

Women Are Safe, Inc.

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Fear for the Children

Advocates for domestic violence programs are often asked the question – “Why doesn’t she just leave?” There are many factors that trap women into staying in abusive relationships, but for the purpose of this article, I would like to focus on only one. That reason is out of fear for her children.

Abusers often say things to their victims like – “You can leave, but the kids stay with me” or “No judge would ever give you custody over me, you’re an unfit mother.” etc. Fear of what will happen to her children when the court grants joint custody or unsupervised visitation with the abuser is often unbearable for the survivor of domestic violence. Will he kidnap the children during a visit and will she never see them again? Will he take out his anger on the children now that she is out of the home? Will he sexually abuse the children? Would he kill the children just to make her suffer?

All of these are very real fears, and for mothers who would die protecting their children, it is easy to see why she would rather stay with her abuser and continue to endure abuse than to leave and put her children in a situation where they will be left alone with him.

You might think that batterers who seek custody do so out of love for their children and a desire to be a good parent. That is not necessarily true. Custody litigation frequently becomes a vehicle whereby batterers attempt to extend or maintain their power and control over the abused parent after separation.

Fathers who battered the mother are twice as likely to seek sole physical custody of their children than are non-violent fathers. You might think that it would be a given that abusers would not get custody or unsupervised visitation with the children. The fact is that fathers who contest custody win sole or joint custody up to 70% of the time.

Parental separation or divorce does not prevent abuse to children or their mothers. On the contrary, physical abuse, harassment, and stalking of women continue at fairly high rates after separation and divorce.

In one study, a fourth of the women reported threats against their lives during visitation (Leighton, 1989). Separation is a time of increased risk of homicide for battered women (Wilson & Daly, 1994) and these homicides sometimes occur during custody hearings or visitation exchanges of children. In rare cases, men kill children in retaliation for their female partners leaving them.

Children are also likely to be exposed to renewed violence if their fathers become involved with other women. Over half of men who batter go on to abuse a second woman (Wofford, Elliot, & Menard, 1994). Judges who consider the remarriage of a man to be a sign of stability and maturity should instead consider it as a possible sign that the children will once again be emotionally harmed.

There is a need for further study and research. Our current knowledge of risk factors for continued abuse of women and children means that decision-makers must exercise great caution in awarding custody or visitation to perpetrators of domestic violence. If custody or visitation is granted, careful safety planning and conditions attached to the court order are important to help lower the risk of harm to the children and their mothers.

So, the next time you think to yourself, why doesn't she just leave, consider the recent tragedy in Maury County. Freda Elliott left her

abusive marriage with her children, Rachel and Seth, only shortly after to be shot down in cold blood in her home. Mrs. Elliott did all she could legally do to protect herself and her children, including obtaining an Order of Protection from the court. Unfortunately, it did not stop Parker Ray Elliott from murdering his wife and daughter and seriously injuring his son.

Parker Ray Elliott has been convicted of his crimes, but that will never bring Freda and Rachel back, and cannot erase the permanent scars left in the mind and on the body of Seth. One can only wonder how things might have played out differently if Mr. Elliott had been held strictly accountable in the court system in earlier instances of domestic violence, and if Mrs. Elliott had sought the help of a domestic violence program at the first sign of problems. This tragedy may have occurred anyway, but don't let something like this happen to you or someone you love and be left with "what if's."

If you or someone you know is a victim of domestic violence, let us help. Call Women Are Safe, Inc. at (931) 729-9885 or our hotline (931) 729-5730 or toll free at 1-800-470-1117.