

**M E M O R A N D U M**

September 12, 2017

TO: Health and Human Services Committee  
Public Safety Committee

FROM: Linda McMillan, Senior Legislative Analyst *LM*  
Susan Farag, Legislative Analyst *SF*

SUBJECT: **Worksession: FY18 Operating Budget: Supervised Visitation Center**

*Expected for this session:*

Uma Ahluwalia, Director, Department of Health and Human Services (DHHS)  
Dr. Raymond Crowel, Chief, Behavioral Health and Crisis Services, DHHS

At this session, the joint Committee will receive an update on implementation of the plan to open a Supervised Exchange and Visitation Center in the Rockville area to facilitate child custody agreements.

As a part of the FY18 budget, the County Executive recommended funding, which was enhanced by the County Council, to open this center. The recommendation for such a center was made by Court Watch Montgomery and endorsed by the Family Justice Center. In November 2016, the County Executive informed the Council that he had read the Court Watch Montgomery report and agreed with the need and the Public Safety Committee received a briefing on the proposal in January 2017. During budget worksessions, the HHS and PS Committee reviewed this project jointly as it is being administered by the Department of Health and Human Services. A copy of the budget testimony from Court Watch is attached at © 1-2 and from Ms. Brantley of the D.C. Sociological Society is attached at ©3-5.

- An appropriate location in the Rockville area had been identified. It has two entrances and two parking lots.
- The center will begin operations in late fall or early winter of 2017.
- The program staff will be provided through a contract with an organization that has expertise in domestic violence programs.
- Security will be provided by contract security that is administered through the Security Services Division of the Montgomery County Police Department. The Council's increased funding provides for two security guards to be present. There will be metal detectors and security cameras at the facility.
- The Center will operate for 28 hours per week. There will be three visitation observers.
- Funding is available to assist families with transportation if needed.

**Court Watch Montgomery Testimony**  
**in support of Monitored Child Exchange & Supervised Visitation Center funding**

**Montgomery County Council budget hearing, April 5, 2017**

*Court Watch Montgomery urges the Montgomery County Council to fully fund the County's first Monitored Child Exchange and Supervised Visitation Center in the FY 18 budget. We ask that you add funds to Mr. Leggett's line item of \$250,000 to create a viable program that protects children and their abused parent from further physical or emotional abuse. Additional funds are needed to keep the center open at least 24 hours each week so that the families in desperate need of this service can access its important services and so that as many judges as possible will order the Center's use.*

Based on national data, over 100,000 Montgomery County residents are expected to experience intimate partner violence in their lifetimes. Approximately 3,000 victims currently experiencing violence request a protective order from our courts. These survivors are only a small percentage of those experiencing violence. Of the over 500 protective order cases that Court Watch Montgomery volunteers monitor each year, approximately 75% of the parties in protective order cases have children. We believe that more domestic violence victims will seek protective orders once they know that their children will be protected during visitation.

Domestic violence victims generally need one very simple thing to stay safe. It is the aim of 99% of domestic violence victims when they walk into court seeking a protective order. What victims need to survive and thrive is "no contact" with their abuser.

Tragically, when a parent walks into any Montgomery County courthouse on any given day and asks for a comprehensive "no-contact" protective order they almost never receive it. With extremely few exceptions, judges make a horrific and shortsighted exception to "no contact." Most judges actually *require* victims of domestic violence to meet their abuser in unsecured locations such as McDonald's parking lots or empty police department lots to turn over their children for unsafe visits. Many judges do so because there are no county facilities providing safe exchanges or supervised visits.

Councilmembers may ask why, in a year when all departments are being asked to make cuts, a new program should be funded, and funded above the County Executive's recommended amount. Our first monitored child exchange and supervised visitation center will literally save lives, help stop the cycle of violence, and help our most vulnerable residents get back on their feet and be productive students and adults. That is an expenditure we cannot afford *not* to make. This is the time to acknowledge that we have a gaping hole in the Montgomery County domestic violence safety net and to fix it.

Opening a monitored exchange and safe visitation center is only the first critical step. If judges do not require families to use the center, we will have failed. Judges are unlikely to order families to use a center if it is not open a sufficient number of hours at convenient times, since many judges are hesitant

to put an undue burden on families. We believe that funds should be allocated that allow the center to be open for a minimum of 24 hours each week of exchanges & supervised visits. Having the center open for at least 24 hours of services will mean that exchanges and/or supervised visits will be available one night during the week, Friday evening, and both Saturday and Sunday from 9 am to 5 pm.

By fully funding a monitored child exchange and supervised visitation center you will protect the County's most vulnerable residents, enable children and abused adults to begin the healing process, empower victims to move toward self-sufficiency, and provide abusive parents the opportunity to maintain contact with their children, and learn parenting skills and de-escalation techniques.

Submitted by Laurie Duker  
Co-Founder and Executive Director  
Court Watch Montgomery

The District of Columbia Sociological Society (founded 1934) is the regional society of professional sociologists for the District of Columbia and its Maryland and Virginia suburbs. DCSS commends the Montgomery County Council for its consideration of the establishment of Safe Child Visitation and Exchange Centers, as called for by the full-funding provisions of the County Executive's FY 18 Budget for safe child exchange and supervised visitation services for domestic violence victims. We note six findings from the social science literature that pertain to and endorse the practice of Visitation Centers as a significant way of helping families disrupted by domestic violence.

1. The concept of Safe Visitation Centers is a development in the evolution of one of the most effective social inventions of the late 20<sup>th</sup> century: the recognition and treatment of domestic violence as a social problem. It is well to remember that domestic violence only became identified and named as a social problem in the 1970s and it is from this benchmark that progress, which has been considerable, should be measured. (While it is true that at various moments in human history, laws have been enacted restraining violence within marriage, most especially laws restraining husbands' power over wives, these laws were drawn up in a climate in which such violence was seen as a normal, though perhaps regrettable, behavior in human life. It is with the development of the women's movement in its Second Wave, roughly 1960 to 2000, that domestic violence comes to be seen as a problem to be eradicated rather than a normal condition to be limited.) This understanding has led to a greater involvement by state, local and federal government in stopping domestic violence, which is most typically presented as violence against women (a presentation borne out in statistics which consistently suggest that men are more frequently the perpetrators of such violence).

2. The literature recognizes the social complexity of the child visitation exchange in that three major social institutions come together—family, law, and government—as well as, surrounding institutions such as school, church, healthcare, and transportation. The problem of child visitation exchanges brings into play a number of key sociological themes—family dynamics, the interface of the legal system with those dynamics, the role of government in supporting both families and the legal system. The literature has been particularly interested in both the microsocial dynamics that may come into play between the separated parents at the time of an exchange for child visitation and the macrosocial problem of how the legal system is to adjudicate a variety of conflicting needs.

3. In terms of microsocial dynamics, most social scientists view child visitation exchange as a particularly fraught moment for couples in the midst of separation and an intensely difficult one where there is a history of domestic violence. The presence of domestic violence is understood to signal that relations are potentially dangerous and have an established predilection to being hostile. One explanation offered for how and why the exchanges involved in child visitation are so difficult and potentially dangerous is that hostility, abuse and the wish to exercise control do not cease with a separation; the child visit exchange becomes a place where unresolved hostilities in the relationship can be once again expressed (this seems perhaps to increase with the degree of inhibition commanded by the restraining order). Reports by trained professionals monitoring child exchange visits make clear in concrete details the complexity of manipulation to which the abuser resorts in order to reassert control or at least continue the fight, which may have been his emotional center for quite a long time.

4. This background of visitation exchanges as opportunities for parents to reignite the conflicts that have driven them apart makes the exchanges potentially very harmful to the child. The abuser may manipulate the visits by changing times and locations; done as a way of harassing the custodial parent, this practice destabilizes the already fragile world of the child. The child may be upset by the continuing hostility, feel guilty that he or she is somehow the cause of the hostility (since it so clearly arises because of a visit centered on the child), or be subjected to one parent's interrogation about what the other parent is doing or thinking, putting the child in the position of potentially feeling disloyal to one parent or the other, and the abuser may physically harm the child—even, as the literature notes, to the point of the murder of the child during unsupervised visits.

5. The legal system is seen as caught up in the conflict between two competing demands—and in the United States, the individual states have responded differently in resolving this competition. The major competition is between the state's duty and desire to promote the maintenance of contact between parents and children and its equal duty and desire to guarantee the safety of all its citizens. In a situation in which the dynamics between the two parties involved in the visitation are hostile, meeting both these demands is obviously difficult. For instance, legal statutes sometimes give custodial preference to the parent who is seen as most likely to foster contact between the child and the other parent. But the battered woman may hesitate to foster contact because she remains frightened of the abuser and child visitation exchange is interpreted as a forced interaction. Feminist social scientists have explored the differences between the ways the battered spouse and the battering spouse experience the relationship both in the abstract and in the actual interactional settings. The legal system has moved only slowly to recognize the adjudicated fact of domestic violence as a substantive issue in the awarding of custody and the making of recommendations about visitation.

6. The legal system needs government aid in working through how to handle these competing social goods. Reports by monitors on their activities make clear the degree of vigilance, intelligence and creativity that must be exercised—and this fact underscores that visitation cannot be easily properly arranged in a hasty courtroom conference as part of the issuing of a protective order that forbids hostile contact. The literature clearly suggests that if people trained to monitor such exchanges report finding themselves frequently challenged by the difficulty of the interactions they have to assess and sometimes intervene in, it is simply not reasonable to believe that a “mother/mother-in-law,” the frequently drafted actor in improvised visitation arrangements, can move in and do this work seamlessly without support. This evolution in understanding has led to courts, therapists and support service providers seeking “supervised visitation” in the case of a batterer's access to his/her children. But the problem remains of finding appropriate persons to supervise visits. Visitation centers have been established in many communities to try to cope with this problem but there are still not enough such centers.

In sum, the visitation centers are almost universally seen as the best concrete practice for managing the problems stated. They bring the possibility of stability and order to a situation often marked by flux and chaos—time and space as problematic issues are brought under some control. They bring to the child visitation exchange the presence of a third party adult who is empowered to protect the child and to oppose abusive conduct. The literature on the successful center suggests that the monitors are “fair” but not “neutral”: neutrality would suggest that all parties in an interaction are

equally culpable; the visitation center monitor understands that the child is not culpable but an unwilling participant in the family dysfunction and that the partner guilty of abuse of the other parent is engaging in conduct that is simply unacceptable. Ideally, both the child and the battered spouse feel like they have an advocate for their positions and the battering spouse meets someone able to set boundaries for appropriate behavior.

District of Columbia Sociological Society Executive Committee

Contact: Jill Brantley [niebran@attglobal.net](mailto:niebran@attglobal.net)

Silver Spring, MD 20910

### Selected Bibliography

Araji, Sharon K. 2012. "Domestic Violence, Contested Custody, and the Courts: A Review of Findings from Five Studies with Accompanying Documentary" *Sociological Perspectives*, Vol. 55, No. 1 (Spring 2012), pp. 3-15 <http://www.jstor.org/stable/10.1525/sop.2012.55.1.3> Accessed: 27-03-2017 21:03 UTC

Hardesty, Jennifer and G. Chung. 2006. "Intimate Partner Violence, Parental Divorce, and Child Custody: Directions for Intervention and Future Research," *Family Relations*, 55 (April), 200-210. Blackwell Publishing. Copyright 2006 by the National Council on Family Relations

Parker, Tracee, and K. Rogers, M. Collins, J. L. Eldson. 2008. "Danger Zone: Battered Mothers and Their Families in Supervised Visitation" *Violence Against Women* Volume 14 Number 11 November 1313-1325 <http://vaw.sagepub.com> Accessed: 27-03-2017

Scaia, Melissa and L. Connelly. 2012. "With 'Equal Regard': An Overview of How Ellen Pence Focused the Supervised Visitation Field on Battered Women and Children." *Violence Against Women* Volume 16 (Sept.) 1022-1030. <http://www.sagepub.com/journals> <http://vaw.sagepub.com> Accessed 27-03-17

Umberson, Debra and K. Anderson, J. Glick, and A. Shapiro. 1998. "Domestic Violence, Personal Control, and Gender," *Journal of Marriage and Family*, Vol. 60, No. 2 (May), pp. 442-452 <http://www.jstor.org/stable/353860> Accessed: 27-03-2017 21:29 UTC