## ORIGINAL ARTICLE

# "I Didn't Want To Put Them Through That": The Influence Of Children on Victim Decision-making in Intimate Partner Violence Cases

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**Abstract** For mothers, intimate partner violence (IPV) presents a concern not only for their own well-being but also for that of their children who are exposed to the violence and its aftermath. In focus groups with adult women (N=39) across three jurisdictions who had experienced legal system intervention for IPV victimization, mothers raised unsolicited concerns about the negative effects of IPV exposure on their children. These comments were not prompted by the facilitator but were raised by women in all seven of the focus groups during discussions about motivations and barriers to participation in prosecu-

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Family Medicine and Community Health, University of Pennsylvania, Philadelphia, PA, USA tion of their abusive partners. The overall message was that victims with children felt very conflicted. Children both facilitate and inhibit leaving the abusive relationship. Mothers wanted to spare their children from harmful effects of violence but also wanted to keep their families together and protect their children from potential agitation and instability caused by legal system involvement. Participants described how fears and threats of involvement from child protective services inhibited help-seeking while simultaneously voicing a desire for services that would help their children. More research is needed to help service providers understand the quagmire mothers who are victims of IPV encounter regarding their children's wellbeing.

**Keywords** Intimate partner violence · Domestic violence · Child exposure · Decision-making · Barriers to help-seeking

#### Introduction

Intimate partner violence (IPV) is physical, emotional or sexual abuse perpetrated against a current or former spouse, sexual partner, girl/boyfriend, or by parties with a child in common. While adult women are the usual target and the most likely injured (Tjaden and Thoennes 1998, 2000), medical professionals, family violence researchers, and child development specialists have long been concerned about the negative impact of IPV on children (American Medical Association 1995; American Psychological Association 1996; Appel and Holden 1998; Straus and Gelles 1990). Among couples experiencing IPV, studies estimate more than 40% have children under the age of 18 living in the home (Cerulli et al. 2003; Gjelsvik et al. 2003), 95% of whom are the biological children of the IPV victim (Fantuzzo and Fusco 2007). Children living in homes with

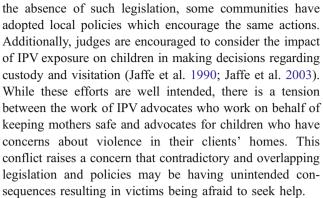


IPV may not actually witness violent events but are nonetheless exposed to IPV through after-effects including the physical and/or psychological traumatic impacts on the victim and interventions by the legal, healthcare, and/or child protection systems (Fantuzzo and Mohr 1999). Carlson (2000) estimates that at least 10-20% of children in the United States are exposed to IPV each year. McDonald and colleagues (2006) analyzed a national probability sample of married and cohabiting couples living with children younger than age 18 and found partner violence reported by 21.5% of couples and severe violence reported by 8.6%. Based on these data, the authors estimate that approximately 15.5 million children live in households with IPV, representing 29.4% of all children who live with married or cohabiting adults. Due to the under-reporting of IPV by victims, it is difficult to get an accurate assessment of how many children are living in homes where they may be exposed to IPV.

Despite a lack of consistent data on how many children are impacted by violence, there is a growing body of literature reflecting the negative impact of IPV exposure on children which reports consistent findings (Edelson 1999; Fantuzzo and Mohr 1999; Margolin and Gordis 2000; Osofsky 1995). Unequivocally, IPV exposure impacts children and often leads to negative short- and long-term behavioral, psychological, cognitive, and social impacts on children (Carlson 2000; Carter et al. 1999; Kernic et al. 2003; Magden 1999; Margolin and Gordis 2000; Riger et al. 2002; Somer and Braunstein 1999; Wolfe et al. 2003). They also may get physically injured by being caught in the "crossfire" unintentionally or while stepping in to defend a parent being victimized. There are ways to mitigate the impact of IPV on a child.

Research documents that a strong, positive, relationship with a caring and competent adult can reduce the harm of IPV exposure and foster resilience in the child (Carter et al. 1999). However, common problems associated with IPV can interfere with parenting including emotional unavailability depression and/or preoccupation with ensuring their own and their child's safety (Carter et al. 1999; Grayson 2001), thus resulting in a negative impact on child development and well-being (Wolfe et al. 1985). Children exposed to IPV are also likely to be victims of child maltreatment, as there is a high co-occurrence of both types of violence; studies document 30-60% of IPV households or families have children who are also abused and 45-60% of child protection cases have co-morbid IPV and step children of the abusive parent are also at higher risk for abuse. (Appel and Holden 1998; Edelson 1999; Stark 2002). Concerns about child welfare in homes filled with violence have lead to a wellspring of policy and legal responses.

Nationally, legislation often encourages or mandates police and prosecutors to report IPV to Child Protective Services (CPS) upon police calls for service to homes. In



Often, decisions made by IPV victims seem counterintuitive to child protective workers who cannot fathom why a mother may stay—when in fact the mother may view that she is preserving her children's safety by that very decision. This tension is often hampered further by disconnected social policies that do not consider the issue from multiple lenses. For instance, criminal justice policies often dictate mandatory reporting without sufficient information on how police, judges, and CPS workers might react. Furthermore, virtually nothing is known about how victims might perceive and react to these mandatory reporting policies. While much has been written about what the civil and criminal justice systems should do to protect children, missing from this dialogue has been information about how victims are responding to these new polices. This study fills a gap in the policy debate by adding mothers' voices about how children play into their decision-making and help seeking behaviors and lays the foundation to begin this important dialogue.

In focus groups with 39 women who had experienced IPV, participants raised issues of concerns about children and noted that this issue merited further exploration. Across all seven focus groups, women described these concerns without prompting from the facilitators. What quickly emerged from the discussions was the strong influence of the presence of children on participants' decisions whether to engage criminal justice helping professionals and whether to terminate their abusive relationships. Also apparent were the unintended consequences of criminal justice policies designed to protect children. This paper reports on the findings from these focus groups as related to issues of children and child protective services. The qualitative methodology allows for such themes to emerge without preconceived notions imposed by the researchers.

## Methods

## Recruitment

Adult women who had experienced legal system intervention in response to IPV were recruited to participate in



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focus groups in three communities in the Midwest and northeast United States. Six groups were conducted in English and one group was conducted in Spanish. In the various communities in which the focus groups were held, we recruited participants through two methods: ads (flyers posted throughout the community; ads in the local community newspapers; email notification to an IPV survivor group); and through announcements read at ongoing IPV shelter support groups. All of the flyers indicated that the participants had to have had involvement in IPV and court intervention. We did not specifically recruit parents, nor did we collect baseline information about children on intake. Thirty-nine women participated in all, 28 English-speaking women and 11 Hispanic women.

#### **Procedures**

The study was approved by the appropriate institutional review boards (IRB). Before the start of the five adrecruited focus groups, study staff and investigators obtained written informed consent from each participant. The two shelter-based focus groups were exempt from this procedure by the university IRB. All focus groups were confidential and held in a private location within community organizations. All seven focus groups were conducted by a criminal justice researcher, who is also an experienced focus group leader and former domestic violence prosecutor (CC). The four focus groups with Englishspeaking women in the Midwest were co-facilitated by an anthropologist specializing in qualitative research (FB). The Spanish-speaking focus group included a Spanish interpreter, who also provided a transcription of that focus group. The Spanish-speaking focus group was held at an agency which exclusively serves this population, and issues related to immigration and legal status were not solicited nor provided by the participants in relation to their participation in the court systems. All focus groups were recorded by digital voice recording and transcribed with the participants' consent, excluding any personally-identifying information. Participants completed a study intake form that obtained demographic information.

The research team members developed a list of openended questions for the facilitators to use to guide the focus groups to respond to particular topics. For example, questions focused on reasons why individuals might solicit or avoid police intervention in response to IPV, individual women's experiences with various types of interventions, and feelings about informal and formal help-seeking strategies. The focus group guides did not specifically refer to children. When participants raised topics, like children, however, the focus group facilitators probed for further elaboration on these themes. Data Analysis

All research team members (KVR, CC, CK, MD) had extensive experience working with victims of domestic violence. They were advised by the senior author and consultant, FB, who is an anthropologist with expertise in qualitative data analysis. The team utilized the Grounded Theory (Glaser and Strauss 1967; Bryant and Charmaz 2007) method of analysis. The Grounded Theory method takes an inductive approach to data analysis. With Grounded Theory, the investigator looks to identify and code ideas that emerge from the data, rather than fitting the data to preformed concepts or categories. The investigator then uses the Constant Comparative Method, moving iteratively between texts and codes to identify similarities and differences among transcripts in an effort to refine the ideas in the data so that they ultimately form a theory about the data that has emerged "from the ground."

Team members developed their initial coding schemes independently at the completion of the focus groups in the Midwest. They then compared notes and revised the initial coding scheme after several group discussions. We used qualitative data analysis software NVivo 7.0, to facilitate analysis and organization of the coding and each transcript was independently coded by at least two researchers. In the process of line-by-line coding, the researchers added additional codes and generated a preliminary list of coding themes after comparing notes. The focus group coding was an iterative process with new codes emerging from the data. After finalizing the codes, all transcripts were double-coded and discrepancies were resolved by the entire group using a consensus process. The same line-by-line process was used for the northeast focus groups in the northeast, utilizing the same coding schema with consensus reached with a three-member team, comprised of the group facilitator, a marriage and family therapist, and an attorney. Taking an interdisciplinary approach to data analysis by viewing the complex issue of the impact of children on decisionmaking through myriad lenses. Reaching consensus in coding often involved "negotiating" meaning across disciplinary boundaries.

## Results

All the participants (n=39) in the seven focus groups were women who had experienced criminal or civil legal system response to IPV victimization. Ages spanned a nearly 40-year range, from 15 to 61. Forty-four percent identified as Non-Hispanic White; 24% African-American; 21% Hispanic White and 11% as "Other." Since we did not recruit



women with children or collect information on participants' children, we do not know how many were mothers. Nonetheless, the vast majority of participants included mothers, and in all groups the topic of children was raised, without prompting, during discussions of factors that influenced victim's help-seeking decisions. The overall message was that victims with children felt very conflicted. Children appear to both facilitate and inhibit leaving an abusive relationship. Mothers wanted to spare their children from the harmful effects of violence but also wanted to keep their families together and protect their children from potential agitation and instability caused by legal system involvement. The following sections present the themes that were consistent across groups and geographic regions.

Concern for Children and Leaving or Help-Seeking

The focus group participants recognized the potential negative impacts of exposure to IPV on their children; they expressed concern for their children and faulted themselves for not leaving the relationship sooner:

The guilt that I feel every day and try to figure out, "What was wrong with me, why did I put up with it, why did I put my children through that, why did I make them hear the things that they heard?"

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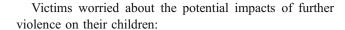
I can relate to having that degrading feeling, "How could you allow yourself to get in that situation and how could you, how could you ... put your kids through this?"

The concern for their children motivated the mothers to ultimately seek help or leave the relationship:

I don't think if I hadn't had, ever had my children, I don't want to say I'd still be in the situation but I don't think [leaving] would have been as important to me. And then again, maybe because of my self-esteem level back then I'd go, "If I can just do it one more day," you know, some days were really, really, good but then when they were bad, they were really bad. I mean "Ok, I can just deal with it" but not with when the children were involved. No, that helped a lot, especially seeing [my daughter] and her cry, "Mommy, you don't have to have this happen." I mean, you know, a ten-year-old at the time or a nine-year-old, however old she was, knowing something that I just couldn't see was absurd to me, knowing that she was way above the intelligence that I was at that point.

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I can't have her see me letting it happen. ... I think that was my biggest strong point, and I wanted [the DA] to go to the fullest extent.



Maybe he'd follow through with the threat of killing me... leaving my child without her mother.

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I got scared when he started threatening my life a lot more and started worrying he might really hurt the kids, too.

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I had to give her a better life.

The presence of children also impacted the mothers' decisions to stay in the abusive relationship, or seek help, in contradictory ways. Children could be the "tipping point" that motivated them to leave or follow-through with actions designed to end the relationship such as calling the police or working with the prosecution to convict their abuser. On the other hand, concern for "keeping the family together" or providing for their children could be the reason they decided to stay in an abusive relationship, at least in the short run. For example, one mother struggled with wanting to leave to show her children that it was not okay to accept violence but also not wanting her children to have to take an active role in the process of leaving:

I don't want to allow my children to see this and know that I've accepted it as ok behavior but then by the same token I don't want them to have to see the police coming in with the result of it... My daughter's had to talk to the police. My daughter's the one that ended up calling the very last time. The taxi cab, then she called two cabs and said that we need to go somewhere safe.

For women for whom English is not their first or primary language, another concern was that their children would be required to assist them in the court process:

Every time they have to have their five-year-old son translating those papers, which is not appropriate.

Mothers stressed that becoming free from the violence is more complicated than just picking up and leaving. They cited financial stress, safety, and other practical concerns related to the children that made it very difficult for them to leave:

I had four kids, two were in diapers, one was a newborn. He had me convinced that there's no way I could make out there by myself and I believed him and that's why I stayed. It was that security... It's hard to pick up four kids and run.

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I am raising his daughter since she was a baby. She's a senior in high school; I have to make it to June [when she graduates].

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If he snatches one of the kids then there you are, you're sitting in the middle of a custody battle. Who wants to go through that?

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I didn't want to put [my kids] through it in the mental but the physical challenges that they, you go through, even going through a shelter. You're living with strangers, yeah, he's made a new friend but when you move out of the shelter what are you doing, you're taking that away from him again. You know, you're building and then removing, building, removing and I mean a child can only take so much of that, you know?

Key decision points related to whether the abuser was the biological father, concern about disrupting the children's lives, and not wanting to deprive their children of a father. The following quotes illustrate that having children in common with the partner can be a powerful impetus for women to stay in an abusive relationship:

So many women keep going back because he is... the father of their children.

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Everybody wants to have the perfect family; nobody wants to go through the whole court thing...the custody battles and all that stuff. It makes you want to work things out a lot more for the kids—you are kind of caught in between and you don't know what to do so I think it probably impacts your decision a lot.

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...in a way, that's really hard for me because he is her father.

Support for Mothers, Support for Children

Some of the mothers shared ways in which they relied on their children for personal support, to help them cope with —or escape from—the violence:

They [kids] say things to me to let me know that I did the right thing.

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I tell my kids "Don't let me be alone with him. I don't trust myself", I do not trust myself.

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My daughter was like, "Mom, calm down that's not him." I mean it looked exactly like him from that far away. She's like, "Why are you tripping?"

However, victims also recognized that their children needed support as well, and they recognized their own inability to meet that need; they expressed endorsement for services to help their children cope with the aftermath of violence:

I'd like to see more for the kids, too. Sometimes leaving isn't enough...depending on the age, obviously, I think they need some support too.

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I think that it would be great if whenever these cases went through the court system that one of the things that would happen is that the kids would at least have a couple of sessions with somebody.... maybe there's some damage done there that the mom either denies or just doesn't recognize

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I think it's good that they have counseling for kids available now...it wasn't recommended to my kids and I think that would have been helpful.

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My daughter wasn't involved but she was close enough to him ... it helped her to be able to talk to our family counselor about her feelings towards that, brought out her anger.

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Like a little boy, if he grows up seeing his dad hitting on his mom all his life, then he gonna hit on the next woman 'cause that's what he thinks works, that's what he thinks is acceptable so like, classes and meetings, I think that it could change the whole person's outlook and mindset, abuse.

Child Protective Services: A Potential Barrier and a Potential Support Service

Mothers were aware that a call to the police could result in their getting reported to child protective services for investigation of their child's welfare. Regardless of whether their decision-making knowingly skirts around well-intended policies, the participants described how fears of CPS involvement play into their help-seeking. A number knew of situations of CPS involvement and police had threatened with CPS intervention:

A friend of mine she was like, "Well, I called the police and when they came they seen my daughter here... and the next thing Child Protective Services came over."

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Well like they [the police] told me when they came to the house last month, I'm living in the situation, dealing with him all the time. They said "We're gonna put a CPS case on you for staying in this house."

[The police said] "Fine, then we're gonna arrest you and we're putting your child in a foster home tonight



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because you're staying here when you know he's gonna continue to beat you."

Because perpetrators understand the mothers' fear of CPS, sometimes they, too, use the CPS threat to their advantage. One perpetrator threatened to call CPS himself if his partner left him:

I would say that one stayed because of fear. Because we are threaten that they are going to take the kids away or they want to call child protection or they say that they are going to kill your mother or any other family member.

The threat of CPS intervention (and potentially losing their children as a result) can lead women to avoid seeking help from police; as one mother explained, "that's a big deterrent in calling." Other mothers shared this sentiment:

Well, I'm not calling the police if they gonna try come take my kids, you know? I'm not gonna call the police anymore.

Some people don't [call 911] because they're like, "I don't want to lose my children."

CPS comes in and threatens to take the child away... you can't do that because that makes that person not want to do something.

Some mothers shared stories of sending their children out of the house before the police arrived, or otherwise hiding the presence of children so that police would not report them to CPS.

In contrast, other mothers had fairly positive experiences with the police regarding their children:

First thing out of their mouth, in my case, was, one, is it his and two, was she there. When I told them that she wasn't his and that she wasn't there, I could kind of see a sigh of relief because it meant, you know, I think there's different actions they have to take if there's kids involved.

They were a little more understanding than I thought that they would be about it.

Once engaged with the police, victims might not followup with the courts because the CPS threat does not end once the police chose not to call:

I did not go to court. He has not bothered me anymore and I do not want to deal with him. Okay. It is a combination of not wanting to be drag in because of child protection and people knowing your business and the combination of him leaving you alone after you call so stops for awhile.

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I decided not to [go to court] ...Because of the kids. I did not want to get CPS involved. I did not want to get the courts involved and then, you know, I just want to stay with my kids.

.....

You know, I never went to court because I did not want to deal with the courts. I did not want to involve my stuff with the kids because they could call child protection...and I did not want that.

Although wary of CPS intervention with the threat of having their children removed, mothers also recognized the need to protect the children exposed to IPV and that CPS could, theoretically, provide a supportive and positive service to benefit the children. They wanted to be able to seek help from CPS, without the threat of losing their children. They hoped that CPS could would collaboratively with them to help the mothers and children both be free from violence and suggested ways in which this might happen:

[CPS] can secure it and let those people know, you know, we're not gonna—we're here to help you and your family, not take the kids away from you because of it.

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That could be the intervention step before it gets to the police...CPS can go to the police and say "Look, this needs to be done" and take the intervention.... You need to think of the safety of that child and think of them first.

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That's some differences that CPS needs to consider to help people more where that, you know, if this is going on you can turn to them without the risk of losing your child, because this is happening.

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I'm sure it's worse for the kids to be come in and be ripped away from their mom because of that [violence]. I mean it's just, I mean if the children are being hurt, you know, by all means but if the children, if there's no sign of harm or neglect to the children...

## Discussion

In the process of conducting seven focus groups with IPVinvolved women to assess their experiences with helpseeking, we found a common theme about the influence of



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children on survivors' decision-making regarding participation with the criminal justice system. Despite specific prompts targeted at involvement in the legal system, participants often described their decision-making couched in language that involved their children as a key factor. The themes described were common across groups and geographic areas, which had very different jurisdictional approaches to IPV and Child Protective Services (CPS). While we wish to let the voices of the victims be the primary comment on the situation, it is important to note that a decision to fully participate in the criminal justice system seemed to indicate a decision to leave the relationship for good. The women's comments reveal a complex relationship between the presence of children and victim participation in help-seeking when the goal is to leave her abuser, who may or may not be the father of her children. Children influence victims to stay in the relationship, due to emotional concerns about the impact of uprooting them and economic concerns about being able to provide for their children. In contrast, concern as to the impact on children of witnessing the abuse, or concern for the child's safety can be a pivotal issue in influencing victims to leave. Both forces are frequently operating at the same time, causing victims to vacillate and change their minds.

Victims indicated considerable internal conflict and also a great deal of insight into the complexity of a decision to engage in help-seeking. They wanted to protect their children from IPV but also to protect their children from interacting with the police and other aspects of the criminal and civil court systems. The concept of "putting your children through all that" (police, testifying, divorce) was presented on both sides of the arguments.

Victims discussed the realistic constraints of having to provide for children in isolation of their partners' financial and physical support (child care, parenting, etc.). They indicated the decision was not as easy as just breaking the cycle and leaving. They mentioned hiding violence and pain from their children and staying in abusive relationships for their children's benefit and there was a deep sense of injustice about CPS and Family Court responses to IPV when children were involved.

Of particular note, discussions of recent policies designed to protect children exposed to violence surfaced during all of the focus groups with victims expressing concerns that seeking safety was equated with potentially losing their children. These expressions prompted the team to examine policies. In the Midwest jurisdiction for example, current policies include routine police reporting to child protective services when children are present in a house with identified domestic violence. Prosecutors also employ this policy, yet the responding social service agency does not investigate child abuse for allegations of domestic violence alone, in isolation of other factors. Whether these

somewhat conflicting polices ultimately help or hurt victims and their children and the ways in which the policies influence victims' decisions to seek help from the criminal justice system or more informal settings will require a study focused on those questions.

Other work (Cerulli 2007) has evaluated the everchanging landscape regarding statutory and case law regulating sanctions for exposing children to domestic violence, also called child witnessing laws. In a survey of the 50 states, our sites were similar to other states regarding statutory presumption for custody and visitation in regards to child witnessing. Since 2003, the number of states enacting child witnessing laws has more than doubled with 44 states creating either statutes or case law creating presumptions regarding custody or visitation; creating an aggravating factor for criminal sentencing; criminalizing the conduct under child welfare laws; making it a stand alone crime, or creating other civil sanctions (Cerulli 2007). Interestingly, one state (MN) which initially expanded the definition of child maltreatment to include children who have been exposed to domestic violence, has recently repealed statutory language on the issue due to unanticipated consequences. County CPS agencies were greatly strained due to the sudden dramatic increase in CPS reports, in the absence of additional resources. Moreover, concerns were raised by the advocates of abused women that mothers were being blamed for "failure to protect" when their only role was being a victim of domestic violence. When the legislation was repealed, all county agencies dropped their reporting requirements (Edelson et al. 2006). These findings and our results indicate need for a broader range of responses to the complex problem about how to support and protect and treat both adults and children in abusive families.

A limitation of this study is the nature of inclusion criteria. While we had a variety of recruiting strategies, all participants self-selected into the focus groups. Moreover, across all groups, the recruitment methods attracted victims who had, for the most part, experienced a very high level of severity, as well as involvement with the criminal and/or civil justice system. None of these seven focus groups were designed to explore the impact of children on victim decision-making and therefore may have failed to fully explore the topic. Holding focus groups that specifically recruit parents to explore the themes that were raised here, particularly in the context of the developmental stages of their children, would be a valuable addition to this work. Importantly, women's recollections of their thoughts related to their decisions as to remaining or leaving a relationship are subject to recall and hind-sight bias by the participants, most of whom had left their abusive partner. So their comments may or may not accurately represent their actual decisional balance during the time period being discussed and thus should not be interpreted as an explanation for



subsequent behavior. Nonetheless, while not intended as the research focus, the impact of children on women's decision-making surfaced so strongly in all groups that we allowed them to pursue the topic.

#### Conclusion

Our research provides a foundation for understanding the range of issues that victims identify for how the presence of children affects survivors' decision-making regarding helpseeking in the criminal justice system and civil court venues. Victims' decisions about whether or not to call the police, participate in prosecution, seek a divorce or obtain an order for protection are coupled with decisions about what is best for their children. The delicate balance of considering their children's exposure to the violence, and whether exposure to the court system puts their children in greater danger, is a painful reality of our current systems. The findings document that survivors are aware of the influence of their children in their decision-making to seek help from service providers (victim advocates, police, and prosecutors). Likewise, the survivors acknowledge that the presence of children might lead helping professionals to pursue their cases more aggressively and that it is the concern for their children that leads police, prosecutors to file reports to child protection agencies.

Victims expressed feelings that their children's experience of witnessing the violence, being traumatized by the court process, or being placed in foster care, may be too overwhelming to overcome. Some victims decided to avoid calling the police altogether in order to prevent their children from further trauma caused by involvement with the criminal system. On the other hand, victims also indicated they were prompted to take action, which often meant calling the police, when they perceived that the violence was potentially impacting their children. They voiced concerns about both the immediate safety and welfare of their children and how IPV exposure may model abusive behaviors that children would reproduce in adulthood. These findings highlight the need for further qualitative and quantitative investigations of the role of children in both victims' and helping professionals' decisions. Such research must be participatory, as well as interdisciplinary, to help everyone achieve the same outcome: keeping IPV survivors and their children safe.

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