of sexual assault with free, confidential services around the clock.

### **National Center for Missing and Exploited Children 1-800-THE-LOST (843-5678)**

Families can call the National Center for Missing and Exploited Children to report a missing child and request assistance in their search. The public also may call the hotline to report child-sexual exploitation or a sighting of a missing child.

### **National Runaway Switchboard 1-800-RUNAWAY (786-2929)**

The National Runaway Switchboard gives help and hope to youth and their families by providing confidential crisis intervention and local and national referrals through a 24-hour hotline.

### **Legal Resource Center on Violence Against Women 1-800-556-4053**

If you have a custody case involving more than one state, tribe, or U.S. territory, the Legal Resource Center on Violence Against Women may be able to help you find a lawyer for the civil case.

Visit [www.nnedv.org](http://www.nnedv.org) for contact information on your state domestic violence coalition.

Visit [www.nsvrc.org](http://www.nsvrc.org) for contact information on your state sexual assault coalition.

## other resources

*For more information about the issues presented in [Breaking the Silence: Children's Stories](#), please refer to the following organizations. For a list of useful publications, please visit [www.nnedv.org](http://www.nnedv.org).*

**American Bar Association Commission on Domestic Violence**  
**[www.abanet.org/domviol/home.html](http://www.abanet.org/domviol/home.html)**

Focuses exclusively on improving the legal response to victims of domestic violence, sexual assault, and stalking. Its mission is to increase access to justice for victims of these crimes by mobilizing the legal profession.

**Battered Women's Justice Project (BWJP)**  
**[www.bwjp.org](http://www.bwjp.org)**

Promotes systemic change within community organizations and governmental agencies engaged in the civil and criminal justice response to domestic violence. While BWJP does not provide direct legal representation, it provides information on best practices and policies to battered women, advocates, legal and justice system personnel, policymakers, and others engaged in the justice response to domestic violence.

**National Council of Juvenile and Family Court Judges (NCJFCJ)**  
**[www.ncjfcj.org](http://www.ncjfcj.org)**

Comprised of judges dedicated to improve courts and systems practice and raise awareness of the core issues that touch the lives of many of our nation's children and families. Training, technical assistance, and research is provided to help the nation's courts, judges, and staff in their work.

**National Domestic Violence Resource Center (NRC DV) and the National Online Resource Center on Violence Against Women (VAWnet)**  
**[www.nrcdv.org](http://www.nrcdv.org) and [www.vawnet.org](http://www.vawnet.org)**

NRC DV provides support to all organizations and individuals working to end violence in the lives of victims and their children through technical assistance, training and information on response to and prevention of domestic violence. VAWnet is a comprehensive online collection of full-text, searchable electronic resources on violence against women.

**National Sexual Violence Resource Center (NSVRC)**  
**[www.nsvrc.org](http://www.nsvrc.org)**

A comprehensive collection and distribution center for information, research, and emerging policy on sexual violence intervention and prevention. It provides an extensive on-line library and customized technical assistance, as well as, coordinates National Sexual Assault Awareness Month initiatives.

**[Womenslaw.org](http://Womenslaw.org)**

The [Womenslaw.org](http://Womenslaw.org) website contains easy-to-understand legal information and resources to women living with or escaping domestic violence.