Our Policy

- In 1994, the National Council of Juvenile and Family Court Judges (NCJFCJ) published *Family Violence: A Model State Code*. In the chapter titled "Family and Children," the NCJFCJ recommends that states create a rebuttable presumption that it is in the best interest of a child that a perpetrator of domestic violence not be awarded sole or joint legal or physical custody of that child.

- In addition, the NCJFCJ "approved and adopted as official policy the statements made and practices recommended in its publication *A Judicial Guide to Child Safety in Custody Cases*." As discussed in the *Judicial Guide* and the *Navigating Custody & Visitation Evaluations in Cases with Domestic Violence: A Judge's Guide*, the NCJFCJ disputes Parental Alienation Syndrome (PAS) as admissible evidence. Discredited by the scientific community, any reference to PAS in custody evaluations should be stricken under the standards established in Daubert and Frye.

- Finally, the Domestic Violence Resource Center: Child Protection and Custody (RCDV:CPC) is a successful project of the NCJFCJ, and is recognized nationally for its leadership on issues of custody in the context of domestic violence.

Our Work

In the last decade, the NCJFCJ has been funded by the Office of Violence Against Women (OVW) to work on multiple projects which address custody decision making in the context of domestic violence:

- The NCJFCJ developed and published *A Judicial Guide to Child Safety in Custody Cases (Judicial Guide)* and continued providing training, technical assistance, and policy development to courts implementing the Judicial Guide. The NCJFCJ's *Navigating Custody & Visitation Evaluations in Cases with Domestic Violence: A Judge's Guide* provides a practical tool for judicial officers to use in custody evaluations in domestic violence cases.

- The NCJFCJ leads a national team in the design and implementation of the *Family Court Enhancement Project (FCEP)* which selected four courts to engage in a process of assessing their court structures and processes and implementing systems change to improve custody outcomes for victim parents and their children. The NCJFCJ coordinates the provision of technical assistance to each of these sites.

- The NCJFCJ is a national resource to communities with coordinated supervised visitation and exchange services. In addition to coordinating regional supervised visitation conferences, and hosting an interactive website on the topic, the NCJFCJ provides technical assistance and policy leadership on the topics of supervised visitation, parental access, and safe exchange.

Our Results

- The NCJFCJ was funded in 2005 to develop policy guidelines and benchcards around custody decisions in the context of domestic violence, resulting in the *Judicial Guide*. The NCJFCJ received a grant in 2011 to identify and select two implementation sites, and provide training, technical assistance, and support as they implemented the guidelines.
- In addition to these two communities, the NCJFCJ provides many courts with community-specific technical assistance. To date, the NCJFCJ has distributed 5,017 *Judicial Guides* and 5,939 *Navigating Guides*.
- In 2014, the NCJFCJ finished a Model Order for Custody Evaluation for judicial officers to modify for use in their communities, insuring thoughtful and safe engagement of third party practitioners.
- A significant emphasis of the FCEP will be placed on the development of replicable processes for courts' self-assessment of their decision making in the context of domestic violence; training, technical assistance, and evaluation mechanisms developed during this project will contribute to future training and technical assistance endeavors.

Our Vision for the Future

1. Family court judges making custody decisions have the capacity to identify domestic violence, and to make parenting and co-parenting orders which protect the physical and emotional well-being of victimized parents and their children.
2. Family courts across the country seek and receive assistance in assessing and responding to structural and procedural barriers to safety and well-being for victim parents and their children, including supervised visitation services.
3. Courts use the recommendations of third party evaluators cautiously, and request their involvement with specificity about the scope of their investigation and assessment, and only if their training and protocols are consistent with emerging best practices.

The NCJFCJ recommends continued funding for development of policy, best practices, and tools for judges and court officers and evaluation of these efforts, as well as new funding streams to support courts in their efforts to 1) use the *Judicial Guide*, 2) modify the *Model Order for Custody Evaluation*, and 3) engage in a process like that undertaken at the four FCEP sites.