

**Prevention of Family Abduction  
Through Early Identification of Risk Factors**

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2000

Office of Juvenile Justice and Delinquency Prevention  
U.S. Department of Justice  
Washington, D.C.

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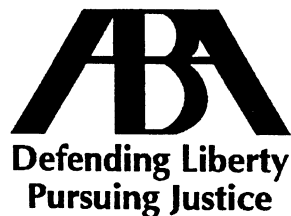
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Dedicated to  
the Memories of  
Linda's husband,  
Fred Charles Hyman,  
April 15, 1940 - April 15, 1993  
and  
Inger's son,  
Don Gard Sagatun Edwards,  
October 21, 1979 - July 29, 1996

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# **Prevention of Family Abduction Through Early Identification of Risk Factors**

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**Part I**  
**Introduction**



## Chapter 1

### Studying Risk Factors for Abduction

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## Identifying Risk Factors

### Studying Risk Factors for Abduction

#### Overview

Imagine if no more children were abducted from their parents and communities by another parent or family member. No more would a parent cut the ties between their child and the other parent at will and in violation of the law. No more children having to live on the run with an abducting parent.

What would it take for children to be protected from family abduction? Who is at risk for abducting their children? What will stop would-be abductors and prevent abductions? A group of researchers, funded by the U.S. Department of Justice, set out to answer these questions.

#### The Research Questions

First, we wanted to know the characteristics of abductors. Who are they? What is their marital status, age, gender, education, employment, income, race and ethnicity? Where are they in the legal process when they abduct? What is the role of family violence? What other characteristics can we learn about them and their children? What can we learn about how the justice system responds to abductions? How are abductors treated?

To address these questions we needed to find a data base with a large number of parental abduction cases that included information on these various characteristics. We wanted that data base to be inclusive of a wide variety of abductions and to be as objective a source as possible. We wanted, where feasible, to take advantage of other research that we could use for comparative purposes.

We also wanted more in-depth information about families that experience abductions. What are the psychological characteristics of the abductor and left-behind parent? What are the family dynamics? What kinds of problems do these families have before the abduction? To answer these questions we needed to find a smaller number of families in which there had been an abduction, who would agree to be interviewed and take psychological tests as part of the study. We also wanted to see how this group was different from other people who fight over custody in court, but do not abduct. Therefore, we needed to have data on these high conflict nonabducting families for comparison purposes.

From this research, we could develop risk profiles that described abductors. Then we wanted to use these profiles to identify parents who might abduct their children and see what measures would help prevent abduction. For this, we needed the cooperation of courts, so

## Identifying Risk Factors

that appropriate cases could be referred to the project to receive the interventions. Then we wanted to evaluate the interventions after nine months to see what had happened and assess which interventions worked better.

### Why We Studied Abductions in California

California was chosen as the site for the research because it met the criteria we needed to answer our questions. Parental abduction is broadly defined in California's criminal statute, including pre- and post-custodial abductions and abductions committed by parents with sole custody, joint custody, and visitation rights. The district attorneys' offices in California have the most complete files on a range of parental abductions, because they are mandated to use civil as well as criminal remedies to locate and recover abducted children. California is a large state with a diverse population. Data already existed in some of the counties in the Bay Area that could be used for comparative purposes and the courts in that area were willing to work with the project in identifying and referring families that matched the profiles of parents at risk for abducting their children.

### Research Design in a Nutshell

Dr. Inger Sagatun-Edwards studied 634 abduction cases drawn from district attorneys' files in two California counties. The records contained information about the social, demographic, and legal characteristics of abduction cases and the actions taken by the district attorney's offices. From these records, she formed a general description of abductors and the legal response to abductions. Various statistical analyses were used to determine the predictive value of specific factors. This is described in Chapter 2.

Dr. Martha-Elin Blomquist examined 950 parental abduction arrests from a state-wide database. From this she assessed the treatment of abductors by the criminal justice system for three different criminal offenses and examined the frequency and treatment of multiple offenders. Different statistical analyses were used to analyze the characteristics of offenders, offenses, case dispositions, and subsequent conduct, including multiple abductions. These findings are provided in Chapter 3.

Dr. Janet Johnston contacted a sample of the families from the district attorneys' records for a more in-depth study. Seventy members of 50 families which had experienced an abduction were interviewed and given several psychological tests. She compared the results from this sample of abducting families with a sample from a previous study that involved 114 members of 57 high-conflict divorcing families who fought over custody in court, but had not abducted. She then developed six profiles descriptive of abductors. This research component is described in Chapter 4.

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The next part of the study was to examine how abductions could be prevented. The courts in the Bay Area referred parents fitting any of the six profiles to the project for one of two randomly assigned interventions designed by Dr. Johnston. One lasted about 10 hours and was primarily a brief diagnostic and referral service. The other was about 40 hours and involved an impasse-directed therapeutic conflict resolution intervention. Other services, such as legal representation and abuse investigations, were sought as needed. After nine months the parents were evaluated and the two types of intervention models were analyzed and compared. Particular attention was given to the types of legal, therapeutic, and other interventions that worked with each risk profile. Dr. Johnston compares the two interventions in Chapter 5 and examines the specific measures used to prevent abductions for each risk profile in Chapter 6.

Thus, the research involved several discrete components which break new ground in identifying abductors and preventing abductions. The implications of the research and recommendations for policy and practice are presented by Dr. Linda Girdner in Chapter 7.

### What We Know from Other Studies

#### Background

Parental abduction of children has become a serious concern in the United States. Along with the rapid rise in divorce and the increase in children born out of wedlock (approximately 60% of all children now spend some time in a single-parent home [Glick, 1988; Hernandez, 1988]), there has been a dramatic increase in the number of separated families in which one parent has unilaterally taken action to deprive the other parent of contact with the couple's child. In response to the needs of parents fearing or experiencing a family abduction, the National Center for Missing and Exploited Children (NCMEC), in collaboration with the ABA Center on Children and the Law, published *Parental Kidnapping: How to Prevent An Abduction And What To Do If Your Child Is Abducted*. Now in its fourth edition under the title *Family Abduction* (Hoff, 1994), this booklet represented the beginnings of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) Missing Children's Program's efforts to prevent family abductions.

Two congressionally-mandated projects funded by OJJDP show a growing emphasis on the preventive dimension.<sup>1</sup> The National Incidence Study on Missing, Abducted, Runaway & Thrownaway Children in America (NISMA), estimated that approximately 354,100 children were abducted by a family member in 1988, using a broad-based definition of parental abduction (Finkelhor, Hotaling, & Sedlak, 1990). Where the definition is a narrower, policy-focal one, with the intent of the abductor to permanently alter custodial access by concealing the child or taking the child out of the state or country, NISMA estimated that 163,200 children were involved. This study yielded estimates larger than had

been previously thought and made an appeal to give priority to abduction prevention. Another incidence study is currently under way.

The complex nature of family abductions was recognized when Congress mandated a research project to identify the legal, policy, procedural, and practical obstacles to the recovery and return of parentally abducted children (hereafter referred to as the Obstacles Project) and to recommend ways of overcoming these obstacles. OJJDP funded the ABA Center on Children and the Law to carry out the Obstacles Project, in collaboration with the Center for the Study of Trauma, University of California San Francisco (UCSF).

The findings from the Obstacles Project indicate that the key impediments are a lack of affordable legal representation for parents, lack of knowledge of the applicable law by lawyers, judges, and law enforcement officers, lack of compliance by judges and law enforcement officers even when knowledgeable of the applicable law, and lack of uniformity and specificity in the relevant laws across states (Girdner & Hoff, 1993). If these obstacles can be overcome it would not only facilitate the recovery and return of children who are abducted, but also would *prevent abductions* from happening.

The urgency of the problem is underscored by findings from a number of smaller surveys and clinical reports, indicating the potentially serious psychological trauma imposed on abducted children and their left-behind families. Victim children appear to be most adversely affected in the lengthier cases of concealment and when they are abducted by a more psychologically disturbed or violent parent. Their symptoms include anxiety and fright, nightmares, sleeping problems, clinging, and irritability; indoctrinated beliefs, grief or rage about the absent parent, rejection of or exaggerated identification with the offending parent; disturbed emotions and behavior (regression, depression, and aggression); school learning problems and profound social disorders, especially suspicion and distrust (Agopian, 1984; Forehand, Long, Zogg, & Parrish, 1989; Sagatun & Barrett, 1990; Schetky & Haller, 1983; Senior, Gladstone, & Nurcombe, 1982; Terr, 1983). The often dramatic measures taken to locate and recover the child, involving private investigators, police, temporary placement in foster care, and the sudden loss of the abducting primary caretaker, have been seen as further traumatizing to the child (Huntington, 1986; Johnston & Campbell, 1988; Sagatun & Barrett, 1990).

Searching for an abducted child is not only frustrating, it is emotionally exhausting and financially draining. The debilitating and depressive stresses on the left-behind family members have been investigated by Hatcher, Barton, and Brooks (1992). They concluded: "The majority of families of missing children experience substantial psychological consequences and emotional distress as a result of child disappearances. This level of emotional distress has been identified and reliably measured by standardized psychological methods. Compared to the general population, this level of distress places families of

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missing children in the top 20%...[and]...equals, or exceeds, the emotional distress for other groups of individuals exposed to trauma, such as combat-related military veterans under treatment for post-traumatic stress disorder symptoms and victims of rape/assault/other violent crime" (pp. 1-4). Other researchers concur but find more moderate negative effects (Forehand et al., 1989).

Current knowledge with respect to the characteristics of abductors is sparse and piecemeal. Most of it pertains to demographic characteristics together with descriptors of timing and location of the event (Finkelhor, Hotaling, & Sedlak, 1991; Hatcher & Brooks, 1993). An excellent review of the research relevant to these characteristics can be found in a Canadian publication of the Royal Canadian Mounted Police (Kiedrowski, Jayewardene, and Dalley, 1994).

There is little systematic knowledge about the psychological profiles of abducting parents and family dynamics factors which are indicative of high risk for abduction. Furthermore, there is little known about the access separating families have to the legal system to resolve disputes over children's custody and care. It is especially important to inquire about the relative effectiveness of legal actions in preventing versus adding to the risk of parental abductions. Each of these factors will be considered in turn.

### Sociodemographic and Legal Characteristics

Several studies have examined the social, demographic and legal characteristics of abductors. When comparing the results of various studies, the differences in the sources of data should be carefully noted. Hatcher and Brooks' study (1993) was based on a sample of 52 left-behind parents randomly selected from the closed files of the National Center for Missing and Exploited Children (NCMEC). Greif and Hegar's study (1993) was based on responses to a self-report survey sent out to persons who were identified through 14 different missing persons organizations. NCMEC is the national clearinghouse for information on all categories of missing and exploited children, and provides direct assistance to parents and law enforcement agencies in the investigation and recovery of missing children. However, NCMEC files have some limitations as databases for research purposes. Not every parental child abduction case is entered into these files, and the listing is voluntary and not mandated by law. For a case to be registered with NCMEC the left-behind parent must have a court order awarding him or her sole legal custody of the child being sought. Missing from this database are abduction cases in which no custody order exists or in which the left-behind parent has joint custody or visitation. Since many unmarried and low-income parents do not get custody orders, they would be missing from these files. Also, not all parents are aware of NCMEC, so they never had the opportunity to register.

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Finkelhor, Hotaling and Sedlak's NISMART (1990) study was based on a telephone survey of a randomly selected national sample. Note that all of these three studies (Hatcher and Brooks, Greif and Hegar, and Finkelhor et al.) were based on interview and survey data rather than on legal records.

The Sagatun and Barrett study (1990) was based on reports of parental abductions made to the Family Court Mediation Services in Alameda County, California, by people who were court ordered to participate in mediation over custody and visitation disputes. Only some of the abductions were reported to the police. The Agopian study (1981) used case files from the District Attorney's Office in the Los Angeles area, California. His sample was limited to abductions in cases where parents had custody orders (called postcustodial abductions), reflecting the state of the law at that time.

### Gender of the abductor.

Hatcher and Brooks (1993) found that in slightly over half of the cases the individual reporting an abduction was the child's father, that is, mothers were more likely to be the abductors. In Greif and Hegar's (1993) study 55% of the abductors were male, and 45% were female. In the national incidence study by Finkelhor et al (1991), three-fourths of the abductors were men. However, NISMART's threshold question, which was whether or not the respondent had a minor child living with them for a two-week period in the last year, may partially explain why NISMART had fewer women abductors. The question would have ruled out many noncustodial fathers and even some joint custody fathers whose visitation schedule may have been of shorter duration, but whose children still could have been abducted.

In Agopian's study (1981) from Los Angeles using a sample of 91 families known to the court system, fathers were also more likely to be the abductors. Thus, in three of these studies fathers were slightly more likely to be the abductors, while in two, mothers were more likely to be. Variations may occur based on the nature and source of the sample, the types of custody included, and the definition of abduction.

### Marital relationship.

Hatcher and Brooks (1993) reported that the majority of the left-behind parents in their study were either married to but separated from the abducting parent (29%), or were divorced and were living with a new partner (29%). Their sample is based on a NCMEC data set, in which where a the left-behind parent had to have an order of sole custody. This is more likely with separated or divorced parents than with unwed parents or married parents who had not yet separated.



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### Custody status.

In the Greif and Hegar (1993) study, the left-behind parent had custody in 51% of the cases; in 29% the child lived with the abductor in either a joint custody arrangement or with the parents still married; and in 14% of the cases the abductor had custody at the time of the abduction. In a study of 43 parental abduction cases reported to the Family Court Services, Sagatun and Barrett (1991) found that fathers were more likely to abduct before custody had been established, while mothers were more apt to abduct after it had been established.

### Ethnicity.

In previous studies most abductors (and left-behind parents) were Caucasian, with a relatively small proportion of minority families. In the Hatcher and Brooks (1993) study the majority of the left-behind parents interviewed were Caucasian (87%), followed by Hispanics (8%). African Americans and Asians were both substantially underrepresented, at 4% and 2%, respectively. The abductor group was composed of 81% Caucasians and 14% Hispanics.

One of the data bases used for comparison in the Hatcher and Brooks study (1993) was I-SEARCH, a unit of the Illinois State Police. African Americans were overrepresented in the I-SEARCH data base compared to other studies of abducting parents. Many of these were precustodial abductions, which are a violation of Illinois law, and consequently were in the I-SEARCH data, but are often not included in other abduction data bases. The percentage of African Americans in the I-SEARCH data base also exceeded the percentage in the Illinois population, leading to the possibility that precustodial abductions are more frequent in this minority group.

Greif and Hegar (1993) reported that 92% of their sample was Caucasian. These results may well reflect the nature of the cases in many of the missing children's organizations data bases. The NISMART, based on the household sample, found the left-behind parent population to be made up of Caucasians (80%), African Americans (17%) and Hispanics (3%), (Finkelhor et al., 1991). In Agopian's (1981) study, Caucasian abductors were representative of the county population, while African Americans and Hispanics were slightly overrepresented and Asians substantially underrepresented.

### Age.

Abductors are generally young parents. Almost three-fourths of the parents in the Agopian study (1981) were 36 or younger. The NISMART (1991) study noted that 75% were under 40 years old, with 46% between 21 and 40. The median age in the Greif and Hegar (1991) study was 36 with international abductors being somewhat older.

### Socioeconomic status.

In the Hatcher and Brooks (1993) study, the highest single occupational group among the left-behind parents was the minimum wage unskilled laborer (33%), followed by the skilled manual laborer (21%). Most had graduated from high school or had some college training (83%). Greif and Hegar (1991) found that only 39% of abductors had completed high school, whereas 64% of the left-behind parents had. Annual salaries for two-thirds of the abductors were under \$27,000. International abductors tended to be somewhat better educated than their domestic counterparts.

### Criminal history.

With respect to a criminal history Greif and Hegar (1993) found that a criminal record for abductors was common in their sample, but they did not give a specific percentage. About half of abducting parents had a criminal record in Abrahams (1983) study. A Canadian study found almost a third of abductors to have criminal records (Swaren and Dalley 1993). Sagatun and Barrett (1990) hypothesized that abductors perceive themselves to be above or outside of the law.

### Psychological and Family Dynamics Factors

There is a conspicuous lack of systematic data about the psychological and familial characteristics that are likely to identify children at risk for abduction. Most of what is available is speculative and not based on standardized measures, and seldom have control or comparison groups been used. To date, studies have been carried out from the perspective of the left-behind parent; abductors have not been systematically interviewed.

Samples have been selected from various subpopulations of parental or family abduction situations. Three studies obtained samples through agencies of the legal system. Agopian (1981) studied 91 cases from district attorneys' records. Sagatun and Barrett (1990) obtained 43 cases identified by family court counselors; and Blomquist (1992) obtained arrest data from 1989 California official crime statistics ( $N = 371$ ). Three other studies used missing children's organizations to invite left-behind parents to participate (Kiser, 1987,  $N = 114$ ; Greif & Hegar, 1993,  $N = 371$ ; Hatcher & Brooks, 1993,  $N = 52$  and  $N = 53$ ).

The motivation to abduct is seen to be varied and multidetermined. It may stem from an attempt to protect the child from a parent who is perceived to be molesting, abusive, or neglectful; or it may be an effort to effect a reconciliation by withholding the child from the other parent. The abduction may also be based on a desire to blame, spite, and punish the other spouse for leaving, or on a fear that one's primary parenting status is not honored by the other parent or the court. In more extreme cases, the action may rise out of paranoid delusions on the part of the abducting parent, often associated with a psychological merging

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with the abducted child (Agopian, 1984; Sagatun & Barrett, 1990). An extreme disregard for authority and the law, suggesting sociopathic disorders, has been implicated by some (Kiser, 1987), especially in those few cases that ultimately lead to prosecution (Blomquist, 1992).

Greif and Hegar (1993) propose that families at particular risk for abduction "are those where there is marital violence; where threats have been made about abduction; where one or both of the parents have previously abducted a child; where the partners come from different cultures, and one or both maintain strong ties with their country of origin; or where one parent clearly is unhappy with a custodial arrangement or a divorce. Other warning signs include the following: difficulties related to employment; a change in family circumstances, for example, the death of an abductor's parent, so that the abductor no longer has a need to remain in a certain geographical location; extreme dissatisfaction with the court system; mounting financial debt; change in residence to more temporary housing (e.g., a motel); and any behavior that indicates a quick departure is possible" (p. 197).

Only one study has tried to discriminate between abducting and nonabducting parents by using a comparison group and standardized psychological measures. Kiser (1987) studied the characteristics of the prior marital relationship from the vantage point of left-behind parents compared to separated/divorced parents who had not been involved in any abduction. She found that the profile of the abductor's relationship was not gender-specific. It was, however, characterized by dependent and rebel-like behavior, unwillingness to assume responsibility, with a relative lack of power in the couple relationship. The relationship profile of the left-behind parent indicated a propensity to be in a superordinate-permissive role, that is, to have the potential for leadership but to give power away willingly, to acquiesce out of a fear of being seen as too demanding.

One important finding in a number of studies was that an accomplice partner or extended family members were active in facilitating the actual abduction by offering support or helping to conceal the child in the majority of situations (Finkelhor et al., 1991; Hatcher & Brooks, 1993; Janvier, McCormick, & Donaldson, 1990). This indicates that parental abduction is a crime which may often be perpetrated with considerable encouragement from significant others who validate and legitimize the illegal act from a moral point of view (Palmer & Noble, 1984). This fact could be an important precursor to the abduction.

A number of descriptors of separating and divorcing parents at risk for abducting their children identified in these earlier studies could just as well apply to highly conflictual couples who are litigating the custody and care of their children. The problem is that previous studies of parental abduction have not been rooted in a thorough understanding of the divorcing family, especially the dynamics of highly contested custody disputes after separation. Divorce researchers have shown that the powerful confluence of psychological and social forces underlying divorce conflicts has been inadequately understood by legal and

## Identifying Risk Factors

mental health professionals, and that the adversary legal system is poorly equipped to manage or contain these disputes (Johnston, 1994; Johnston & Campbell, 1988; Wallerstein, 1985, 1991). For this reason, an appropriate comparison group for the discrimination of risk factors in parental abduction cases is a sample of high-conflict parents in custody litigation.

### Family Violence

#### Domestic Violence.

Most studies indicate that domestic violence is characteristic of over half of the families in which there has been an abduction. In the Hatcher and Brooks (1993) study over half of the parents (N=52) indicated that they had been physically abused. Over a quarter (28%) of the parents had obtained a restraining order against the abducting parent. One half of the alleged violent abducting parents had been formally charged with spousal abuse and half of these charged cases led to conviction. Almost one third (31%) of the left-behind parents stated that the abducting parent had accused them of spousal physical abuse. Fifty-eight percent of these parents had a restraining order issued against them (18% of the total sample). Twenty-five percent of the left-behind parents accused of physical abuse had been formally charged with spousal abuse, but only one was convicted (8%). Two-thirds of the abductors had been formally charged prior to the abduction and one third was charged post-abduction.

According to Greif and Hegar (1993), parental abductions where family violence is involved often follow this pattern: a woman leaves with the children after being battered by the father; this often constitutes abduction in the father's eyes who then gets custody from the family court in her absence. In other cases a violent marriage may end in divorce, the mother gets custody of the children and months, or even years later, the father snatches the children. The violence associated with these abductions may have its roots in childhood and emerges from marriages where violence has been a way of life.

Often battered women who flee from their violent partner with their children go to battered women's shelters in their communities. Such shelters typically offer information, referrals, crisis counseling and support groups, and many have residential facilities. Although a woman who flees with her children to a battered women's shelter may feel that she has no other options, she may still be charged with parental abduction. If, while she is gone, the father gets an *ex parte* custody order awarding him sole custody, her actions could constitute an abduction in many jurisdictions (Greif and Hegar, 1993).

### Child Abuse and Neglect.

In the Hatcher and Brooks (1993) study almost half (44%) of the left-behind parents indicated that some form of child abuse or neglect had occurred in the family prior to the abduction. Twenty-six percent indicated that their ex-spouses/partners had neglected the child(ren), 16.3% indicated physical abuse of the child, and 2.3% indicated sexual abuse of the child. Over one-fifth (21%) of the cases included reports of the abuse to the authorities. No formal charges of abuse or neglect were reportedly brought against any of the abductors.

Almost half (44.4%) of the left-behind parents also indicated that they had been accused by the abducting parent of some form of child abuse or neglect prior to the abduction. Twenty percent had been accused of physical abuse, 16% had been accused of child neglect, and 9% had been accused of sexually abusing their child. Only two parents, however, were ever charged with abuse and only one left-behind parent was convicted of abuse (2% of the total sample). The left-behind parent convicted of abuse was charged after the abduction. Thus, in the Hatcher and Brooks (1993) study about half of the left-behind parents reported that they had been physically abused by the abducting parents and over 60% reported that child abuse or neglect had occurred in the family prior to the abduction. Such interview data may produce a higher rate of domestic violence and other abuse than data contained in official records. In fact, only in a small minority of cases were these abusive acts made part of the public record through requests for orders of protection, reports of child abuse, criminal charges and convictions. Typically, law enforcement officers assigned to these parental abduction cases were not aware of this information.

### Legal Responses to Parental Abductions<sup>2</sup>

Blomquist (1992) in a study of parental abduction cases in California found that only 10% of the cases brought to the district attorneys' attention actually were prosecuted in criminal court. A national survey on criminal justice system response in parental abduction cases found that only 15% of cases reported to law enforcement resulted in arrests (Grasso 1996).

### Access to Family Courts and Effectiveness of Legal Response.

For several decades there has been considerable concern about the appropriateness of the traditional adversarial system for resolution of family disputes. It is commonly thought that this system exacerbates domestic conflict and polarizes positions, making it more difficult for parents to cooperate over the care of their children after divorce and, hence, making extra-legal actions like abduction more likely to occur (Bentsch, 1986).

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The legal system is not as easily accessed by lower socioeconomic and less-educated persons. In some jurisdictions the majority of applicants in divorce proceedings are unrepresented. Furthermore, there has been criticism that the justice system is not adequately sensitive to ethnic and cultural differences among families when dealing with child custody (Commission on Future of California Courts, 1993; Halpern, 1993; Johnston & Campbell, 1988; Wilson, 1987). Decisions can be made by the court which may appear wholly unjust to the minority-culture family and extended social network, prompting the local community to aid and abet parental abductions.

Recently, gender bias in the administration of justice and institutional failure to protect women from violent and exploitative relationships have been proposed as reasons for some women to defy the law by abducting or withholding their children (Judicial Council of California, 1990). In general, women's advocates have drawn attention to the manner in which battered women have been ignored, misperceived, and discriminated against by the law enforcement system and by the criminal and family courts. There are reports that, at times when battered women have been most helpless, vulnerable, and demoralized, they have lost custody to their abusing partner and have been forced into visitation arrangements that expose themselves and their children to further physical danger, not to mention psychological insult. Alternatively, women have been prosecuted and punished for running and hiding their children from a violent spouse (Germane, Johnson, & Lemon, 1985; Lerman, 1984; Liss & Stahly, 1991; Preston & Helson, 1989; Walker & Edwall, 1987). These claims have not been systematically evaluated. For this reason, the incidence of domestic violence and its implication in child abduction, whether by the victim parent or by the perpetrator, need to be examined carefully.

## Legal Framework

### Relevant Federal and State Laws in a Nutshell

Parental child abduction generally means that one parent has unilaterally decided to deprive the other parent of contact with the couple's child (Sagatun and Barrett, 1990). Parental child abduction was not considered a major social problem prior to the 1960s or 1970s, primarily because divorce rates were much lower and abductions simply were not occurring as frequently. Moreover, children were seen as belonging to their parents. According to Gelles, even the parents from whom the children were taken by another parent might not have thought of themselves as victims of a wrongdoing that should have been defined as criminal (Gelles, 1980). Many others did think of themselves as victims but felt that no one was listening. Parental abduction was recognized eventually as a social problem while it was still not illegal. Parents were able to take their child from one state and go to another state to get a custody order. Clarification of when a state court has jurisdiction to issue a custody order was needed to prevent abductions and "forum shopping."

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In an attempt to deal with this problem, the National Conference of Commissioners for Uniform State Laws (NCCUSL) promulgated the Uniform Child Custody Jurisdiction Act (UCCJA) in 1968. Most importantly, the UCCJA determines four bases of jurisdiction for a state court to issue a custody order and sets out various means of preventing conflicting orders from separate states. Every state has adopted a version of the UCCJA.

Changes to the UCCJA are underway as the National Conference of Commissioners for Uniform State Laws promulgates the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA). Each state legislature will need to pass the UCCJEA before it becomes state law.

During recent decades there have been significant developments in both the civil and criminal justice systems at both the state and federal levels. The Parental Kidnapping Prevention Act (PKPA), 28 U.S.C., 1738A, was signed into law in 1980. This act is primarily a jurisdictional statute which addresses when a court has subject matter jurisdiction, whether it should exercise jurisdiction, and whether it must enforce or can modify the decree of another state. The PKPA gives priority to the "home state" as the basis for jurisdiction. Under the PKPA, courts of sister states are required to enforce and not modify custody orders which exercised jurisdiction consistent with its standards; parent locator systems can be used to find abducting parents, and the FBI is authorized under certain conditions to assist in the location of abducting parents.

The Hague Convention on the Civil Aspects of International Child Abduction (42 U.S.C. 11601) is an international treaty signed by the U.S. in 1980 and ratified in 1988, which addresses the problem of jurisdiction in international child custody cases. The purpose of the Hague Convention is to restore the child to pre-abduction circumstances with the prompt return of parentally abducted or wrongfully retained children to the country of their "habitual residence." However, it only applies in cases between countries which are parties, having ratified or acceded to the treaty. As of December 1, 1997, 48 countries are parties to the convention. The International Child Abduction Remedies Act (ICARA) is the implementing statute in the United States.

Congress has also enacted several laws relating to missing children which apply to parentally abducted children as well, such as the Missing Children Act of 1982 (28 U.S.C. 543) and the National Child Search Assistance Act of 1990 (42 U.S. 5771). The Missing Children Act authorizes the entry of descriptions of missing children into the National Crime Information Center (NCIC) and directs the FBI to make these entries if local law enforcement fails to do so. The National Child Search Assistance Act prohibits all law enforcement agencies in the country from establishing waiting periods before accepting a missing child report, and requires immediate entry of each report into the state law enforcement system and the National Crime Information Center.

## Identifying Risk Factors

The first milestone in the federal criminalization of kidnapping or child abduction was the Federal Kidnapping Act signed into law in 1932. However, it specifically excluded kidnapping of a minor by his or her parent. The debate over whether child abductions should be criminalized heated up in the early 1970s (Blomquist, 1992). Left-behind parents urged lawmakers to treat parental abductions as a serious crime rather than as private domestic disputes of concern only to the individual parents and children involved. Criminalization, they argued, would deter parents from abducting their children and would sanction those who did. They wanted to give law enforcement the responsibility for investigating these cases and, thus, make the resources of the criminal justice system available for solving abduction cases. Those who opposed the criminalization of parental child abductions feared that the new statutes would make "criminals" out of law-abiding parents and would cause individuals to be sent to prison or jail for no good reason. They argued that stigmatizing and punishing parents for taking their children would result in more harm than the abduction itself. They argued that these abductions were basically custody issues that should be resolved in family court rather than criminal court. Advocates for criminalization were ultimately successful in gaining their objectives at the state level, while opponents mostly succeeded in blocking efforts to make parental abductions a federal felony (Blomquist, 1992), prior to the enactment of the International Parental Kidnapping Act of 1993.

The International Parental Kidnapping Act of 1993 (U.S.C. 1204) makes the wrongful removal a child from the United States with the intent to obstruct the lawful exercise of parental rights, or retention outside of the United States of a child who has been in the United States, a federal felony, punishable by fine and/or imprisonment of up to three years. "Parental rights" are defined as the right to physical custody of the child, whether the right is joint or sole (and includes visitation rights), and whether the right arises by operation of law, court order, or legally-binding agreement of the parties.

All states now have some form of criminal statute relating to parental abduction, generally referred to as criminal custodial interference. Often child abduction is deemed to be the removal, concealment, detention, or retention of a child in violation of an existing custody order. In many states abductions prior to custody orders, in joint custody situations, or between unmarried parents are not covered by these laws. In addition, parents often are unable to receive law enforcement assistance unless they are custodial parents and know that the missing child has been taken out of state (Girdner and Hoff, 1993). However, in some states such as California, it is also a felony to remove or conceal a child in advance of the existence of a court order if malice is present. Malice is usually deemed to be present if the primary intention is to deprive the left-behind parent of contact with the child. However, many district attorneys require some kind of action, such as trickery, breaking into the house, or ripping out the phones before they deem malice to be present.



California Law

Research based on a 50-state review of parental abduction statutes and court rules identifies California as the state with the broadest and most specific parental abduction laws, including unique features which are recommended for adoption by other states (Girdner and Hoff, 1993). California exemplifies legislative efforts aimed at both the prevention of parental abductions and aggressive early interventions once it has occurred. In California both pre- and post-custodial abductions are illegal. In addition, the California law also includes a provision for domestic violence situations. In 1990 the legislature amended the pre-custodial statute to include flight from domestic violence in the definition of "good cause." Also, in California, district attorneys' offices are mandated to assist the enforcement of custody or visitation orders by use of an appropriate civil or criminal proceeding and can take action when there is no custody order (Chapter 8, section 3130-3133 of the California Family Code, 1993). According to this law, district attorneys shall take all actions necessary to locate the party and the child and to procure compliance with the order to appear with the child for purposes of adjudication of custody (Section 3130). In addition, the state has made provisions for reimbursing the district attorneys' expenses in the recovery process. Upon recovery of a child, a parental abduction case may also become a dependency case in juvenile court.

Several terms are important to understand in the context of California law. A person having a "right to custody" means the legal guardian of the child, a person who has a parent-child relationship with the child, or a person or an agency that has been granted custody of the child pursuant to a court order. A "right of custody" means the right to physical custody of the child. In the absence of a court order to the contrary, a parent loses his or her right of custody of the child to the other parent if the parent having the right of custody is dead, is unable or refuses to take custody, or has abandoned his or her family. A parent may also have his/her parental rights terminated or he might have to establish paternity. The term "maliciously" means with intent to vex, annoy or injure another person, or do a wrongful act.

Below is a summary of the specific offenses under which parental child abductions could be charged in California at the time of our data collection. The current laws are similar, but not identical.

PC 277.

"In the absence of a court order determining rights of custody or visitation to a minor child, every person having a right of custody of the child who maliciously takes, detains, conceals, or entices away that child within or without the state, without good cause, and with the intent to deprive the custody right of another person or a public agency also having a custody right to that child, shall be punished by imprisonment in the county jail for a period of not more than one year, a fine of one thousand dollars (\$1,000), or both, or by

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imprisonment in the state prison for 16 months, or two or three years, a fine of not more than ten thousand (\$10,000), or both."

Section 277 only applies where there is no court order, and both parents have an equal right to custody. This involves situations between married, adoptive, or unwed parents when no custody order has been filed. This is the so-called "pre-custodial" statute.

Effective as of 01/01/90:

- (a) The penalty as a felony has been raised from one year and a day and a \$5,000.00 fine to 16 months, or two or three years and/or \$10,000.00 fine;
- (b) "Good cause" means good faith and a reasonable belief that the taking, detaining, concealing, or enticing away of a child is necessary to protect the child from immediate bodily injury or emotional harm;
- (c) The person taking, detaining, or concealing the child shall file a report in the district attorney's office of his or her action and shall file a request for custody within a reasonable time in the jurisdiction where the child had been living, setting forth the good cause. A police report would not suffice, the report has to be filed with the district attorney's office. The address of the complainant remains confidential until released by the district attorney or by court order;
- (d) As used in PC 277, "emotional harm" includes having a parent who has committed domestic violence against the parent who is taking and concealing the child.
- (e) Domestic violence victims can only conceal the child until they are out of immediate harm, if they continue to hide the child, the "good cause" can no longer be used as a defense against an abduction charge. (Note that practices regarding "good cause" reports may vary from office to office).

### PC 278.

"Every person, not having the right of custody, who maliciously takes, detains, conceals, or entices away, any minor child with the intent to detain or conceal that child from a person, guardian, or public agency having the lawful charge of the child shall be punished by ....."

This section applies both to non-family abductions or to a parent who has lost his or her "right to custody" and abducts his or her child.

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A person who violates specific provisions in a court order can also lose his "right to custody" and be charged under PC 278. This section is sometimes referred to as the "non-custodial" statute. This section is primarily used for grandparent or stepparent, brother or sister, and there are no orders required for this section. It applies to relatives, "boyfriends," that is, older men who entice young girls away to live with them, and to unrelated accomplices or agents.

### PC 278.5.

"Every person who has a right to physical custody or visitation with a child pursuant to an order, judgment, or decree of any court which grants another person, guardian, or public agency right to physical custody of or visitation with that child, and who within or without the state detains, conceals, takes or entices away that child with the intent to deprive the other person of that right of custody shall be punished by...."

This is the so-called "post-custodial" statute. For this statute to be applicable there must be a violation of a valid order giving custody or visitation rights to a person or public agency.

### PC 236.

Finally, people may also occasionally be charged with PC 236 which is false imprisonment. "False imprisonment" is the unlawful violation of the personal liberty of another. The crime of false imprisonment requires some intended confinement or restraint of the person; any exercise of force or express or implied threat of force by which in fact the person is restrained from his liberty, compelled to remain where he does not wish to remain, or where he does not wish to go, is such imprisonment (Hutchins, 1990).

Violations of the three main code sections (277, 278, or 278.5) are punishable in California, whether the intent to commit the offense is formed within or without the state, if:

- (a) the child was a resident of California or present in California at the time of the taking;
- (b) the child thereafter is found in California;
- (c) one of the parents, or a person granted access to the minor child by a court order, is a resident of California at the time of the alleged violation of Section 277, 278, or 278.5 by a person who was not a resident of or present in California at the time of the alleged offense.

Criminal jurisdiction in California over a parental abduction case could be established using any of the following criteria:

- (a) any jurisdiction in which the left-behind parent resides, or where the agency deprived of custody is located, at the time of the taking or deprivation;

## Identifying Risk Factors

- (b) the jurisdiction in which the minor child was taken, detained, or concealed;
- (c) the jurisdiction in which the minor child is found.

When there are several possible jurisdictions, the district attorneys concerned may agree which of them will prosecute the case, subject to judicial review (California Penal Code, 1994).

In summary, California's law on parental child abduction is quite broad; it encompasses both pre-and post-custodial cases, both married and unmarried parents, and all types of custodial arrangements. It includes a much broader range of persons and situations than is generally defined as abduction in most other states.

### Conclusion

The various research components together represent the first comprehensive systematic study to identify risk factors for abduction and evaluate interventions. As with any groundbreaking study, it greatly expands our understanding, but does not answer all the questions. It is a starting point for further inquiry. The limitations of each research component are described in the separate chapters.

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## Identifying Risk Factors

### Endnotes

1. There are several other OJJDP projects related to family abduction; we have focused here only on those most directly related to prevention in the Missing Children Program.
2. For a more extensive analysis of parental abduction laws, see the Juvenile and Family Court Journal 48(2):Spring 1997 special edition on parental abduction which includes a civil and criminal bench book.

**Part II**  
**Identifying Risk Factors for Family Abduction**

## Chapter 2

### Documentary Study of Risk Factors for Family Abduction

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## Prevention of Family Abduction

### Documentary Study of Risk Factors for Family Abduction <sup>1</sup>

#### Chapter Summary

##### Goals and Objectives

The goal of this component of the study was to identify factors that may increase a child's risk for being abducted by a parent or family member. The objectives of the documentary study of district attorney offices' case files of abductions, were to:

- Map the social background and legal status profile of parental abduction case files.
- Identify the prevalence and types of family violence and child abuse/neglect in the case files.
- Establish the extent to which these factors interact to increase the risk for parental abductions.
- Trace the legal response to parental abductions in the criminal, family, and juvenile courts.
- Determine the effects of selected risk factors on the criminal justice system response, and the effectiveness of that response in recovering the child.

##### Methodology

The rationale behind this project was to study a group of reported parental abduction cases to determine if these families exhibited distinctive social background and family violence characteristics. If so, families with similar profiles may be at higher risk for parental abductions. Such profiles, if validated by further research, can be used to identify at-risk families and help prevent parental abductions.

The research design was a cross-sectional, descriptive study of official case records in two California district attorney offices. In California, district attorneys are charged with recovering missing children in all parental abduction cases. The sample generated by the district attorney records is quite broad and representative of most officially reported parental abduction cases in California.

Limitations of this methodology are that the information contained in the files varies from case to case and was not systematically collected for research purposes.

## Prevention of Family Abduction

Moreover, the data represent aggregate information at the time of the coding, not data on the processing of individual cases over time. The sample consists of a total of 634 cases from 1987-1990 from two urban counties in the San Francisco Bay area. Almost all of the cases were closed at the time of the coding. The analysis consisted of frequency distributions, cross-tabulations with correlation coefficients and chi-square statistics, and multivariate analysis with simultaneous regressions and path analysis.

California was chosen as a research site due to the broad definition of abduction in California law. The law encompasses both precustodial and postcustodial abductions and applies to all categories of parental relationships, as described in Chapter 1. After 1990 the law changed to include flight from domestic violence in the definition of "good cause" as a defense to a charge of parental abduction.

### Findings

#### Social background and legal status profiles.

- Abductors were almost equally divided between mothers and fathers.
- While Caucasians represented the largest ethnic group in the sample, African Americans were vastly overrepresented compared to the census population, and Asians were underrepresented.
- A large group of parents in the sample had never been married.
- In most cases, the abducted children were predominantly of preschool age, and the parents were fairly young. Such young children are also easier to move around without leaving a trace, and they are most at-risk for abductions.
- Most of the parents in this sample were poor, unemployed and unskilled. Individuals in these categories cannot afford legal counsel to represent them in a dispute over custody. They also may rely more on a network of family and friends, or be more transient and able to move to other locations with the children without attracting notice.
- Two-thirds of the abductions occurred after a custody order was issued, whereas one-third occurred in families with no custody order.
- Almost half of the abductors and almost 40 percent of the left-behind parents had criminal arrest records. About a fourth of the abductors had been convicted of a criminal offense other than abduction.

Family violence and child abuse allegations.

- There were allegations and/or evidence of domestic violence and child abuse in the D.A. files for about a third of the sample.
- In almost half of such cases, allegations of family violence were substantiated by official records of past spousal and/or child abuse.
- Rates of domestic violence in this sample may be low due to the presence of the "good cause" defense. Whether or not a prosecutor opens an abduction file when domestic violence is involved depends somewhat on when the information is received by the district attorney's office.

Interactions of social/legal background and domestic violence factors.

A cluster of social background factors, such as being poor and unemployed, never married, having previous arrest records, belonging to certain ethnic groups, and allegations of family violence, all appear to increase the risk of abductions. Rather than a single factor, combinations of social factors increase the risk. These social factors interact in a variety of ways to further increase the risk for abductions. For example:

*Gender and Family Violence.* The gender of the abductor is *not* by itself a risk factor, but gender combined with other factors represents an increased risk for abductions. Mothers who abducted were more likely to take the children when they or the children were victims of abuse, and fathers who abducted were more likely to take the children when they were the abusers.

*Ethnicity and Family Violence.* Parents within each ethnic group were about equally likely to allege abuse, except for Hispanics who were significantly less likely to make such allegations. Thus, minority status, combined with domestic violence, did not increase the risk for abductions in this sample.

*Gender, Ethnicity and Criminal Arrest Record.* Abducting fathers were more likely to have a criminal arrest record than abducting mothers. Thus, having fathers with a criminal arrest record increases the risk for abductions. When ethnicity is added, the risk is even greater. African American and Hispanic male abductors were significantly more likely to have a previous arrest record. However, the larger presence of minority fathers with a criminal record in this sample might simply be a reflection of this group's generally high representation in the criminal court system.

## Prevention of Family Abduction

*Gender and Custody Orders.* Fathers were significantly more likely to take their children before a custody order was in place or when they had joint legal, but no physical, custody. Fathers were also more likely to abduct when they had only occasional access and to take their children in a forceful manner.

*Gender and Poverty.* Female abductors were more likely to be poor, unskilled or unemployed. They were more likely to be owed child support.

### Legal response to abductions

- In the criminal justice system, cases of parental abduction were resolved using early interventions that secured the return of the child. In only about ten percent of the cases were the abducting parents prosecuted.
- Almost half of the children were recovered during the investigation.
- Cross-tabulations were run individually for gender, marital status, abuse allegations, and criminal arrest records. There were no significant differences by gender in charges, prosecution or incarceration. However, marital status had a significant effect on the intervention; a complaint was more likely to be filed when the parents had never married or were divorced, and these parents were also the most likely to be prosecuted. From these bivariate analyses, it appears that abductions when the parents are separated, but not yet divorced, are responded to with less severe sanctions by the criminal justice system in spite of the inclusion of both precustodial and postcustodial criminal codes. The police were more likely to take a report when there were allegations of abuse, but there were no significant differences in prosecution, sentencing or incarceration for cases in which abuse was alleged. Likewise, there were no significant differences in prosecutions, sentencing or incarceration for cases in which the abductor had a previous arrest record.
- The majority of cases were referred to family court by the district attorney's office.
- Of those cases that went to family court, the most common type of action was a new custody order, followed by combinations of restraining orders, new custody orders and divorce decrees. Overall, almost 40 percent of all left-behind parents and almost 15 percent of the abductors obtained a new custody order.
- Mothers were more likely to have the children placed with them at the conclusion of the case, regardless of their role in the abduction. Cases with abuse allegations were more likely to be heard in family court.



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- The juvenile court was only marginally involved in these cases with only about five percent of the sample referred to juvenile court. About 20 percent of the cases, however, were sent to Child Protective Services (CPS). It should be noted that the juvenile court files are confidential, and that more cases may have been referred to juvenile court. Child Protective Services was more likely to be involved when the parents were divorced or had never been married, and when the parents had criminal arrest records. This may reflect the belief that children from such families were more at risk.

### The effects of selected risk factors on the criminal justice system response and the effectiveness of that response.

To determine the joint effects of selected risk factors on the criminal justice system response, we conducted a simultaneous regression analysis. The degree of seriousness of the criminal justice system response was the dependent variable. Predictor variables were: the occupation of both parents, gender, race, marital status and history, the abductor's criminal arrest record, allegations of abuse from the abductor and the left-behind parent, how the children were taken, whether they were returned by the abductor parent, whether the abduction was a precustodial or postcustodial abduction, and whether the abductor had gotten a new custody order. Such a multivariate analysis better represents the complexities of real life situations when all of these variables (associated with the abductors or the left-behind parents) are presented simultaneously.

- The *only* significant social background predictor for the criminal justice response was the occupation of the left-behind parent. The higher the occupation, the more serious the intervention.
- In contrast, gender, race, criminal arrest record, and marital status and history did *not* emerge as significant predictors. It is important to note that the criminal justice system did not discriminate by gender or by race in its response to parental abductions. Nor did having a criminal record affect the severity of the response, although abductors with a criminal arrest record were more likely to be charged with precustodial abductions. Marital status and history did *not* emerge as significant predictors for the criminal system response in the multivariate analysis even though earlier bivariate analysis had found that married abductors were significantly less likely to be prosecuted, sentenced, or incarcerated, and divorced and never married parents were more likely to have complaints filed against them and prosecuted.
- The criminal justice response was more severe when there were allegations of abuse from the left-behind parent, when the child was not returned voluntarily, and when the abductor had not obtained a new custody order.

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To determine the effectiveness of the criminal justice system intervention, we looked at the simultaneous effects of all the above factors *and* the seriousness of the criminal justice system response with the length of time it took to recover the child as the dependent variable. Thus, the time it took to recover the child was used as a measure of the criminal justice system's efficiency.

- With greater levels of intervention from the criminal justice system, the child was recovered more quickly. Children who were taken forcefully were recovered more quickly, possibly because the system reacted faster in these situations. Not surprisingly, children who were returned voluntarily were also recovered more quickly.
- A path analysis depicting the direct and indirect effects on the time taken to recover the child shows that the gender of the abductor, the manner in which the child was taken and whether the child was returned voluntarily had a direct effect; allegations of abuse and the occupation of the left-behind parent had both a direct and an indirect effect. Overall, the indirect effects were small. Not surprisingly, the voluntary return of the child was the best predictor for how long the child was gone.

### Conclusion

Postcustodial abduction cases in which the parents are predominantly separated or divorced Caucasians, often with allegations of domestic violence and child abuse, have been identified in other studies as “typical” abductions. This study identified that group of abductors and captured different populations also at risk for abductions. This new group consisted of mostly precustodial cases, in which the parents are disproportionately ethnic minorities, poor, never married, and with a high group of male abductors with a criminal arrest record. These findings are probably due to three factors:

- the research was based on official records rather than voluntary self-reports,
- the study was set in two heterogeneous urban counties in California, and
- the broad definition of parental abductions in California includes precustodial offenses.

Many of the parents in this sample may not have had the knowledge or the resources to fight for custody in family court, and often did not even know that parental abduction is against the law. The current law affects many people who may not have intended to break the law, or who simply did not have the resources for family court resolutions. Due perhaps to their often low socioeconomic background and frequent criminal records, many of these families had not received much help prior to the abduction. Often, only because of the abducting parent's law violation did complainants finally receive attention and retrieve their

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children. Without California's law on parental abductions, their children may never have been recovered.

The simultaneous regressions and the path analysis show which types of cases are likely to receive greater criminal sanctions. Neither gender nor ethnicity had any effect on the involvement of the criminal justice system. Regardless of whether the abductor was the mother or the father, of Caucasian or minority background, or whether he/she had a criminal arrest record, the criminal justice system reaction was similar. Precustodial and postcustodial cases were also treated with the same criminal sanctions.

Only the occupational background of the left-behind parent had a social status enhancing effect. The higher the social class and the economic resources of the parents, the more serious the involvement by the criminal justice system. Such involvement, in turn, appears to have led to an earlier return of the child. However, the finding that high occupational status predicted more criminal justice involvement could also mean something entirely different. For example, the district attorneys may have decided to pursue the abduction in families in which the parents knew or should have known that such abductions were illegal, whereas they may have been more reluctant to do so for parents who may not have understood the legal ramifications of their actions. Or the left-behind parent of higher social class may have been more demanding and persistent in dealing with the district attorney's office.

The criminal justice sanctions were greater in cases where the left-behind parent accused the abductor of child abuse and/or domestic violence. This finding did not emerge in the bivariate correlations. In the multivariate analysis, controlling for the effects of other variables, abuse allegations emerged as a significant predictor of the justice system's response. However, the district attorney was less likely to get involved when the abductor had gotten a new custody order, perhaps reflecting the general confusion such new orders can create in spite of the legal framework intended to clarify the validity of conflicting custody orders.

Most importantly, as measured by the time taken to recover the child, the criminal justice system's intervention was effective. The greater the involvement and the greater the criminal sanctions, the less time the child was gone.

Documentary Study

Purpose of the Documentary Study

The purpose of the documentary study was to identify risk factors for abduction by:

- Mapping the social background and legal status profile of parental child abduction cases.
- Identifying the prevalence and types of domestic violence and child abuse/neglect in the case files.
- Establishing the extent to which all of these factors interact to enhance the risk for abductions.
- Tracing the legal system response to these cases.
- Establishing the extent to which selected risk factors affect the criminal justice response and the effectiveness of that response.

To meet these objectives we examined district attorney files of parental abduction cases in two large counties in California. The rationale behind this research design was that we will be better able to predict which types of families will be at risk for parental abduction if we can establish the social background and family violence patterns in known parental abduction cases. Such a design can also demonstrate how family profiles correlate with legal system responses.

Methodology

Research design.

This research consisted of a *descriptive* cross-sectional study of parental child abduction cases reported to the district attorney offices in Santa Clara County and Alameda County, California, over a given time period. As stated in the literature and legal review in Chapter 1, California mandates district attorneys to locate and return abducted children and provides funds for this purpose. Most reported cases of child abduction are referred to the district attorney's office. Hence, district attorney case records reflect a broad and representative sample of reported parental abduction cases. The source of data for this study was the information contained in these case files.

Both Alameda and Santa Clara Counties are large urban counties in northern California. The district attorney offices have taken an active role in parental abduction cases.

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Although there is a state mandate for district attorney intervention in parental abduction cases, individual counties may have different policies as to the investigation and return of the children. District attorney offices may differ with respect to size, policies and interests in the issue. For example, Alameda County has a single investigator and a single deputy district attorney handling these cases, a relatively small unit for such a large county. Santa Clara County has more investigators, but only one attorney assigned to the unit.

Permission was granted by the district attorneys in both counties to study the files with the conditions that no identifying information from the files be recorded, and that all information collected remained anonymous and confidential.

The advantage of this type of research design is that all data presented in this study are based on actual ("concrete") information recorded in the case files, rather than on self-reports or survey information. Much of the information comes from official records of reported cases.

There are also serious limitations to this type of methodology. The data are limited by the information available in the files. Records may not be fully kept. Information was not collected for research purposes on a systematic basis according to set protocols. All information is based on investigators' and attorneys' efforts and their possible biases in recording the information. While the abducting parent was contacted in over half of the cases (54.6%), much of the data was based on information from the complaining or left-behind parent. Caution is, therefore, urged in interpreting and making generalizations from the findings.

### Sample

The Santa Clara study included two data sets: the first data set was based on case files from 1987-1989, and the second data set was based on case files from 1990. The Alameda data set was also based on files from 1990. The advantage of having these two time periods is that the first data set from Santa Clara County was collected prior to the 1990 passage of the domestic violence "good cause" amendment in PC 277. The last two data sets were collected after the passage of the amendment to the criminal statute. The coding of the first data set took place in 1990, and the coding of the last two sets in 1992-1993. Almost all of the cases were closed at the time of the coding (94.2%, N=596).

The study encompassed 634 cases: 393 cases from the first data set in Santa Clara County, 132 cases from the second Santa Clara County data set, and 109 cases from the Alameda data set. This is the largest sample of reported parental abduction cases studied so far.

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Even more important than the size of the sample is the *nature* of the sample. This is a study of *reported* incidents of parental child abduction with information based on official files. The majority of the cases in our study would come under the label "policy focal cases" in the National Incidence Study of Missing, Abducted, Runaway and Thrownaway Children (Finkelhor, et al. 1990) NISMART study.

### Nature and Creation of District Attorney Files

The files in the district attorney (D.A.) offices varied from simple notations on telephone calls to voluminous reports depending on the duration and seriousness of the case. The files typically contained various official forms, police reports, criminal records, investigator reports, victim statements and running case notes. All cases were tracked from the initial contact through the final legal step at the time of the coding.

The two offices differed somewhat in their initial handling of cases. In Alameda County, if a telephone call was received, but no file was opened based on the investigator's or attorney's judgment, the call was logged and given a number in the event a file was opened at a later date. These simple telephone logs were not included as cases in our sample. The Alameda D.A.'s office advised all callers to file a police report (if they had not already done so) before they would take any information on the case. In Santa Clara County no permanent record was made of a phone call if a file was not opened. The investigator would take the information even if the left-behind parent had not yet filed a report with the police.<sup>2</sup>

In 1990, PC 277 was amended to include "fear of bodily or emotional harm to the children," including the presence of domestic violence as a "good cause" defense in parental abduction cases. All of the cases in the first data set were coded prior to the passage of this law, while all of the newer cases were reported in the year that the law took effect. Both of the deputy district attorneys who headed the parental abduction units in the two offices reported that 1990 was a transition period and that office procedures had gradually changed as a result of the new law. After the new law, if a parent or representative from a battered women's shelter called in with a good cause report as outlined by PC 277, such cases would be filed as "Good Cause Reports." The D.A. would open the case, investigate it, and attempt to get all the parties into court. A criminal charge would not be filed unless the abducting parent refused to cooperate by settling custody in family court and, though knowing his/her responsibilities under the law, disappeared.

If the left-behind parent reported a missing child prior to the abductor parent calling in with a good cause report, that case might be listed as a parental abduction case until such a report was received. Information on domestic violence and child abuse in the files, therefore, depended somewhat on *when* in the case the coding was done, and the behavior of both parties involved. If a case were opened prior to receiving any such information, an abductor file was created which was then included in the data. If, however, the prosecutor first

## Prevention of Family Abduction

received substantial evidence that a parent took the child because of domestic violence, the prosecutor might not have opened a regular abduction file, and the case might not be included in the sample.

### Coding instrument.

To effectively compile the information in the files, a coding instrument was developed to capture the quantitative and qualitative data in the records (see Appendix A). To facilitate the development of this form, several meetings were held with the deputy district attorneys and investigators assigned to the parental abduction cases in both offices, to go over the case information contained in the files. Much time was spent teaching the research assistants how to read the documents in the file and transfer the information to the coding forms. Coding consistency and validity were enhanced by making several revisions of the coding form until the coding instrument accurately reflected information in the case files.<sup>3</sup>

The first data set in the Santa Clara study from 1986-1989 contained items 1 through 88 in the coding instrument. In the second study several new items were added dealing with a detailed crime history for both the abductor and the left-behind parent as well as additional information on the legal outcomes of the case.<sup>4</sup> Thus, information on items 89-167 is only available from the two new data sets. In some cases additional values were included on variables already contained in the first coding form. Such additions are explained in the results of the section, where relevant.

### Variables.

Social background and legal status variables for each case included gender of the abductor and the child, marital relationship, custody status at the time of the incident, circumstances around the abduction, ethnicity, socioeconomic factors, age, religion, child support, and criminal arrest and conviction records.

Domestic violence and child abuse variables included abuse allegations (against the other parent) from both abductor and the left-behind parent, type of abuse allegation, whether allegations were substantiated by other information in the file (such as prior social welfare, juvenile court and/or police investigations and findings), any criminal record of domestic violence and child abuse for either parent (including restraining orders).

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Legal system response variables included: (a) D.A. and criminal court responses (investigation, charge, warrants, contact and cooperation with other legal agencies, recovery of child and location of child after recovery, prosecution, disposition, sentencing and incarceration, (b) civil/family and juvenile court action (extent of involvement in other courts, new custody orders, where such orders were issued, dependency action in juvenile court, and Child Protective Services involvement), and (c) legal action by the left-behind parent, and effects on the family.

### Analysis.

First, frequency distribution tables were constructed for each of the data sets (old Santa Clara, new Santa Clara, Alameda) as well as for the entire data set. Since all of the data are based on information contained in the individual files, information on all variables was not available in every case. The number of valid cases in the sample, therefore, varies from variable to variable. The valid percentages, based on the actual number on which there was information for the variable under consideration, are presented. Wherever possible we have noted the total number on which the percentages are based. In some cases the percentages for the entire sample are also given.

Second, we conducted cross-tabulations of four sets of variables with other selected variables where the N was large enough and where the variables were of particular importance for the study's objectives. These included:

1. gender of the abductor (mother or father);
2. marital relationship of the abductor and left-behind parent;
3. criminal arrest record of the abductor and of the left-behind parent;
4. abuse allegations (from the abductor against the left-behind parent, and from the left-behind parent against the abductor; this included any kind of abuse allegations, that is, child abuse, spousal abuse, or both).

Where patterns emerged in the cross-tabulations and where the tables were particularly relevant to our objectives, we computed the chi-square statistic to measure the extent to which the associations were significant. It should be noted that the purpose of this documentary study is exploratory and descriptive in nature, and that the statistics used reflect this limitation. This analysis will tell us the extent to which central variables correlate to form a profile of families at risk for abduction. The results of the above analysis are presented in three sections: (a) social background and legal status, (b) domestic violence and child abuse, and (c) legal system response.

Finally, we also conducted a multivariate analysis to determine the predictive value of: (a) social background factors and family/abduction circumstances on the criminal justice system response and (b) how these variables predict the effectiveness of the criminal justice



## Prevention of Family Abduction

response, measured as the time taken to recover the child. Specific social background factors and family/abduction circumstances were chosen based on the importance of these variables as indicated by the chi-square analysis. Two simultaneous regression analyses were conducted to determine the predictive value of both sets of independent variables on the criminal justice system response and the effect of all of these variables and the criminal justice response on the effectiveness and time taken to recover the child. The simultaneous procedure in multiple regression enters all predictor variables in one step, so that they are acting as controls for one another. The simultaneous approach is conservative and is used when there is not necessarily a hierarchy of known cause and effects of the independent variables on the dependent variable.

### Results.

The overall task in this process was to look for a profile of individuals and families that might be at high risk for parental family abductions. We wanted to find out if patterns of relationships could be established both with respect to conditions prior to and surrounding the abduction, as well as with respect to the legal response to the abduction. (All figures are presented at the end of the chapter).

### Social Background and Legal Status

#### Family and Custody Status

##### Family status.

Figure 1 shows that in the total sample mothers were slightly more likely to be abductors than fathers (50.0% v 45.4% with 4.6% taken by grandparents or other relatives), although this is *not* statistically significant. Conversely, fathers were slightly more likely to be the complaining parents, especially in Alameda County. We did not code whether the 4.6% of the nonparents were abducting on behalf of one of the parents, which might then alter the gender balance. The fact that the statistics for the complaining party show slightly smaller differences between mothers and fathers simply indicates that other parties (such as non-parent family members) may have made the complaint.

(Figure 1 about here)

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Figure 2 shows the relationship between the abductor and the left-behind parent. The single greatest category was divorced, followed by separated. However, a sizable number of the parents in the sample had never married. If we combine all the never-married categories (live together, boyfriend/girlfriend, prior lived together, never lived together), we see that in the whole sample 23.9% had never married. However, if we look at only the 1990 data (note that the old Santa Clara study did not include all the "never-married" categories), we see that in Alameda County almost half (43.5%) of the parents had never been married, while in Santa Clara County 32.4% had never been married.

(Figure 2 about here)

At first glance there appears to be a strong association between marital relationship and gender of the abductor. When the never-married categories are collapsed, however, we see that there were no significant differences in the marital status of male and female abductors. Both were most likely to be divorced. There were slightly more married female abductors, while there were more separated male abductors.

### Custody Status at the Time of the Abduction.

Figure 3 shows the custody status at the time the child was taken, for the entire sample. Most (61.3%) were taken after a custody order was in place, while 38.7% were precustodial cases. Thus, the precustodial legislation in California applies to about a third of the cases in this sample. Examination across the data sets indicates that the percentage of precustodial cases in Santa Clara County increased from 33.8% to 45% from the first to the second study, while in Alameda county the precustodial cases represented 48.1% (N=52), almost half of that sample.

(Figure 3 about here)

Both fathers and mothers were more likely to take the child after a custody order than before a custody order, as shown in Figure 4, but fathers were significantly more likely to take the children prior to a custody order than mothers (Chi Square = 3.88,  $p < .05$ ).

(Figure 4 about here)

There was a very strong obvious association between the marital relationship and whether the abduction took place before or after a custody order. Among those who were married the abduction was significantly more likely to take place prior to a custody order, while among those who were divorced almost all abductions took place after a custody order. Those living together were also less likely to have a custody order, while those who were separated were more likely to have an order in place (Chi Square = 227.26,  $p < 0001$ ).<sup>5</sup>

## Prevention of Family Abduction

The specific custody status of both parents influence how law enforcement responds to the abduction and how it is charged by the district attorney's office. In the first Santa Clara study we coded whether the custody status was (1) joint physical and legal, (2) joint physical and sole legal, (3) joint legal and sole physical, (4) sole physical and legal, or (5) other. In the 1990 study we used the category "no custody order in place" instead of "other."

Figure 5 shows the relationship between gender and type of custody for the abductor.

(Figure 5 about here)

Abducting fathers had a higher percentage of joint legal with no physical custody or no custody order in place. Abductor mothers had a higher percentage of joint legal and sole physical custody, joint physical and legal custody and sole physical and legal custody (Chi Square = 20.60,  $p < .001$ ). Left-behind mothers had a higher percentage of joint legal and sole physical custody, sole physical and legal or no custody order in place. Left-behind fathers had a higher percentage of joint physical and legal custody, and joint legal and no physical custody (Chi Square = 16.14,  $p < .01$ ).

In the 1990 study we coded what kind of access the abductor had to the child if no custody order was in place. Of the 125 cases on which such information was available, 47.2% (59) had equal access, 42.4% (53) had occasional access, and 10.4% (13) had no access at all. Fathers tended to take the children when they had occasional access, while mothers were more likely to take the child when they had equal access (Chi Square = 36.11,  $p < .0001$ ).

### Circumstances Around the Abduction

There was information on how the children were taken in 615 cases. For the entire sample the most common occurrence was that the children were not returned from visitation (220 or 35.8%), with fleeing as the second most common occurrence (156 or 25.4%). In 16.4% (101) cases the children were taken forcefully, and in 12.7% (78) the children were taken by denying visitation.

Figure 6 shows how children were taken by gender of the abductor. We see that among the 35.8% where children were not returned from visitation, the majority of the abductors were fathers. This was also true among those 16.4% where the children were taken forcefully. Among the 25.4% where the children were taken by fleeing, and the 12.7% who were taken by denying visitation, the great majority of the abductors were mothers. Fathers were more likely than mothers to take their children forcefully or not return them from visitation, while mothers were more likely than fathers to flee with the children and deny visitation (Chi Square = 75.03,  $p < .0001$ ).

## Prevention of Family Abduction

(Figure 6 about here)

In the cases where the children were taken after a custody order was in place, the most frequent charge was a violation of the custody order, the second most frequent was a violation of visitation orders (e.g., not returning a child), and the third was denial of visitation by a custodial parent. If a custody order was in place, fathers were more likely to take the child by violating visitation orders, while mothers were more likely to deny (fathers) visitation (Chi Square = 19.98,  $p < .001$ ).

Someone assisted the abductor in 27.3% of 630 cases. In interviews with the D.A. staff, 627 left-behind parents expressed the following reasons for the abduction: 63% (395) said that the abductor thought that the left-behind parent was an unfit parent, 8.4% (53) gave domestic violence as a reason for the abduction, 1.9% (12) said that the abduction was based on false charges, and 26.3% (167) could give no reason for the abduction.

In the 1990 study we coded whether the left-behind parent had been aware of threats from the abductor to take the child. In 233 cases on which this variable was coded, 20.6% (48) had been aware of such threats. Of these 63.3% (31) had told others about it. Information on whom they had told was available in 31 cases: 19.4% (6) told the police, 29% (9) told the D.A., 6.5% (2) told the Family Court Services, 6.5% (2) a social worker, and 38.7% (12) told their own attorney. The abducting parent had previously taken a child and been reported to the authorities in 3.5% (23) of the total sample (634).

The whereabouts of the child at the time of the abduction was believed known to 60% (375 out of 625) of the left-behind parents. Of 610 cases in which there was information, 32% (195) thought the child was in the same county, 24.6% (150) in the same state, 35.9% (219) in another state, and 7.5% (46) thought the child had been taken to another country.

Among those 46 cases in which the child was thought to have been taken to another country, 45.5% were postcustodial cases, a complaint was filed in 56.5%, and the abducting parent contacted in 43.5% of the cases. The most common form of abduction was a violation of the custody order (32.6%), and slightly more mothers than fathers were the abductors (50% vs. 45.7%). The most frequent racial background of these abductors was Hispanic (43.5%) which is not surprising given California's close proximity to Mexico. Most of the abductors were unskilled. Of the 46 children, 21 were located in another country, but only 11 were returned to the left-behind parent.

The actual location of the child when recovered was coded in 512 cases. Of these 40.4% (207) were in the same county, 21.1% (108) in the same state, 33.6% (172) in another state, and 4.7% (24) in another country. "Another state" could include cases where the child was taken from another state to California as well as those in which the child was taken from California to another state.

## Prevention of Family Abduction

In 68.4% (432 out of 632) only 1 child was taken, in 24.4% (154) 2 children, in 6.2% (39) 3 children, and in 1.1% (7) cases 4 children. In 13.9% (88 out of 631) there were other children left at home who were not abducted. There were serial abductions in 11.1% (69 out of 620) cases. Serial abductions meant that the child had been taken before, with or without a custody order; it could mean that either or both parents had previously abducted the child. Of the 69 cases in which serial abductions had taken place, the father had taken the child first in 33 cases, and the mother first in 36 cases. Both had taken the child at different times in 14 cases.

### Demographic and Socioeconomic Factors

#### Ethnicity.

Figure 7 shows the ethnicity of the abductor and the left-behind parents for the entire sample. More than half of the abductors in the total sample were Caucasians, with Hispanics the second largest group, and African Americans the third largest.

(Figure 7 about here)

A comparison of the abductor percentages in the two most recent data sets with the census data from 1990 is listed below:

|                  | Alameda |        | Santa Clara |        |
|------------------|---------|--------|-------------|--------|
|                  | Census  | Sample | Census      | Sample |
| Caucasian        | 53.2    | 34.4   | 58.1        | 58.8   |
| African American | 17.4    | 38.5   | 3.5         | 9.9    |
| Hispanic         | 14.2    | 16.5   | 21.0        | 20.6   |
| Asian            | 14.4    | 4.6    | 16.8        | 4.7    |
| Other            | .7      | 2.8    | .6          | 1.3    |

## Prevention of Family Abduction

Compared with the census data (U.S. Census, 1990), Alameda County Caucasians in the study were underrepresented by about 40%, while in Santa Clara County the census and sample populations of Caucasians were similar. In Alameda County there were about twice as many African Americans and in Santa Clara almost 3 times as many African Americans compared with the census data. Hispanics were very slightly overrepresented in Alameda, but were about the same as the census in Santa Clara County. Asians were underrepresented by as much as 75% in both counties. Thus, this sample shows a high degree of overrepresentation for African Americans and an underrepresentation of Asians and to some degree Caucasians (in Alameda County).

In the most recent data sets there were more African Americans in the sample than Hispanics, while the opposite was true for the total sample. This discrepancy is due to there being more Hispanics than African Americans in Santa Clara County, whereas in Alameda County there are more African Americans. It should be noted that in Alameda County, for example, the overrepresentation of African Americans in this abduction sample may generally be representative of the overall contact with the law for this population due to a number of factors. Similarly, the underrepresentation of Asians may simply reflect that population's typical low contact with the law.

Among the Caucasian group, mothers were slightly more likely to be the abductor, while fathers were slightly more likely to abduct within each of the minority groups.

Figure 8 shows the relationship between marital relationship and ethnicity for the abductors. Among Caucasians the highest percentage was divorced, whereas among the African American abductors the highest percentage was in the never married category. For Asians the highest categories were also clearly divorced or married, whereas for Hispanics the divorced category was only slightly higher than the other three categories (Chi Square = 41.46,  $p < .0001$ ). Similar percentages were true for left-behind parents (Chi Square = 31.59,  $p < .001$ ).

(Figure 8 about here)

We also looked at whether there were any significant differences for mixed race couples on any of the social background or domestic violence variables. In this sample, 18.9% of the couples were of mixed race. In families of mixed race couples, the left-behind parent was more likely to allege abuse (Chi Square = 11.27,  $p < .001$ ), the left-behind parent was more likely to have a criminal arrest record (Chi Square = 12.49,  $p < .001$ ), and the abductors were more likely to be prosecuted (Chi Square = 10.50,  $p < .05$ ).

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### Employment.

Figure 9 shows the employment status of both the abductor and the left-behind parent. Slightly more left-behind parents were employed (68%) compared to the abductors (52%). Thus, almost half of the abductors were unemployed when they took the child. The unemployment rate was the highest in the old Santa Clara County data.

(Figure 9 about here)

Information on the occupation of the parents was lacking in many files, probably due to the fact that many of the parents were unemployed and had no regular occupation. Figure 10 shows the occupation of both the abductor and the left-behind parents. The largest (known) category in both groups was unskilled, with skilled close behind and relatively few in the professional category. Slightly more of left-behind parents than abductors were professionals.

(Figure 10 about here)

Mothers were less likely to be employed, both as abductors and as left-behind parents (Chi Square = 41.94,  $p < .0001$ ; Chi Square = 63.04,  $p < .0001$ ). The occupation of the parents also conformed to traditional gender role expectations; mothers were less likely to be in skilled and professional occupations, regardless of their role in the abduction (Chi Square = 25.81,  $p < .0001$ ), and Chi Square = 28.32,  $p < .0001$ ).

Abductors who had never been married to the left-behind parent were the least likely to be employed (Chi Square = 7.7,  $p < .05$ ). When the parents were still married, or never had married, the abductor was most likely to be unskilled. When the parents were separated or divorced, the abductor was more likely to be skilled (Chi Square = 21.18,  $p < .01$ ). When the parents were married, the left-behind parent's occupation was most likely to be unskilled. Separated and divorced left-behind parents were more likely to be unskilled or in unknown occupations. For those who never married, occupations were more likely to be professional or unskilled (Chi Square = 51.96,  $p < .0001$ ).

### Age of abductor.

The age of the abductor was in the range from 16 to 72 years, with the single most frequent age being 25 years old (551 or 8.3%). Most were in the range of 23 to 36 years old.

Religion.

There was very little information about the parents' religion in the D.A. files. Among the abductors, 5 were listed as Protestant, 6 as Catholic, and 4 as Muslim. Among the left-behind parents, 8 were listed as Protestant, 6 as Catholic, 2 as Jewish and 2 as Muslim.

Age and gender of children.

Of the abducted children in the entire data set, 55.4% (346) were male, and 43.8% (278) were female. The age of the children who were abducted varied from infancy to 17 years of age. Most of the children were between 1 and 7 years, with 2 years as the single most prevalent age (81) or 13% (625).

Child support status.

Information about child support was only coded in the 2 data sets from 1990. In Alameda County there was information on 91 cases out of the total 109 cases. Of these, in 13.8% (15) the left-behind parent was supposed to receive child support from the abductor at the time of the incident. At the time of the incident only 5 of these were actually receiving the support. At the same time 14 of the left-behind parents (or 15.4% of the 91 cases for which there was information) were supposed to pay child support to the abductor, and only 6 of these were doing so.

In Santa Clara County there was information on 119 of the 132 cases. Of these 16 or 13.4% of the left-behind parents were supposed to receive support from the abductor at the time of the incident, but only 3 of them were being paid support. Among the left-behind parents, 20 or 16.8% were supposed to pay child support to the abductor, but only 8 of them were doing so.

Fathers were significantly more likely to have to pay child support, both as abductors and as left-behind parents (Chi Square = 19.00,  $p < .0001$ ). We did not code whether the parent who was owed support had filed an action for visitation enforcement, but conversations with the district attorneys indicated that conflicts over denying visitation and non-payment of support probably provided the reason for the abduction in such cases.

Criminal arrest and conviction records.

The D.A.'s offices generally asked for a search of several different criminal record indices in parental abduction cases, including the County Justice Information Computer (CJIC), the California Identification Index (CII), the California Law Enforcement Tracking System (CLETS), and the National Crime Identification Index (NCII). If there was information about crime in other states, the D.A. would also ask for the relevant states'



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criminal computer files. These crime indices would include any contact with the criminal justice system, that is, charges, arrests, and convictions at both the misdemeanor and felony level. In the combined sample, the files contained such criminal record searches for 515 of the abductors and 539 of the left-behind parents. (Those cases that did not include such records had simply been closed before a search had been made. It is important to note that an arrest does not mean guilt or conviction.)<sup>6</sup>

We first coded whether the abducting or the left-behind parent had a former arrest record at the time of the abduction. Figure 11 shows that among 49.1% of the abductors for whom a search was made (39.3% of the total sample) and 38.8% of the left-behind parents (33% of the total sample) had a criminal arrest record entry. In the most recent data sets, 55.8% of the abductors in Santa Clara County and 52.5% of the abductors in Alameda County for whom a search was made had an arrest record. Among the left-behind parents, in the new Santa Clara study 46.4% had an arrest record, and in Alameda County 37% had such a record.

(Figure 11 about here)

In the 1990 study we also coded the specific crimes for which each individual had been charged. This information revealed that the most frequent charges for both abductors and left-behind parents were for traffic violations. These did not include minor infractions, such as speeding or failing to stop at stoplights, but included drunk driving and failure to appear on a traffic violation for which a warrant had been issued. Among the abductors, 27.8% (67) had traffic violations (10.6% of the total sample), and among the left-behind parents 54.2% (39) had such violations (6.2% of the total sample). Again, poor people are less likely to pay traffic violations because of an inability to pay, and this would skew the results.

For abductors the next most frequent record was for property crimes (43 or 17.8% of the valid sample and 3.6% of the total sample), followed by drugs and alcohol (28 or 11.6% of the valid sample and 4.4% of the total sample). Among the left-behind parents, 22 (9.1% of the valid and 3.5% of the total sample) had been charged with a property offense, and 16 had been charged with drugs and alcohol offenses (6.6% of the valid and 2.5% of the total sample).

Although 49.1% of the valid sample (39.3% of the total sample) had an arrest record, it is important to note that this included traffic violations as the most frequent offense. Unfortunately, short of rereading all the criminal files in the entire data set, we cannot at this point accurately refigure the overall arrest record, excluding traffic violations. These data are also complicated by the fact that a person could have been charged with and arrested for more than one crime.

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In the 1990 study we coded whether the abductor and the left-behind parents had been convicted and sentenced for a crime, other than the parental abduction. (Pleading guilty to a traffic ticket by mail and paying the fine does not constitute a conviction in the crime indexes. Department of Motor Vehicle records were not coded). Sixty-six abductors (27.3% of the combined new sample) had been convicted of a crime, and 34 (14.1%) had been sentenced to prison or jail. The left-behind parent had been convicted of a crime in 43 (17.8%) cases, and had been sentenced to jail in 23 (9.5%) cases. Thus, using conviction records, rather than arrest records, over a quarter of the abductors and a little less than one-fifth of the left-behind parents had a record of criminal conviction.

Several chi-square tests were conducted using the arrest record as a measure of criminal history, starting with the gender of the parent. Fathers were significantly more likely to have a criminal arrest record both as abductors and left-behind parents (Chi Square = 28.43,  $p < .0001$ ; Chi Square = 31.82,  $p < .0001$ ).

(Figure 12 about here)

Marital relationship had no significant correlation with having an arrest record; however, ethnicity and former arrests were significantly correlated. When the abductor had an arrest record, both the abductor and the left-behind parent were more likely to be African American or Hispanic than when the abductor did not have such a record (Chi Square = 14.12,  $p < .01$ ; Chi Square = 12.51,  $p < .01$ ).

Abductors with an arrest record were significantly less likely to be professionals (Chi Square = 11.31,  $p < .01$ ), and the majority of the left-behind parents with such abductors were unskilled (Chi Square = 7.70,  $p < .05$ ). When the left-behind parent had an arrest record, similar relationships were found (Chi Square = 8.31,  $p < .05$ ; Chi Square = 30.90,  $p < .0001$ ). Both abductors and left-behind parents were less likely to be employed when the other parent had an arrest record (Chi Square = 6.72,  $p < .01$ ; Chi Square = 6.72,  $p < .01$ ). Left-behind parents with an arrest record were much less likely to have to pay child support (Chi Square = 6.10,  $p < .01$ ).

Abductors with an arrest record were most frequently abducting prior to the issuance of a custody order. (Chi Square = 9.30,  $p < .05$ ). The left-behind parents, in cases in which the abductor had an arrest record, were most likely to have sole legal and physical custody followed by no custody order (Chi Square = 13.90,  $p < .01$ ). Left-behind parents with an arrest record also most commonly had no custody order in place (Chi Square = 15.58,  $p < .01$ ).

A higher proportion of children were taken before a custody order when the left-behind parent had an arrest record (Chi Square = 7.45,  $p < .01$ ). For abductors with an arrest record, postcustodial abductions were most likely to be a violation of custody (Chi Square =

7.73,  $p < .05$ ). When the left-behind parent had an arrest record, postcustodial abductions most frequently involved a denial of visitation (Chi Square = 13.56,  $p < .001$ ).

Finally, it is noteworthy that in 22.2% (107 out of 494) of the cases both parents had an arrest record (Chi Square = 12.65,  $p < .001$ ).

#### Summary of Results on Social and Legal Background

A slight majority of the abductors were female, although it was not statistically significant. African Americans were overrepresented, while Asians and Caucasians (in Alameda County) were underrepresented. Many of the parents, particularly the females, were unskilled and unemployed. Almost half of the parents in the recent samples had never been married. A little more than a third of the cases were precustodial abductions. The location of the child was known to the majority of the left-behind parents. In about a fifth of the cases the left-behind parent had been aware of threats to kidnap the child, and a large majority of these had told others about it. Yet, the abduction was not prevented.

Almost half of the abductors and over a third of the left-behind parents had an arrest record. Over a quarter of the abductors and about a fifth of the left-behind parents had a criminal conviction record.

Fathers were significantly more likely to take the children before a custody order was in place, when they had only occasional access, and more likely to take the children in a forceful manner.

Caucasian abductors were more likely to be divorced, while African American abductors were more likely to never have been married to the left-behind parent. The never-married abductors were also the least likely to be employed. The divorced abductors tended to be skilled, whereas the married or unmarried tended to be unskilled. Married and never-married abductors were significantly more likely to take the children prior to a custody order and divorced abductors to take them after an order.

African American and Hispanic abductors were more likely to have an arrest record. Parents with arrest records were more likely to be unskilled, and to have no custody order in place. Fathers were more likely to have an arrest record than mothers, regardless of their role in the abduction.

Domestic Violence and Child Abuse

Allegations of Child Abuse and Domestic Violence.

Family violence is considered a possible precipitating factor for parental abductions. We, therefore, were interested in the extent to which allegations of domestic violence and child abuse were present in the files. The data are limited to whether the subject arose in interviews or investigations performed by the D.A.'s office. Secondly, our data must also be understood in the context of the role played by the "good cause" provision in P.C. 277 in California, as described earlier.

Figure 13 shows that 18.1% of the abducting parents and 34.5% of the left-behind parents (almost twice as many) alleged that the other parent had engaged in some form of abuse.

(Figure 13 about here)

It is interesting to note that in the old Santa Clara study which was conducted prior to 1990, 14.5% of the abductors alleged that the left-behind parent was abusive, while in the new Santa Clara study there were 28.5% such allegations (after good cause was made a legal defense). It is unclear to what extent this reflects a greater awareness of what constitutes domestic abuse, a greater willingness to reveal that it occurred, an increase in domestic violence, or an increase in unfounded allegations.

Figures 14 and 15 show that mothers were significantly more likely than fathers to allege abuse (either domestic violence or child abuse) whether as abductors or as left-behind parents (Chi Square = 5.91,  $p < .01$ ; Chi Square = 7.28,  $p < .01$ ). Of the abductors who alleged that the other parent was abusive, almost twice as many were mothers (62.9%) than were fathers (37.1%). Among the left-behind parents who alleged abuse by the other parent, 55.2% were mothers and 44.8% were fathers. However, both male and female left-behind parents were more likely to allege abuse than either male or female abductors.

(Figures 14 and 15 about here)

Left-behind parents who were divorced or separated were the most likely to allege abuse, while married left-behind parents were the least likely to do so (Chi Square = 11.91,  $p < .01$ ). Abuse allegations from the left-behind parents were also more likely to be made when the abduction was a violation of a custody order (Chi Square = 17.29,  $p < .0001$ ). Abductors who alleged abuse were more likely to have been assisted by others in taking the children (Chi Square = 13.77,  $p < .001$ ).

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There were significant differences in the proportion of abductors within each ethnic group that alleged abuse by the other parent, as shown in Figure 16. Hispanic abductors were much less likely to allege such abuse compared to the other ethnic groups (Chi Square = 8.47,  $p < .05$ ).

(Figure 16 about here)

The only significant correlation between abuse allegations and employment status showed that the abductor was less likely to be employed when the left-behind parent alleged abuse (Chi Square = 4.72,  $p < .05$ ). When the abductor alleged abuse, the left-behind parent was more likely to have an arrest record (Chi Square = 6.50,  $p < .01$ ). The reverse was also true; abductors were more likely to have an arrest record when the left-behind parent alleged abuse by the abductor.

There was relatively sparse information in the files about what type of abuse allegations had been made. For only 111 abductor allegations and 220 left-behind parent allegations was there any mention of type of abuse. Among the 111 abductors who alleged abuse, 20% (23) alleged that the other parent had engaged in physical child abuse, 27.8% (32) sexual child abuse, 16.5% (19) emotional child abuse, and 35.7% (41) both child and spousal abuse. Among the 220 left-behind parents who alleged abuse, the highest category 31.8% (70) alleged that the abductor had engaged in physical child abuse, 23.2% (51) spousal abuse, 15% (33) emotional child abuse, 15% (33) both child and spousal abuse, 6.4% (14) child sexual abuse, and 8.6% (19) any type of child abuse.

Figure 17 shows that when the mother was the abductor, the father was more likely to allege that she had committed physical child abuse, followed by emotional child abuse. When the father was the abductor, the mother was more likely to allege that the father had engaged in spousal abuse, followed by combinations of spousal and child abuse combinations of spousal and child abuse (Chi Square = 84.25,  $p < .0001$ ).

(Figure 17 about here)

Likewise, male abductors also made allegations of physical or sexual child abuse, but very seldom alleged spousal abuse. Female abductors, on the other hand, made accusations of spousal and child abuse combined (Chi Square = 31.12,  $p < .0001$ ). Thus, regardless of whether they were abductors or left-behind parents, mothers tended to allege spousal abuse, while fathers tended to allege child abuse. Abductors who were married were more likely to allege child *and* spousal abuse, while the other categories were more likely to allege child abuse only (Chi Square = 29.51,  $p < .001$ ). Among the left-behind parents all but the divorced group alleged spousal abuse in about a third of the cases, with the married group also having the highest proportion of combinations of child and spousal abuse. Separated parents had the

highest proportion of physical child abuse allegations, with the non-married parents as the second largest group. The divorced parents alleged more emotional child abuse than the others (Chi Square = 30.26,  $p < .01$ ).

Of the 111 abductor allegations of abuse, 42.3% (47) were substantiated by other official information. Of the 220 left-behind parents' allegations, 47.7% (105) were substantiated. There was information on the type of substantiation that had been made in 136 cases. Allegations were substantiated through prior police investigations in 49.4% (67) of these cases, 20.6% (28) through prior social services investigation, 10.6% (14) through court records, 2.9% (4) through prior D.A. investigations, and 16.9% (23) through a combination of methods. Thus, "substantiation" here means any previous investigation into abuse allegations which may or may not have included actual findings of evidence that such abuse had occurred. Such substantiation also includes findings by the social welfare department and juvenile courts, which may explain the relatively low level of criminal court involvement in the child abuse cases.

In about 20% of the cases when the left-behind parent made an abuse allegation the abductor also made one against him/her. This correlation was not significant. Abuse allegations from the left-behind parent were less likely to be substantiated by previous investigations and findings when the abductor also made an abuse allegation against the other parent (Chi Square = 4.48,  $p < .05$ ).

### Criminal record of domestic violence/child abuse.

Another type of substantiation might be found in the criminal record indices. However, in spite of all the allegations described above, very few of the parents had actually been charged in criminal court with such crimes. We coded whether the left-behind parent had ever been charged with any crimes against children for all data sets. Of the 610 files on which this information was coded, only 4.9% (30) had been so charged. Information on the abductor having been charged with such crimes was only coded in the 2 new data sets. Of the 241 cases in which this item was coded, the abductor had been charged with crimes against children in 6.2% (15) cases. In 10 of these cases the abductor had been charged with intra-family child abuse. (Note that most child abuse and neglect cases are handled primarily in juvenile court as a dependency matter, and it is typically only the most serious cases that are also prosecuted in criminal court.)

Of the 241 cases in the 2 new data sets, 7.1% (17) of the abductors (all male) and 3.7% (9) of the left-behind parents had been charged with domestic violence. However, among the abductors 39% (94 of the 241) and among the left-behind parents, 25.5% (48 of the 241) had been served with a restraining order in family court, and 14.6% (36) had been arrested for violating such court orders. Only 3 of the abductors and 1 of the left-behind parents had ever been arrested for prior child abductions.

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Over a quarter of the male abductors, 28.8%, (17 out of 59) had been charged with domestic violence, but none of the female abductors had (Chi Square = 12.05,  $p < .001$ ). Of the male left-behind parents, 77.8% had been charged with domestic violence, but we had information on only a small number of cases and the relationship was not significant. Caution should also be exercised in interpreting all of the following relationships due to the small number of cases on which we had information. When the left-behind parent alleged abuse, the abductor was more likely to have been charged with domestic violence (Chi Square = 4.33,  $p < .05$ ). When the abductor alleged abuse, the left-behind parent was more likely to have been charged with a crime against children (Chi Square = 50.21,  $p < .0001$ ). The abductor was also more likely to have been charged with crimes against children when the left-behind parent made allegations of abuse (Chi Square = 9.73,  $p < .001$ ). If the abductor was charged with such crimes against children that crime was more likely to be intra-family abuse and neglect (Chi Square = 11.36,  $p < .001$ ). Finally, when the abductor alleged abuse, the left-behind parent was more likely to have physical or mental defects (Chi Square = 23.00,  $p < .0001$ ).

### Summary of Domestic Violence and Child Abuse/Neglect

These results are based on information available in the D.A. files, not on extensive personal interviews. About a fourth of the abductors, and almost twice as many of the left-behind parents alleged that some form of abuse had taken place. It should be noted that such allegations may not all be truthful in such a high-conflict situation. However, almost half of these allegations were substantiated by additional police investigation and official records, although very few of the parents had actually been charged with such crimes.

Mothers were more likely than fathers to allege abuse either as abductors or left-behind parents, but the data show more left-behind parents making such allegations. Mothers were more likely to allege spousal abuse than were fathers. A few of the fathers and none of the mothers had been charged with a form of family violence. Hispanic abductors were the least likely to allege abuse. The abductor was less likely to be employed when the left-behind parent alleged abuse. There were no significant differences in how often abuse allegations were made by marital relationship.

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### Legal System Response

#### D.A. and criminal court response

To investigate the case the D.A.'s office conducted personal interviews with the left-behind parent in 89.7% (567 out of 632) cases. The abducting parents were contacted in 55.4% (346 out of 624) cases for the purpose of trying to get them to return the child. Someone from the D.A.'s office traveled out of state in 8.9% (56 out of 631) cases. Almost two-thirds (63.2% or 374 out of 592 cases) closed within a month, but many lasted several months and a few cases lasted for years. Subpoenas were served in only 3.3% (21 out of 628) cases, and search warrants in 3.9% (24 out of 628) cases. In 88 cases (13.9% of the total sample) the child was not located at the time of the coding. A case normally is not closed until the child is recovered or it can reasonably be assumed that recovery is impossible. Of the 634 cases in the sample, 5.8% (37) cases were still open at the time of the coding.

As described earlier the main code sections for charging parental child abduction in California are Penal Codes 277, 278, and 278.5. Figure 18 shows the distribution of these charges. Over half of the cases were charged with PC 278.5, the postcustodial section, and about 30 % with PC 277, the precustodial section. In 22 cases the original charge was recharged.

(Figure 18 about here)

A misdemeanor warrant was issued in only 2.4% (15) cases, and a felony warrant in 16.6% (105) cases. The files indicated that the child was located before issuing a warrant in 70.5% (422) of 599 cases in which this information was available. A UFAP (unlawful flight to avoid prosecution) warrant was issued in only 1.7% (11) cases. Cooperation with police in other counties and states was indicated in 39.4% (250) of the total cases.

The California Attorney General's Office was contacted in 1.7% (11) cases, the U.S. State Department in 2.5% (16) cases, and the Hague Convention was invoked in only 1.1% (7) cases.<sup>7</sup> It is possible that contacts, such as these, made in international abduction cases would not have been known by the district attorneys' office.



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According to the D.A.'s records, the police had prepared a missing person's report from the incident and entered the child's name into the NCIC in only 89 cases (55.3% of 161 valid cases). In 8 cases (6.3% of 238 valid cases), the incident was reported to MUPS (Missing and Unidentified Persons), in 32 cases (13.5% of 237 valid cases) to BCS/CII (Bureau of Criminal Statistics, California Identifiers), and in 15 cases (6.3% of 239 valid cases) CPLS (California Parent Locator Service) was contacted. The California Parent Locator Service is used to help locate parents in either child abduction cases or child support cases. Extradition of the abductor was requested in 17 cases. Other offenses in addition to the abduction were charged in 10 cases.

Of the 240 valid cases from 1990 in which we had information on this issue, the D.A. had taken some actions to locate the child under section 3130-3134 of the California Family Code (1994), such as investigation, issuing warrants or capturing the abductor, in 86.7% (208) of the cases.

The recovery of the child most often took place during the investigation, 45.1% (286), after the warrant, 5.5% (55), or after the abductor was captured, 9.9% (57). In 34.1% (216) cases the child had not yet been recovered when the coding took place. Recovered children were gone from 1 day, 8.5% (54), 2-3 days, 5.8% (37), 1 week, 6.9% (44), 31 days-2 months, 23.4% (148), 2 months to 3 years, 14.4% (91), to more than 3 years, 26.2% (166). The abducting parent was apprehended in 12.1% (77) cases. A felony warrant to get a parent from a different state was issued in 7.1% (45) cases, and the parent was extradited from another state in 3.5% (22) cases. We do not know what happened to the other cases in which a felony warrant for extradition was issued. (All of these percentages are based on the total sample of 634. Note that information was not available on a number of cases.)

In the 1990 study we also coded how the children were recovered. Of the 239 cases in this data set, 19.7% (47) were voluntarily returned by the abductor, in 12.1% (29) the left-behind parent retrieved the child, in 9.6% (23) the D.A. personnel recovered the child, in 7.5% (18) law enforcement recovered the child, in 7.1% (17) the child was placed in Child Protective Services (CPS) care by law enforcement personnel, and in 2.5% (6) the child was recovered by other means. (A child placed in CPS could also be recovered by law enforcement as the district attorneys' offices quite often place children in CPS.) The remaining cases either had not yet been recovered or information was missing on this variable. We did not code at which stage in the process the child was voluntarily returned; it could have been either prior to any intervention by the D.A. or at any time in the intervention process.

Very few of the cases went all the way to a criminal prosecution. In our study, 10.5% (67) of the total cases were prosecuted. Of these, 34.3% (23) were convicted of misdemeanors, 55.22% (37) were convicted of felonies (three cases were prosecuted for both misdemeanors and felonies), and 14.9% (10) were dismissed or acquitted. Of the total sample (634), 3.6% ended as misdemeanors and 5.8% as felonies. There was information on

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sentencing in only 34 cases. Of these, 52.9% (18), or 2.8% of the total sample, were given probation; 29.4% (10), or 1.6% of total sample, were given jail and probation; 11.8% (4), or .6% of the total sample, received prison sentences and probation; and 5.9% (2), or .3% of the total sample, were sentenced to make restitution. Of those 14 cases where the abductor was incarcerated, 5 served less than a month, with 3 each serving 1-3 months, 9-12 months, and over 2 years.

Whether the mother or the father was the abductor had very little effect on the criminal justice system's response to the abduction. For example, there were no significant differences in how male and female abductors were charged. Both mothers and fathers were most likely to be charged with PC 278.5 (the postcustodial charge). There were no significant differences by gender for type of warrant, prosecution, disposition, or sentencing. The only significant difference was that mothers (17) were more likely than fathers (5) to be extradited (Chi Square = 8.00,  $p < .01$ ). This could be due to the fact that a father may be more likely to make bail in another state and then return on his own.

The marital status between the parents, however, appeared to have a strong effect on the legal response to the abduction. There were significant differences in whether a complaint was filed, who the complaining victim was, type of abduction charges, and prosecution. A complaint was more likely to be filed when the parents had never married or were divorced (Chi Square = 24.26,  $p < .001$ ). For married and divorced parents, the father was most often the complainant, while for separated and never married, the mother was most often the complainant (Chi Square = 83.29,  $p < .0001$ ). Married abductors were significantly more likely to be charged with PC 277 (precustodial), while divorced abductors were overwhelmingly charged with PC 278.5 (postcustodial) since a divorce usually has a custody order attached to it. A majority of the separated abductors were charged with PC 278.5 also, while the never-married abductors were equally likely to be charged with PC 277, PC 278.5 or PC 278. The never-married were the only abductors for whom P.C. 278 (i.e. for people *not* having the right to custody) was used to a substantial degree (Chi Square = 277.21,  $p < .0001$ ). This is likely to occur in cases in which the paternity had not been legally established prior to the abduction.

While the majority of abductors were not prosecuted, those that were never married or were divorced were the most likely to be prosecuted and married abductors were the least likely to be prosecuted, (Chi Square = 9.62,  $p < .05$ ). When the left-behind parents had an arrest record, a higher proportion of abductors were charged with precustodial abduction than when such records were not contained in the file, while postcustodial charges were more frequent when the left-behind parent did not have an arrest record (Chi Square = 7.74,  $p < .05$ ). However, there were no significant differences in prosecutions, sentencing or incarceration for cases with an arrest record.

The police were much more likely to take a report when the left-behind parent alleged

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abuse (Chi Square = 4.35,  $p < .05$ ). When there were abuse allegations from the left-behind parent, the mother was the most likely to be the complainant (Chi Square = 27.37,  $p < .0001$ ). When there were abuse allegations from the abductor, the father was most likely to be the complainant (Chi Square = 14.49,  $p < .01$ ). There were no significant differences in prosecution, sentencing or incarceration for cases in which abuse was alleged. There was no indication of differences in D.A. involvement depending on whether the abduction was a violation of custody, violation of visitation or denial of visitation.

### Family Court/Civil Action

The majority of the cases were referred to family court. Figure 19 shows that in the combined data set 55.5% of the cases had been heard in family court.

(Figure 19 about here)

In the 1990 study we also coded whether the criminal case had been discontinued and sent to family (civil) court. Of the 238 cases coded we found that such action had been taken in 40.8% (97; 15.3% of the total sample).

There was information on what legal action had been taken in family court in 337 cases. Of these the most common type of action taken was a new custody order (52.5%, 177) followed by a combination of restraining orders, new custody orders and/or divorce decrees (33.8%, 114).

Figure 20 shows that 38.7% of the left-behind parents and 14.8% of the abductors were awarded a new custody order after the abduction took place. This could mean either new orders prior to the recovery of the child or new orders after recovery of the child.

(Figure 20 about here)

For those for whom we had information on this topic, further data analysis indicates that both fathers and mothers were more likely to get a modification of an old custody order (21), rather than getting an initial order (12).

Of the abductors that got a new custody order, about half obtained the order in the same county, while many more of the left-behind parents obtained them in the same county. Abductors were more likely to get their new custody orders in a different county or in another state. Left-behind parents were much more likely to get a new custody order than the abductors, with Alameda County having the highest frequency of new custody orders for both abductors and left-behind parents.

It is standard procedure for the D.A.'s offices to advise the left-behind parents to get a custody order if none is in place. Although the D.A.'s office can by law act to locate the child

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and the abductor without a custody order (because a precustodial abduction is a violation of the criminal code in California), it is the custody order which essentially establishes with whom the child should be (at least until the next hearing). As explained earlier, if the order is issued in compliance with the PKPA, the custody order is entitled to full faith and credit in other states. A court in another state must enforce and not modify the order. Even if the child were taken to another state where precustodial abductions were also illegal, it would be necessary to have a custody order to indicate to the court in the other state that California had jurisdiction, and that the child is supposed to be with the other parent according to the court order.

Mothers were more likely than fathers to hire a private attorney to represent them in family court (Chi Square = 14.86,  $p < .0001$ ). There were also significant differences by marital relationship in family court orders and whether the left-behind parent got a new custody order. Married mothers were the most likely to get a restraining order (Chi Square = 24.87,  $p < .01$ ). This type of restraining order in California is a civil protection order typically obtained by a domestic violence victim against the alleged abuser. It often includes protection for the children in the applicant's care. Left-behind parents who were married were more likely to obtain a new custody order and the divorced left-behind parents obtained a new order least often (Chi Square = 18.38,  $p < .001$ ).

Family court action was significantly more likely when abuse was alleged by either parent (Chi Square = 14.81,  $p < .0001$ ; Chi Square = 13.71,  $p < .001$ ). When there were allegations of abuse from the abductor, he or she was more likely to get a new custody order (Chi Square = 60.47,  $p < .0001$ ). Similarly, when the left-behind parent alleged abuse, he or she also was more likely to get a new custody order (Chi Square = 19.97,  $p < .0001$ ).

### Juvenile Court Involvement

Figure 21 shows the extent of juvenile court and Child Protective Services (CPS) involvement in these cases. According to the information in the D.A. files the juvenile court had gotten only marginally involved in these cases, with Alameda County the least likely to have juvenile court involvement (only 3 cases). However, it should be remembered that juvenile court records are confidential, and, therefore, may not have been included in the files. In contrast, Child Protective Services was more frequently involved, probably in the recovery of the children, without dependency petitions being filed in juvenile court.

(Figure 21 about here)

In the 1990 study we coded whether the authorities placed the children in protective custody following the abduction. Of the 211 cases on which there was any information on this, a child was placed in protective custody in 19.4% (41) of the cases.

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There were significant differences in CPS involvement by marital relationship. CPS was most often involved when the parents were not married (Chi Square = 18.73,  $p < .001$ ). In the cases where the abductor had an arrest record, CPS was more likely to be involved (Chi Square = 3.19,  $p < .05$ ).

### Responses of the Left-Behind Parent

In the 1990 study we coded a series of factors pertaining to a left-behind parent's ability to facilitate the recovery of the abducted child. Of the 238 valid cases, we found that 16.8% (40) conducted his/her own investigation to recover the child. Of the 238 cases, 2.9% (7) had hired a private investigator, 50.8% (121) had hired a private attorney to represent them in family court, 23.9% (57) had paid for travel to recover the child and 6.3% (15) had sued the offender for civil damages.

### Effects on the Family

In the 1990 study we asked where the child was living at the time of the study. Of the 216 valid cases, 49.5% (107) had been reunited with the left-behind parent, 39.4% (85) were still with the abductor, 5.1% (11) were with another relative, 2.3% (5) were in a foster home, 2.3% (5) were in temporary protective custody, and 1.4% (3) had some other arrangement.

In some of the case files there was information about family members being in therapy or negative psychological effects of the abduction on the family. In 22.2% (45 out of 203 valid cases) the child was in therapy, in 9.3% (18 out of 193 valid cases), the left-behind parent was in therapy, and in 13.0% (25 out of 193 cases) the abductor was in therapy. In 122 cases the files indicated psychological and emotional effects on the child. Such information was obtained in D.A. interviews with the parents or through other records.

When the abductor alleged abuse, there were more cases of both the abductor (Chi Square = 4.31,  $p < .05$ ), and the left-behind parent in therapy (Chi Square = 8.61,  $p < .01$ ), but the majority were not in therapy.

### Placement of Child

When the father was the abductor, the child was more likely to be placed with the left-behind mother (Chi Square = 17.45,  $p < .001$ ). When the mother was the abductor, the child was still more likely to be placed with the mother (Chi Square = 15.44,  $p < .01$ ). Thus, mothers were always more likely to keep their children, regardless of their role in the abduction.

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If the parents were divorced, the child was more likely to be placed with the abductor, but if the parents were married, separated or never married the child was more likely to be placed with the left-behind parent. This was particularly true for the separated and the never-married categories (Chi Square = 11.13,  $p < .01$ ).

When the left-behind parent alleged abuse, the child was much more likely to be placed with the alleging parent (Chi Square = 13.61,  $p < .001$ ).

### Summary of Findings on Legal Response

The district attorney's office conducted personal interviews with most of the left-behind parents and had contacted over half of the abducting parents to try to get them to return the child. Most cases were closed within a month, and very few warrants or subpoenas were issued. Over half of the abductors were charged with postcustodial abductions, and about one-third with precustodial abductions. Over half of the cases were entered into NCIC, but very few of the other registries were used. The district attorney's office had taken action under the civil code section to recover a child after a custody violation, in most of the cases. The child had been located in all but 14 percent of the cases.

Almost half of the children were recovered during the investigation, and the child was voluntarily returned in about one-fifth of the cases. Only ten percent of the cases were eventually prosecuted with a final felony conviction for about half of the prosecuted cases.

Very few abductors were incarcerated. About half of all cases were involved in family court action, and in 40 percent criminal court action was discontinued and the case moved to civil court. Juvenile court appeared to be rarely involved, but Child Protective Services was involved in one-fifth of the cases.

There were no significant direct differences by gender alone in terms of charges, prosecution or sentencing. However, left-behind parents who alleged abuse were more likely to have a report filed, and a larger group of these were women. Female abductors were more likely than male abductors to have the child placed with them at the end of the incident. Marital relationships appeared to have a very strong effect on the legal reaction to the abduction, with the divorced and never-married more likely to have a complaint filed against them and to be prosecuted for the offense.

Divorced abductors were the most likely to get a new custody order, and the most likely to have the child placed with them. There were no significant differences in how cases with prior arrest records were prosecuted, sentenced or incarcerated. Likewise there were no significant differences in criminal court response for cases with abuse allegations, but family court action was more common in such cases.

Effects of Risk Factors on the Criminal Justice Response and the Effectiveness of That Response

A series of multivariate analyses were carried out on this data set examining which social background characteristics of abductors and which family and abduction circumstances predict: (1) the criminal justice system response and, in turn; (2) the effectiveness of this legal intervention in terms of the length of time it took for the child to be returned. The bivariate analyses presented in the above results section have described only a partial picture; it is hypothesized that a number of variables simultaneously affect the legal response to an abduction. A multivariate analysis best approximates a test of this much more complex reality and tells us which variables are likely to be the more important ones when controlling for the other possible predictor variables.

Figure 22 shows a hypothetical path model predicting the role of the social background factors and family/abduction circumstances in the criminal justice system response, and the time taken to recover the child. Here the social background and family/abduction factors can be seen as the independent variables, the criminal justice response as the intervening or mediating variable, and the length of time for recovery of the child as the final dependent or outcome variable.

(Figure 22 about here)

This model predicts that social background factors and family violence and circumstances related to the abduction will have both a direct effect on the recovery of the child and an indirect effect through the criminal justice system response. We also expect the criminal justice response to have a direct effect on the time taken for the return of the child.

The social background variables included: occupation of the abductor (1 = skilled, 2 = unskilled, 3 = professional), occupation of the left-behind parent (1 = skilled, 2 = unskilled, 3 = professional), gender of the abductor (1 = father/stepfather, 2 = mother/stepmother), race of the abductor (1 = white, 2 = nonwhite), marital status of parents (1 = currently married, 2 = not married now), marital history of the parents (1 = ever married, 2 = never married), and arrest record of the abductor (1 = has criminal arrest record, 2 = does not have criminal arrest record).

The family and abduction circumstance variables included the following: allegations of abuse from the abductor (1 = allegations, 2 = no allegations), allegations of abuse from the left-behind parent (1 = allegations, 2 = no allegations), how the children were taken (1 = forcefully, 2 = not forcefully), whether the children were voluntarily returned by the abductor parent (1 = yes, 2 = no), whether the abduction was a precustodial or postcustodial decree event (1 = precustodial, 2 = postcustodial), and whether the abductor had gotten a new custody order (1 = yes, 2 = no).

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These social background and family circumstances variables were chosen based partly on the results of the earlier chi-square findings as well as on the emphasis given to these variables in the earlier literature review and data analysis. Although only some of these variables were significantly related to the criminal justice response in the bivariate analysis, our earlier inclusion of these important variables suggested that they all might play an important role in the criminal justice response and the effectiveness of this response as measured by the time taken for the child's recovery.

The criminal justice system response had the following values which indicate an increasing use of criminal sanctions: 1 = filing a complaint, 2 = issuing a criminal charge, 3 = prosecution, 4 = conviction, and 5 = incarceration. The time for recovery of the child included the following values: 1 = one day, 2 = 2-3 days, 3 = 1 week-1 month, 4 = 1-2 months, 5 = 3 months or more, and 6 = still missing.

The first simultaneous regression analysis consisted of the two sets of social background factors and family/abduction circumstances as the predictor variables and the criminal justice response as the dependent variable. The results of this analysis are listed in Table 1.

(Table 1 about here)

In the social background set only the occupation of the left-behind parent emerged as a significant predictor of the criminal justice response. The higher the occupational status, the more severe the intervention. Interestingly, whether the abductor was a male or female, white or non-white, currently married or not, ever married or not, or with a criminal record or not, did not emerge as significant predictors. Our initial chi-square analysis had shown that parents who were divorced or who had never been married were more likely to be prosecuted than parents who were still married or separated. Yet, in the multivariate analysis marital status was not a significant predictor of the seriousness of the criminal justice system response. This relationship was still significant in the correlation matrix (.04), but when simultaneously controlling for the other variables, the effect of marital status disappeared.

On the other hand, while our initial correlations between allegations of abuse and prosecutions were nonsignificant, the multivariate analysis showed that the criminal justice system response was more serious when there were allegations of abuse from the left-behind parent. The emergence of abuse allegations as a serious predictor may be due to the fact that the dependent variable here encompasses several criminal justice system responses along a scale of seriousness, rather than simply prosecution or no prosecution. The response was also more severe when the child was not returned voluntarily. Finally, in the cases where the abductor had not obtained a new custody order, the criminal justice system's response was more severe.



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The second simultaneous regression employed all of the above factors, including the criminal justice response as the predictor variables with the length of time the child was gone as the dependent variable. The results of the second regression analysis are listed in Table 2.

(Table 2 about here)

Table 2 shows that the occupation of the left-behind parent again was a significant predictor for the time taken to return the child. Children of left-behind parents with higher occupational status were gone longer. In addition, the gender of the abductor emerged as a significant predictor. When the abductor was female, the child was gone for a longer period of time. Among the variables relating to family/abduction circumstances, how children were taken and whether the children were returned voluntarily were also significant predictors of the length of time before the child was returned. Children who had been taken forcefully were gone for a shorter period. Not surprisingly, children who were returned voluntarily were returned more quickly. Finally, the degree of criminal justice system intervention predicted how long the children were gone. With greater levels of intervention (or increasing use of criminal sanction), the children were recovered more quickly. All other predictor variables were not statistically significant.

The significant results of these simultaneous regressions are presented in Figure 23, in a path analysis diagram where the strength of the path is indicated by the standardized beta coefficients from the multiple regression analysis.

(Figure 23 about here)

This path analysis shows both the direct and indirect effects on the time taken to return the child. The gender of the abductor had a direct effect on the length of time gone, but no indirect effect. Children were missing for a longer period when the mother was the abductor, but the gender of the abductor had no effect on the criminal justice system response. The occupation of the left-behind parent had both a direct and indirect effect. The higher the occupational status of the left-behind parent, the more likely the criminal justice system was to use criminal sanctions, which in turn hastened the return of the child. However, in general, those with higher occupational status had children that were gone longer. Allegations of abuse from the left-behind parent had only an indirect effect, that is, it was related to a more coercive criminal justice response, but not how long it took to return the child.

Similarly, the abductors obtaining new custody orders had an indirect effect, but not a direct effect; that is, the criminal justice response was more severe in the absence of such a new order, but it did not affect how long the child was gone. The manner in which children were taken had no indirect effect, but did have a direct effect on time taken to return the child; that is, it did not affect the criminal justice system response, but children who were

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taken forcefully were recovered more quickly. Returning the child voluntarily had both a direct and an indirect effect; when the child was returned voluntarily the criminal justice response was less severe, and the child was recovered more quickly.

Table 3 shows both the direct and indirect effects on the time taken to return the child as indicated by the standardized beta coefficients.

(Table 3 about here)

Clearly, the voluntary return of the child had the greatest direct effect on the time taken to return the child, followed by the occupational status of the left-behind parent and how the children were taken. As expected, the indirect effects were very small. The total effect column shows that the voluntary return is the best predictor for how long the child is gone. The occupation of the left-behind parent, the forcefulness of the manner in which the child was taken, and the gender of the abductor had almost an equal effect, and only very small effects were created by abuse allegations from the left-behind parent and new custody orders for abductors.

### Summary of the Effects of Risk Factors on the Criminal Justice Response and the Effectiveness of That Response

A simultaneous regression analysis was conducted to measure whether selected risk factors could predict the seriousness of the criminal justice response. Among the social background factors only the occupation of the left-behind parent emerged as a significant predictor. Importantly, gender, race, and the arrest record of the abductor were not significant predictors. Among family and abduction circumstances, allegations of abductor abuse from the left-behind parent, failure to return the child voluntarily, and the absence of a new custody order for the abductor all predicted more severe criminal justice sanctions.

A second simultaneous regression was conducted to measure whether these variables, along with the degree of criminal sanctions, could predict the time taken to recover the child. More coercive or serious involvement from the justice system predicted a faster recovery, along with children whose parents were of lower socioeconomic status, children being taken by male abductors, children being taken forcefully, and children being returned voluntarily. A path analysis diagram depicting these findings and a table of direct and indirect effects were presented.

### Discussion

The purpose of this documentary study was to provide descriptive information on (a) the social background including criminal history and legal status profile, (b) the prevalence and types of family violence and child abuse/neglect, (c) how these factors interact to increase the risk for parental abductions, (d) the legal response to parental abductions, and (e) how risk factors affect the legal response and the effectiveness of that response. This information addressed the first three objectives of the larger study which were: (1) to develop a social background and legal status profile of known abductors and their families; (2) to identify psychological and family dynamic factors with a special focus on domestic violence as a precipitating factor; and (3) to identify ineffective legal responses which might add to the risk of parental abductions. If the known parental abduction families in our sample exhibit clear profiles in social background and domestic violence, then it can reasonably be assumed that such profiles constitute a risk for abductions. Knowledge about how identified risk factors affect legal responses can also help to develop more effective legal intervention.

The majority of the cases in this study were similar to the parental abduction cases previously noted in the literature, for example, postcustodial cases where the parents were divorced or separated, primarily Caucasian, with a relatively low socio-economic background. As noted in other studies, young parents and young children were particularly at risk for abductions. The age statistics demonstrated that most of the abductors were fairly young parents, and that young children of preschool age were most at risk. Such children are easier to move around than older children who are enrolled in school and other activities.

However, this study also captures a population at risk which has not been previously described in other studies. There appear to be at least two different "risk groups" in this study. One is the group described above: Caucasian, mostly divorced, separated or married, where a substantial number of the parents allege abuse. The second group is disproportionately minorities, never married, poor, and with a higher group of male abductors with a criminal arrest record.

These results are likely due to three factors: (a) This research was based on official records, and did not rely on voluntary self-reports; (b) it was set in two major urban counties in California which included large (and often poor) minority populations; and (c) California has a very broad definition of parental abductions which includes precustodial abductions.

A whole cluster of social background variables, such as being poor, unemployed, unskilled, never married, having a prior arrest record and belonging to certain ethnic groups, indicate a risk for abduction. People in these categories generally do not have the money to engage a lawyer to fight for custody in family court, or may not know that parental abduction, especially prior to a custody order, is against the law. Families with low

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socioeconomic background may be more likely to rely on their own family network rather than the legal system for resolution of their personal problems. The fact that many already had a criminal arrest record suggests that they tend to operate outside the legal system, or that they would not go through legal channels to solve their problems.

People who have never been married may well think of their rights in their children differently than divorced or separated couples, and may be less likely to know of the need for a custody order. And when the children are taken, these parents may have fewer resources to go to court, or may not feel that they will be taken as seriously by the legal authorities. Cases in which the parents had never been married (as well as married parents) were less likely than separated and divorced parents to be prosecuted in criminal court.

These factors, in turn, interact with each other and additional variables to produce even more risks for abductions. Ethnicity, combined with some of the above cluster of variables, represents an increased risk factor for parental abductions. African Americans were vastly overrepresented in this study compared to the other groups; they were more likely to be never-married and poor. (It is unknown whether the large underrepresentation of Asians is due to a reluctance to contact police and other authorities regarding private familial matters or to a lack of abductions in this population.) Caucasians, who on the average were more likely to be employed and skilled, may be more likely to resolve their differences in family court rather than simply take the child. Members of minority groups, whether the abductions eventually get reported or not, may view taking their children as a private matter, and hold cultural beliefs that are different from the mainstream legal definitions of custody rights and child abduction.

Male abductors were significantly more likely to have an arrest record than female abductors. African American and Hispanic abductors were more likely to have an arrest record than Caucasian abductors. Thus, male minority fathers with an arrest record represented an added risk for abductions. On the other hand, this group generally has a higher contact with criminal court, and this may just be an example of a general pattern.

The extent of domestic violence and child abuse allegations in these cases is somewhat difficult to determine due to the role played by the "good cause" defense in the law. Many of the cases where children were taken as a result of a reasonable belief of emotional and physical harm may not have been included in the regular abduction files after 1990. As explained in the methods section, often only those cases where such a determination was made after charging and initial processing would be included in this data base.

There were fewer allegations of abuse (of any kind) in our sample than, for example, in the Hatcher and Brooks (1993) study. In that study over half of the left-behind parents alleged that they had been abused. However, interview studies may be more likely to reveal incidents of abuse than official records. In the Hatcher and Brooks (1993) study only about a

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third of the cases in which abuse was alleged had been reported to the authorities. In our study, although there were fewer abuse allegations in the files, the alleged abuse was substantiated by other official records in almost half of the cases. Cross tabulations with the criminal arrest records showed that in many of these alleged abuse cases, parents had been charged with domestic violence.

Several correlations of abuse allegations with social background factors demonstrated an increased risk for abductions. Domestic violence and child abuse allegations coupled with gender represent an increased risk for parental abductions. In this sample mothers were slightly more likely to be the abductors than fathers. The rather small percentage difference between mothers and fathers suggests that gender alone is *not* a risk factor for abductions. However, gender combined with the presence of domestic violence and child abuse constitutes a clear risk for abductions. The female abductors in our sample were significantly more likely than male abductors to allege abuse, and more likely than male abductors to allege spousal abuse. None of the female abductors had been charged with domestic violence, whereas a fifth of the male abductors had been. This difference may be explained by the fact that more batterers are men, but also that female batterers, in general are less likely to be reported or charged with domestic violence.

Female abductors were more likely to have the children remain with them after the legal resolution of the case. Left-behind parents' allegations of abuse were less frequent and less likely to be substantiated when the abductor was female. All of these findings suggest that family violence was a motive for many of the female abductors, and the fact that children often remained with them indicates that the authorities agreed that they had a valid reason for taking the children.

Female left-behind parents were also more likely to allege abuse than male left-behind parents, and the children were more likely to be returned to mothers when they did allege abuse. It may be that many of these women only found the courage to go to the authorities to report the abuse after the child was taken and drastic intervention was needed. Male abductors may have been motivated to take the child as a means of asserting control, power or revenge.

Correlations between abuse allegations and ethnicity show that Hispanics were significantly less likely to allege abuse. Within each ethnic group, about 20% alleged family violence of some kind, with the exception of Hispanics where only about 10% alleged abuse. This could mean that there is less domestic violence in Hispanic families, but it might also mean that definitions of abuse currently used by the mainstream culture are not identified as such by many Hispanic couples. Caucasians were the most likely to allege abuse, followed by Asians. This could mean that there was more abuse in Caucasian families, but it could also mean that Caucasians were slightly more likely to know that domestic violence can be used as a "good cause" defense against abduction charges, and had a higher awareness of the

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types of behavior which constitute domestic violence. The combinations of ethnicity and family violence are, therefore, unclear as risk factors for parental child abductions.

The 1990 data sets indicate that child support was a risk factor only in a small group of cases, possibly because getting child support orders involved going to court, and many parents in our sample could not afford to do so. However, although many parents cannot afford to go to court, those on welfare receiving AFDC have their cases automatically referred to the District Attorney Family Support Division, which seeks support from the absent parent. (A determination of paternity and child support obtained does not include a custody order, which must be obtained in a separate action.) Among the cases in which there was a child support order, very few of the parents (mostly female) were, in fact, receiving the support. In such cases abductors may simply have taken the children rather than pay child support. (In California, child support payments are calculated to a large extent by where the child physically resides; the more time spent with a parent, the less the requirement for child support.)

About a third of the cases in the total sample were precustodial, indicating that there clearly is a risk of abductions of children prior to custody orders being issued. The data on custody status show that generally the presence of precustodial cases increased by 12-15% from the first to the second study, indicating that the district attorney offices are now more likely to use the PC 277 provision for precustodial cases.

Most cases were resolved informally, and within a month of the first report. This explains why so few reports were made to missing persons registries. For example, only 6.3% of the cases were reported to MUPS (Missing and Unidentified Persons). Again it should be noted that the CPLS is not a missing persons reporting unit. These data banks are generally only used for long-term intervention cases when all other local efforts at recovery have been exhausted.

The police had prepared a missing person's report from the incident and entered the child's name into NCIC in only about half of the cases. It is unclear whether the other half of the cases were not entered into NCIC because the left-behind parents knew the whereabouts of the child, or if the police simply did not enter the child as missing despite the mandate of the National Child Search Assistance Act to do so without delay.

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Most of the legal responses in the cases studied here were concentrated at the "front end" and without long-term involvement in the criminal court. It appears that simply the threat of criminal prosecution may have been enough to have the abductor return the child (in many cases the child was returned voluntarily), and that many cases were referred to family court for new custody orders rather than being pursued in criminal court. Both of the district attorney offices studied in this research stated that their policy was to try to solve the case without having to go to criminal court. Only 10% of the cases were prosecuted and very few ended in conviction. This is similar to the statewide statistics reported by Blomquist (1992), and to results in other studies.

The simultaneous regressions and the path analysis show which types of cases are likely to receive more severe criminal sanctions. Neither the gender nor the racial background of the abductor emerged as a significant predictor for the criminal justice system intervention. Thus, for these two variables, any perceptions of gross injustice by the police, the district attorney offices or the courts are not supported by these data. Male and female abductors were responded to in the same way by the legal system as were white and non-white abductors. These multivariate findings mirror the earlier bivariate correlations. Likewise, the abductor's arrest record did not significantly predict the degree of criminal sanctions. Hence, it appears that labeling a parent as a prior law violator did not predispose to more severe sanctions for the abduction.

Whereas marital status had shown a significant correlation with complaints filed and prosecutions pursued, it was not a significant predictor in the simultaneous regressions. It appears that the effect of the marital relationship between the parents disappears when the other variables are controlled. This is consistent with the finding that whether the abduction occurred before or after a custodial order was issued did not make a difference in the severity of the criminal justice system's response. Precustodial and postcustodial cases were treated with equal levels of criminal sanctions. However, if the abductor had obtained a new custody order, the case was less likely to be pursued. This may reflect the general confusion that such orders often create in spite of the legal framework intended to clarify which custody orders take precedence.

The only significant social background predictor for the criminal justice response was the occupational status of the left-behind parent. With higher occupational status, the more likely criminal sanctions were to be employed. It may be that high occupational status is an advantage for the left-behind parent in the sense that it causes the justice system to respond more seriously. Perhaps these parents are more aggressive and knowledgeable in making the system respond. However, the fact that low occupational status cases were pursued less vigorously by the criminal justice system could also mean that the police and the district attorneys were reluctant to be too punitive in cases where poorer and less well-informed parents may not have fully understood the legal ramifications of their actions.

## Prevention of Family Abduction

Allegations of abuse from the left-behind parent and failure to return the child voluntarily were both significant predictors for more severe criminal sanctions. Allegations of abuse from the abductor, if properly reported and substantiated, would activate the “good cause” defense and cause the case to be dropped from the criminal justice system. When the left-behind parent charged that the abductor had been abusive (and most of such left-behind parents were women), the justice system was more likely to pursue the matter, using more severe coercive measures.

We also measured whether all of these factors could predict the effectiveness of the criminal justice intervention in recovering the child. Although gender did not predict the seriousness of the criminal justice system response, it did predict the time it took to recover the child. When the abductor was the mother, the child was gone for a longer period of time. This may reflect the ability of mothers to more easily “get away” with an abduction due to society's tendency to believe that children belong with their mothers. It might be easier for a mother to hide a child, and to take actions such as enrolling a child in a new school. It could also reflect the fact that more mothers took their children due to abuse by the left-behind parent, and that more issues needed to be resolved before the mother was willing to return the child, if the child was returned at all. These interpretations are supported by the finding that the family court tended to grant custody to the mothers, regardless of their role in the abduction.

High occupational status (which in most cases was correspondingly high for the abductor) was also a disadvantage for the left-behind parent in that it meant that the child was gone for a longer period of time, probably due to the more ample resources of the abductor parent. Males were also more likely to take their children forcefully, and children who were taken in this manner were recovered more quickly. Not surprisingly, the voluntary return of the child was the best predictor for a fast recovery of the child.

Most important of all, however, was the fact that serious involvement by the justice system, as reflected by its willingness to apply criminal sanctions, was a significant predictor for a more speedy recovery of the child. Thus, as measured by this variable, the intervention of the criminal justice system was very effective in bringing the child back. This should be welcome data for the district attorneys offices and the other justice agencies involved. One of the objectives of the larger study was to identify ineffective legal responses which may add to the risk of parental abductions. While this documentary study does not directly address this issue, the multivariate analysis does provide some information. The less serious the district attorney intervention, the longer the children were gone before recovery, and the greater the risk of continued abductions. Female abductors, failure to return the child voluntarily, and non-forceful abductions also resulted in a slower recovery. However, the criminal justice system was very effective in getting most children returned during the investigative phase, and effective in getting the children back when it had to resort to more severe criminal sanctions.



## Prevention of Family Abduction

Judging from the records, many of the family members did not know that parental abductions prior to custody orders were illegal, and many used a network of family and friends to assist them rather than turning to the legal system for help. This was especially true for poor families where the parents had never been married and custody of the child had never been legally determined. At the very least, it is important that this group receives education on the law of parental abduction and the importance of a custody order. For these families, the legal intervention up to the point of the abduction may have been inadequate. These families may not have received the legal attention needed prior to the abduction itself, even when there had been threats of abductions. Parents could not afford to have representation to resolve the custody and visitation issues.

Our data indicate very little juvenile court involvement in these cases. Parents without custody orders who were concerned about child abuse may have tried to get the attention of the Child Protective Services prior to the abduction, without much success. The Child Protective Services and the juvenile court may not have had enough resources to assist these families. Or, the families may always have existed outside the "normal" legal framework, and may never have been referred to CPS when they should have been, either by neighbors, teachers or family members. Only through the mandated involvement of the district attorney offices did these families finally get legal assistance in solving their legal problems. Without the intervention by the criminal justice system, the children might never have been recovered. In states where precustodial abductions are not illegal, little effort may be expended in looking for children of poor families, especially poor minority families. Our data suggest that there is a large percentage of children taken from never-married, poor families, with a host of social problems. We should seriously consider how interventions can be structured to better meet the demands of these different population groups to decrease the risk of parental abductions.

The interpretation of these results is limited to some degree by its methodology, as any study is. The data represent the aggregate findings at one point in time (i.e., the time of the coding), and do not show how cases move through the legal system via a continuum of legal responses. A case that initially was included as an abduction case might later be dropped or reclassified due to a "good cause" report coming in after the initial report was taken. We also have limited information on what factors cause a particular case to move far into the legal system to prosecution and conviction, or be dropped at an early stage. Finally, all the data are dependent on the information contained in the files, and this varies from case to case. Future longitudinal and multivariate analysis should focus on how all of the background and family violence variables interact at different stages in the legal proceedings to influence the legal responses.

## Prevention of Family Abduction

### References

Blomquist, M.E. (1992). Prosecutors' Response to Parental Child Stealing: A State-Wide Study. Report to the California Attorney General of California. Sacramento, California: Department of Justice.

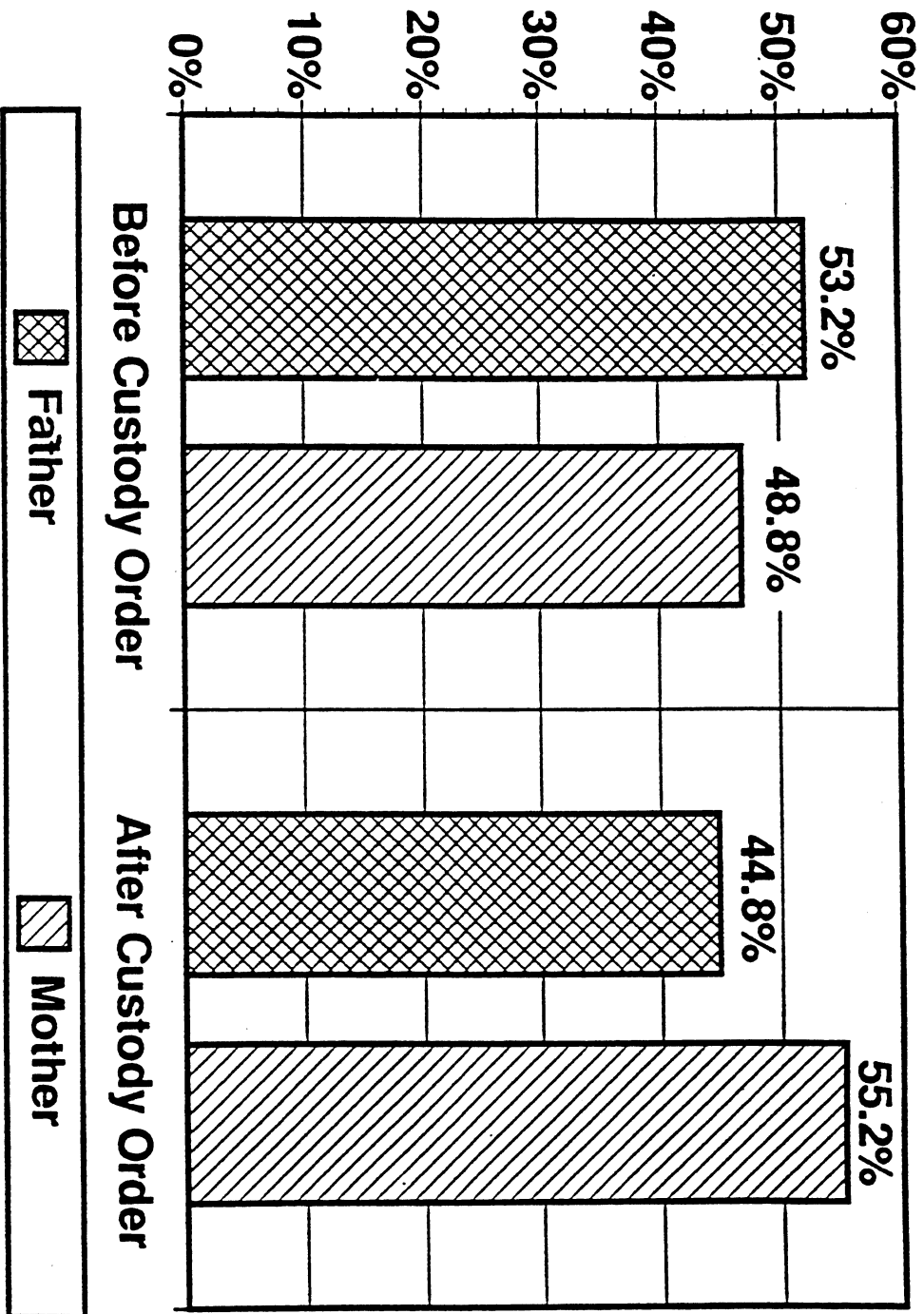
Finkelhor, D., Hotaling, G., and Sedlak, A. (1990). Missing, Abducted, Runaway, and Throwaway Children in America. Report from the National Incidence Studies. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.

Hatcher, C. and Brooks, L. (1993). Report on the Obstacles to Recovery and Return in Parental Abduction Project: Psychological Effects on Parents. In Girdner, L. and Hoff, P. (Eds). Obstacles to the Recovery and Return of Parentally Abducted Children: Final Report. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.

U.S. Bureau of the Census. (1990). U.S. Census. Washington, DC: U.S. Government Printing Office.

Figure 4

# Custody at Abduction by Gender of Abductor



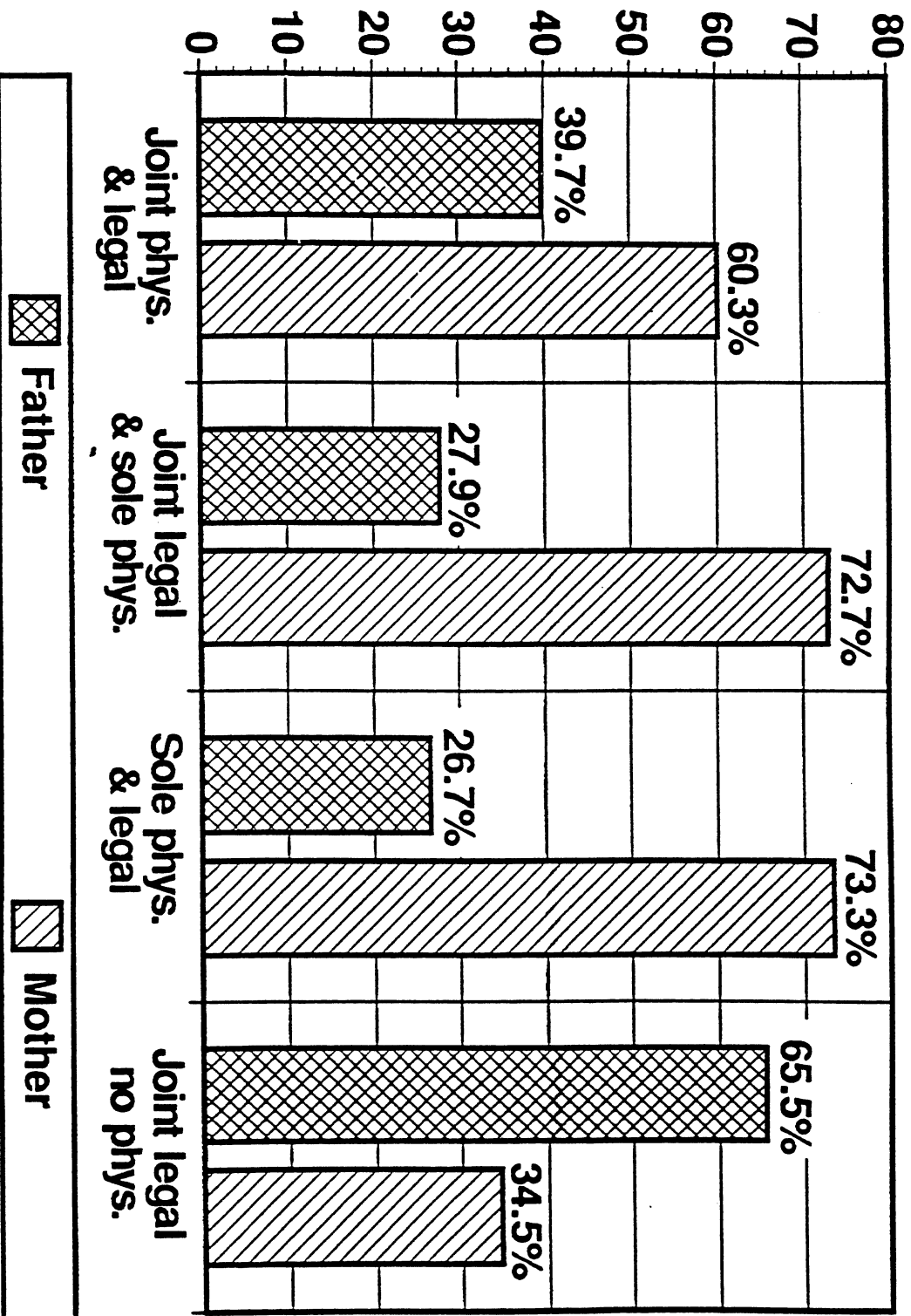
$\chi^2 = 3.88$

$p < .05$

$DF = 1$

# Types of Custody of the Abductor by Gender of the Abductor

Figure 5



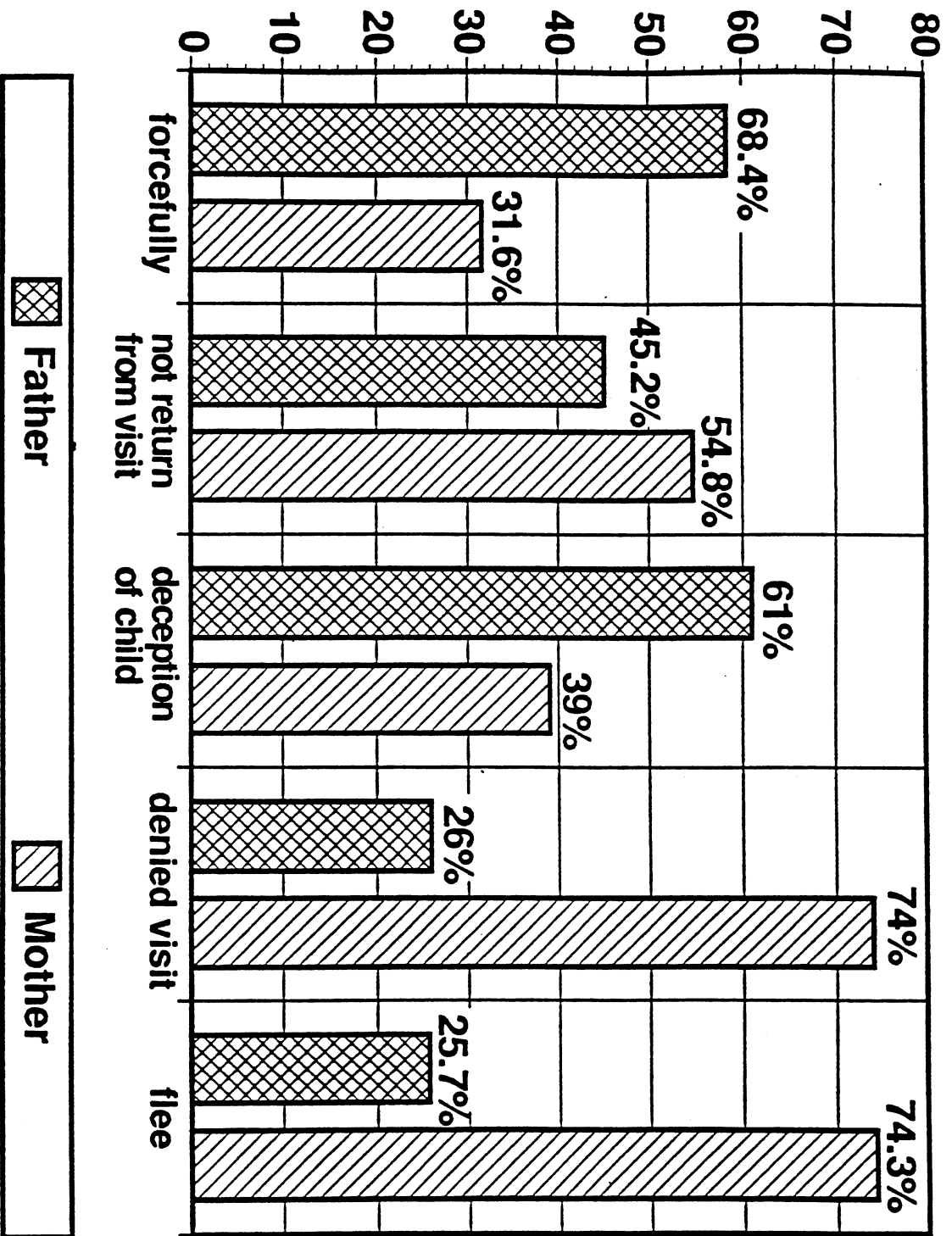
$X^2 = 20.6$

$p < .001$

DF = 4

# How Children were Taken by Gender of the Abductor

Figure 6



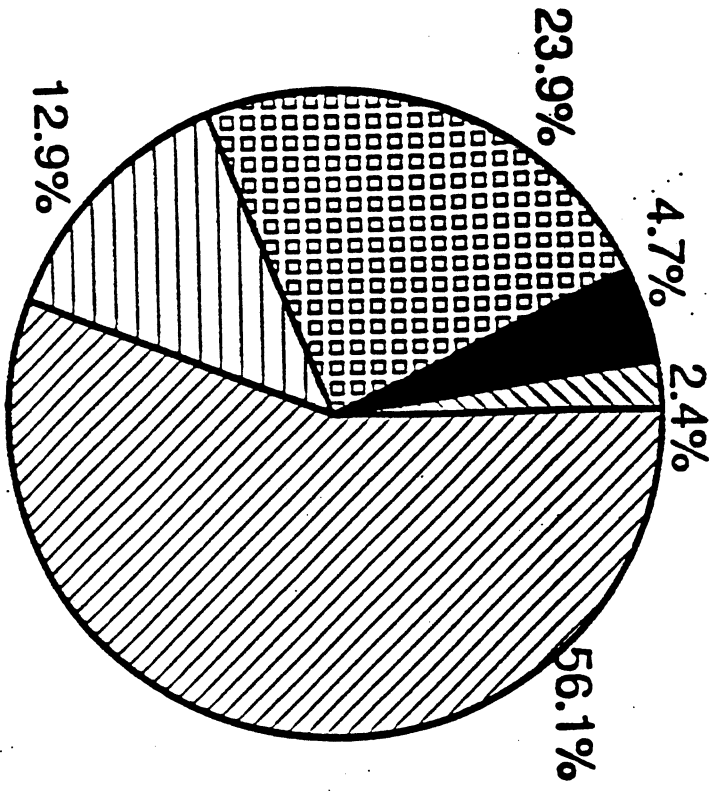
$X^2 = 75.03$

$p < .0001$

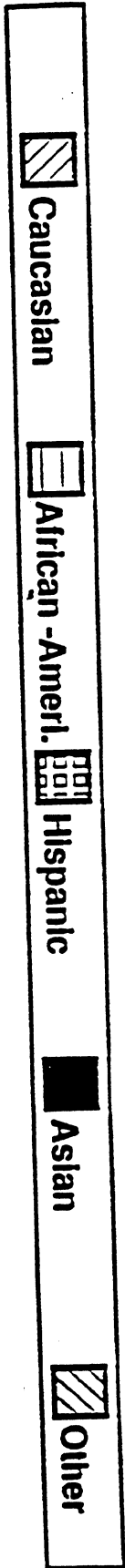
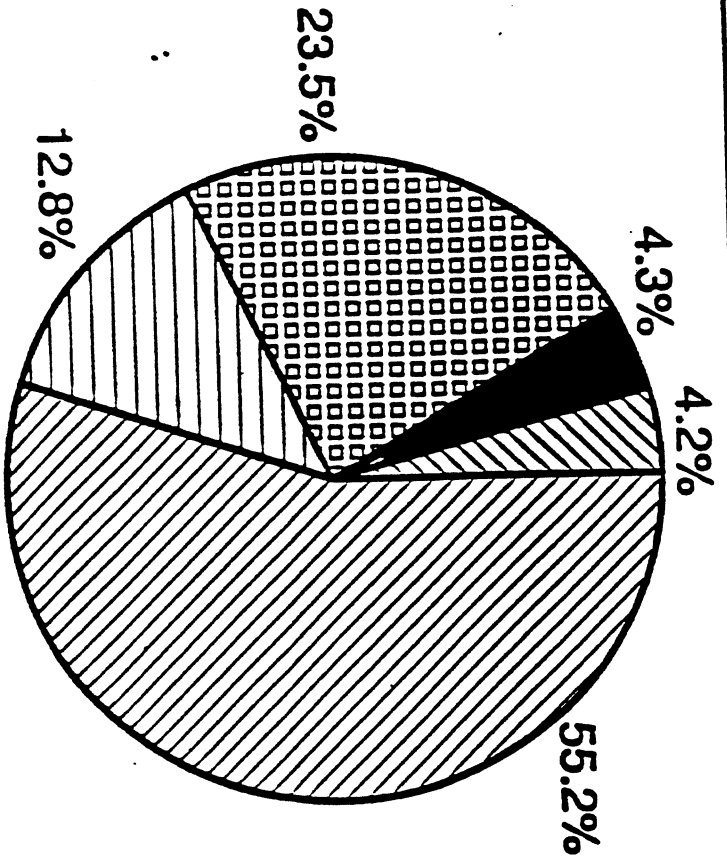
$DF = 4$

Figure 7

### Ethnicity of the Abductor



### Ethnicity of the Left Behind Parent



## Prevention of Family Abduction

### Endnotes

1. The author wishes to thank the District Attorney Offices of Alameda and Santa Clara County for permitting the collection of data. I especially want to thank the heads of the Parental Abduction Units in the two counties, Deputy District Attorney Bob Hutchins, Alameda County, and Deputy District Attorney Jan Heim, Santa Clara County, for their invaluable cooperation and advice. Recognition is also given to Lorraine Jenkins, who was the research assistant on this project, and to Alice Martin, Bethany Shifflet and Victor Leino for their assistance in the data analysis.
2. This research was not focused specifically on how records were created in the district attorney's office. A more detailed account of this topic is found in Blomquist, M.E. and Van Laar, V. (1995), Case Study: Prospective Case Study of Kern County District Attorney Child Abduction Unit. Paper presented at the Western Society of Criminology Conference, San Diego, California, February, 1995.
3. All files were coded by two research assistants who were graduate students in a Master's Program in Criminal Justice at San Jose State University, and who had had previous experience coding court documents and criminal records. The first data set in Santa Clara County was all coded by one research assistant, the two new data sets in Santa Clara and Alameda counties were coded by the second research assistant. All of the coding took place in the district attorney offices, and no files were ever taken away from the premises. The research assistants were provided with a print-out of the file numbers of the parental abduction cases in the years under study, and the cases were pulled from the file room for coding.
4. These items were primarily added to match information contained in Blomquist's (1992) statewide report. Further analysis of statewide data is provided by Blomquist in Chapter 3.
5. We did not distinguish between legally separated and informally separated in our data collection.
6. For example, poor people are more likely to be arrested than middle- or upper-income people; however, that does not imply that poor people actually commit more crimes.
7. Mexico became a party to the Hague Convention on the Civil Aspects of International Child Abduction on October 1, 1991.

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Figure 1

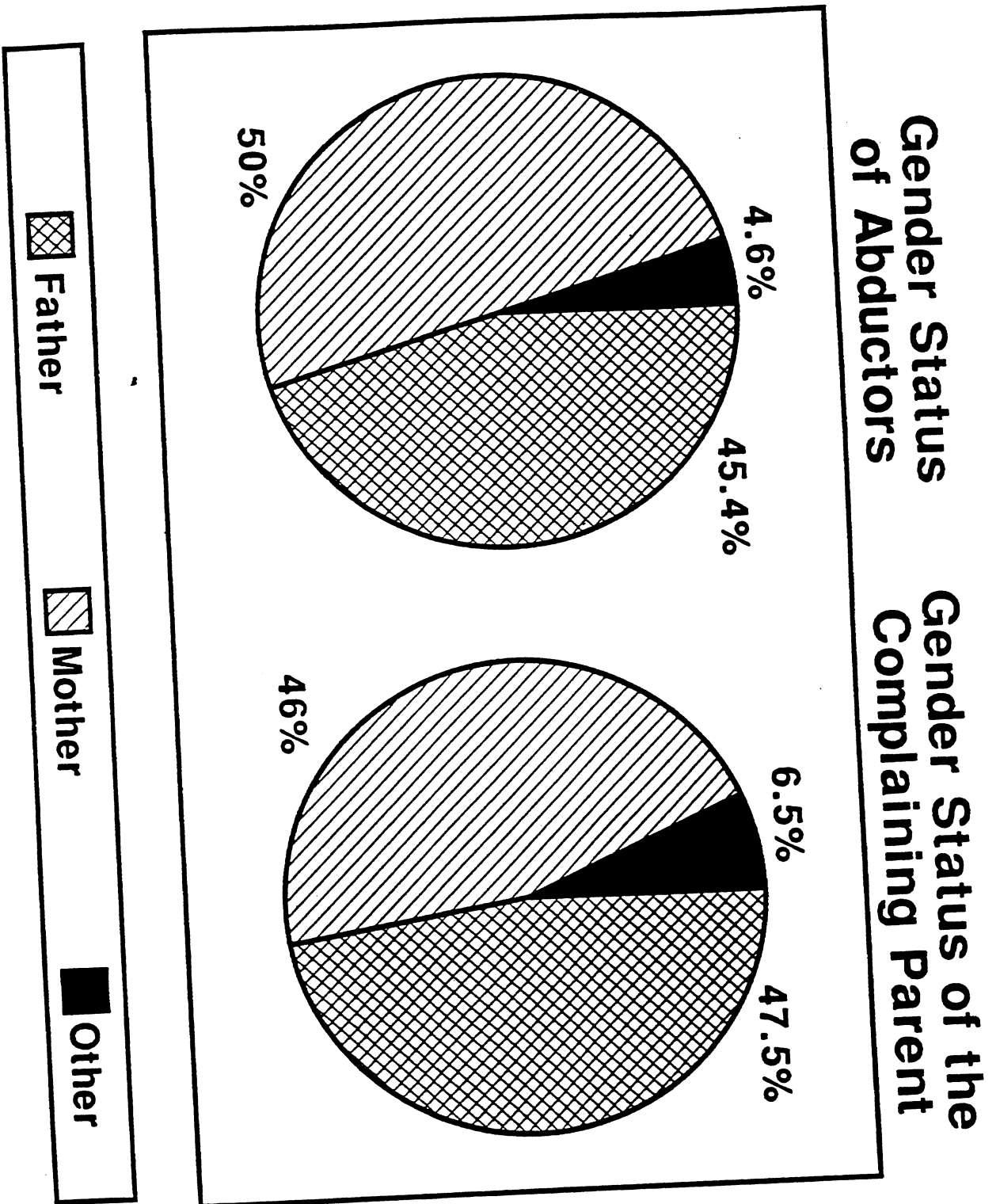
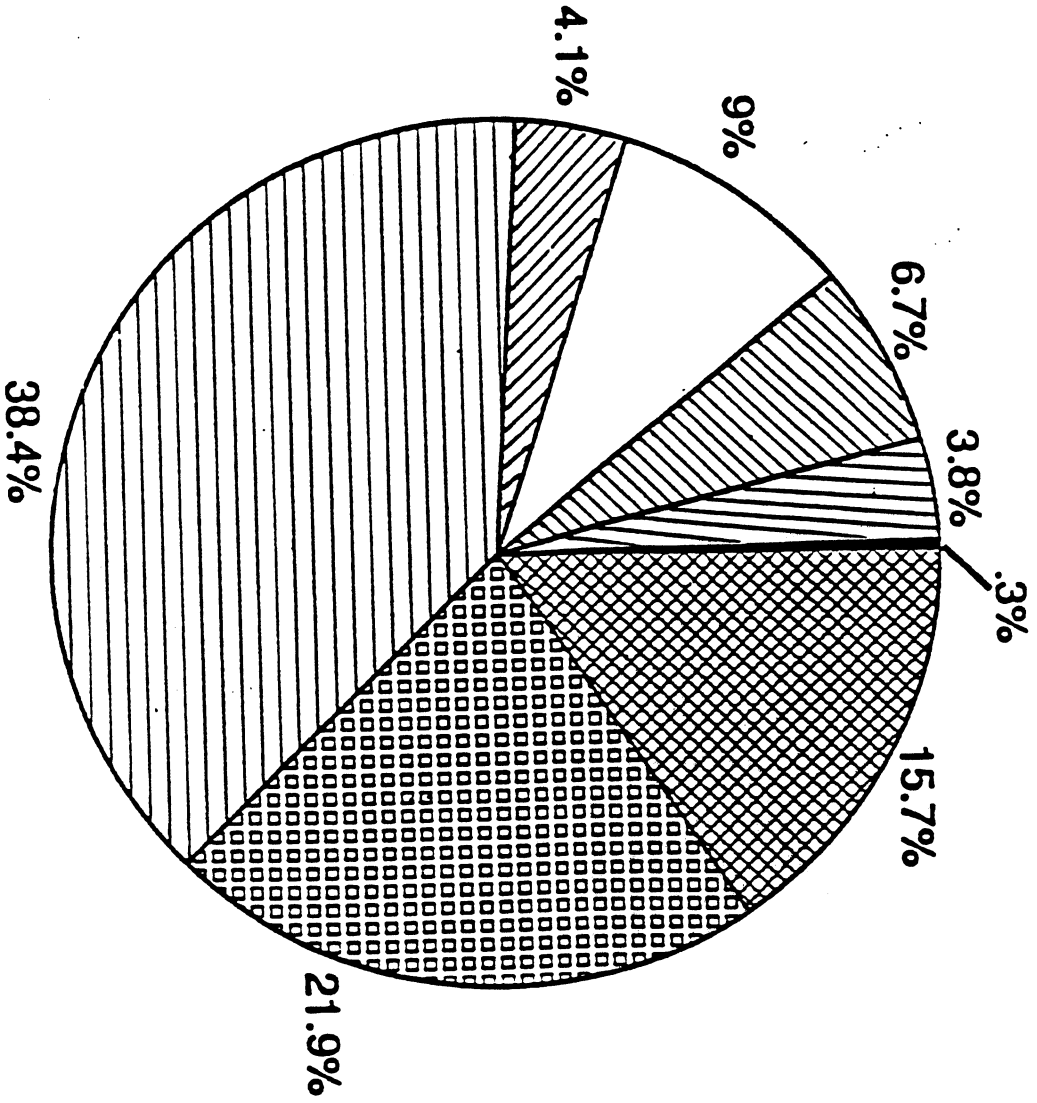










Figure 2

# Relationship between Abductor and Left-Behind



-  Married
-  Separated
-  Divorced
-  Live Together
-  Boyfriend/girlfriend
-  Prior live together
-  Never live together
-  Foster/Guardian

# When Child was Taken

Figure 3

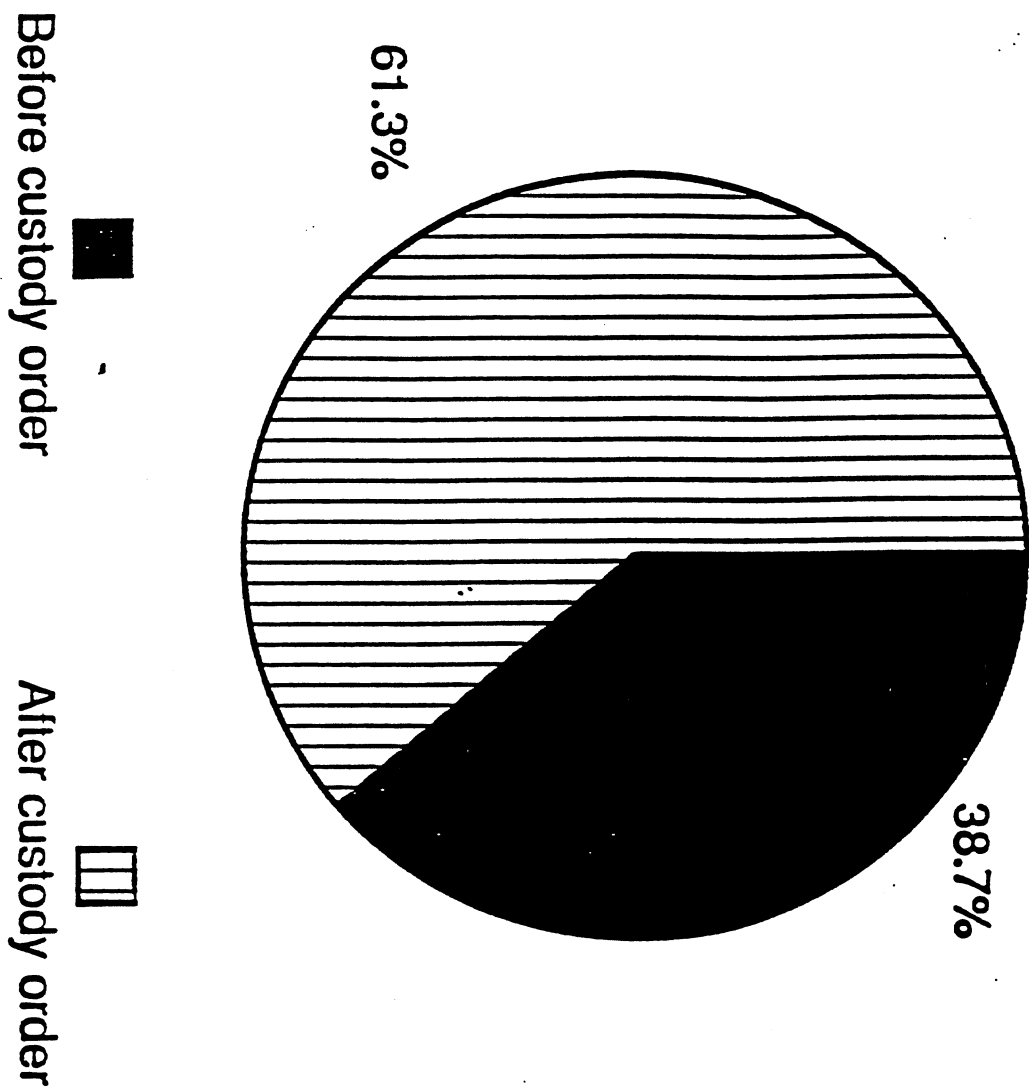
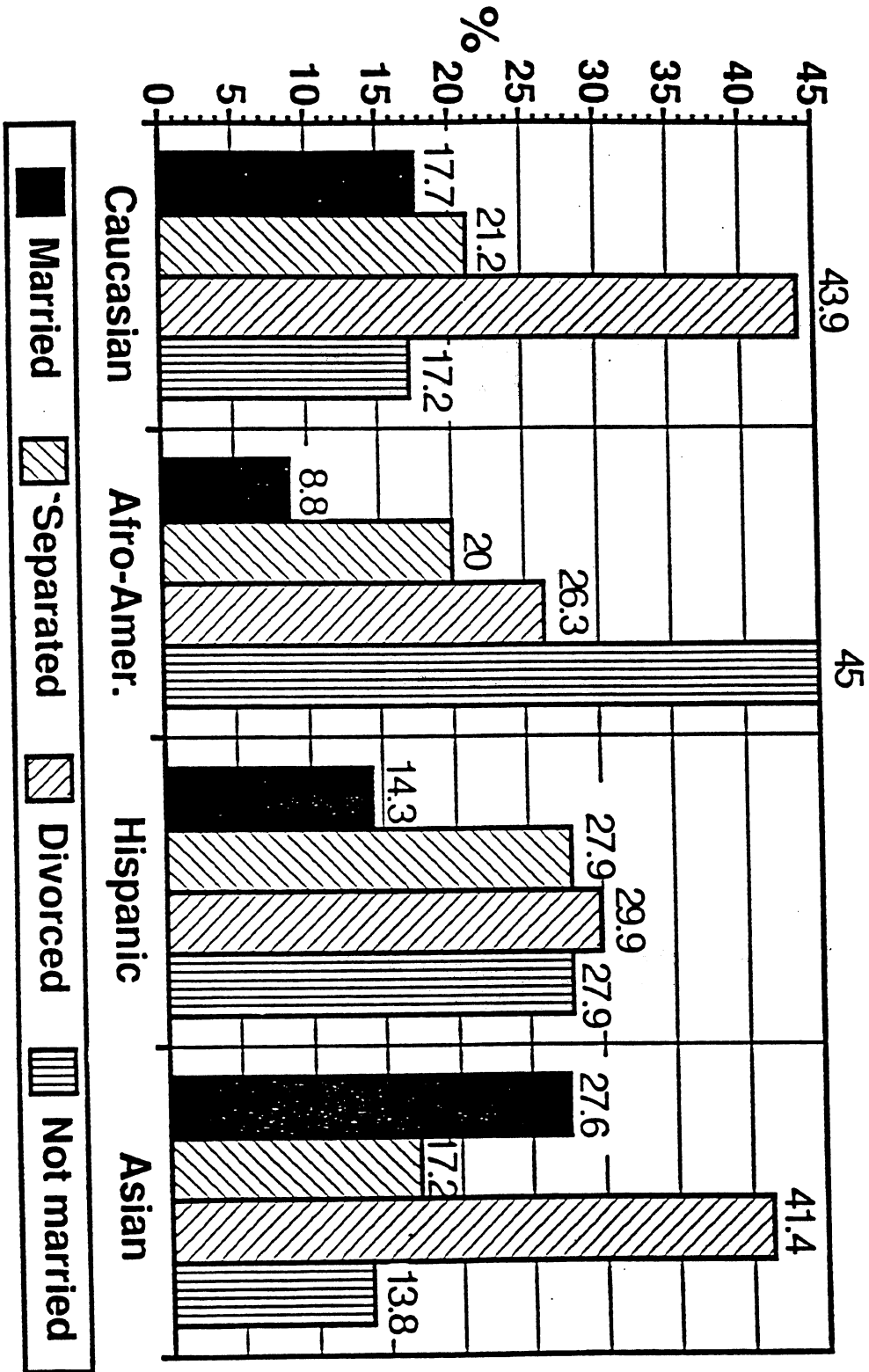


Figure 8

# Ethnicity of Abductor by Marital Relationship



$\chi^2 = 41.4601$

$p < .0001$

DF = 9

Figure 9

# Employment Status

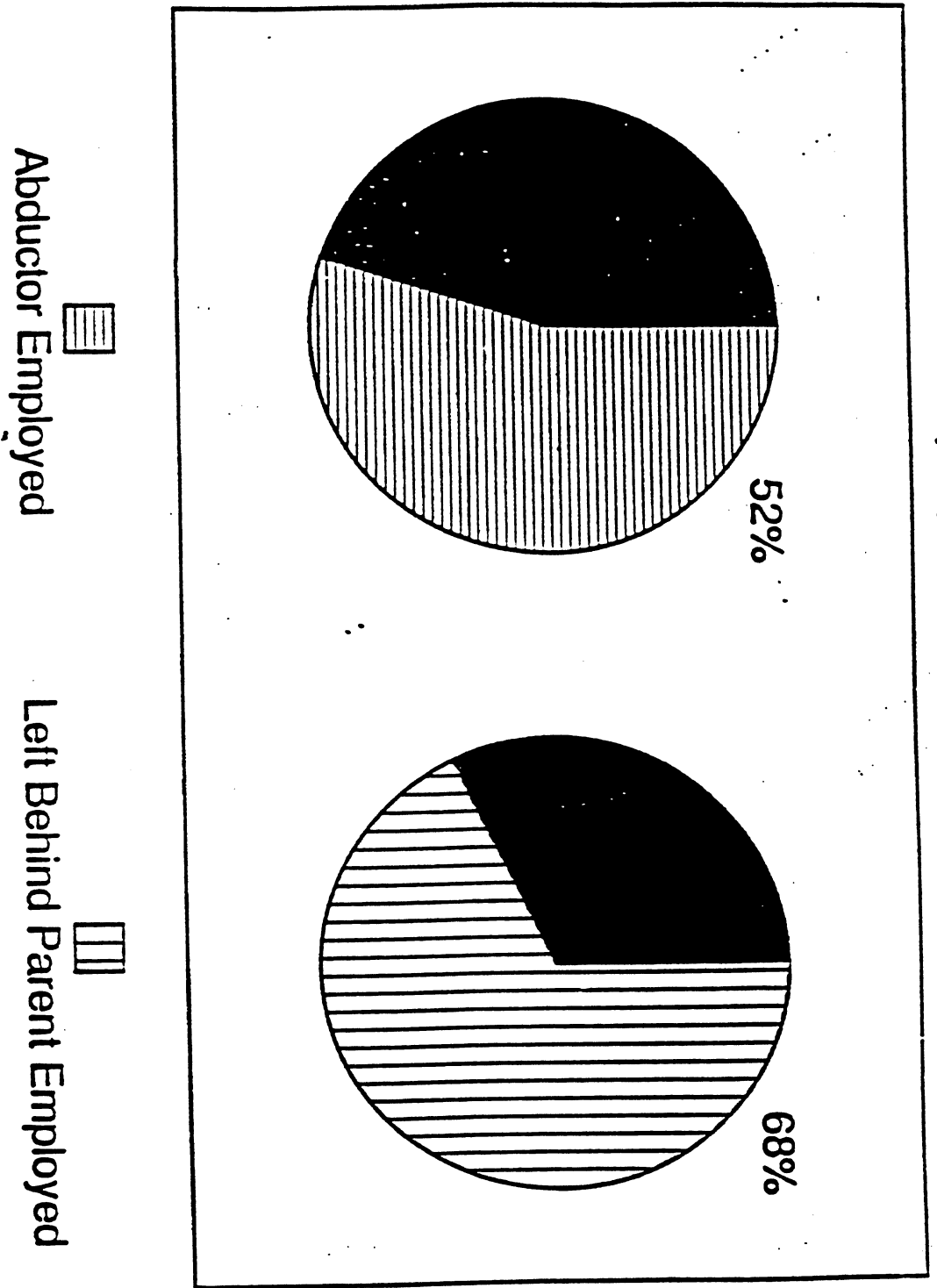




Figure 10

Occupation of  
the Abductor

Occupation of the Left  
Behind Parent

Unskilled



Skilled



Professional



Unknown/Unclear

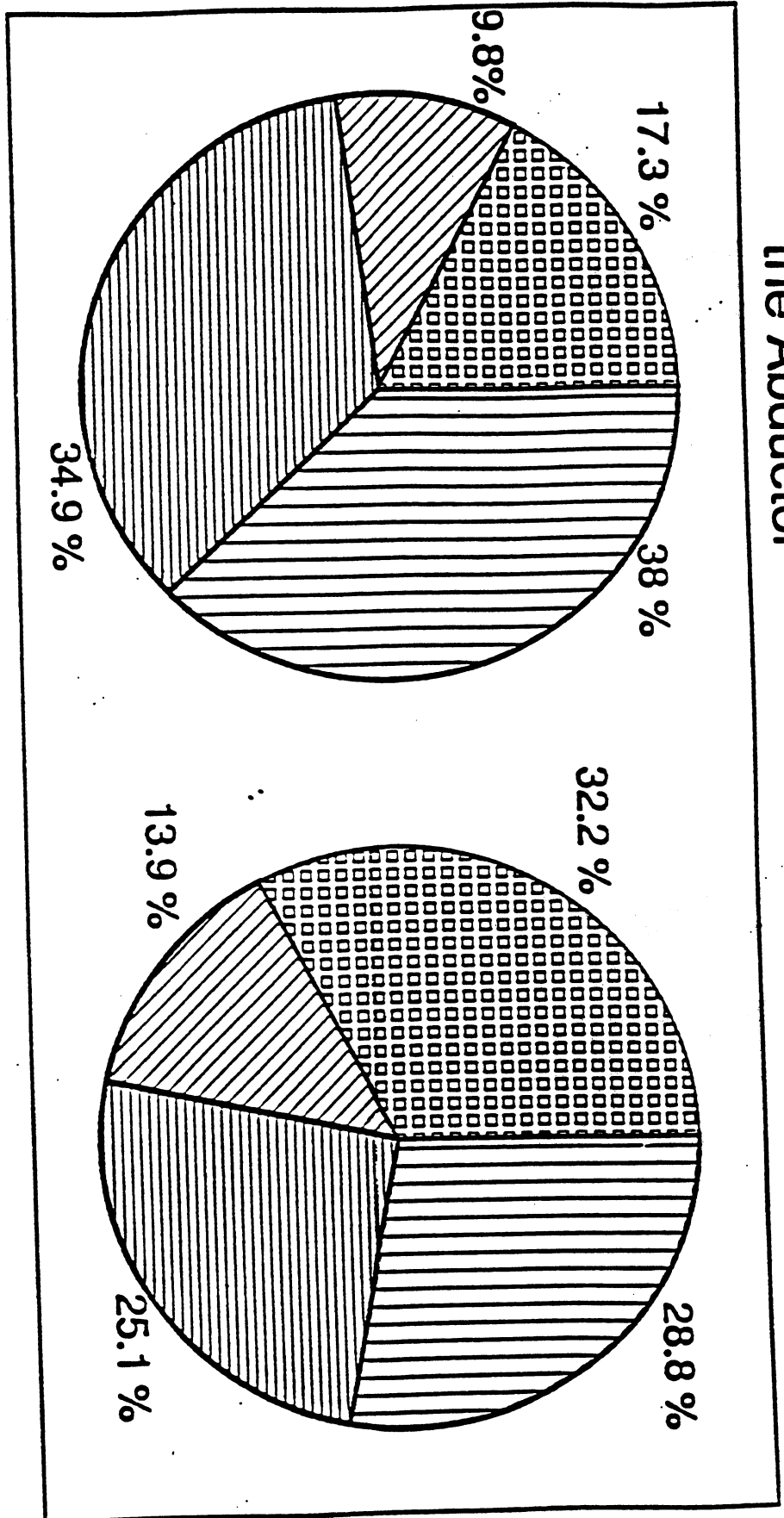
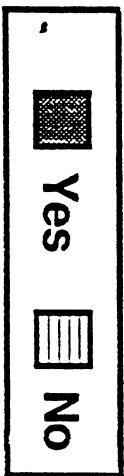
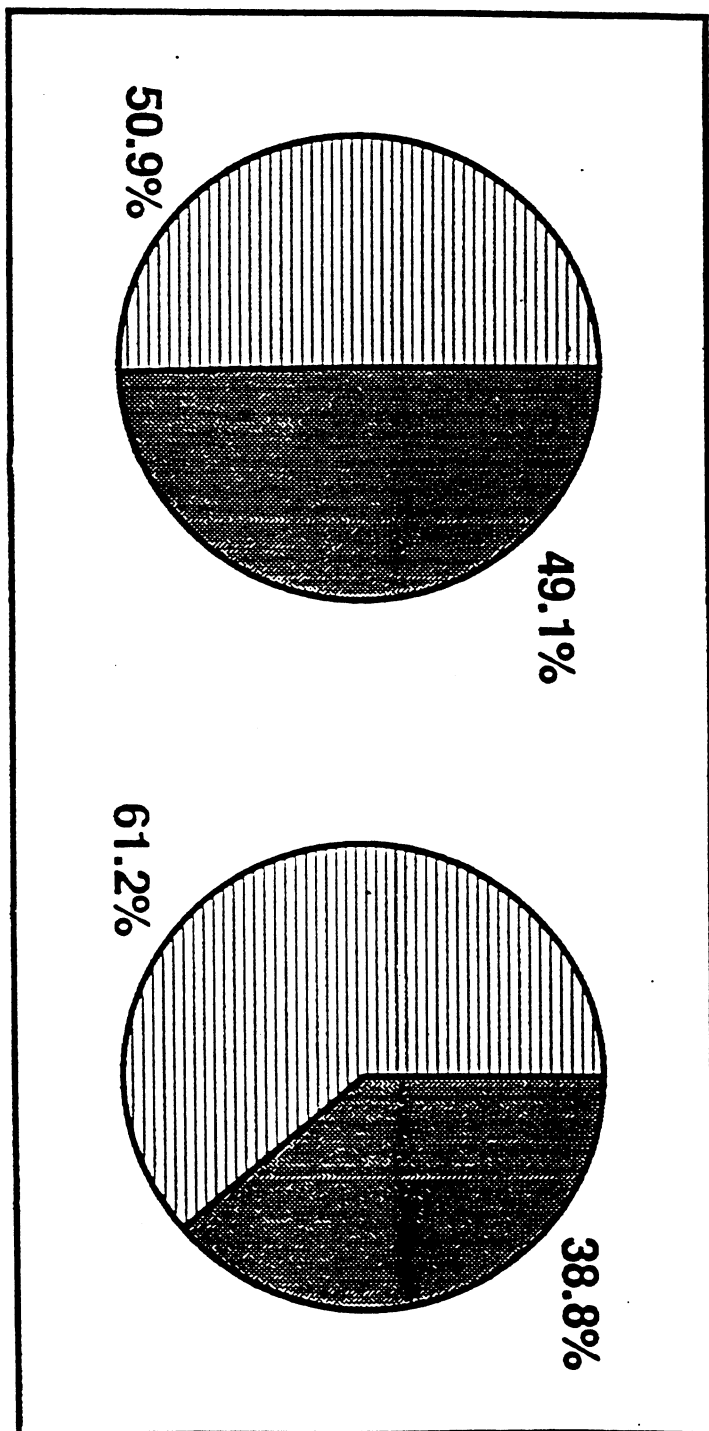


Figure 11

**Criminal Arrest Record of the Abductor**      **Criminal Arrest Record of the Left Behind Parent**



# Criminal Arrest Record of Abductor and Left-Behind Parent

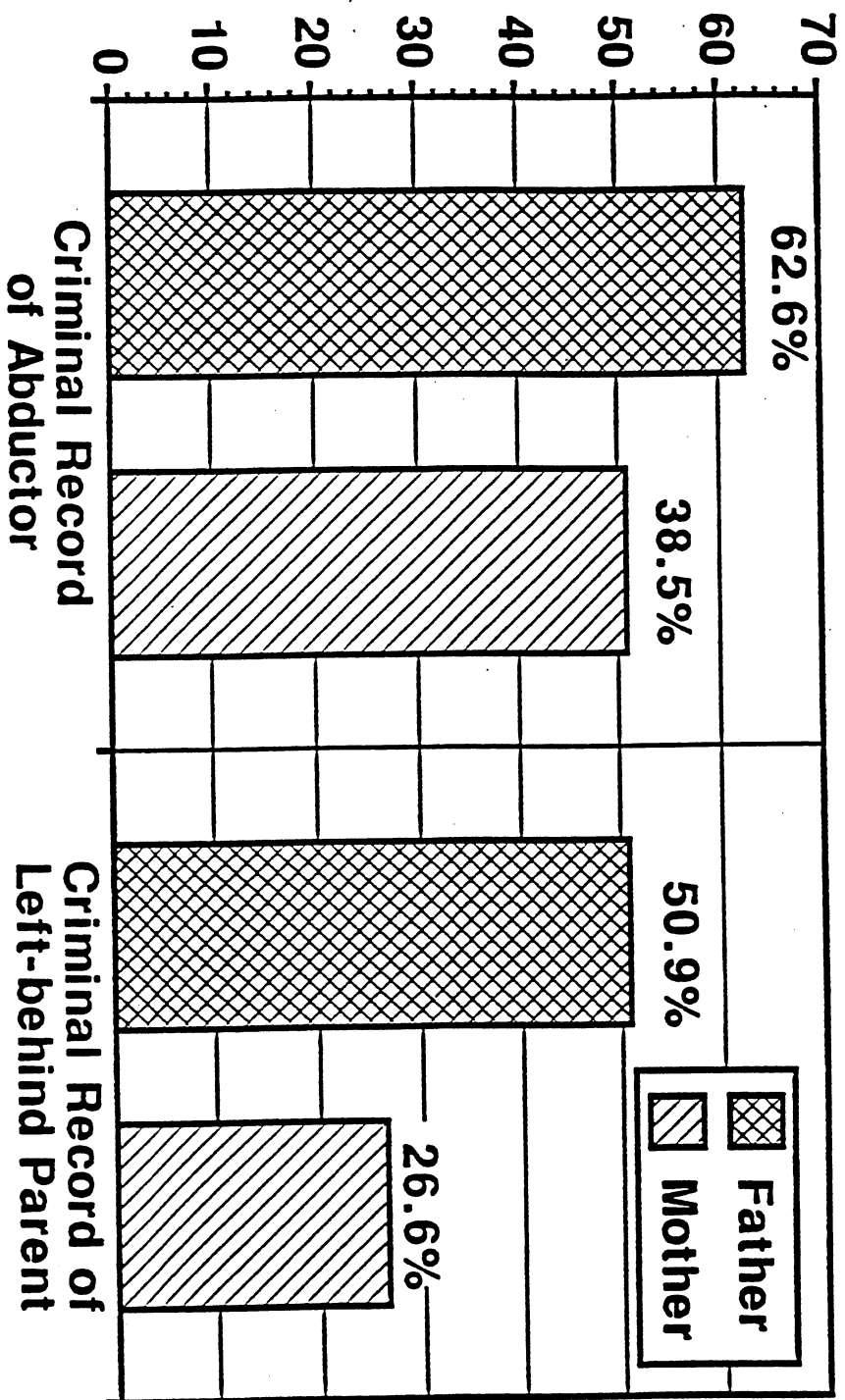


Figure 12

$X^2 = 28.43, p < .0001,$   
 $DF = 1$

$X^2 = 31.87, p < .0001,$   
 $DF = 1$

Figure 13

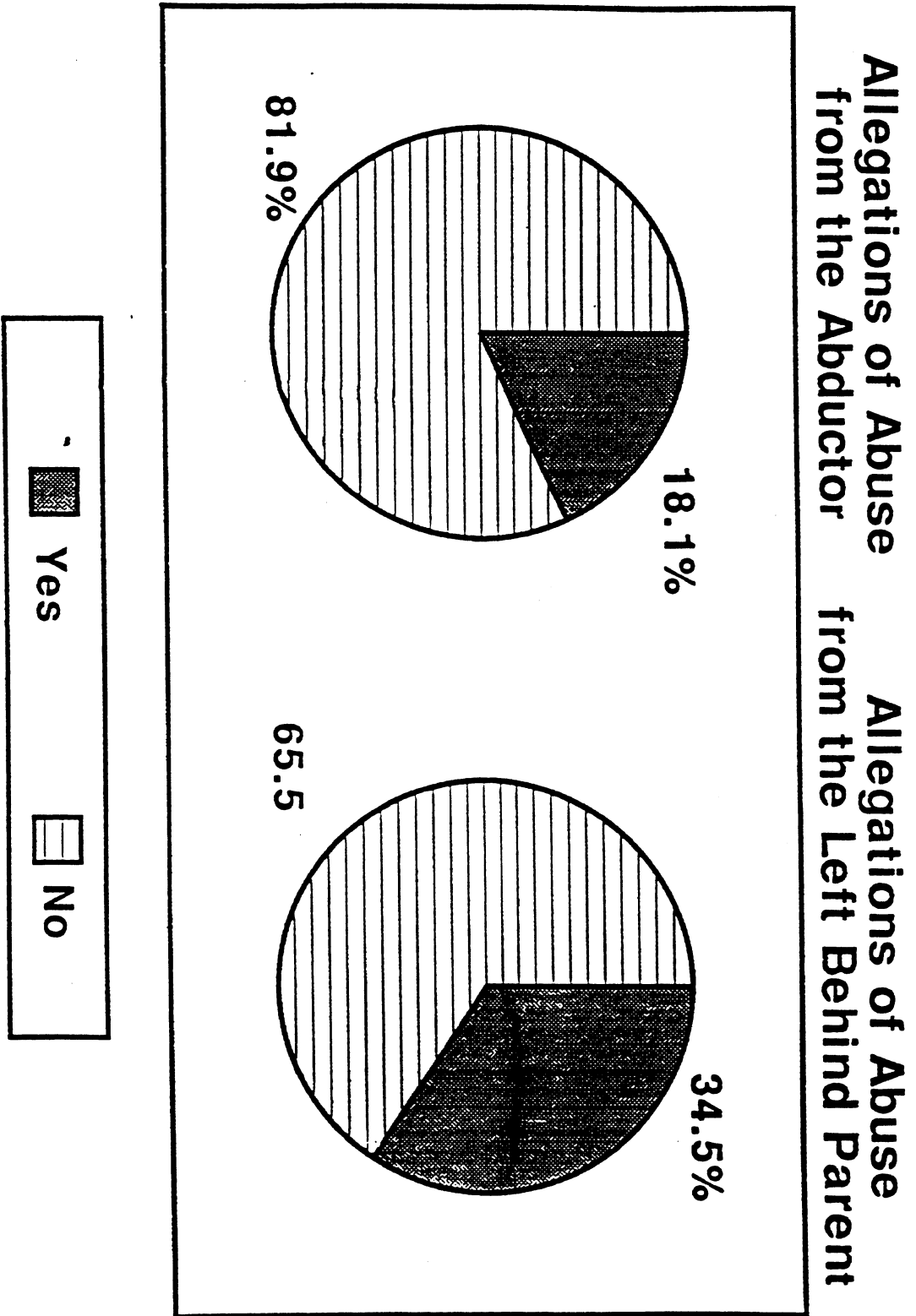


Figure 14

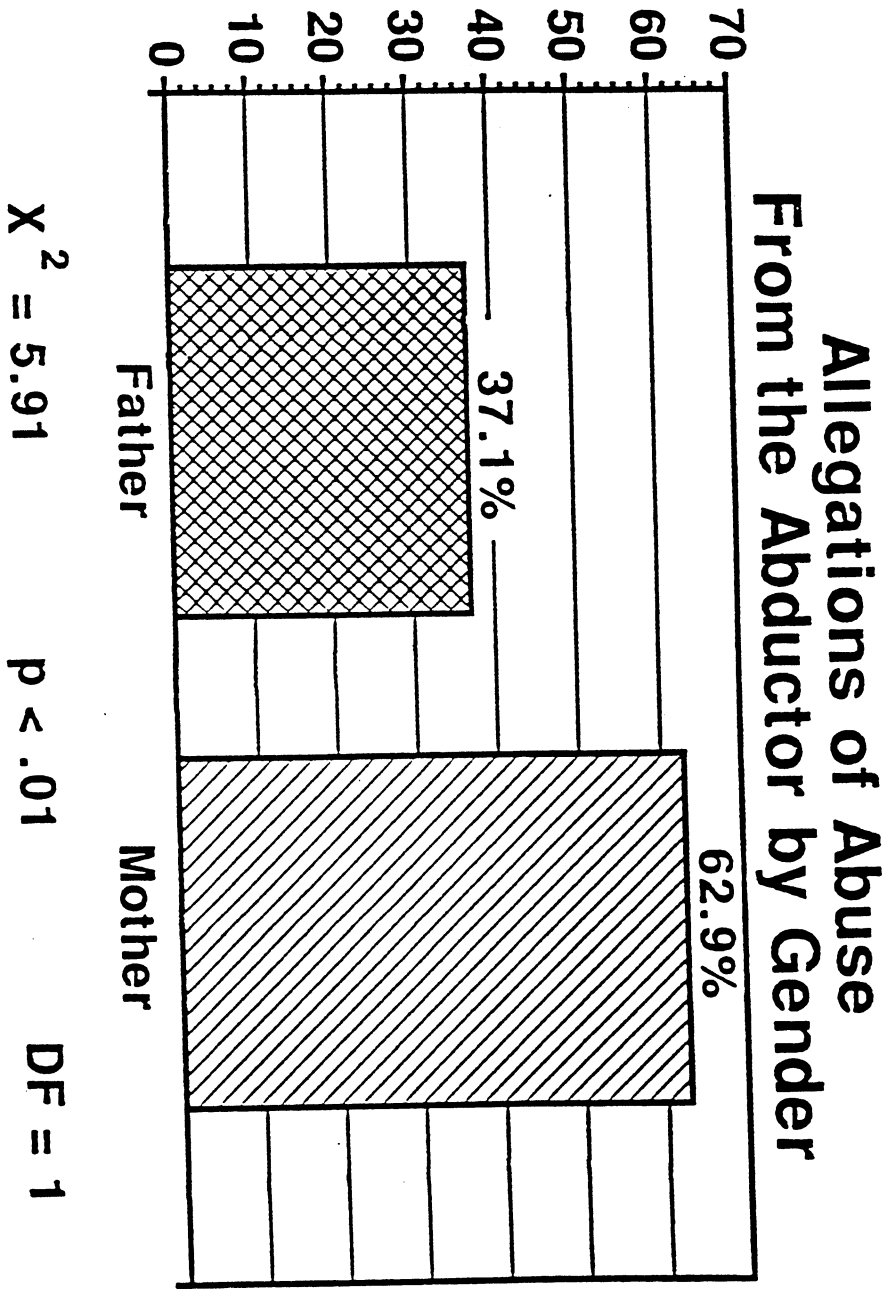
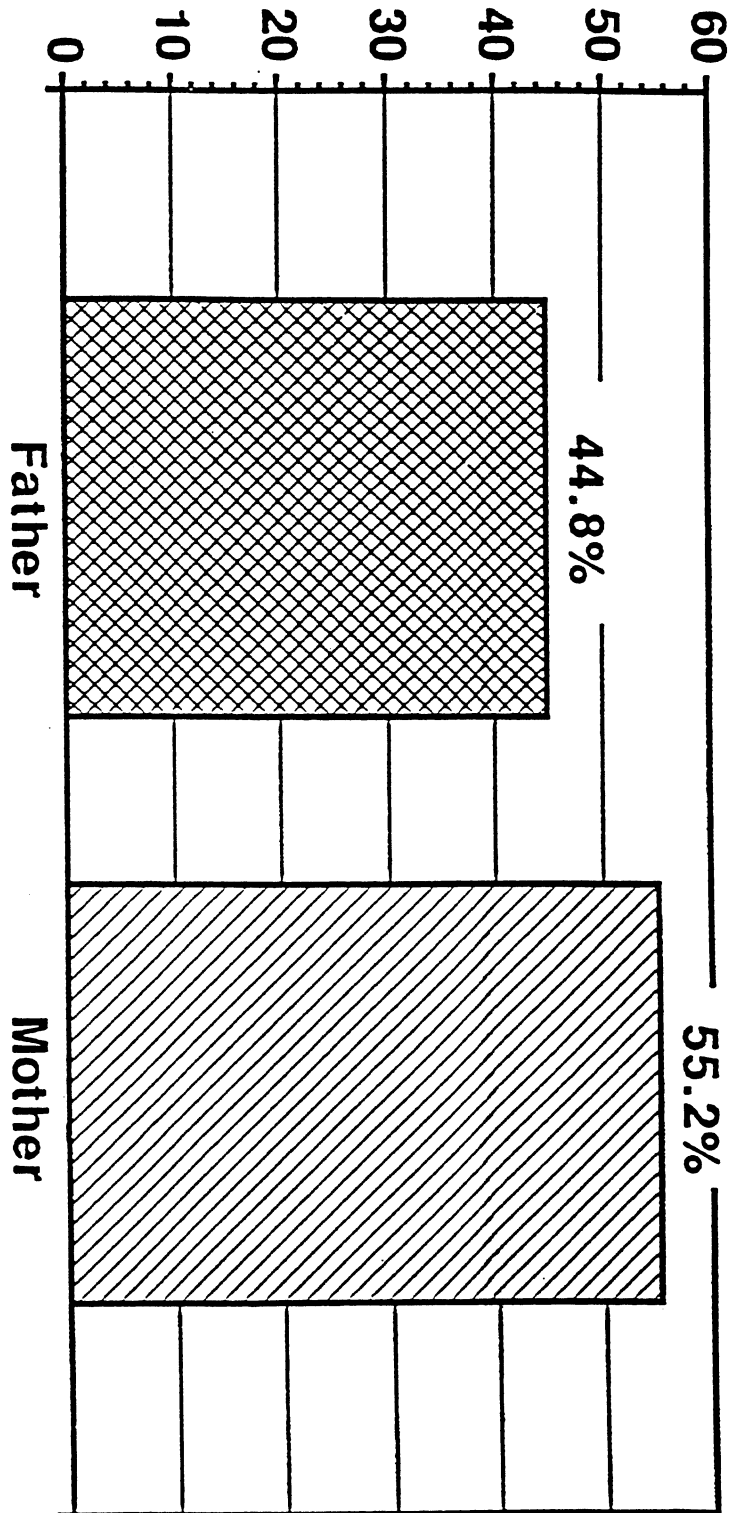


Figure 15

# Allegations of Abuse from the Left Behind Parent by Gender



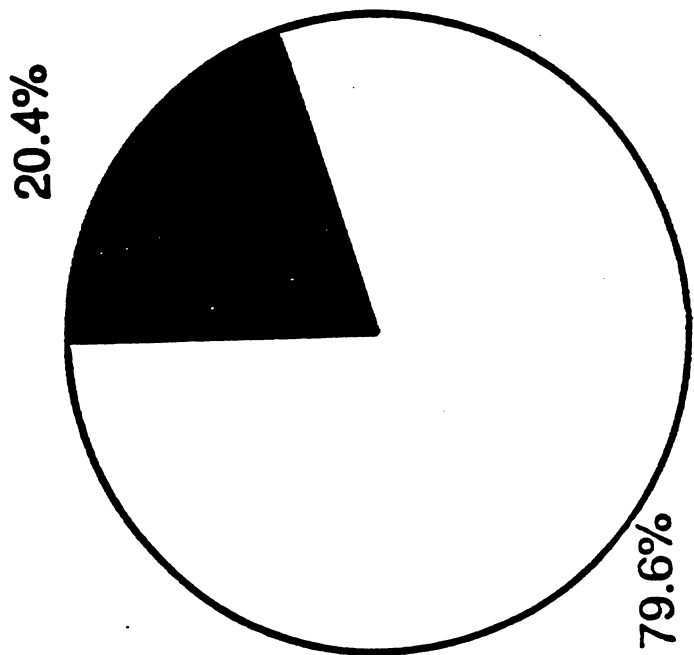
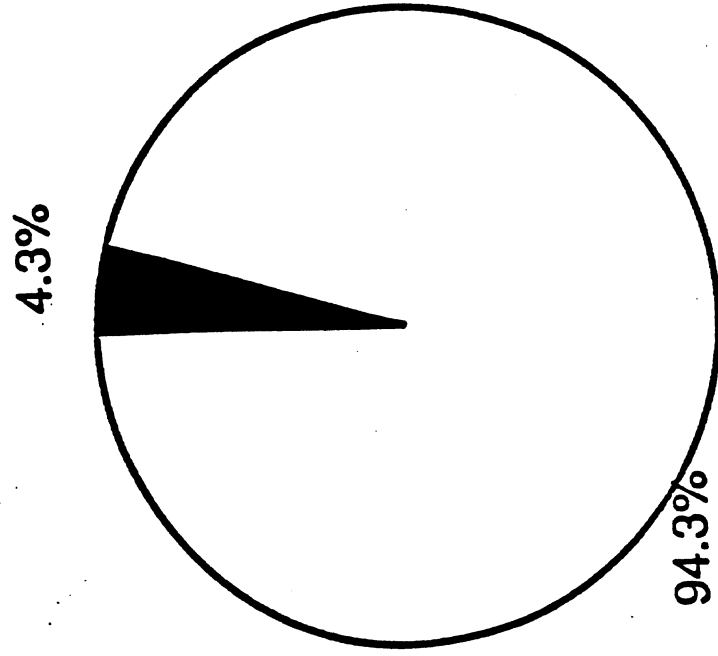
$\chi^2 = 7.28$

$p < .01$

$DF = 1$

# Dependency Action (Juvenile Court)

# CPS Involvement



YES

NO

New Custody Order  
for Abductor

New Custody Order  
for Left Behind Parent

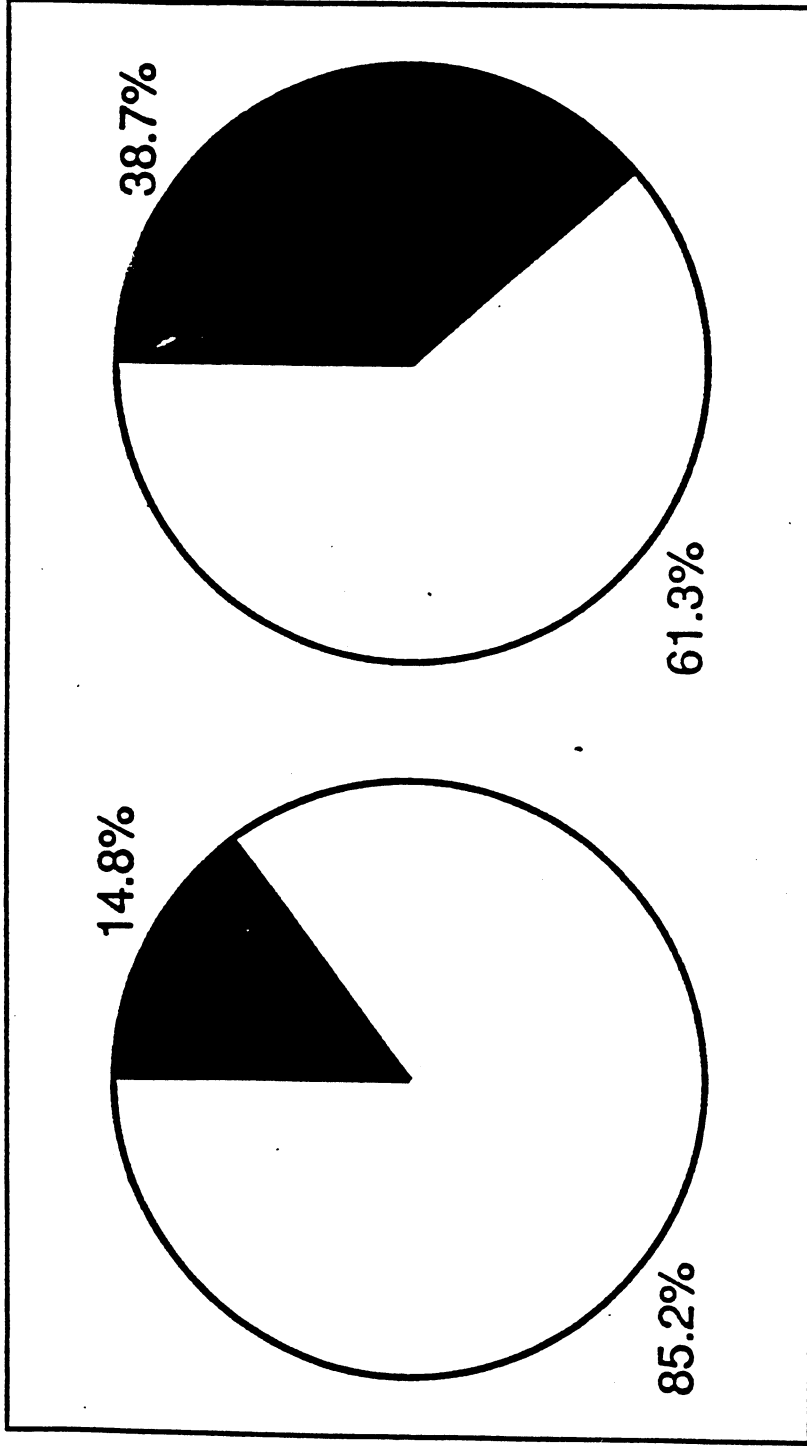


Figure 20



Figure 16

# Allegations of Abuse from the Abductor by Ethnicity

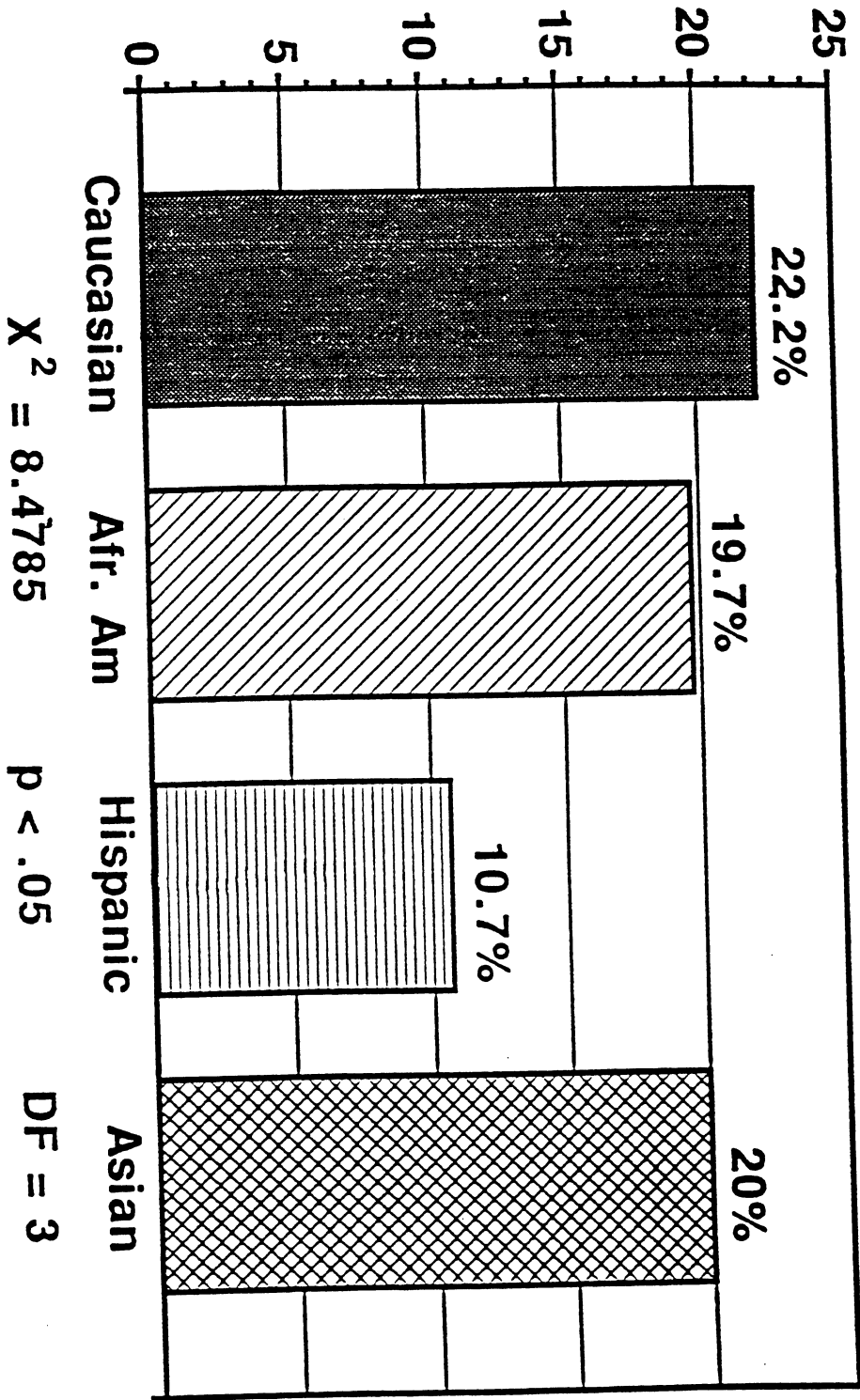
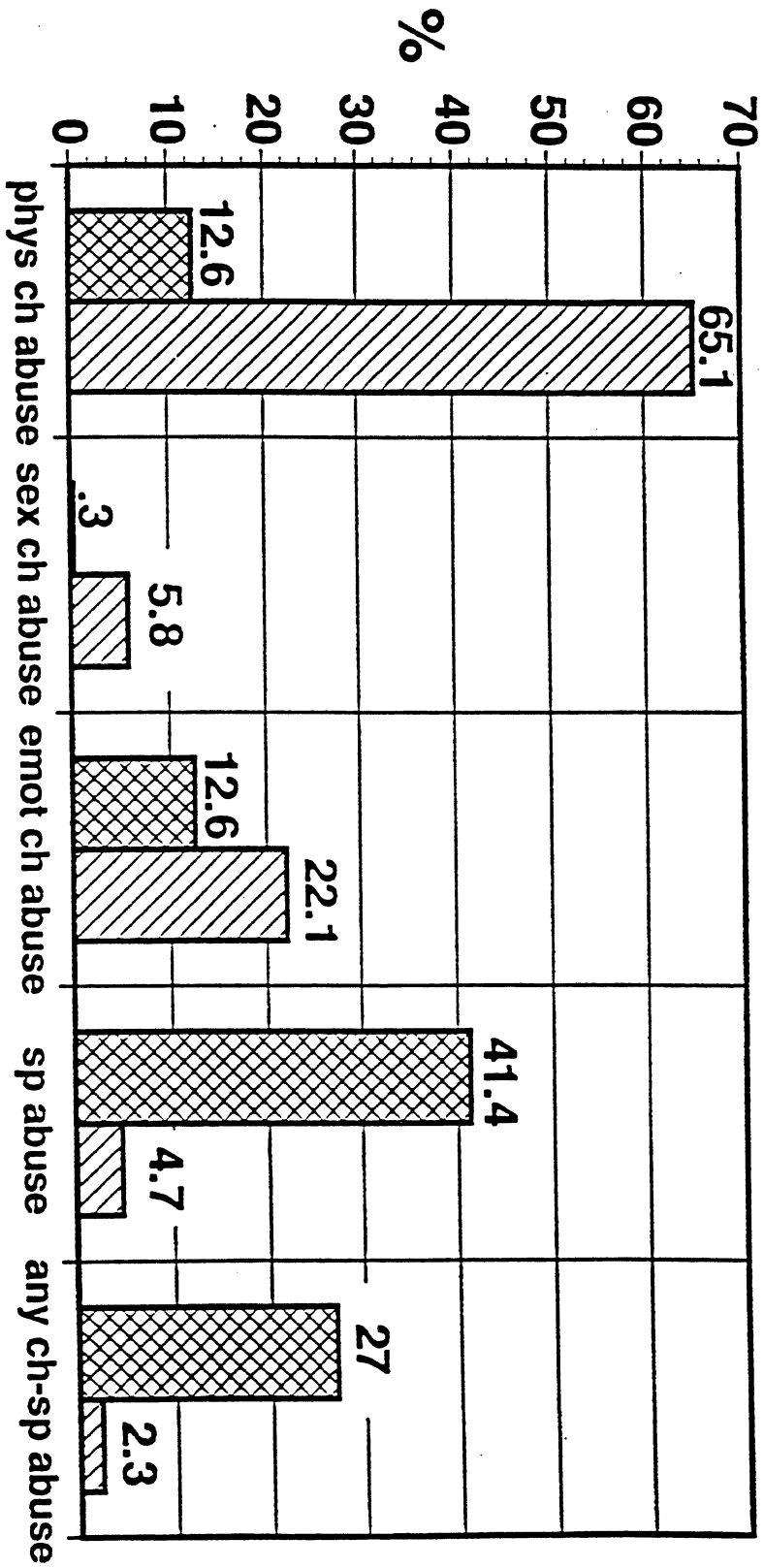


Figure 17

# Type of Abuse Allocations from the Left-Behind Parent by Gender of the Abductor



$\chi^2 = 84.2552$

$p < .001$

$DF = 4$

 Father

 Mother

Figure 18

# Type of Change

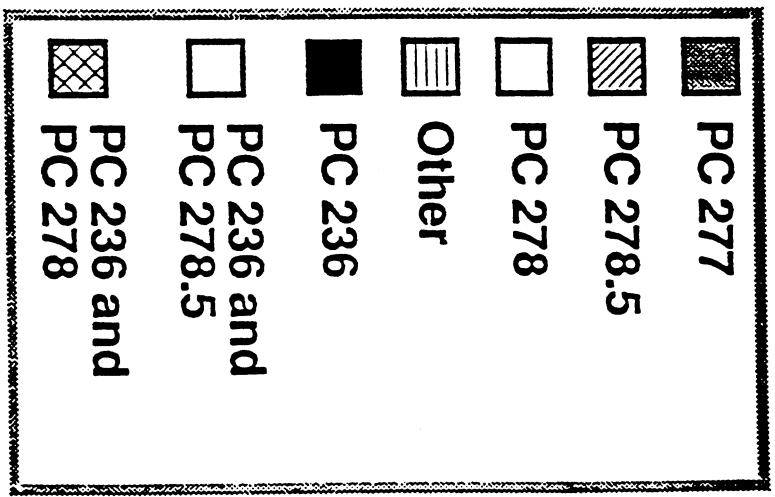
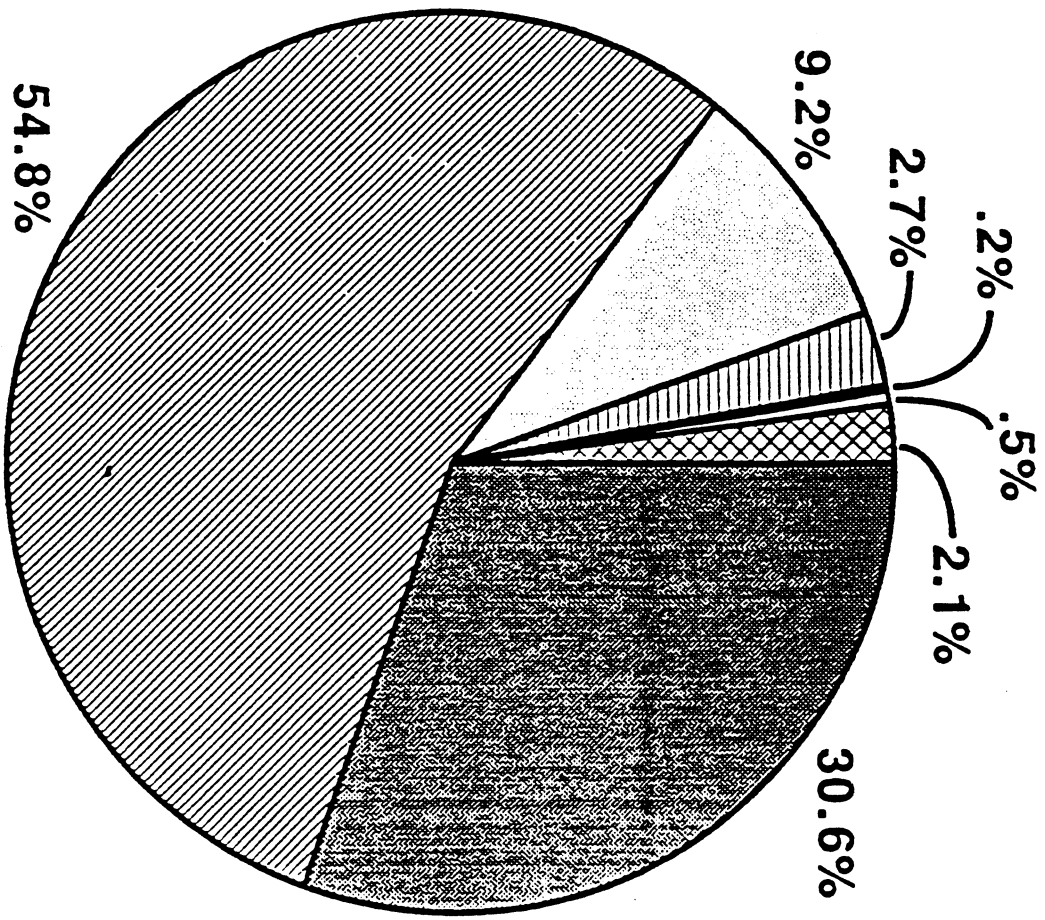


Figure 19

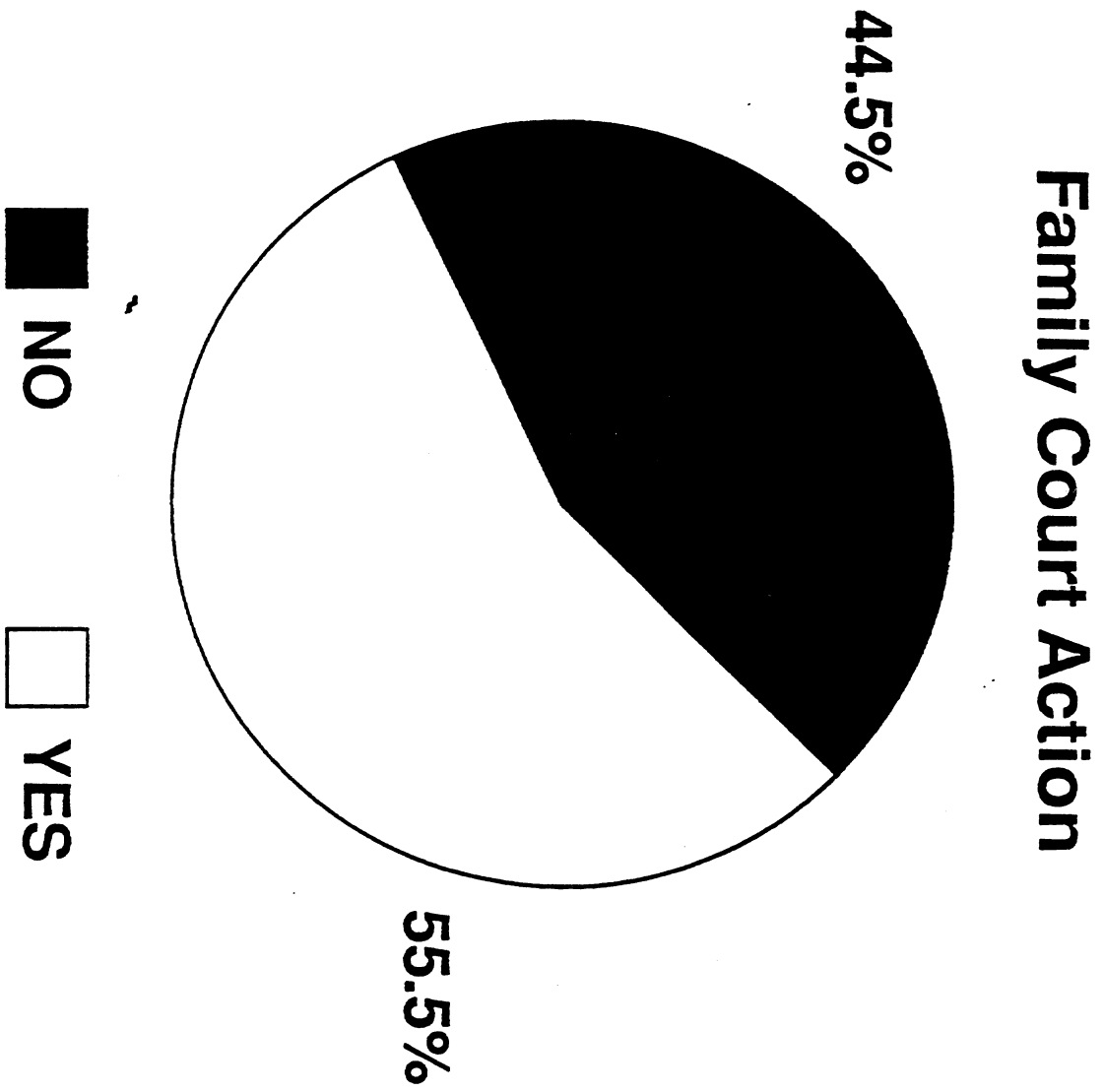


Figure 22

Hypothetical Path Model Predicting the Role of the Criminal Justice Response and the Time Taken for Return of the Child

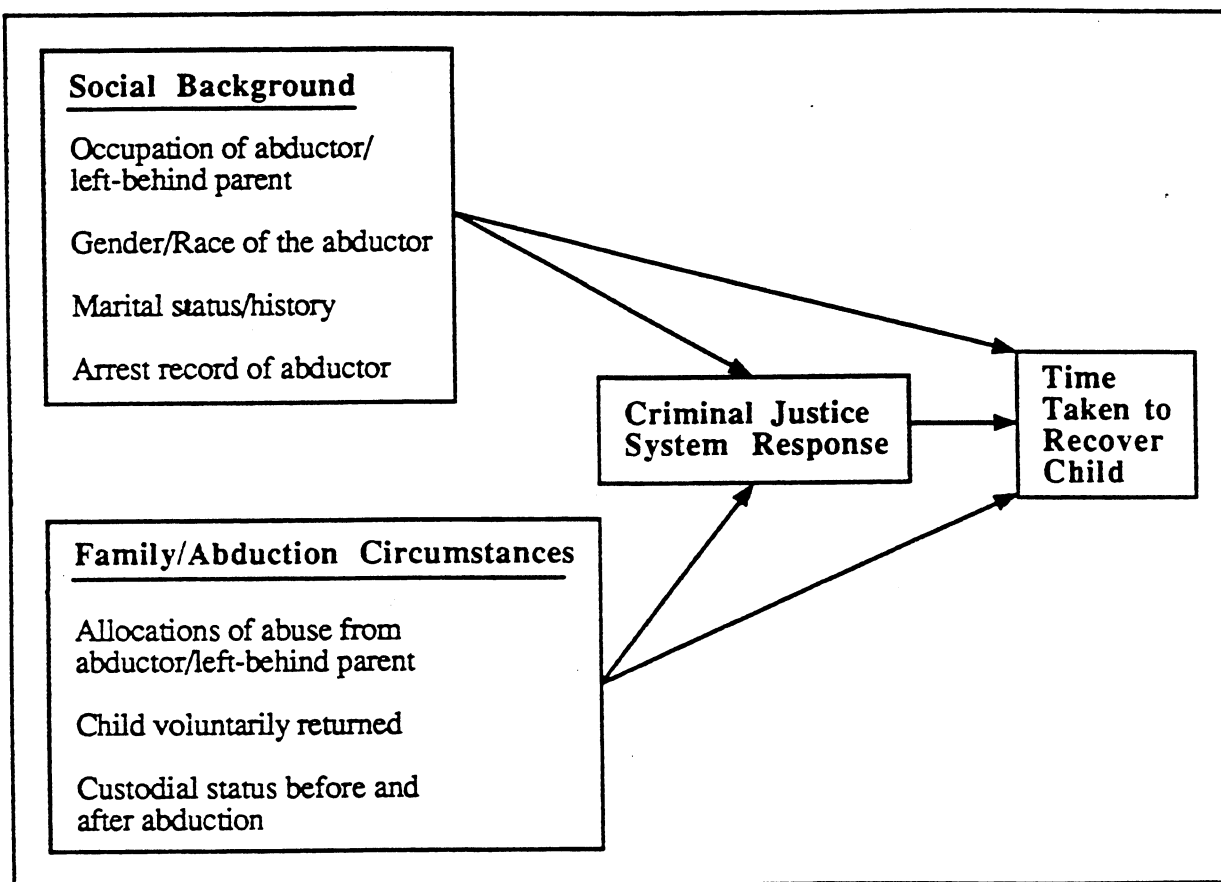
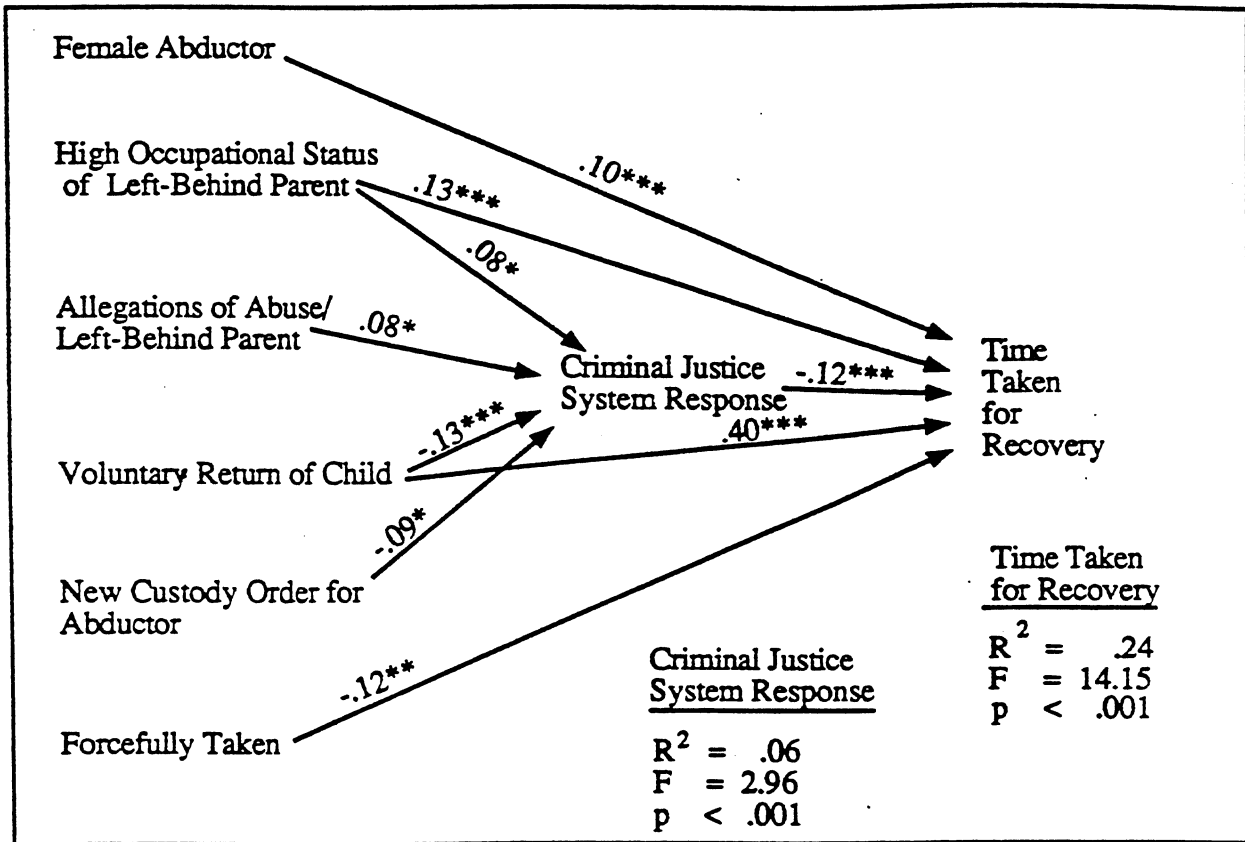


Figure 23

Path Analysis Diagram of Significant Predictors of Time Taken to Recover Child



Correlation Matrix Among Significant Independent Variables

|                 | <u>Gender</u> | <u>Occ./L.B.</u> | <u>All.Abuse/L.</u> | <u>Vol.Return</u> | <u>N.Custody</u> | <u>Taken</u> |
|-----------------|---------------|------------------|---------------------|-------------------|------------------|--------------|
| Gender          | ----          | .160***          | .108**              | .095**            | -.05             | .186***      |
| Occ./L.B.       |               | ----             | -.053               | .011              | -.014            | .100         |
| Alleg. Abuse/L. |               |                  | ----                | .033              | -.011***         | .232         |
| Vol. Return     |               |                  |                     | ----              | -.095**          | -.008        |
| New Custody     |               |                  |                     |                   | ----             | -.03         |
| Manner Taken    |               |                  |                     |                   |                  | ----         |

\* p = .05  
 \*\* p = .01  
 \*\*\* p = .001

## **TABLES**

## Prevention of Family Abduction

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1. Simultaneous Regressions of Social Background and Family/Abduction Circumstances on the Criminal Justice Response
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3. Decomposition of Significant Predictor of Time Taken for Recovery of Child



Table 1

Simultaneous Regressions of Social Background and Family/  
Abduction Circumstances on the Criminal Justice Response

| <u>Predictor</u>       | <u>Beta</u> | <u>SE Beta</u> | <u>T-Value</u> | <u>Sign. T</u> |
|------------------------|-------------|----------------|----------------|----------------|
| Occupation of Abd.     | .010        | .041           | .252           | .801           |
| Occupation of Left.    | .082        | .042           | 1.977          | .049 *         |
| Gender of the Abd.     | .011        | .042           | .260           | .792           |
| Race of the Abd.       | .010        | .040           | .264           | .792           |
| Marital Status         | .023        | .045           | .531           | .596           |
| Marital History        | .058        | .045           | 1.301          | .194           |
| Arrest Record of Abd.  | -.016       | .041           | .398           | .691           |
| Abuse Allegat./Abd.    | -.030       | .042           | -.711          | .477           |
| Abuse Allegat./Left.   | -.082       | .041           | -1.974         | .059 *         |
| Manner in which Taken  | -.051       | .041           | -1.241         | .210           |
| Voluntary Return       | .134        | .040           | 3.362          | .001 ***       |
| Pre or Post Custodial  | .064        | .045           | 1.425          | .155           |
| New Custody Order/Abd. | .091        | .041           | 2.209          | .028 *         |
| constant               |             |                | 4.474          | .000           |

F = 2.95                  Signif. F = .0003                                  \* p < .05

Multiple R = .242    \*\* p < .01

R Square = .058    \*\*\* p < .001

DF

Regression = 13

Residual = 620, N = 634

Table 2

Simultaneous Regressions of Social Background,  
Family/Abduction Circumstances, and Criminal Justice Response  
on Time Taken to Recover Child

| <u>Predictor</u>                            | <u>Beta</u> | <u>SE Beta</u> | <u>T-Value</u> | <u>Sign. T</u> |
|---|-------------|----------------|----------------|----------------|
| Occupation of Abd.                          | .019        | .037           | .518           | .604           |
| Occupation of Left.                         | .129        | .037           | 3.430          | .001 ***       |
| Gender of Abductor                          | .099        | .038           | 2.605          | .009 **        |
| Race of Abductor                            | -.024       | .036           | .671           | .502           |
| Marital Status                              | .039        | .040           | .983           | .326           |
| Marital History                             | .013        | .040           | .323           | .746           |
| Arrest Record of Abd.                       | .002        | .037           | .076           | .939           |
| Abuse Allegations/Abd.                      | -.048       | .037           | -1.298         | .195           |
| Abuse Allegations/Left.                     | .056        | .037           | 1.519          | .129           |
| Manner in which Taken                       | .117        | .037           | 3.162          | .002 **        |
| Voluntary Return                            | .397        | .036           | 10.955         | .001 ***       |
| Pre or Post Custodial Ab.                   | .062        | .041           | -1.521         | .129           |
| New Custody Order                           | -.062       | .037           | -1.675         | .094           |
| Seriousness of Criminal<br>Justice Response | -.124       | .036           | -3.467         | .001 ***       |
| constant                                    |             |                | 2.107          | .035           |

F = 14.15      Signif. F = .001

\* p < .05

Multiple R = .492

\*\* p < .01

R Square = .242

\*\*\* p < .001

DF

Regression = 14

Residual = 619      N = 634

Table 3

Decomposition of Significant Predictor of  
Time Taken for Recovery of Child

| <u>Variables</u>                    | <u>r</u> | <u>Direct Effect</u> | <u>Indirect Effect</u> | <u>Total Effect</u> |
|-------------------------------------|----------|----------------------|------------------------|---------------------|
|                                     |          | *                    | **                     | ***                 |
| Gender/Abd.                         | .18      | .10                  | —                      | .10                 |
| Occupat/Left.                       | .15      | .13                  | -.01                   | .12                 |
| Abuse Alleg/<br>Left-Behind         | .11      | --                   | .01                    | .01                 |
| Voluntary<br>Return                 | .39      | .40                  | -.02                   | .38                 |
| New Custody<br>Order/Abd.           | -.14     | --                   | -.01                   | .01                 |
| Manner Taken                        | .17      | .12                  | --                     | .12                 |
| Criminal Justice<br>System Response |          | .12                  |                        | .12                 |

\* Direct effects are standardized beta coefficients between the predictor and the outcome variables.

\*\* Indirect effects are the standard beta coefficients between the predictor variables and the intervening variable multiplied in each case by the standard beta coefficient between the intervening variable and the outcome variable. This allows us to compare the relative influence of both the predictor variables and the outcome variable.

\*\*\* Total effects is the sum of the direct and the indirect effects.

**Part III**  
**Promising Interventions to Prevent Abductions**

## CHAPTER 3

### Statewide Study of Criminal Sanctions for Family Abduction

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Department of Sociology  
University of California at Los Angeles

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# Statewide Study of Criminal Sanctions for Family Abduction

## Chapter Summary

This study examines the criminal history records of 950 people who were arrested for abducting their children in California between 1984 and 1989. It includes parents who abducted their children once and those who abducted their children multiple times. The research focuses on the social and legal characteristics of abductors, the criminal sanctions the abductors received, and the effectiveness of sanctions in preventing future abductions.

This summary presents the study's key findings. Subsequent sections provide the literature review, methodology, and a thorough discussion of the research and the results.

### What Are the Social and Legal Characteristics of Child Abductors?

Two-thirds of the arrestees studied were males; two-thirds were also Caucasian. A higher percentage of Caucasians and women were arrested for abduction compared to the general arrestee population in California. More than half of the abductors had a prior criminal record; one-third had previously been incarcerated. Men were more likely than women to have a prior criminal record. Compared to Caucasians, minorities had more serious criminal records, and more serious behavior at the time of the abduction.

Data analyses found:

- Women were more likely to be arrested for violating a custody order.
- Men were more likely to be arrested for an abduction before a custody order is obtained.
- Caucasians were more likely to be arrested for violating a custody order compared to African Americans.
- One-fourth of the arrestees were charged with a violent offense along with the abduction charge.

### What Happened to People Arrested for Child Abduction?

*Nearly half of the people arrested for abduction had the charge dismissed by law enforcement, prosecutor, or court.* The remaining offenders were evenly split between being convicted and sentenced to some term of confinement, and being convicted with no jail or prison sentence.

Repeat abductors were almost one and a half times more likely to be convicted for the second abduction as the first. *Over half of these repeat convictions carried jail or prison sentences for the second abduction.*



Abductors charged with precustodial abductions received the most lenient response from the criminal justice system. In contrast, abductors charged with violating existing custody orders received the most severe response.

### What Factors Determined or Influenced Criminal Sanctions?

*The abduction charge exerted a strong influence on disposition.* A precustodial offense was most likely to be dismissed after arrest. While under the law, the penalty for committing no-custody rights offenses is the most severe, abductors charged with custody rights offenses were the offenders sentenced to jail or prison.

*A higher percentage of Caucasians were convicted of child abduction as compared to non-Caucasians,* even though minority arrestees have more serious criminal records and behavior during the abduction.

*Gender appeared to have the most consistent effect on severity of disposition, across type of abduction charge.* When women and men were charged with a no-custody rights offense, women were much more likely than men to be “convicted” (intermediate severity), and “incarcerated” (harshes disposition). When women and men were charged with a custody order offense, men experienced the most lenient (“arrest only”) and the most severe (“incarcerated”) dispositions. Women were most likely to receive the intermediate response (“convicted”).

Time affected disposition as well. Cases that took the longest to come to disposition, were handled with the most severe responses.

Data analyses found:

- Women were one and one-third times as likely as men to be convicted.
- Minorities were slightly less likely than Caucasians to be convicted.
- Abductors with prior arrests were almost one-half as likely as those with no prior arrests to be convicted.
- Abductors with prior convictions but no prior incarceration were slightly less likely to be convicted for subsequent abductions.
- Abductors with prior jail or prison time were slightly more likely to be convicted for subsequent abductions.
- Violence during the abduction had a large effect on legal outcome.. Abductors charged with a violent offense were two and three-fourths times as like to be convicted as those with no other charges or no violent charges during the abduction.

- Comparing abductors who received incarceration to those who did not, gender appeared to have almost no effect in determining the sentence.

### What Are the Characteristics of Repeat Abductors?

About 11 percent of the abductors studied were arrested for a repeat abduction. Data analyses found:

- Women were slightly less likely than men to be arrested after the first abduction.
- Minorities other than African Americans were slightly more likely than Caucasians to be arrested after the first abduction.
- African Americans were more than twice as likely as Caucasians to be arrested.
- Offenders with prior criminal histories were more than twice as likely as those with no criminal history to be arrested after the first abduction.
- Abductors who were sentenced to jail or prison before the first abduction were four and a half times as likely as those with no prior criminal history to be arrested for offenses after the first abduction.
- Circumstances surrounding the first abduction were not very predictive of subsequent criminal activity (excluding a repeat abduction).
- Demographic characteristics, prior criminal behavior, and criminal behavior after the first abduction had very little effect on subsequent abduction.

### What Explains Differences in Criminal Sentences in Child Abduction Cases?

Two theories are presented to explain the data on criminal sanctions for child abductors. The first theory looks at the significance of gender and personal power in the context of disputes between people over custody. It posits that women are disadvantaged relative to men in personal and social power when it comes to mobilizing the law over conflicting rights to children. Criminal sanctions against female abductors appear to punish them for challenging judicial authority and social norms rather than for engaging in especially violent or culpable behavior.

The second theory concerns relationships between ethnicity and social expectations, and legal mechanisms for controlling personal behavior. This theory hypothesizes that racial minorities are subject to different social expectations and legal processes than Caucasians. The data indicated that racial minorities received greater lenience from the criminal justice system when it comes to child abduction that occur in the absence of custody orders, but not when charged with crimes against persons or property.

### What Are the Study's Conclusions and Policy Implications?

The harshest sanctions did not appear to be given to the most dangerous abductors, nor those who were repetitive law violators as the rationale of specific deterrence would call for. Rather, the harshest sanctions for child abduction seemed to be based on whether actions violated “socially” acceptable and expected roles and codes of behavior around family relationships and legal authorities. In addition, the data suggested that harsh sanctions given to first time offenders or repeat offenders entrenched, rather than deterred, the offender’s law-violating behavior.

To promote the most ethical and effective legal interventions for dealing with child abductions, the study suggests three reforms. First, criminal law sanctions should fall most heavily on behavior that harms children and their caretakers. Secondly, the language of state statutes defining abduction as a crime needs to focus on the fact that the child, at least as much as the left-behind parent, is the victim of the crime. And lastly, to prevent and reduce the risk of abductions, services, rulings, and follow-up on child custody and care offered through the domestic relations/family court system should be relied on more than criminal prosecutions. Criminal sanctions in family abduction cases should be used for the limited purpose of punishing those who harm the interests of children through behavior that disrupts stable and safe caretaking. The study's findings indicate that criminal sanctions are not effective at deterring or changing undesirable adult behavior toward children, at least not in the cases of those individuals whose arrest records and criminal behavior were analyzed in this research.

Objectives of the Statewide Criminal Actions Study

The project's overall goals are to identify factors that place families at risk for parental abduction and to identify interventions that minimize or maximize these risks. The State-Wide Criminal Actions Study contributes to the project's achievement of these goals through the following objectives:

1. determination of the social and legal characteristics of individuals who were arrested in one state for child stealing over a six-year period;
2. identification of the legal classifications by criminal authorities of these abduction incidents and surrounding circumstances;
3. classification of types and frequencies of dispositions given to these arrests according to the severity of the disposition
4. specification of offender and offense-related factors that determine the type of disposition imposed;
5. identification of the characteristics of repeat child abduction offenders;
6. determination of the relationship between criminal justice measures imposed at the first abduction and the likelihood of subsequent abductions;
7. development of a theory or theories of criminal sanctioning that explain(s) criminal justice officials' decisionmaking in child abduction cases; and
8. formulation of a general set of normative criteria and/or principles to guide criminal justice policymaking and sanctioning in child abduction cases in the future.

Study objectives one through six were accomplished through analyses of the criminal histories of adults arrested and dispositioned by California law enforcement agencies and courts for the offense of child abduction. Existing computerized records maintained by the California Department of Justice (DOJ) were the source of these criminal history records. Specifically, the criminal history records of 950 different individuals arrested for violations of the three California Penal Code sections defining the crime of child abduction during a six year period between 1984 and 1989 constituted the subjects of study. Individuals with only one abduction arrest as well as repeat abductors were included.

## Identifying Risk Factors

Demographic and legal data from the criminal histories of these individuals were extracted onto coding sheets and computerized. Univariate, bivariate, and multivariate statistical analyses were conducted to determine the frequencies of offender and offense characteristics, the types and determinants of dispositions of abduction arrests, and the consequences of various dispositions on the offenders' subsequent conduct.

The results of the univariate, bivariate, and multiple regressions analyses yielded descriptive and relational measures of risks of abductions associated with individual offender characteristics. These analyses also examined the effectiveness of criminal justice system interventions in relation to the severity of the dispositions of abduction charges. These results in turn guided the study's accomplishment of objective seven, the development of a theory of criminal sanctioning that explains officials decisionmaking in child abduction. A normative critique of official decisionmaking in child abduction cases was then suggested to accomplish objective eight, the formulation of general criteria and principles to guide criminal justice policymaking and sanctioning in child abduction cases in the future.

The statewide and multiyear features of the Statewide Criminal Actions Study broaden the perspectives on risk factors and interventions reported in Chapter 2 from the Documentary Study (which used a sample of abduction cases from district attorney=s offices in two counties) and Chapter 4 from the Interview Study (which compared a sample of abducting and nonabducting families receiving family services in a region of the state comparable to the two counties from which the records for the Documentary Study were obtained). The population of one time and multiple abduction offenders examined in the Statewide Criminal Actions Study ensures that analyses of risk factors and effective interventions conducted for the project spans the full continuum of abductors and system interventions to include consideration of abductors who are generally law abiding persons and are responsive to informal or lenient legal constraints as well as abductors who have records of serious or repetitive criminal involvement and have been subjected to onerous legal sanctions either for their abduction offense or for other crimes.

### Literature Review

In the last 25 years, criminal justice processes, outcomes, and impacts have been the subjects of numerous empirical studies. As research methods and statistical techniques for analyzing data have become more sophisticated, and the need to utilize public resources more efficiently to address social problems becomes more pressing, social scientists and policymakers have become partners in working together to use empirical knowledge to inform public policy. Within the respective communities of social science researchers and criminal justice practitioners, much attention in recent years has been given to four separate but related issues: (a) the goals commonly associated with the criminal law (i.e., punishment, deterrence, incapacitation, and rehabilitation) and the morality as well as the efficacy of sanctions to achieve these ends; (b) the relative contributions various factors ("legal" and "extra-legal") make in criminal justice decisionmaking

## Identifying Risk Factors

and the application of sanctions; (c) the nature, effect, and preferability of informal or formal processes within the criminal justice system for responding to law violators; and (d) the use of criminal justice interventions to prevent or control physical and emotional harm among intimates and family members. Research undertaken to learn about these issues has focused on specific crimes such as white collar crime, spousal assault, child abuse, robbery, burglary, drug use and sale, and specific sanctions such as probation, imprisonment, restitution, and the death penalty.

### Factors Affecting Criminal Justice System Response

Numerous studies have attempted to discern the relative contributions that discrete and quantifiable factors (what researchers refer to as "legal" and "extra-legal" factors) make in explaining and determining criminal justice processes and outcomes. While the degree and extent of influence of "extra-legal" factors of ethnicity, gender, and social class on decisionmaking and interventions by criminal justice system officials continue to be debated (Zatz 1987; Patterson & Lynch 1991), a significant body of social science research points to the continued importance (direct and indirect) of these extra-legal factors in explaining who comes to the official attention of the law and what attention and response is given to their law violating behavior. A variety of studies that examine the effect of extra-legal variables on outcomes at different points in the criminal process from arrest to sentencing, including the imposition of the death penalty, shows the persistence of race/ethnicity, gender and/or social class as factors relevant to official decisions and outcomes<sup>1</sup>. Gender, race, and class bias have been detected in the application and functioning of the juvenile justice system as well.<sup>2</sup> Extra-legal factors may correlate with legitimate "legal" variables such as charges, evidence, provision of counsel, and prior criminal history to explain decisions and outcomes (MacLean & Milovanovic 1990; Barnes & Kingsnorth 1996), or they may make contributions to decisions and outcomes independent of legal factors (Farnworth, Teske & Thurman 1991; Lynch & Patterson 1991).

The findings of some of the earlier race/criminal justice system response studies have been criticized as being methodologically weak because they failed to control for "legal" factors, such as offense and prior criminal record. The importance of race has been found to persist, however, in the more recent and methodologically rigorous studies conducted. And while reforms like determinate sentencing and the use of guidelines to govern decisionmaking on bail and probation have been adopted to promote equal and legally rational treatment of individuals (Barnes & Kingsnorth 1996), the relevance of race and ethnicity in explaining outcomes has not been eliminated (Lynch & Patterson 1991).

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One general picture of the nature of the extra-legal influence of ethnicity that emerges from this body of criminal justice research shows that nonwhites and lower income individuals either receive more severe responses than whites, or alternatively are not extended the "benefit of the doubt" as often as whites<sup>3</sup> (Lynch & Patterson 1991). Put differently, race/ethnicity contributes to the application of "more" or "less" law; poor nonwhite males are likely to be subject to "more" law,<sup>4</sup> and males who are white and from the middle- or upper-class are likely to be subject to "less" law.<sup>5</sup>

As compared to the kinds of bias ethnicity triggers, the effect of gender appears more uneven. Research shows that being female leads to receiving both types of discriminatory treatment (Zingraff & Thomson 1984). As offenders, women are subjected to both "more" law as well as "less" law. With respect to "less law" as "leniency" for females,<sup>6</sup> studies note that females may be warned, rather than arrested more often than males, arrested for or charged with a less serious version of criminal behavior, or given the least intrusive sanctions more often than men (Moyer 1992; Kruttschnitt 1992; Pope 1975; Armstrong 1977; Zingraff & Thomson 1984). At the same time, other studies indicate that females are exposed to *more* law as well. As compared to males, they are arrested for offenses for which males would not be arrested.<sup>7</sup> They also are subjected to more intrusive preadjudication<sup>8</sup> and postadjudication actions<sup>9</sup> compared to males.

The "degree" of "law" also seems offense-driven. Being convicted of certain types of crime, specifically crimes that entail "violations of gender role stereotypes" (Philips & DeFleur 1982), such as child abandonment (Zingraff & Thomson 1984), may result in a more severe sanction being imposed on women as compared to men. Ethnicity compounds the bias associated with gender such that nonwhite females are subjected to the "most law" as offenders (Chesney-Lind & Sheldon 1992; Krisberg & Austin 1993; Moyer 1992).

One interpretation of these findings argues that there is objectivity and neutrality underlying both the content of the law and its application by legal actors; any differences in treatment related to race, gender, or class have to do with the behavior of the individuals to whom law is being applied. That is to say, more law gets applied to individuals who are nonwhite or poor *because* their violations of the law are more egregious. For example, they are arrested more because they engage in more illegal behavior;<sup>10</sup> or the nature of the crimes they commit is such that they are more likely to be reported or observed by the authorities;<sup>11</sup> or more intrusive or harsher system responses are imposed because their actions are more dangerous or more harmful.<sup>12</sup> In addition, the legal-evidentiary basis to prompt prosecution, conviction, and severe sanctions may be stronger.<sup>13</sup>

## Identifying Risk Factors

This view of the "rational legality" of the criminal process and outcomes notes the appearance of what would otherwise be impermissible and discriminatory extra-legal influences on the law, but suggests that further scrutiny of the extra-legal/legal connections reveal that rational, objective and legally relevant differences do, after all, underlay what appears to be extra-legal determinants. This is the explanation that is most strongly supported by research that controls for legal variables like offense when assessing the significance of extra-legal variables.

A different explanation of disparity is suggested by findings on the differential effects of gender. The underlying criminal behavior may actually be similar but discrimination in the form of leniency toward females is rationally and objectively warranted. Biological or physiological considerations relevant to two conventional purposes of the criminal law, promoting public safety and social defense, justify disparate treatment, at least when it comes to sentences. Generally, men are stronger and bigger than women, and men are more aggressive than women. These physical realities lead to the rational association of less serious danger or harm to women's law-violating behavior as compared to men's, or less culpability (women are the "groupies" or the "lookouts" rather than the individuals who pulls the trigger). Thus imposing more lenient or less restrictive or sanctions on women may be a *utilitarian allocation of resources rationally related to the purposes of the criminal law*.<sup>14</sup>

Another kind of explanation that is given for the influence that extra-legal factors have on the application of the criminal law recognizes bias and discrimination as invidious and illegitimate. Under this explanation, race or gender bias exists because processes and officials responsible for applying the law ascribe to ideologies such as racism, sexism, patriarchy, and/or heterosexism that make these variables relevant in the use and application of control mechanisms. These ideologies call for the hierarchical ordering and treatment of persons according to physical characteristics. Physical characteristics are in turn associated with and symbolic of differences in personal value and adult capacity. Preference or disadvantage in criminal system responses is allocated based on ascribed moral, sexual, intellectual, and economic value of the individual coming in contact with the law. The value of the individual is in turn determined by the ideologies of racism, sexism, heterosexism, and patriarchy that govern (implicitly if not explicitly) the political, economic, and social orders of American society. Under this explanation, race/ethnicity, gender and social class become relevant for treating individuals differently who commit acts that are similar or different because individuals with these different characteristics are attributed with having different moral worth, require different degrees of formal control, and entail different degrees of "respectability" (Black 1976; Kruttschnitt 1982).



## Identifying Risk Factors

While the findings and interpretations on the relative influence legal and extra-legal factors have in determining criminal system outcomes continue to be mixed, most empirical research to date reminds us that we must be attentive to the undesirable and inappropriate weight officials in the criminal justice system give, consciously or unconsciously, (Lawrence 1987) to the subjective, personal or social characteristics of offenders. Given the historical institutionalization of racism and sexism in American legal and social structures, it is likely that the eradication of discriminatory practices and beliefs, whether overt or covert, will require continued conscious effort on the part of policymakers, practitioners, and the general public. As the findings from the current research study reveal, race and gender discrimination appear in the application of the criminal laws and penalties governing child abduction and custody violations. Therefore, policymakers and practitioners are encouraged to consider carefully policies that would exacerbate as well as ameliorate disparate treatment associated with gender or race.

### Effectiveness of Criminal Justice Interventions

Findings from studies on the impact of criminal interventions to deter criminal conduct and promote public safety through specific deterrence or incapacitation have yielded somewhat dismal results. Formal interventions of arrest, conviction, and incarceration have not been found to reduce recidivism or appreciably lower overall crime rates (Currie 1985). To the extent some measures such as long term incarceration have in fact, or have been predicted to, lower crime, they do so at enormous cost to taxpayers for prison construction and operation (Zimbardo 1994) and for what appear to be marginal reductions in the rate of crime (Currie 1985; Petersilia & Greenwood 1978).

Findings on the short-term and long-term benefits of criminal justice interventions in incidents of spousal assault and violence among intimates have been ambiguous. Initial studies reported that arrest as contrasted to other types of responses in domestic assault cases did have a specific deterrent effect and arrest appeared to reduce subsequent assaults (Sherman & Berk 1984). More recent studies have found that the deterrent effect of arrest was more apparent than real; moreover, arrest in these types of cases may backfire and put the victim at greater risk for assault in the future (Sherman et al 1991; Buzawa & Buzawa 1996). The mixed results of studies on the benefits of criminal interventions in reducing and controlling violence against intimates (Elliott 1989) have raised questions about how useful the criminal law might be in preventing or controlling crime in the family setting. These studies also reveal that the family setting involves a complex set of factors and dynamics through which legal measures have an effect or get mediated and dissipated. Many of the assumptions and views of victim-perpetrator relationships that underlay the criminal justice system's processes and goals applicable to stranger-on-stranger crimes, property crimes, or street crimes, do not seem to apply well to crimes among family members or intimates (Ferraro & Pope 1993).

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Research on the specific deterrent effect of fines, incarceration and other sanctions formally meted out by the criminal justice system to white collar criminals also suggests that sanctions emanating from the criminal law (as opposed to administrative and regulatory law) do not have much deterrent effect. White collar criminals have been presumed to be most affected by deterrence strategies because white collar or corporate crime often constitute rationally planned crime for personal economic gain; however, regulatory efforts to promote compliance rather than criminal justice sanctions to punish or deter seem to have more of an overall effect on reducing and controlling white collar crime (Weisbud, Waring & Chayet 1995; Simpson & Koper 1992).

Some of the research on criminal justice interventions has shifted focus away from formal measures of the criminal law (arrest, conviction, sentences) to informal mechanisms and dynamics that operate within the shadow of the formal rules and are less observable and quantifiable, but no less, and perhaps more, important than formal mechanisms (Galanter 1989; Feeley 1992). For example, qualitative and process-oriented research on plea bargaining, interactions among court actors, organizational factors, and issues of political liability and caseload management have revealed the importance of informal as well as formal processes to an understanding of the administration of justice (Feeley 1992). Unfortunately, some of these factors are difficult to quantify and adequately capture in statistical analyses of variables affecting decisionmaking processes and outcomes.

### Socio-Legal Framework of Child Abduction

The state site for the three empirical studies discussed in this report is California. Chapters One and Two provide descriptions of the applicable California codes defining the crime of child abduction. This section discusses various legal factors particular to California family and criminal law (but operating in other states as well) that shape disputes over custody and constrain decisionmaking by criminal justice officials in classifying and handling parental abductions and custody violations.

#### Family Law

While a detailed presentation of California law regarding child custody is beyond the scope of this report,<sup>15</sup> some commentary on the "background rules" governing custody rights is warranted since it is the violation of these rights that triggers criminal justice interventions to arrest and convict for child abduction. During the period under study, several legal reforms being debated nationally were enacted in California. These reforms dramatically altered the substantive rules governing custody determinations, the processes for resolving custody disputes, and the psycho-legal assumptions on parent-child relations underlying the rules. Indeed, California served as an experimental setting for new custody practices and principles that were being considered by legal and mental health experts across the country. These practices and principles included gender "neutral" rules for custody, shared custody, determining custody matters through mediation rather

## Identifying Risk Factors

than adjudication, ordering supervised visitation in cases where allegations of child abuse are made, disqualifying an individual as custodial parent because of child abuse and domestic violence, and providing separate representation for children in contested custody cases.

During the period under study, California child custody and family law contained the following rules:<sup>16</sup>

- There was a presumption of equal eligibility of both parents for consideration as custodial parent;
- Joint physical custody and joint legal custody were options along with the traditional option of sole physical custody;<sup>17</sup>
- By statute, the "best interests of the child" was defined to mean equal and continuing access of a child to both parents; all else being equal, the parent willing to permit access to the other parent was to be preferred as the custodian in an arrangement of sole custody;
- Contested custody matters were to be submitted to mandatory mediation before they would be adjudicated by a judge;
- Supervised visitation was to be ordered in cases where the noncustodial parent has been an instigator of domestic violence;
- Giving a parent custody or unsupervised visitation who was previously convicted of child abuse was prohibited;
- Appointment of counsel for children in matters of custody was permitted when the child's interests differed from the interests of both parents; and
- Parents convicted of "willful failure to pay child support"<sup>18</sup> could be subjected to imprisonment.<sup>19</sup>

In spite of changes brought to the specific content and processes of child custody decisionmaking, statutory rules and judicial orders on parent-child relations continued to be developed within a patriarchal framework.<sup>20</sup> Legal directives used the language of parental rights to custody (joint legal, joint physical, or sole physical). Legal issues were defined as pertaining to rights to the possession and control of children, rather than as being about duties of care and protection owed to children by parents or the state.

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The custody practices and principles that emerged in the 1970s and 1980s in California and other states appeared to be products of activist efforts by three different and competing constituencies: women (on issues of domestic violence), men (on issues of father's rights), and helping professionals--psychologists and family therapists (on issues of "family conflict and healing dynamics").<sup>21</sup> Changes in statutory rules secured by these various groups at different points in time introduced significant if subtle efforts to distribute and redistribute power in the control of children, control of the process for deciding their care, and control of legal mechanisms to compel compliance (Blomquist 1995b).

The influence of men's and fathers' rights<sup>22</sup> groups on California rules about custody were evident as early as the late 1960s. At that time these groups were an important force behind a change in interpreting the "child's best interest" from maternal preference for custody to equal consideration of the father or mother as custodial parent (Salsbury 1995). In the 1980s, fathers' rights groups were also behind bills to introduce joint custody and a presumption that equal access to both parents was in the "child's best interests."

Women's rights groups were the driving forces behind rules to restrict custodial care or access to children by parents due to domestic violence or abuse. They supported bills to require that family judges consider any history of domestic violence when determining custody. They also sought increased use of supervised visitation and expanding interpretations of the child's best interest to include the impact of spousal abuse on the child's health, safety, and welfare. Women's groups, especially those representing mothers whose children had been taken by ex-husbands, were also key supporters of the original legislation to criminalize violations of judicial custody orders (Salsbury 1995).

In California, as elsewhere, the reconstruction and expansion of child custody rules in the 1980s were shaped by the agendas of interest groups who sought to use the law to achieve different ends. Some interest groups pushed for legal mechanisms to control mothers and children; others pushed for legal mechanisms to protect children from aggressive, abusive, or self-serving parents.<sup>23</sup> Triggered by the resurgence of the Women's Movement in the 1960s, these clashing interest groups symbolized and reflected deeper political and structural conflicts in American society: forces to promote the full enfranchisement of women in personal, social, political and economic arenas, and forces to preserve a status quo of dependence and limited equality for women.

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Conflicts over the proper content of rules on and approaches to child custody decisionmaking have also been shaped by some of the most profound tensions in American society over the role of government in matters deemed central to the exercise of individual rights and autonomy. Rules on custody have not just been shaped by conflicts over the relative power and position of individuals within the family, but also by differences over views about the government's power vis-a-vis the individual and his or her intimate associations. The government's proper influence in personal matters related to the structuring of one's lifestyle (specifically, decisions about marriage, procreation, child rearing, religious beliefs and practices) is at stake in policymaking over child custody.

Constitutional law has generally settled the issue by defining these decisions as matters of individual and personal rights that should be subject to few governmental regulations. However, social and political conditions reveal that such hands-off policy has deleterious consequences that threaten both individual and community well-being. Individuals and families are not equally situated to pursue self-determination. Lifestyle, procreation, and childrearing decisions are not always freely chosen; moreover one person's choices and preferences may harm or limit another's. These realities necessitate governmental interventions in family life and the use of public resources to promote the safety and welfare of family members. Resolving questions on what the nature and extent of such intervention ought to be underlies conflicts over child custody policymaking.

The custody rules of the 1980s provide the background for the criminal laws on child abduction assessed in this chapter. The criminal law defines the left-behind parent as the legal victim of the crime of child abduction. With this approach, the criminal law serves to protect and vindicate individuals who have possessory rights to children as well as to control those who do not.

As noted above, the patriarchal ordering of parent-child relations underlying the background rules on child custody means that gender has been and continues to be an important factor in the construction of custody rules and decisionmaking on child custody (Rhode & Minow 1990; Fineman, 1995; 1991; 1988). And to the extent the criminal law of any community is used to protect and preserve a particular ordering of personal and property rights, the same factors (such as gender) affecting the private ordering of persons, relations, property will affect how public authorities administer the criminal laws developed to protect those rights.

### Criminal Law

During the years under study (1984-1989), California had three main criminal statutes governing the definition and penalties for the offense of child abduction. These are Penal Code Sections 277, 278 and 278.5.<sup>24</sup> The content of these rules is summarized in Chapter I; Appendix ?? contains the specific statutory language of each of these Code sections.<sup>25</sup>

## Identifying Risk Factors

Figure 1 presents the important features of P.C. 277, 278, and 278.5 with respect to offense elements, intent, and applicable penalty. A comparison of these three Code sections reveals that definitions and penalties turn on slightly different approaches to three legal issues: rights to custody, *mens reas* (intent), and penalty. These issues in turn are shaped by the particular facts of an abduction or custody violation; together both the issues and the facts constrain officials' application of the criminal law.

(Figure 1)

### Rights to Custody.

The first distinction to be noted concerns rights to custody. Under Sections 277 (precustody order offense) and 278.5 (custody order offense), the defendant and the complainant/legal victim have rights to some physical possession of the child, but it is the source of the right that is different. Under 277, *the right is a statutory right*. That is to say, under California law,<sup>26</sup> being a child's biological parent or the parent who provides care on a regular basis creates a right to custody. If both biological parents are present and caring for the child, the law accords each parent equal rights to custody. When one parent deprives the other parent of his or her "equal right" to the child, this is the harm P.C. 277 proscribes. Section 278.5 (custody order offense), on the other hand, pertains to violations of custody rights that have been established pursuant to a *judicial order*.

Under Section 278, the defendant has no right (statutory or judicial) to custody. This section applies to one whose parental possession rights have been terminated or have been abridged because of a judicial order to place the child with an agency or some other guardian. It applies as well to family members, relatives, or partners<sup>27</sup> who have no biological parentage ties or judicially created rights to a child. Finally, this section is applicable to an individual who is the biological parent, but has not previously provided care to the child or otherwise claimed parentage or had parentage established.

Section 278.5 primarily concerns violations of the terms of a custody order by an individual who has rights under a court order of custody or visitation. The key features of this section are that both defendant and complainant/legal victim have rights under a custody order and the essence of the wrongdoing is that one parent's actions interferes with the other's exercise of judicially created rights.

Mens Reas.

Sections 277 (precustody order offense) and 278 (no-custody rights offense) are similar in the requisite state of mind needed to establish criminal responsibility. Both are "specific intent" crimes. As such, these code sections have evidentiary requirements that call for proof not only of the commission of an act, but also proof of a specific state of mind that accompanied the act, when committed (referred to as the condition of "concurrence" in establishing criminal liability [Klotter 1994]). Proof that the abduction or retention was carried out "maliciously" and with "intent to deprive" is required to find a person guilty of child abduction under P.C. 277 or 278. Section 277 (precustody order offense) has the additional legal element that the perpetrator acts "without good cause" which also bears on state of mind and must be proven.

These elements of the crime, in effect, erect higher standards of evidence, at least with respect to state of mind, than established in the definition of child abduction under 278.5. Under 278.5 (custody order offense), proof must establish that the defendant violated a provision of a custody order, the violation affected the ability of complainant/legal victim to exercise his or her rights pursuant to the order, and at the time of the violation, the defendant had the intent to deprive the other of his or her rights.<sup>28</sup> So as contrasted with 277 (precustody order offense) and 278 (no-custody rights offense), the state of mind element of the crime under 278.5 is "lower"; as an evidentiary matter, it is less burdensome to satisfy.

Penalty.

All three offense definitions of child abduction permit conviction as a misdemeanor or a felony. The penalty for the misdemeanor level offense is the same across categories with the maximum being one year in jail and up to \$1,000 in fines. At the felony level, however, the maximum penalties differ. Section 277 (precustody order offense) carries the lowest maximum sentence of one year and one day in prison and/or \$5,000 in fines. Section 278 (no-custody rights offense) carries the most severe penalty of four years' imprisonment and/or \$10,000 in fines. Section 278.5 (custody order offense) calls for a maximum prison term of three years (the amount of the fine, \$10,000, is the same as for P.C. 278).

If length of imprisonment is an indicator of how serious or harmful a particular offense is regarded by a state legislature, the penalty structure for child abduction offenses suggests that P.C. 278 (no-custody right offense) is viewed as being the most serious type followed by 278.5 (custody order offense). Section 277 (precustody order offense) is viewed as the least serious type. And as suggested by the discussion above on *mens rea*, 277 may also be the type of child abduction that is the hardest to "prove." And finally, while 278.5 (custody order offense) is not viewed as serious a criminal matter as 278 (no-custody rights offense), at least by legislative standards,<sup>29</sup> of all three offenses, its evidentiary requirements appear the least difficult to meet.

Methodology

Research Design

The research consisted of a descriptive study of the criminal histories of the population of individuals a) who were arrested for violating one of the state's three Penal Code provisions on child abduction reported to the California Department of Justice (DOJ), b) whose dispositions occurred between 1984 and 1989, and c) whose identities and records were accessible through the computerized criminal history data system maintained by the DOJ. The research design and data set entailed aggregating individual-level and system-level variables to analyze (1) how offender and abduction offense characteristics and legal classifications of the abduction incident affected the type and frequency of criminal justice system dispositions, and (2) the impact of different dispositions on the subsequent behavior of abduction arrestees.

The DOJ is the central repository for tracking and maintaining information on arrests and dispositions of individuals across California's 58 counties. It is the most inclusive source of criminal justice system information on child abduction offenders, their criminal records, and dispositions for all counties. The agency's records contain detailed information on the characteristics, criminal backgrounds, and Penal Code violations of individuals arrested for criminal conduct under California law, and criminal justice agency actions and dispositions of this conduct. This state-wide feature of the data base is especially useful for the study of a crime like child abduction where mobility can be an aspect of the offender's criminal conduct and life situation. Flight from an area of the state where the child lives with the custodial parent, or the refusal of one parent to return a child to the parent who resides in another locale are common scenarios of parental abductions (Greif & Hegar 1993). In these scenarios, the perpetrator of a parental abduction or custody order violation may be apprehended by officials in one county, yet prosecuted and sanctioned by officials in another county. Similarly, while an initial abduction incident may be reported and resolved in one county, subsequent criminal conduct, including a new abduction, may take place after the offender moves to a different county.

The inclusion of abduction offenders from throughout the state of California and the ability to track an offender's entire criminal history by Penal Code violation and year of arrest made it possible to obtain a population of offenders that contained one-time abductors as well as repeat abductors. The state-wide nature of the data set also ensured the range of practices and dispositions used by law enforcement agencies and courts in both urban and rural jurisdictions would be included in the analyses.



## Identifying Risk Factors

The years 1984 through 1989 were selected as the time frame for the study for several reasons. These years correspond most closely to the time periods relevant to the other data sets analyzed in Chapters 2 and 4. Also, during the period 1984-1989, California Penal Code and Civil Code provisions governing child custody were relatively stable. The same definition of the crime and range of penalties were applied to individuals receiving an arrest and disposition in these years, whereas the codes on child stealing underwent significant statutory changes between 1977 (when California first instituted criminal penalties for parental abduction) and 1984, and then subsequent to 1989 (Salsbury 1995).

The multi-year time frame gave a longitudinal dimension to the study which permitted examination of the effectiveness of various criminal justice interventions in preventing subsequent abductions after the disposition of the first reported abduction. It also ensured some time had elapsed after the various statutory definitions and penalties governing the crime of child abduction were enacted. Data on arrests and dispositions were obtained at a point when criminal justice agencies were familiar with these statutes and had some experience interpreting and enforcing them.

### Study Population and Subject Selection

In 1991, the author undertook a study for the California Office of the Attorney General on the implementation of civil and criminal laws to control child abduction. For this study, the author received assistance from DOJ personnel in identifying the population of offenders arrested for violating child abduction statutes from 1977<sup>30</sup> to 1989.<sup>31</sup>

The population of offenders was identified through the following steps: two computerized information systems maintained by DOJ were used to make an initial identification of persons who had a record of arrest for the crime of parental or family abduction in California between 1977 and 1989, and the record of the arrest was on file with the DOJ. One system, the Automated Criminal History System (ACHS), consists of computerized defendant criminal history data created from arrest and disposition reports submitted by county criminal justice agencies to the DOJ. The second system, Offender Based Transaction Statistics (OBTS), contains a subset of cases from the ACHS files available for trend and longitudinal research.

The ACHS is the most complete criminal history record data file maintained by the state. It contains the full criminal history of all individuals who have been arrested in California for misdemeanor and felony level offenses (with or without a disposition). However, the requirement for an entry into the ACHS, the filing of a fingerprint card, limits the data to incidents where local law enforcement personnel have completed this documentation and have forwarded it to the California Bureau of Criminal Identification for processing. Because ACHS exists to assist law enforcement investigations of suspects, the system's data are not directly accessible to researchers. However, data on arrests and dispositions for some offenses and offenders contained in ACHS are

## Identifying Risk Factors

available to nonlaw enforcement personnel for purposes of research and trend analyses through the OBTS system.

OBTS, a subset of ACHS, is a disposition-based file. Specifically, OBTS disposition data are for felony arrests only and according to the most serious offense listed in an arrest incident. The inclusion of an individual's criminal history record into OBTS is based on the year of final disposition, regardless of when the arrest occurred. Both arrest and disposition data on an arrest incident must be entered in an individual's criminal history record in order for the record to be eligible for inclusion in the OBTS data files.

### Combined Use of ACHS and OBTS for Parent or Family Abduction

OBTS was initially used to identify offenders who received a disposition for parent or family abduction (California Penal Code 277, 278, 278.5) or for the general crime of kidnapping (P.C. 207) for each year between 1977 and 1989.<sup>32</sup> By definition of the OBTS system's parameters, the individuals identified through this search were those persons (1) who had received an arrest and disposition for a felony-level charge of parent or family abduction or kidnapping; and (2) for whom the offense of parental child stealing or kidnapping was the most serious arrest and disposition offense of the arrest incident.

The lists generated by OBTS provided the names and criminal identification numbers of parental abduction felony offenders. Criminal identification numbers were then used to access ACHS full criminal history record files (rap sheets) for each of the listed offenders. Individual rap sheets were produced either as hard copy printouts of electronic files or as records contained in the file folders that were manually created and updated by DOJ personnel. DOJ personnel assisted the author in the manual review of all of these criminal history records to identify other criminal actions for parent abductions and custody violations that were entered in the ACHS but had not met OBTS inclusion criteria.

The end product of this review was identification of all parental abductions and criminal actions involving felony and misdemeanor arrests, with or without a disposition, for those individuals who were initially screened for having a felony parental abduction disposition.<sup>33</sup>

This process yielded several hundred offenders with arrests and dispositions. DOJ provided printed copies of records for these individuals to the author for analysis.

The author reviewed the criminal history records and organized them chronologically by the year in which the arrest for the abduction occurred. The year date(s) of the abduction arrest(s) was then written on the top of the first page of each offender's criminal history record for both single<sup>34</sup> and multiple abduction offenders.<sup>35</sup> The records of individuals who had arrests for more than one abduction were then separated from those with single abduction offenses.

## Identifying Risk Factors

Because the population of multiple abduction offenders was much smaller than the population of single abductors, initially data were extracted from the criminal history records of all individuals in the multiple abduction population with any abduction arrest between 1977 and 1989. The data were then computerized and entered into univariate and bivariate analyses. However, to ensure the legal framework governing the handling of multiple abduction offenders was comparable to that in place for single abductors, multiple abduction offenders with abduction arrest dates only between 1984 and 1989 were separated from those with any arrest dates for child abduction preceding this time frame. Those with arrest dates between 1984 and 1989 then constituted the population of multiple abductors used in the analyses reported in this chapter.

Initially individuals whose records for an abduction incident listed more than one applicable section of the Penal Code on abduction as the arrest charge at an abduction incident were included in both the single and multiple abduction offender data sets. However, after the relevant information from the criminal history records of all single and multiple abductors offenders was coded, entered into the computer for statistical analyses, and cleaned for errors, those individuals who had more than one Penal Code section definition of the abduction offense listed at their arrest were eliminated from the set of offenders. As a result, the records of 13 individuals who were charged at arrest with violating more than one section of the Penal Code on abduction (i.e., a combination of 277, 278, and 278.5) were deleted from the analyses. This step was necessary to reduce and simplify the arrest charge categories so that cross-tabulations and regressions involving arrest charge as a variable could be computed.

The selection process produced a total of 950 different individuals as the population for the analyses. Of these individuals, 852 were single abduction offenders and 98 were multiple abduction offenders.

### Nature of Criminal History Records

The criminal history record of each offender is organized with demographic data on the individual (race/ethnicity, gender, place of birth, date of birth) appearing at the beginning of the first page of the criminal record along with unique identification data (identification numbers assigned by the state of California or the federal government, personal identifiers such as scars, tatoos, or unique physical features), and a listing of the offender's occupation(s).

Criminal action information then appears on the records in chronological order with the first entry on the first page listing the date (month, day, year) of an individual's first reported arrest,<sup>36</sup> and the last entry on the last page of the record listing the most recent date for an arrest and or disposition. Ordinarily dates and actions pertaining to the same criminal incident are presented together so that the date of an arrest and the list of arrest charges at this date would be followed by the date of disposition along with offense codes being dispositioned. However, not all criminal

## Identifying Risk Factors

history records from which data were extracted for this study contained complete sets of entries on information pertaining to an arrest and the disposition of an arrest. Some cases had entries that contained only the arrest date and arrest offense code(s) but no disposition data; others contained disposition date, charges, and action but no arrest data.

The criminal history records of all individuals selected for inclusion in the analyses were coded; missing or incomplete arrest or disposition entries were simply coded as missing data. Cases having missing values for the specific variables being analyzed to measure a correlation or variance were left out of that particular analyses. While the criminal history records used in this study generally followed the organization and types of information to be described below, there were a variety of exceptions and nuances in the order, presentation, and meaning of information that made the interpretation of entries for purposes of coding time consuming and laborious. Where the meanings of entries appeared ambiguous or there were information gaps, coding decisions were made based on the most literal meaning that would be consistent with the information actually presented.

Each arrest entry consisted of the following items of information: date of arrest, and arresting agency number and county, arrest charge(s) according to the applicable Penal Code Section and corresponding offense description (e.g., assault, motor vehicle theft etc), and the number of counts on each arrest charge. In addition, notations sometimes appeared to offer other arrest-related information such as the issuance of an arrest or bench warrant, the transfer of the case to an agency in another county or jurisdiction, or a request for extradition.

Disposition information included date of disposition, the number and name of the disposition agency and its location, and the disposition action for each Penal Code violation charged. Disposition entries also specified both administrative and judicial decisions. Administrative decisions were indicated by an entry for the name of agency, (police, sheriff, prosecutor, probation) and the reason for action ("detained and released only," "dismissed in the interest of justice," "insufficient evidence"). Judicial decisions were indicated by an entry listing the location and level of court (municipal or superior). A court disposition entry was either "dismissal" or "conviction." A third type of entry was for a plea accepted by the court. A plea bargain was indicated with the notation that a specified Penal Code violation was "dismissed in exchange for a guilty plea to" another specified violation. The level of each offense for which a conviction or plea was registered was specified as either "misdemeanor" or "felony."

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Sentence information included the type(s) of penalty (fine, probation, jail, prison) as well as the amount(s) of the penalty (in monetary terms or according to number of days or months of incarceration). Decisions affecting the administration of the sentence were noted as well, such as "sentence suspended," "imposition of sentence," (in the case of an offender whose initial sentence had been suspended but a subsequent arrest resulted in the sentence being imposed), "sentenced to time served." Additional entries after court sentencing referred to administrative actions taken by correctional authorities (including probation, prison, and parole), such as taking charge of an offender, releasing an offender, or revoking a conditional liberty.

### Data Limitations

Because of the requirements for inclusion in OBTS, the parental child stealing incidents and criminal justice system responses analyzed in this study are the most serious instances of child abduction. The characteristics of offenders and official behavior reported here should not be taken as representative of abduction charges, offenders, or system responses in general. In addition to the limitations of OBTS as a data base on child abduction arrests and dispositions, DOJ personnel caution that dispositions are underreported. In spite of mandatory reporting laws, BCS officials estimate that dispositions of arrests for reportable offenses are underreported by about 30 percent.<sup>37</sup> The figures presented in this study, notwithstanding efforts to augment OBTS disposition data with ACHS arrest data, reflect conservative estimates on the extent of parent or family abductions in California and the use of the criminal process to address this offense.

Moreover, the information contained in criminal history records maintained by DOJ provides limited personal facts on the offender (gender, date of birth, race/ethnicity, place of birth, occupations),<sup>38</sup> and facts on the circumstances surrounding an offense (date of arrest, issuance of a warrant, arresting agency, city and county of arrest, charges at arrest.)<sup>39</sup> Rap sheets generally do provide disposition information on each arrest. Disposition information includes dismissals, the entity deciding the dismissal (law enforcement, prosecutor, court), conviction and offense level (misdemeanor or felony), the type and length of the sentence (probation, jail, prison), and whether the imposition of the sentence was suspended. However, as noted above, when research on the records of individuals charged with child abduction was undertaken in 1991 to extract data from OBTS/ACHS, some of the rap sheets did not have complete information on dispositions. Some of the data were missing due to a data entry backlog within the DOJ. Arrests reported for 1989 were most affected by this problem of missing data.<sup>40</sup>

## Identifying Risk Factors

Another cautionary note about interpreting available and missing data in the categories of information the rap sheets ordinarily contain concerns changes in the laws defining criminal conduct and its punishment. Neither the criminal laws nor "background" laws on child custody remained constant during the time period covered by the research.<sup>41</sup> The biggest change in definitions of criminal wrongdoing came in 1984 when a third category of child stealing set forth in P.C. 277 (precustody order offense) was added to the two existing categories P.C. 278 (no-custody rights offense) and 278.5 (custody order offense).

After 1984, further revisions and qualifications were made in the statutory language of P.C. 277 (precustody order offense), particularly with respect to the defense of domestic violence. However, as noted earlier, data in this study came from the period 1984-1989 when criminal laws on parental child stealing in general were the most stable.

### Coding Instrument and Process

Two coding instruments were developed for data extraction. One coding instrument was used for single abduction offenders, the second coding instrument was used for multiple abduction offenders (See Appendices A and B of this chapter). The two separate coding instruments contained similar items of information except that details on multiple offenders' arrests and dispositions following the first abduction were coded, including data on subsequent abductions. The criminal history records of offenders in the single abduction population were coded and maintained separately from the records of the multiple offender population.

A separate numbering system was used for each population to provide a unique study case identification number for each offender in the respective population. This number differed from the official state identification number the DOJ had assigned the individual. The study case identification number was used on the coding sheet and was written on the individual's criminal history record. After data entry, the criminal history record and completed codesheet for each offender were placed together in secured files for reference during the data cleaning process when initial computerized frequencies and cross-tabulations were run to detect and correct errors in coding.

The coding instruments for both single and multiple offender populations were organized into separate sections pertaining to three general sets of variables: social-legal variables on the offender, legal variables on the abduction incident, circumstances, and disposition, and variables on the crimes and legal actions subsequent to the abduction incident. Assistants completed the coding of all single abductor offenders' criminal history records. The author completed the coding of criminal histories for the population of multiple abduction offenders. One assistant managed training and quality control on the coding and data entry work completed by all of the assistants. In consultation with the author, this assistant resolved questions on how items on the criminal history records should be coded; she regularly updated codebooks used by the assistants on the procedures

## Identifying Risk Factors

for handling new or unusual coding problems. Where applicable, these procedures were followed in the coding of multiple abduction offenders. Prior to the entry of data onto floppy discs for computer analyses, the author and this assistant reviewed batches of coded cases to check for consistency, accuracy and completeness in coding.

### Variables

#### Social-legal variables.

Variables coded included "offender characteristics" (date of birth, sex, race, occupation, place of birth), "offender prior criminal history" (number of prior arrests, prior conviction, prior jail sentence, prior prison sentence, and probation/parole status at time of abduction arrest), and "type of prior arrest." Prior offense types were classified into general offense categories comparable to the categories used in the Documentary Study. These categories were "domestic violence," "nonsex offense against person," "sex offense against child," "sex offense against adult," "weapons offense," "property offense," "alcohol or drug offense," "traffic or vehicle offense," "child abuse," "violation of court order," and "other." An arrest charge could lead to more than one type of offense category being coded. For example, "assault and battery with a firearm" would be coded as "offense against person" and as "weapons offense"; "driving under the influence" would be coded as "traffic or vehicle offense" and "alcohol-drug offense."

#### Legal variables on the abduction.

This code sheet section of variables included the number of arrests for the abduction, arrest charges, number of counts, county location of arrest, arresting agency, multiple arrest agencies involvement, warrant, and date of arrest. Disposition variables coded included date of disposition, time lapse between arrest and disposition, county location of disposition, disposition agency, type of disposition,<sup>42</sup> Penal Code provision for disposed offense, level of conviction, type of sentence, suspension of sentence, length of incarceration, and sentenced to time served. "Other offenses charged at the abduction incident" were coded by general categories (which were the same as the categories described above for type of prior arrest). Disposition outcomes for each "other offense charge" were also coded.

### Legal Actions Subsequent to Abduction

The criminal history subsequent to the abduction arrest was coded by general categories of arrest offense(s) only for single abduction offenders. However, details of the criminal history between abductions were coded as to type of arrests, convictions, sentences of jail or prison, and probation or parole status at the time of the next abduction incident for multiple abduction offenders. In addition, all of the details on abduction legal variables recorded for single abduction offenders were recorded for the first and second abduction incidents for multiple abduction offenders. If there were more than two abduction incidents, arrests for additional incidents were coded as a category of offense in the individual's criminal history after the second abduction. No details of arrest dates or outcomes were recorded for abductions beyond the second abduction incident.

### Analyses

#### Types of Measurements

Three types of statistical analyses were used in the study: univariate, bivariate, and multivariate. Univariate analyses consisted of frequency distribution of variables to be used in the bivariate and multivariate statistical computations to examine relationships among and between offender and offense variables and dispositions. Frequency distributions were used to accomplish objectives (1) identifying characteristics of individuals arrested for child stealing, (2) identifying the legal classifications by criminal authorities of abduction incidents and surrounding circumstances, (3) classifying the types and frequencies of dispositions given to arrests according to severity of the disposition, and (5) identifying the characteristics of repeat abduction offenders. Because data were missing from some criminal history records, the number of cases used in the analyses of a particular variable varies from variable to variable. Percentages of the actual number on which there was information for the variable being considered are reported along with the number of cases for the variable.

Bivariate analyses in the form of two-way cross-tabulations were conducted to examine relationships between variables used in the frequencies distributions and to identify variables that showed variance at this first level that would be suitable for inclusion in multivariate regression analyses. Bivariate analyses were also used to identify variables that could be combined into composite variables suitable for ordinal logistic regression analyses with dichotomous outcomes. Bivariate analyses were useful for accomplishing study objectives (3) classifying types and frequencies of disposition given to arrests according to severity of the disposition, (4) specifying offender and offense-related factors that determine the type of disposition imposed, and (5) determining the relationships between criminal justice measures imposed at the first abduction and the likelihood of subsequent abductions.



## Identifying Risk Factors

Two statistical techniques were used to compute multivariate analyses: one consisted of two way cross-tabulations where a third variable was controlled, and the other entailed ordinal logistic regressions. Ordinal logistic regression was chosen as the type of multivariate analyses to examine the relationship between extra-legal and legal factors, and criminal justice response following the initial arrest on the abduction (as called for by study objectives 4 and 5).

To operationalize "criminal justice system response" as a dependent variable to be explained in multivariate analyses, "response" was defined as a composite variable derived by combining codes used to measure the two different variables: "disposition" (initially coded using the values: "dismiss all charges," "divert," "acquit," "convict all charges," "dismiss some charges, convict other charges (plea bargain), and "revocation")<sup>43</sup> and "sentence" (initially coded using the values, "jail only," "probation only," "fine only," "combination of sanctions but no jail," "combination with jail," "prison," and "revocation").<sup>44</sup>

As a composite variable, "response" consisted of three levels ranked from the least to the most harsh type of disposition after arrest for an abduction offense. The least harsh disposition type was "arrest only" (referring to an abduction charge that received a dismissal); the intermediate disposition type was "arrest and conviction" (referring to an abduction charge that received a conviction but the sentence imposed did not involve any term of confinement; the shorthand notation used for this type of disposition is "convicted"); and the most harsh disposition type was "arrest, conviction, and incarceration" (referring to an abduction charge that resulted in conviction and a sentence of some period of confinement; the shorthand notation used for this response category is "incarceration").

Ordinal logistic regression is most appropriate for dealing with these types of outcome values. The ordinal logistic regressions were computed in several different ways to assess the validity of the assumptions that (1) the outcome variable (the criminal justice system response to the abduction) can be considered ordinal; and (2) that the regression lines for the three different levels of the response variable are parallel. Implicit in the assumption of parallel regression slopes is that the processes of the criminal justice system response are similar for all offenders. In other words, the combination of the characteristics of the offenders have a similar effect regardless of whether the offender was convicted or not convicted, or incarcerated or not incarcerated. If the slopes are not parallel, then the process by which the characteristics of the offender are related to the criminal justice system response are different at different levels of the criminal justice system response.

Four separate models were considered using both ordinal logistic regressions and dichotomous logistic regressions with cumulative logits. These two methods of computing the regressions (the ordinal logistic regression model and the dichotomous cumulative logit regression model) were compared in order to assess the validity of the proportional odds assumption (resulting in parallel regression slopes). The outcome variable examined in the ordinal logistic regressions models was the tri-level criminal justice system response to the first abduction (arrest only, arrest

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and conviction, and arrest, conviction and incarceration). For these regressions, the reference, or comparison, category for the outcome variable, was those offenders who were arrested only for the first abduction.

For the two dichotomous logistic regression models with the cumulative logits, two separate dichotomous outcome variables were used that are analogous to the tri-level criminal justice system response variable described above. These two variables were: (1) not convicted (arrested only) versus convicted (including those who were incarcerated); and (2) not incarcerated (which included those arrested only, as well as those arrested and convicted but not sentenced to jail or prison) versus incarcerated (those who were arrested, convicted and whose sentence entailed some period of confinement in jail or prison). As in the ordinal logistic regression models, the implicit reference or comparison category for the dichotomous cumulative logit models was "arrested only."

Of the four models considered, the first model regressed the criminal justice response on the sex of offender, the ethnicity of offender, the abduction charge, and the seriousness of criminal history prior to the first abduction. Indicator coding was used for all predictor variables: "males," "whites," "abductors charged with 277," and "those with no prior criminal history" constitute the reference category. Three additional models were calculated, to which the variables "multiple incidents," "violence at abduction," and both "multiple incidents and violence at abduction" were successively added.

Logistics regressions with dichotomous outcomes were also computed for subsequent arrests and abductions to assess the effects of legal and extra-legal characteristics of offenders and abduction circumstances on subsequent behavior. First, the dichotomous variable for arrests after the abduction (dichotomized as "none" or "any") was regressed on gender, race, prior criminal history (prior to the first abduction), first abduction disposition charge, violent offense(s) at the first abduction, and the criminal justice response to the first abduction.<sup>45</sup>

### Variables Used in Analyses

#### Operationalization of Concepts for Analyses.

As noted above, a composite variable, "criminal justice system response" was created from combining values coded for disposition and sentence. The composite variable had the following values: (1) arrest only, (2) arrest and conviction, and (3) arrest, conviction and incarceration. These values were chosen to capture two slightly different aspects of the severity of a criminal justice system response: (a) the type of severity associated with being officially labeled a "criminal" as a result of the decision to convict or not convict; and (b) the type of severity that follows from a conviction when the decision on sentence involves the choice of subjecting the offender to incarceration or not. Whereas "arrest only" is at the least severe (most lenient) end of the response continuum, "conviction with incarceration" (referred to simply as "incarceration") is at the most

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severe end because it carries the label of criminal *and* entails the most intrusive and inclusive type of control. This type of sanction not only disrupts one's identity (as does the criminal justice response of arrest *and* conviction), but also one's functioning in society.

Other composite variables were created by combining either more than one variable or several value codes for one variable. These steps were taken to reduce the number of categories in the bivariate and multivariate analyses. Variable labels used in the tables are defined as follows:

- *number of abductions*-- simplified into "one," "more than one;"
- *ethnicity*-- simplified into "white," "black," "other minority;"
- *prior criminal history*--simplified and *based on the most serious disposition* for any arrest that preceded the abduction arrest as, "no arrests," "arrest only", "conviction," "incarceration;"
- *violent prior criminal history*--combines any prior arrest offense against the person or involving weapons into the code "any" and all other prior arrest offense types as well as no prior arrests into the code "none;"
- *number of arrests after first abduction*--coded as "none" or "any" (one or more);  
*other violent offenses at the abduction*--combines any offense against the person or involving weapons into the code "any," and all other arrest offense types as well as no other charges at the abduction into the code "none";
- *disposition at the first abduction*--combines the values "dismiss all" and "divert" together as one code, "not convicted", and combines the values, "conviction of some charges, conviction on all charges," and "revocation" together into the code, "convicted";
- *time lapse*--combines the values "within 2 weeks," "within 1 month," "within 1-3 months" into the code "within 3 months," and the values "within 3-6 months," "within 9-12 months," "within 12-24 months," and "more than 24 months" into the code "more than 3 months";
- *other offenses at the abduction*--coded by the values "no" where no other charges are listed at the abduction arrest and "yes" to include any charge coded at the abduction offense in addition to the abduction charge;
- *subsequent arrests*--recoded from the values "no" and "yes" to the values "none" and "any."

Findings

Social and Legal Characteristics of Offenders

Striking patterns on gender and race/ethnicity emerge on the characteristics of offenders in the data set. As Chart 1 indicates, men constitute 63 percent of arrestees and women 37 percent. While the disproportionate number of males is consistent with general arrest statistics, what is noteworthy is that over one-third of the arrestees are women. These figures contrast with the official aggregate arrest statistics reported for the entire state of California in 1984, where "males accounted for 85 percent of felony and misdemeanor arrests, and females accounted for 15 percent" (Bureau of Criminal Statistics 1984:57). These state figures changed very little by 1988; males constituted 84.3 percent of the arrestees and females, 15.7 percent (Bureau of Criminal Statistics 1988: 62).

(Chart 1 about here)

Chart 2 shows the ethnic composition of arrestees for child abduction. Whites constitute the majority of offenders at 65 percent, with blacks comprising 17 percent and other minorities (Hispanic, Asian, American Indian) 18 percent. With respect to whites and nonblack minorities, these statistics differ markedly from the ethnic characteristics of the general arrestee population in California in 1984 and 1988. In 1984, whites constituted 50.3 percent of arrested persons and their proportion decreased to 45 percent in 1988. Hispanics constituted 27.2 percent of arrestees in 1984, and 30.6 percent in 1988. Like Hispanics, the proportion of blacks in the state's arrestee population increased during the period under study, from 19 percent in 1984 to 20.1 percent in 1988 (Bureau of Criminal Statistics 1984:59;1988:62). Thus, as compared to the general arrestee population, child abduction arrestees are more likely to be white and female.

(Chart 2 about here)

Variables indicative of the "criminal careers" of child abduction arrestees reflect a mixed picture of criminal involvement. Chart 3 shows that 46 percent of the arrestees had no prior arrests,<sup>46</sup> 15 percent had prior arrests but no convictions (thus, 61 percent had no prior convictions), 7 percent had prior convictions but no sentences involving incarceration, and 32 percent had prior convictions that resulted in a jail or prison sentence. With respect to the general types of prior offenses for which individuals were either only arrested, or arrested and convicted, over one-third had no offenses involving violence; fully two-thirds had some violence (See Chart 4). Violence was a composite variable constructed from arrests for domestic violence, nonsex offenses against the person, sex offenses against an adult or child, weapons offense, and child abuse.<sup>47</sup> In addition, as suggested by data on arrests after the abduction incident presented in Chart 5, almost two-thirds of the arrestees had no criminal behavior reported after the abduction incident. Seventeen percent had only one arrest reported.

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(Chart 3, 4 and 5 about here)

### Legal Classification of Abduction Incidents.

As revealed in Chart 6, an overwhelming number of arrestees had only one child abduction incident reported in their criminal record (89 percent). Interestingly, arrests for P.C. 277 (precustody order offense), 278 (no-custody rights offense), and 278.5 (custody order offense) were evenly distributed (See Chart 7).<sup>48</sup> Quite unlike the general picture of the nature of prior criminal behavior, Chart 8 shows that only 28 percent of arrestees for child abduction were charged with a violent offense along with the abduction charge. Seventy-two percent of individuals either had no other offenses charged in connection with the abduction incident or had nonviolent (property, drug, traffic) offenses charged.

(Chart 6, 7 and 8 about here)

### Types and Frequencies of Dispositions.

As for the criminal justice system's response after the initial arrest, nearly one-half of arrestees had the abduction charged dismissed by law enforcement, prosecutor, or court. This figure, 44 percent, is referred to in Chart 9 as the group of individuals "arrested" (only). The remaining offenders were almost evenly split between receiving a conviction and sentence that did not entail incarceration, and those that did (27 percent and 29 percent respectively). For the 11 percent of child abductors who constituted the multiple abduction offender group, the criminal justice system response to their second abduction was clearly harsher. Only 17 percent of multiple abductors had their charges dismissed at the second incident, while more than a quarter received convictions (but no sentence involving incarceration) and over half (57 percent) received convictions that carried jail or prison terms (See Chart 10).

(Charts 9 and 10 about here)

Offender and Offense Determinants of Dispositions.

The research literature on factors affecting criminal justice system decisionmaking and outcomes indicates a broad array of personal, social, legal, organizational, and structural variables have been studied. Those variables cited in the literature and available for measurement from the criminal history records used for this study include the following "extra-legal" and "legal" factors: gender, race/ethnicity, prior criminal history (specific types of arrest offenses and dispositions), surrounding circumstances of arrest (i.e., other offenses at abduction), degree of state control prior to arrest, legal classification of criminal behavior, and time frame of disposition. The relationships of these factors to the severity of the system response to the arrest for child abduction are discussed below.

Gender.

Tables 1, 2, 3, and 4 provide details on gender, ethnicity, and criminal conduct of arrestees. As Table 1 shows, nearly three-fourths of female arrestees are white. While male offenders are also likely to be white, nearly a quarter of the males in the data set are nonblack minorities. This contrasts with female non-black minority offenders who make up less than 12 percent of the female arrestees.

(Table 1 about here)

Table 2 shows that over 50 percent of female arrestees have no prior arrest record whereas not quite 40 percent of males have no prior record. On the other end of the spectrum of criminal justice control, over one-third of males have prior records that include incarceration in jail or prison. Roughly one-fourth of the women in the data set also have a record of prior incarceration.

(Table 2 about here)

Table 3 provides details on the types of offenses for those individuals, by gender, who had prior arrests. The most common offense for both men and women was a property offense with a slightly larger percent of women having such a prior arrest offense (61.1 percent of men, 66.45 percent of women). The next most common offense for both men and women was "other" (e.g., resisting arrest, public disorder). Fifty percent of men and 48 percent of women had a prior arrest for some type of "other offense." Men and women were almost equally likely to have a prior arrest for a drug or alcohol related offense (43.5 percent of men and 43.4 percent of women). A larger percentage of men as compared to women had a prior non-sex offense against a person (55.4

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percent compared to 35.5 percent, respectively). Men were also much more likely to have a weapons offense (38.3 percent of men versus 19.1 percent of women) and somewhat more likely to have a traffic offense (31.3 percent of men compared to 22.4 percent of women).

(Table 3 about here)

The incidence of arrests for domestic violence and child abuse is fairly low in this population but a gender pattern does appear with men having considerable more prior arrests for domestic violence (12.8 percent of men as contrasted with 2 percent of women) and women having slightly more prior arrests for child abuse (15.1 percent of women and 12.2 percent of men). The number of offenders having priors for a sex offense with a child (1.6 percent of men and .7 percent of women) or an adult (4.6 percent of men and no women) were quite small.

In sum, what Tables 2 and 3 tell us is that women are much more likely to have no prior arrests (56.7 percent as compared to 39.4 percent of men). When they do have a record of a prior arrest, it tends to be for property offenses, "other" offenses (e.g. public disturbance) or drug and alcohol related law violations. The men in the data set, however, appear to have more serious and varied criminal records that indicate harm to persons (involving categories of nonsex and sex offenses, domestic violence) as well as the potential for violence and danger (due to presence of weapons).

Table 4 is most revealing in terms of explicit gender differences in child abduction behavior. While the overall frequencies of arrests for P.C. 277 (precustody order offense), 278 (no-custody rights offense), and 278.5 (custody order offense) appear to be evenly distributed across the three definitions, an examination of gender and charge shows that distribution within the offense categories have gendered patterns. Females are more likely to be arrested for the violation of a custody order (44.2 percent), while men are more likely to be arrested for an abduction before a custody order is obtained (35.7 percent). Men and women are similar when it comes to being charged with 278 (no-custody rights offense; 35.1 percent and 37.5 percent, respectively). However, only 18.3 percent of women, as compared to 35.7 of men, are arrested for 277 (precustody order offense).

(Table 4 about here)

As Table 5 indicates, when it comes to violence accompanying the abduction incident, 30 percent of male arrestees are charged with offenses of violence at the abduction arrest, while not quite 25 percent of women are. These figures are closer than might be expected, but they also

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show that 70-75% of abductors do not have acts of violence as part of their abducting behavior. The men and women abductors who pose some degree of danger or harm, appear to direct it at different types of victims. Based on the behaviors for which individuals in the study had prior arrests, (Table 3) men's "risk/danger" appears more likely to involve weapons and to be directed at adult victims (including other men as well as women). The women's "risk/danger" on the other hand, appears more likely to be directed at children, because of the slightly greater likelihood of having a prior charges of child abuse.<sup>49</sup>

(Table 5 about here)

It should be noted that in spite of the fact that criminal justice officials may well be concerned with a child's safety, according to the statutory definitions of the crime of child abduction, *the child is not the legal victim of the crime*. Rather, the left-behind parent, *whose rights to possess the child have been violated*, is the legal victim. In this light, *the child's safety is not legally relevant to establishing a defendant's criminal liability for the abduction crime*. In fact, since it is the left-behind parent that is the legal victim of the abduction, prior history or other offenses at the abduction that indicate that the defendant poses a danger to *adult* victims would seem to be, legally speaking, very relevant to judgments about criminal liability/risk for an abduction charge.

Disposition data reveal that women are more likely than men to be subjected to continuing criminal justice system control once they are arrested for child abduction. Table 6 shows that roughly two-thirds of women arrestees are convicted of abduction, whereas only a little over one-half of men are. While Tables 2, 3, and 5 suggest that women arrestees are less violent and less criminally involved than men, Tables 4 and 6 suggest that the specific abduction arrest offense, rather than "legal factors" that are indicators of dangerousness or recalcitrance, influences disposition. Specifically, women are more likely to be arrested for a violation of a custody order (278.5) and convicted of their violation.

(Table 6 about here)



Ethnicity.

Bivariate analyses of ethnicity, criminal conduct, and criminal justice system response also show some interesting patterns. Table 7 shows that blacks and nonblack minority offenders have more serious prior criminal records than white offenders.

(Table 7 about here)

Almost one-half of the black arrestees for child abduction had a record that includes prior incarceration. Over one-third of nonblack minority offenders also have histories of prior incarceration. Just over one-fourth of whites have such a history. Table 8 shows the abductions for which individuals of different ethnic characteristics are arrested. Whites are most often charged with 278.5 (custody order offense), blacks are most often charged with 278 (no-custody rights offense), and arrests of nonblack minority offenders are evenly split between 277 (precustody rights offense) and 278 (no-custody rights offense).

(Table 8 about here)

Whites are the least likely to have a charge of violence accompany the child abduction charge; roughly 30 percent of black and nonblack minority offenders have violence charged as compared to 27 percent of whites. (See Table 9)

(Table 9 about here)

However, even though minority arrestees have more serious criminal records and behavior at the time of the abduction incident, as Table 10 shows, a higher percentage of whites are convicted of child abduction as compared to nonwhites (58.8 percent of whites as compared to 53.1 percent of black and 51.7 percent of nonblack minority offenders). Here again, the type of abduction charge, as contrasted to other "legal factors," seems the most important. Whites are more often charged with 278.5 (custody order offense); nonwhites are most likely to be charged with 277 (precustody order offense) or 278 (no-custody rights offense).

(Table 10 about here)

## Identifying Risk Factors

Table 11 confirms the importance of abduction charge to disposition. P.C. 277 (precustody order offense) is mostly likely to be dismissed after arrest (49.1 percent) followed by 278 (no-custody rights offense) (47 percent). Though the maximum legislated penalty for the violation of 278 (no-custody rights offense) is the most severe of all three offenses (four years of imprisonment), violations of 278.5 (custody rights offense), rather than 278, result in sentences of incarceration (37.4 percent of arrests for 278.5 result in conviction and a sentence of incarceration as compared with 26.7 percent of 278 arrests).

(Table 11 about here)

### Criminal History

Tables 12 through 18 depict relationships between various legal and criminal involvement factors and the response of the criminal justice system to the abduction incident. As noted earlier, a composite variable for criminal justice system response was created to combine and simplify abduction disposition and sentence values into three different options: (1) arrest only (i.e., cases that were dismissed by law enforcement, prosecutors, or judges); (2) conviction only (the arrested person received a conviction related to the abduction incident either on the abduction charge or some other charge but was not sentenced to any time in jail or prison); and (3) incarceration (the harshest criminal justice response in terms of arrest, conviction, and sentence).

Table 12 presents the cross-tabulation for prior criminal history and abduction charge. Some relationships appear between prior exposure to criminal authorities and type of abduction charge. Those with no prior record of any type (i.e., "no arrest") are most likely to commit an abduction that entails no rights to custody (P.C. 278), and least likely to commit an abduction when they have some rights to custody, either prior to a court order (P.C.277) or as a result of the court order (P.C. 287.5). These figures suggest that those persons who are generally law abiding commit abductions when their relationship to a child has not been subjected to any legal determinations. On the other hand, those who have had any prior contact with the criminal law either through an arrest, arrest that resulted in a conviction, or an arrest that led to incarceration, are most likely to be arrested for an abduction that involves the violation of a custody order (P.C. 278.5).

(Table 12 about here)

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Table 13 shows that prior criminal history does not seem to relate to disposition as closely as one might anticipate based on other research. About 42 percent of offenders with prior incarceration were arrested only on the abduction charge. More than one-fourth of individuals who had no prior arrest were subjected to the most severe responses, incarceration, as a result of a conviction on the abduction charge, while just over one-third of those with prior incarcerations received such a sentence following their abduction conviction.

(Table 13 about here)

### Prior Arrest Offenses.

Tables 14 and 15 suggest the relationships between specific prior offenses or other offenses at the abduction incident and criminal justice response. As was noted earlier, the incidence of prior arrests for domestic violence, sex offenses against adults or children, and child abuse was relatively low in this population. For all prior arrest types except sex offense with child, the most common response was arrest only. For those with a prior arrest for sex offense involving a child, conviction without incarceration rather than conviction with incarceration was more likely (42.9 percent as compared to 28.6 percent). Those with a prior arrest for a sex offense involving an adult victim were the most likely to receive conviction and incarceration as a disposition for the abduction incident. What these figures suggest is that prior arrests for offenses involving harm to adult victims, rather than children, are found to correspond with the most severe disposition for the abduction incident. But the number of cases with prior arrests for offenses involving children are small.

(Table 14 about here)

Abduction Circumstances.

Table 15 provides figures on the relationships between types of offenses charged at the abduction incident and incident disposition. Here again, the seriousness of other offenses at the abduction does not seem to relate to the severity of the criminal justice response. The most severe response (conviction and incarceration) appears for sex offenses with a child (50 percent of 8 cases), followed by property offenses (49.1 percent of 55 cases), domestic violence (46.1 percent of 26 cases) and weapons (42.1 percents of 19 cases). Surprisingly, one-half of those with a court violation charged with the abduction receive arrest only as their disposition (48.3 percent of 60 cases). About one-third of cases with other offenses of weapons, child abuse, sex offense with a child receive the disposition of arrest only (31.6 percent, 35.2 percent, 37.5 percent, respectively). When domestic violence is a charge at the abduction incident, the disposition is least likely to be arrest only (15.4 percent) and most likely to be both conviction and a sentence involving incarceration (46.1 percent).

(Table 15 about here)

Limitations on Abductor.

Tables 16 and 17 consider the relationship between the arrestees' supervision status at the time of the abduction and criminal justice system response to the abduction. Table 16 shows that of the individuals on probation or parole at the time of an abduction, those arrested for violations of P.C. 278.5 (custody order offense) are least likely to have this status; those charged with 277 (precustody order offense) are most likely to be subjected to some type of supervision (32.6 percent and 45.2 percent respectively) at the time of the arrest. Considered from a somewhat different perspective, Table 17 indicates that of those who receive the harshest disposition for the abduction (i.e., conviction and incarceration) almost 60 percent are not under supervision at the time of the incident. The most common response to individuals who are on probation or parole at the time of the abduction is conviction and a sentence that does not include incarceration (47.4 percent).

(Tables 16 and 17 about here)

Legal Classification of Abduction.

Table 18 shows that of the three Penal Code Sections applicable to child abduction, violations of P.C. 278.5 (custody order offense) are most likely to receive the most severe response from the criminal justice system, and violations of P.C. Section 277 (precustody order offense) the least severe response. Specifically, 37.4 percent of individuals dispositioned on P.C. 278.5 receive a conviction and a sentence of incarceration; only 25 percent of P.C. 277 violations, and 26.7 percent of 278 violations, are given this sanction. Conversely, nearly 50 percent of violations for P.C. 277 and 278 (49.1 percent and 47 percent respectively) receive the least severe response (arrest only) while only 31.1 percent of P.C. 278.5. violations are subjected to an arrest only.

(Table 18 about here)

Tables 19 and 20 help to further separate the effects of race, gender, and abduction offense charge on criminal justice system response to the abduction arrest. In both tables, the abduction arrest charge is controlled for in the analyses between the respective offender characteristic (gender in Table 19 and ethnicity in Table 20) and severity of disposition.

(Table 19 about here)

From Table 19, gender appears to have the most consistent effect on severity of disposition, across abduction offense. Men and women are similar in receiving the most lenient disposition, arrest only, when they are both charged with P.C. 277 (precustody rights offense) with slightly fewer women receiving leniency as compared to men (50.9 percent of women versus 48.9 percent of men). When both are charged with P.C. 278 (no-custody rights offense), men are much more likely to receive the most lenient disposition (53.5 percent of men receive "arrested only" compared to 36.9 percent of women). With respect to P.C. 278, women were much more likely to receive the response of intermediate severity, "convicted," (32.4 percent of women versus 22.4 percent of men) as well as the most harsh response, "incarcerated" (30.6 percent versus 24.1 percent women). When women and men are both charged with 278.5. (custody order offense), men are more likely to receive the most lenient disposition, "arrested only" (33.3. percent of men as contrasted with 29.3. percent women) as well as the most harsh response, "incarcerated" (38. 2 percent of men versus 36.1 percent of women). Women, on the other hand, and by a wider difference, are more likely to receive the intermediate response, "convicted" (34.6 percent of women versus 28.5 percent men).

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Put differently, when the response is dichotomized as a decision about whether the defendant is dropped out of the system and not labeled "criminal," or further processed as a criminal for a determination about the degree of control or sanction (as indicated in Table 19 under the column "arrested only"),<sup>50</sup> across all abduction classifications men receive the benefit of leniency. They are more likely not to be labeled "criminal" as a result of the abduction incident as compared to women. But when the response is dichotomized as a decision about whether the defendant's functioning in the community is disrupted through confinement as a result of the abduction arrest (as indicated in Table 19 under the column "incarcerated"),<sup>51</sup> men are more likely to receive leniency on an abduction arrest when their offense does not entail a violation of a judicial custody order (either as P.C. 277 or P.C. 278). When the offense involves a violation of a custody order, men are more likely to be subjected to harshness, but only slightly more so than women. Of all three abduction offenses, the most likely response for P.C. 278.5 (custody order offense) is the most harsh disposition, incarceration; both men and women are most likely to be handled this way.

In Table 20, uneven relationships are suggested among abduction offense charge, ethnicity, and criminal justice system response. Depending on the charge and the severity level of disposition, whites are sometimes treated quite differently from nonwhites (blacks and other minorities), and other times treated more like one category of minority offenders. This treatment is different from that given to the other category of minority offenders.

(Table 20 about here)

When it comes to the charge of P.C. 277 (precustody rights offense), of all groups, whites are most likely to receive the most lenient response, "arrested only" (52.1 percent whites, 47.5 percent blacks, and 42.9 percent other minority). Other minorities, on the other hand, are most likely to receive the most severe disposition (incarceration) for this abduction charge (with 30.6 percent of other minority, 25 percent of whites, and 20 percent blacks receiving incarceration). When the arrest charge is 278 (no-custody rights offense), blacks and other minority offenders are similarly situated across all levels of dispositions in receiving leniency; these two groups are also most likely to receive the most lenient response (with 58 percent of other minorities, 57.4 percent of blacks, and 38.9 percent of whites being arrested only). Whites are much more likely than either minority group to receive the most severe disposition of incarceration for the no-custody rights offense of P.C. 278 (34.6 percent of whites compared to 16.1 percent of blacks and 16 percent of other minorities).

When P.C. 278.5 (custody order offense) is the arrest charge, while nonblack minority offenders are most likely to receive leniency (the response of "arrested only"), black offenders are least likely to be handled this way. (Specifically, 36.8 percent of other minorities, 31.6 percent of whites, and 21.4 percent of blacks are arrested only). However, blacks and whites are similarly

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situated in receiving the system's harshest response (incarceration, i.e., 39.3 percent of blacks, 39.2 percent of whites, and 26.3 percent of other minorities). Other minorities are likely either to receive leniency (with 36.8 percent receiving "arrested only" compared to 31.6 percent of whites and 21.4 percent blacks) or an intermediate response (with 36.8 percent of other minorities receiving "convicted" compared to 39.3 percent of blacks and 29.2 percent of whites) for the same offense.

To summarize the effects of ethnicity, when the response is dichotomized as a decision about whether the defendant is dropped out of the system and not labeled "criminal," or further processed as a criminal for a determination about the degree of control or sanction, (in Table 20 indicated under the column "arrested only") across all abduction classifications, whites receive greatest leniency for a precustody order abduction (P.C. 277); blacks and other minorities receive greatest leniency as defendants for an abduction when they have no rights to custody (P.C. 278); and nonblack minorities receive the greatest leniency when charged with violating the terms of a custody order (P.C. 278.5).

When the response is dichotomized as a decision about whether the defendant's functioning in the community is disrupted through confinement as a result of the abduction arrest or not (indicated in Table 20 under the column "incarcerated"), minority offenders (black and nonblack) charged with P.C. 278 (no-custody rights offense) receive greatest leniency. Across all abduction charges, when it comes to being removed from the community, *whites are either as likely or more likely, relative to the other ethnic groups, to be subjected to incarceration as a result of their abduction arrest.*

### Response Time Frame.

The factor of time between arrest and disposition seems to be related to the seriousness of the disposition. As Table 21 shows, cases that are dispositioned within three months of arrest are most likely to end in arrest only (46.4 percent) as compared to cases for which more than three months transpire between arrest and disposition (37.5 percent). Conversely, those cases that take the longest to come to disposition, receive the most severe response from the criminal justice system.

(Table 21 about here)

It may be that the cases that take the longest to disposition are the most serious and complex in terms of evidentiary or legal matters and, once the legal facts are determined, result in a severe response. These cases may also involve uncooperative or unreliable defendants who fail to keep to scheduled court hearings; the harsher dispositions they receive may be imposed for their troublesomeness.

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Alternatively, defendants represented by legal counsel may have cases that take the longest to dispose because of efforts by their attorney to use motions and other strategies to limit the legal issues or get the case dismissed. Defendants without legal representation may make fewer demands on the court's time and are "rewarded" by being given a more lenient response (dismissal or conviction but not confinement time). Some studies on defendants charged with petty offenses (either as juveniles or adults) have found that those defendants who are not represented by counsel do as well, if not better, in obtaining a favorable outcome (either as an outright dismissal, or in receiving a lenient sentence if convicted) as compared to those who are represented (Feeley 1992; Jacob 1978, Stapleton & Teitelbaum 1972). This is not the case with defendants who are charged with serious offenses (Ryan 1980). And in California, superior court judges generally do not accept pleas at the early stages of the criminal process for a felony charge until after a defendant has conferred with counsel (privately retained or appointed by the court), because of the potential seriousness of the consequences of a felony conviction.

Finally, a combination of both of these dynamics may explain the relationship between processing time and severity of disposition. Defendants who are uncooperative, or difficult to track down may be those individuals who have committed abduction offenses that are the most intentional and defiant. They seek representation by counsel because of the seriousness of their offense and criminal liability. While legal representation may help their defense, these offenders still end up with a harsh disposition to reflect the criminality of their illegal behavior. Since the criminal history records do not contain information about legal representation of an offender, this explanatory variable was not available to analyze.

### Conviction Level.

Tables 22 and 23 show the relationship between type of Penal Code violation for the abduction and the level of seriousness the system accords the violation when the offender is convicted. Table 22 indicates that violations of P.C. 278 (no-custody rights offense) are most likely to receive a felony level conviction, and violations of P.C. 277 (precustody order offense) are least likely to receive a conviction at the felony level. As would be expected, (see Table 23) those cases receiving a sentence not involving incarceration are most likely to be misdemeanor level convictions (71.2 percent) and those entailing incarceration are likely to be convicted at the felony level.

(Tables 22 and 23 about here)

Tables 24 and 25 present offense level for those cases where the offender was convicted for the abduction incident and was also charged with some other offense at the abduction. Table 24



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shows that the seriousness of the other charges does not seem related to whether the abduction incident is dispositioned at the felony or misdemeanor level. When domestic violence is charged at the abduction, the abduction incident is least likely to receive a felony level (as opposed to misdemeanor) conviction; sex offenses (n=5) charged at the abduction are most likely to be associated with a felony level conviction (100 percent), followed by a weapons charge (66.7 percent), "other" offense (57.1 percent), a drug or alcohol offense (50 percent), and child abuse (42.1 percent).

(Table 24 about here)

As presented in Table 25, when the abduction circumstances are simplified as entailing either no violent offense or a violent offense, violence does not noticeably distinguish the level of the conviction.

(Table 25 about here)

When the figures in Tables 24 and 15 are compared, different pictures emerge that do not seem consistent. Sentence type (incarceration or no incarceration) and level of conviction (misdemeanor or felony) would both seem to measure severity of the criminal justice system response and the system's view of the harm that an abduction incident entailed. One would expect that the seriousness of the abduction incident would be indicated by the nature of other offenses at the incident. The seriousness of other offenses, in turn, would affect the level of the conviction and the severity of the sentence. While cases that have sex, domestic violence, property, or weapons as another offense at the abduction incident receive the most severe response from the criminal justice system, these are not the same types of other offenses associated with a felony conviction on the abduction. Rather, sex offenses, weapons, "other offenses," and drug or alcohol-related offenses are offense categories related to a felony level conviction.

Thus, the circumstances surrounding the abduction incident do not invoke consistently severe or lenient reactions from the criminal justice system. While some surrounding circumstances may lead to the imposition of incarceration and would seem to indicate that criminal justice officials viewed the abduction incident as serious or harmful, these same surrounding circumstances do not consistently lead to the system's designation of the abduction violation at the felony level of offense. Put differently, the circumstances associated with the seriousness of the type of conviction are not the same circumstances that are associated with the severity of the sanction. Individuals and law-violating behavior surrounding the abductions who receive a felony level conviction are not the same individuals or law-violating behavior subjected to confinement.

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Table 26 displays the cross-tabulation between prior criminal history and level of conviction. Severity of prior criminal record has uneven effects on seriousness of the abduction conviction. Interestingly, *individuals with no prior arrests are as likely as those with the most serious prior criminal record* (arrest, conviction and incarceration) to receive a felony level conviction for the abduction (36.8 percent with no prior criminal record compared to 37.8 with records that include prior incarceration). Those with "arrest only" as their prior record *are most likely to receive a felony level conviction*; those with a "prior conviction" (but no prior incarceration) are least likely to have a felony level conviction.

(Table 26 about here)

In Table 27, the full model of the logistic regression of the criminal justice system response on gender, ethnicity, prior criminal history, abduction disposition charge, violence at the abduction, and the number of incidents is presented with the odds ratio values on each independent (predictor) variable. An odds ratio close to 1 indicates very little variation in the effect of the predictor variable on the outcome variable. An odds ratio above 1 indicates an increased likelihood of the outcome, while an odds ratio below 1 is indicative of a decreased likelihood of occurrence of the outcome.

(Table 27 about here)

The odds ratios offers a picture of the roles of extra-legal variables (gender and race) and legal variables (prior criminal history) on criminal disposition different from the one suggested by existing literature on the direction of discrimination in the criminal justice system. Specifically, with respect to conviction versus no conviction (third column), *females are one and one-third times as likely as males to be convicted*. Also, *minorities (black and nonblack) are slightly less likely than whites to be convicted*. Moreover, *abductors with prior arrests are almost one-half as likely as those with no prior arrests to be convicted*. Those with *prior conviction are slightly less likely*, and those with *prior incarceration are slightly more likely* to be convicted.

While extra-legal variables of gender and race appear related to type of offense charge and seriousness of disposition, "legal factors" of the nature and type of criminal conduct are clearly relevant to interpreting the meaning of these figures. One legal factor is related to the burden placed on the state for establishing guilt. Both P.C. 277 (precustody offense) and 278 (no-custody rights offense) have been described as "specific intent" crimes. P.C. 278.5 (custody order offense), on the other hand, has been defined as a general intent crime. Thus, with 278.5 charges, prosecutors have a less taxing job of marshaling evidence to establish "intent to deprive," as compared to proving

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"malicious" intent and "without good cause" required by 278 and 277, respectively. Differences in evidentiary requirements of the respective Penal Code definitions are consistent with the odds ratio values for different offense codes. Those charged with 278 are almost as likely as those charged with 277 to be convicted; however *abductors charged with 278.5 are almost twice as likely as those charged with 277 to be convicted.*

Another legal factor associated with evidentiary requirements related to successful prosecution concerns the criminal or dangerous circumstances surrounding an abduction that bear on state of mind. The odds ratio values show that violence at the abduction has a very large effect, *with those charged with a violent offense being two and three-fourths times as likely to be convicted as those with no other charges or no violent charges* at the abduction. Finally, those who committed a subsequent abduction are almost one and one-half times as likely to receive a disposition of conviction for the second abduction as compared to the first abduction.

While, as indicated above, *some extra-legal and legal variables appear to play a role relating to conviction/no conviction, the odds ratio values for incarceration/no incarceration suggest these factors become unimportant when it comes to selection of sentence.* Comparing abductors who received incarceration to those who did not (column 5), *gender appears to have almost no effect on incarceration.*<sup>52</sup> Ethnicity does seem to have an effect but in the direction of advantage to minorities. Black and nonblack minority abductors are almost half as likely as whites to be incarcerated. As with conviction versus no conviction, those with previous arrests are slightly less likely to be incarcerated than those with no previous arrests. However, those with previous convictions are slightly more likely, and those with previous incarcerations are more than one and one-half times more likely, to be incarcerated upon conviction as compared with abductors with no prior criminal history.

Abductors convicted of 278 (no-custody rights offense) are just as likely as those convicted of 277 (precustody order offense) to be incarcerated. Notwithstanding the fact that P.C. 278 carries a longer prison term than 278.5 (custody order offense), those convicted of 278.5 receive the most harsh response. They are one and one-half times more likely to be incarcerated than are those convicted of 277 or 278. And surprisingly, *the effect of violence* at abduction appears to be *less for incarceration/non-incarceration as distinguished from the conviction/no conviction outcome.* Those with a violent offense are only one and one-third times more likely to be incarcerated as are abductors with no other offenses or non-violent offenses at the abduction. Finally, similar to the results of conviction versus no conviction, abductors with more than one abduction incident are one and one-third times more likely than those with one abduction to receive a sentence involving incarceration.

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In sum, when comparing the two sets of regressions (no conviction/conviction and no incarceration/incarceration), the effects of almost all of the variables vary with the type of criminal justice system response. While females are more likely than males to be convicted, this is not true for incarceration. In addition, minorities are only slightly less likely than whites to be convicted, but they are much less likely than whites to be incarcerated. The odds of being incarcerated are increased over those receiving only a conviction with any previous criminal history. Comparing those charged with 277 (precustody order offense) and those charged with 278 (no-custody rights offense), the odds of being convicted for those charged with 278 are slightly greater than the odds of being incarcerated, but both are close to no effect. Comparing those charged with 278.5 (custody order offense) to those with 277, the odds of being incarcerated decrease compared with the odds of receiving a conviction. Similarly, the effect of violence at the abduction is smaller in decisionmaking on sentencing than in decisionmaking on giving the individual a criminal label for the abduction. This is true for the effect of the number of abduction incidents at these two decision points as well.

Some qualifying statements on the statistical techniques used to derive these values are in order to place interpretation of these values and the phenomena they seek to measure in the context of the usefulness of regression analysis.

The comparison of the ordinal logistic regression models with the dichotomous cumulative logit regression models produced evidence indicating the assumptions of parallel slopes and the parallel process for the different levels of the outcome (criminal justice response) may not be realistic. A detailed discussion of the technical features of the regressions analyses is covered in Appendix 3C, restrictions of the analyses (and interpretations that the analysis permits) can be summarized as follows.

Although the proportional odds assumptions for the ordinal logistic regressions were not violated for the first three models, when the predictor variables for both "violence at the abduction" and "multiple abduction incidents" were added to the fourth (full model), the proportional odds assumption was not valid. Furthermore, the changes in the log likelihood statistics for the dichotomous cumulative logit comparing the fourth (full model) to the other models indicated an improvement in the fit of the model (i.e., the amount of variation in the criminal justice response that can be explained by the predictor variables) for the regression with the dichotomous outcomes "no conviction versus conviction." But this improved fit was not true for the dichotomous outcome "no incarceration versus incarceration." This could indicate that violence at the abduction and the occurrence of subsequent abductions are more useful for explaining whether an abductor is convicted than whether the abductor is incarcerated. Additionally, *this result and the violation of the proportional odds assumption could together indicate that the processes leading to the criminal justice response are different for offenders with different offender characteristics.*<sup>53</sup>

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If the proportional odds assumption were valid, we could assume that the regression slopes were parallel. Parallel regression slopes indicate that the predictor variables interact in a manner that is similar for everybody, but some particular attributes of offenders have a greater (or lesser) effect on the outcome variable of interest. For example, the process leading toward a particular criminal justice system response may be similar for all ethnic groups, but being white may have a greater effect of the occurrence of a particular response. Since this analysis indicated that the assumption of parallel slopes is not valid, it cannot be assumed that, for all offenders, the legal and extra-legal characteristics interact in a manner that produced similar effects on the criminal justice system response. *Rather, at least for the full model, the characteristics of offenders interact differently for each level of criminal justice system response.*

### Characteristics of Repeat Child Abduction Offenders

As Chart 6 indicates, about 11 percent of the individuals in the data set were arrested for a subsequent abduction. This suggests that the crime of child abduction has a very low recidivism rate compared to other crimes such as domestic violence (Sherman et al 1991), burglary, and robbery (Petersilia & Greenwood 1978). In this next section the characteristics of those who are multiple abduction offenders will be described and compared with single abductors; the impact of criminal justice responses to the first abduction on subsequent law violations including a second abduction, will be examined as well. However, some cautionary comments are in order with respect to interpreting the data on repeat abductions.

As reported elsewhere (Blomquist 1995a,) law enforcement personnel who specialize in child abduction cases perceive that child abductors have low recidivism. Law enforcement personnel believe child abduction cases are resolved effectively through informal interventions and referrals to family court (Blomquist 1995a). Based on their experience, child abduction investigators have reported that in roughly 90 percent of cases, they resolve abductions and custody violations through informal mechanisms without having to resort to use of the full array of coercive measures available through the criminal law (i.e., arrest, prosecution, and conviction) (Blomquist 1995a).

It is unclear whether low recidivism rates are due to child abductions generally not being repeated, or to the way law enforcement define, record, and respond to abductions which creates an appearance of low recidivism. Other studies (Agopian 1981; Forst & Blomquist 1991; Blomquist 1995a; Blomquist and Van Laar 1995; Plass, Finkelhor & Hotaling 1995) indicate that there are considerable variations across jurisdictions and law enforcement agencies in the formal and informal policies that define an abduction or custody violation "case" receiving criminal justice attention. Complaints from left-behind parents about a violation of custody rights as determined by statute or by court order may need to meet certain criteria before law enforcement view the complaint as an actionable abduction, detention, concealment, or violation of a custody right.<sup>54</sup>

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Given the data set used in this study, it is impossible to know to what extent informal measures were initially used to respond to prior complaints or incidents involving the individuals who ultimately were subjected to an arrest. In addition, it is also impossible to know how often the victim/left-behind parent sought the assistance of criminal authorities for enforcement of custody rights prior to the incident for which an arrest was made.<sup>55</sup> Moreover, it must be kept in mind that the data set itself has limitations in capturing repeat abductions. The inclusiveness of the data set is limited by the underreporting problem noted earlier, and by the fact that while the five year time span gives the data a longitudinal dimension, the data set is not a cohort study. As a result, while individuals who entered the data set at the beginning of the time period through an arrest in 1984 or 1985 could have a subsequent arrest tracked and included in the analyses, those who entered the data set late in the period of study through an arrest in 1988 or 1989 would not have had a subsequent arrest for abduction recorded.

### Social and Legal Factors.

Tables 28 through 35 compare single and multiple abductors with respect to key social and legal factors. Table 28 indicates that men and women are similarly likely to be multiple abductors (10.1 percent of men and 10.4 percent of women). Table 29 shows that ethnicity is related to repeat abductions. Black arrestees in the data set were more likely to have a subsequent arrest for abduction than whites (13.0 compared to 10.4, respectively). Nonblack minority arrestees were least likely to have a subsequent arrest (7.6 percent). With respect to prior criminal history (Table 30), those who were subjected to a prior conviction (but no prior incarceration) as the most serious criminal justice intervention in the past were most likely to have more than one abduction incident, followed by those who were subjected to a sentence of incarceration as part of their prior criminal history (23.5 percent and 12.5 percent). Interestingly, those who had a prior arrest only (and no conviction) were least likely to have arrests for multiple abductions, followed by those with no prior arrests at all (5.8 percent and 7.0 percent, respectively).

(Tables 28-30 about here)

Some differences emerge with respect to type of abduction violation and number of abduction incidents. These differences appear in Table 31. Those charged with violations of P.C. 277 (precustody order offense) are least likely to be multiple abduction offenders (at 6.0 percent) while those charged with violations of P.C. 278 (no-custody rights offense) and 278.5 (custody order offense) are equally likely to be multiple abduction offenders (9.4 and 9.3, respectively).

(Table 31 about here)

Criminal Justice Interventions and Repeat Abductions.

Tables 32 through 34 provide more details on the relationships between arrestees' prior criminal behavior, the criminal conduct surrounding the abduction incident, criminal behavior after the abduction incident, and repeat abductions. Table 32 suggests that those who have a prior arrest for sex offenses are least likely to have multiple abduction arrests, while those who have prior traffic, child abuse, or court violation arrests are most likely to have two or more abduction incidents on their record (20.8 percent, 19.1 percent, and 16.2 percent, respectively). Table 33 offers a slightly different picture of criminal involvement after the abduction arrest and second abduction arrest. Those with arrests for sex offenses, domestic violence, and court violations are slightly more likely than those arrested for other types of offenses to be repeat abductors (14.3 percent of those arrested for sex offense with an adult, 12.5 percent of those with sex offense with a child, 10.9 percent of those with arrest for domestic violence, and 10 percent of those with arrest for court violations).

(Tables 32 and 33 about here)

Tables 34 and 35 present the details of criminal activity surrounding the abduction incident and subsequent abductions. Table 34 shows that those who have other offenses charged at the abduction incident are only slightly more likely to be multiple abduction offenders as compared to those whose abduction incident included arrest only for the violation of the child abduction statutes. Table 35 indicates that persons with arrest for weapons (24.0 percent), drug or alcohol (20 percent), and traffic offenses (20 percent) at the abduction incident are slightly more likely to have multiple abduction than those arrested for other offenses, such as domestic violence (13.9 percent), child abuse (14.0 percent), or nonsex offenses against the person (14.4 percent).

(Table 34 about here)

Table 35 findings might be explained by differences in the at-risk status of offenders based on the disposition they received at the initial abduction incident (assuming offenders repeat the same types of offenses).<sup>56</sup> However, Table 15 suggests, of those who were arrested on other charges at the abduction incident in addition to the child abduction violations, those with a sex offense involving a child, a property offense, domestic violence, or a weapons offense were the individuals who received a sentence involving incarceration. Because of their incapacitation, time at risk for committing a subsequent abduction for these individuals would not be the same as those who were charged with other types of offenses and received a disposition that did not involve

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confinement. As Table 35 indicates, of all other offenses at the time of the first abduction, those having a weapons charge are the mostly likely to commit a subsequent abduction. Yet, nearly half of these weapons offenders received a sentence of incarceration as the disposition for the first child abduction incident.

(Table 35 about here)

Tables 36 and 37 present the relationship between the type of criminal justice system response given to the first abduction incident and arrests for subsequent abduction incidents. More serious system responses appear related to repeat abductions. Specifically, those who received arrest only as the disposition on the abduction incident were the least likely to be repeat abductors (6.6 percent) while those who were either convicted, or convicted and sentenced to incarceration were more likely to have subsequent abductions; those with a sentence of incarceration were the group most likely to have a subsequent abduction incident (10.8 percent). Consistent with the pattern in Table 36, Table 37 shows that those who received a felony level conviction on the child abduction incident were slightly more likely than the group with a misdemeanor level conviction to engage in a subsequent abduction (10.5 percent of felony offenders versus 8.8 percent of misdemeanor offenders).

(Tables 36 and 37 about here)

While a felony level conviction on the abduction offense seems to be related to a subsequent abduction incident, this relationship does not appear when any type of offense subsequent to the abduction is considered. Table 38 shows that the group of individuals who received a misdemeanor level conviction associated with the abduction incident are slightly more likely to have a subsequent arrest, as compared to those who received a felony level conviction (37.6 percent and 34.7 percent, respectively).

(Table 38 about here)

Tables 39 and 40 display the relationship between the time it takes to disposition on the second abduction arrest and the legal characteristics of the second abduction. Table 38 indicates that most second abduction arrests dispositioned within three months receive a conviction, and half of those convicted receive a sentence of incarceration. Interestingly, those cases that take more than three months to disposition are handled with the most lenient, rather than the most severe,



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criminal justice response. More than half receive an arrest only, and slightly over a quarter are convicted and incarcerated. These responses contrast with those imposed at the first abduction. Table 21 indicated that abduction arrests that take longer to disposition (for the first abduction incident), are more likely to receive the harshest disposition (incarceration) than those handled within the shorter time period.

(Table 39 about here)

Table 40 suggests that second abduction incidents that entail violations of P.C. 278.5 (custody order offense) take the shortest time between arrest and disposition (37 percent of these arrests receive disposition within three months), and violations of P.C. 278 (no-custody rights offense) take the longest time (40.6 percent are dispositioned more than three months after arrest). Finally, Table 41 compares the disposition time frame for the first abduction incident and the second abduction incident. At the first abduction almost three quarters of arrests are dispositioned within the three months, while at the second abduction, not quite two-thirds are dispositioned within three months of arrest.

(Tables 40 and 41 about here)

In sum, the bivariate analyses on offender and offense characteristics, criminal justice response, and subsequent criminal behavior suggest that single and multiple abductors differ on the following dimensions: ethnicity, prior criminal history, type of abduction violation, criminal activity surrounding the first abduction incident, severity of disposition for the first abduction, level of disposition, and time lapse between arrest and disposition. Specifically, those arrestees who are black or who have criminal records that involve prior convictions and incarcerations are slightly more likely to be abduction recidivists as compared to whites or other minority arrestees and individuals with no prior arrests or prior arrests only. Yet blacks receive the most lenient dispositions at the first abduction. Individuals charged with violation of P.C. 277 (precustody order offense) are least likely to be recidivist; they are also the most likely to receive an arrest only as the disposition at the first abduction. Those charged with 278 (no custody right offense) and 278.5 (custody order offense) are similarly likely to be multiple abduction offenders, but those charged with 278.5 are most likely to receive a conviction and sentence of incarceration. Individuals with other offenses at the first abduction incident are slightly more likely to be recidivist abductors as compared to those who are only charged with the violation of the abduction codes. While women are more likely to have no violent offenses at the abduction, they are more likely to receive a conviction as the disposition to the abduction incident as compared to men. And whereas other minority arrestees are slightly less likely than blacks or whites to receive a conviction on the

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abduction, they are more likely to have charges for a violent offense at the abduction incident. Many of these patterns appear in the logistics regressions for subsequent arrests and abductions discussed in the next section.

The results of the logistics regressions dichotomous outcomes for subsequent arrests and abductions appear in Table 42 and 43. As with the ordinal logistic regression, the odds ratio presents the effects of the predictor variables on the outcome. Odds ratios above one indicate an increased likelihood of the outcome, odds ratios below one indicate a decreased likelihood, and odds ratios close to one indicate a very weak or non-existent effect.

### Determinants of Subsequent Arrests.

As shown in Table 42, females are slightly less likely than males to be arrested subsequent to the first abduction. Other minorities are slightly more likely than whites to be subsequently arrested, while blacks are more than twice as likely as whites to be arrested. Prior criminal history has the greatest effect on subsequent behavior; offenders with prior arrests and convictions are more than twice as likely as those with no prior arrests to be arrested after the first abduction, and *those incarcerated prior to the first abduction are four and one half times as likely as those with no prior criminal history to be arrested for offenses subsequent to the first abduction.*

(Table 42 about here)

The abduction disposition charge has almost no effect on subsequent criminal behavior. Abductors charged with 278 (no-custody rights offense) are only slightly more likely, and those charged with 278.5 (custody order offense) are slightly less likely than those charged with 277 (precustody order offense) to experience an arrest subsequent to the abduction. Although the criminal justice system response has very little effect on subsequent criminal activity, as demonstrated by the odds ratios close to one for "convicted" and "incarcerated," offenders charged with violent offenses at the time of the abduction are 1.4 times as likely as those with no violent offenses to be subsequently arrested.

### Determinants of Subsequent Abductions.

A second logistics regression was computed for the number of abduction incidents (dichotomized as "one" and "more than one") on gender, ethnicity, prior criminal history, first abduction disposition charge, violence at first abduction, criminal justice response to the first abduction, and arrests after the first abductions. The results are presented in Table 43. Again, gender has very little effect on subsequent abductions, as indicated by the odds ratio only slightly greater than one. In addition, blacks are slightly more likely and other minorities are slightly less

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likely than whites to commit a subsequent abduction. Offenders with arrests prior to the first abduction are slightly less likely to commit a subsequent abduction, while both those convicted of offenses prior to the first abduction are substantially more likely and those who experienced incarceration prior to the first abduction are slightly more likely to commit a subsequent abduction.

(Table 43 about here)

Examining the effects of the circumstances surrounding the first abduction incident, the first abduction charge has very little effect on subsequent abductions for offenders charged with 278 (no-custody rights offense); however, abductors charged with 278.5 (custody order offense) for the first abduction are somewhat more likely to commit a subsequent abduction. *Also offenders charged with violent offenses at the first abduction are more than twice as likely as those with no violent offenses to commit a subsequent abduction.*

A conviction on the first abduction slightly increases the likelihood of committing a second abduction, and incarceration for the first abduction increases the likelihood by approximately three-quarters as compared with offenders who did not receive conviction and incarceration. Arrests for offenses after the first abduction do not appear to be predictive of subsequent abductions as offenders with subsequent arrests are slightly less likely to commit a subsequent abduction.

In sum, from the regressions analyses, it appears that *the circumstances surrounding the first abduction are not very predictive of subsequent criminal activity (excluding a subsequent abduction)*. Rather, demographic characteristics and criminal history prior to the first abduction have the greatest effects on criminal behavior after the abduction. Ethnicity (black arrestees) and arrest, conviction, or incarceration prior to the first abduction are associated with increased likelihoods of subsequent arrests. And only some of the circumstances surrounding the first abduction are predictive of a subsequent abduction. Demographic characteristics, prior criminal behavior, and criminal behavior after the first abduction have very little effect on subsequent abduction. Violence at the first abduction and incarceration for the first abduction result in increased likelihoods of committing a subsequent abduction.

Discussion

Theories of Criminal Sanctioning in Child Abduction

From the data used for this study and the statistical analyses applied to examine the relations of extra-legal and legal variables on criminal justice system responses after the abduction arrest, pictures emerge. Extra-legal and legal variables that appear important in other studies of bias in criminal justice system decisionmaking are found to be relevant in the handling of child abductors, but not in the direction expected from other discrimination research. Specifically, while more arrests for abduction offenses are made of men than women, women are more likely to be convicted of child abduction (except when the abduction occurs prior to the issuance of a custody order). Men were more likely to have prior arrests, convictions, and sentences of incarceration than the women in the data set. The male abductors also were slightly more likely than the female offenders to be charged with a violent offense at the abduction incident. Despite these differences, if convicted of abduction, women were as likely as men, and sometimes more likely, to receive a sentence of incarceration.

Again, in contrast to most other studies on discrimination in criminal justice decisionmaking, white abductors were more likely to be convicted of abduction charges compared to nonwhites, and whites were also more likely to receive the most severe sentence (incarceration) as compared to nonwhites. This was true even though a larger percentage of black abductors and other minority abductors had records of prior incarceration compared to whites, and a higher percentage of minorities also had offenses involving violence charged in the abduction incident. Depending on the abduction offense charge, whites receive a response that is at least as harsh as nonwhite offenders, sometimes harsher.

However, the fact that the assumption of parallel slopes for the regressions and odds ratio analyses did not hold suggests that the degree of influence of extra-legal and legal factors at different decision points varies as does the process associated with arrest and dismissal, arrest and conviction (but no incarceration), and arrest and conviction with a sentence of incarceration.

What do these findings suggest about a theory or theories of criminal sanctioning to explain criminal justice system responses to the crime of child abduction? Clearly the analyses all point to the significance of the Section of the Penal Code on child stealing under which an individual is charged. Charge appears to be the mediating factor that triggers the response (arrest, conviction, sentence) and gives meaning (and relative weight) to other variables such as prior criminal history and violence at the abduction. It is toward an explanation of the configurations of abduction charge, ethnicity, and gender that we now turn our discussion and critique.

Data on charges suggest that the criminal justice system is initially invoked to respond to different types of custody rights violations and that men and women differ with respect to law

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violating behavior relating to child custody. Women tend to violate custody rights more often after a court has issued a custody order. Men, on the other hand, tend to violate custody rights more often prior to the issuance of a custody order, when they either share equal rights to custody with mothers or, as in the case of unwed fathers who have not established paternity, their right to legal custody has not been established. Similarly, with respect to ethnicity, whites violate custody rights when they are party to a custody order, whereas nonwhites violate custody rights when such rights have not been clearly determined but may exist in association with biological or nonparent family or significant other ties.

The social significance of race and gender, the background rules on custody, expectations about access to and use of law to order one's private life, and use of criminal law to label, control, or blame inform theorizing on how offender and offense characteristics and criminal justice system responses analyzed in this study relate. Two theories are proposed. One concerns the significance of gender to the issues of personal power in the context of disputes between individuals over custody. The other concerns the significance of ethnicity to legal mechanisms for labeling and controlling types of illegal behavior.

### Personal Power and Patriarchy.

The quantitative analyses show that men are most likely to be charged with violations of P.C. Sections 277 (precustody order offense) and 278 (no-custody rights offense). This suggests that they are in relationships with mothers and children where they either have equal custody rights to the child by virtue of marriage or biological parentage (as P.C. 277 covers), or their paternity has not been established or does not exist but they have, or had, some type of relationship with the mother who has lawful custody of the child (as P.C. 278 covers). In the context of either type of relationship, the man has taken, detained, or concealed the child away from the child's mother.

From their research on the dynamics at play in men's interest in child custody and their success at gaining joint legal or physical custody, or sole custody in contested cases, Bertoia and Drakich (1993) and Polikoff (1982) suggest that fathers (or male significant others) take this step to use the possession of the child to gain concessions from or power over the child's mother with whom he has a relationship. Power or concessions may be gained by using the abduction as a way to force the mother to remain in a relationship (marital, living together, or sexual) or to bargain over the conditions of an impending separation.<sup>57</sup> In the case of the father who has sincere interests in having an active parenting role with the child and fears that judicial bias favoring maternal sole physical custody will result in an order that unduly limits access to his child, the action to abduct or conceal the child may be a preemptive strike (in anticipation of an unfavorable custody ruling) *intended to control the mother's influence in the child's life and in the judge's decisionmaking.*

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Under either of these scenarios, the criminal law is invoked by the woman as the legal victim to regain her child in whom she has rights of custody. The criminal law appears to be a helpful legal mechanism available to the mother to return her child and to protect her parent-child relationship. The woman in these circumstances would appear to have the "upper hand" and the authority of the law behind her.

However, a critique of the patriarchal framework of child custody rights (Fineman 1991, 1988) suggests a different conclusion. Both family law and the criminal law frame parent-child relations in terms of possessory rights. Children are property of parents; the offense of child abduction is about a violation of the parent's possessory right. Thus it can be argued that the law operates, in reality, to preserve a bias that benefits men, not women. This follows from the fact that the law has been constructed so a man is able to use possession of the mother's child to *legally harm the mother* (not the child); because, literally, the mother, not the child, is the legal victim of the crime. Taking this action has the effect of communicating to a woman that she is vulnerable to the abductor's demands, even if the mother is subsequently successful in obtaining a custody order or a restraining order. She is placed in the position where she must act *in reaction* to the power exerted over the child and over herself via the child. In addition, an abduction or detention in the precustody or no-rights to custody context can be seen as a power play by the father/male significant other. Through this action, it is argued that the male seeks to manipulate or limit the mother's degree of independence from him, or her influence on the family court's decisionmaking.

Moreover, for criminal liability under P.C. Sections 277 (precustody order offense) and 278 (no-custody rights offense) to be established, the prosecutor must satisfy evidentiary requirements on the act and state of mind that are onerous. So while the law may initially be used to limit the man's control over the child and his submission to legal processes within the family court (Blomquist and Van Laar 1995), the criminal law rules ultimately result in the actual control over male perpetrators of abductions being limited.

A different dynamic occurs when women are charged with violating P.C. Section 278.5 (custody rights offense). In this situation, a family court judge has ordered the allocation of possession rights over a child, and the woman has been given some right to possession.<sup>58</sup> The legal victim, in most cases presumably the child's father whose rights to visitation or custody have been violated, invokes the law to compel the mother to comply with the terms of the custody order. Here, both the civil and criminal law become available to control the mother's access to and relationship with her child, and to sanction her for resisting patriarchal control (i.e., the court's declarations about the limits on her access to the child, and the compelled access she must give the child's father).<sup>59 60</sup>

Unlike men, women arrested for abduction, because they tend to be arrested for violations of P.C. Section 278.5 (custody order offense), are situated vis-a-vis family court authority in such a

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way as to be more likely to be convicted of their actions. The evidentiary requirements established by the rules surrounding P.C. 278.5 encourage this result. Documentary evidence (i.e., the terms of the court order) and factual proof of the defendant's actions contrary to the terms of the court order are sufficient. In addition, a judicial order on custody constitutes *prima facie* evidence that a parent knew or should have known the terms and limits of his or her rights<sup>61</sup> to the physical possession of a child.

In sum, while equally covered by and theoretically at-risk for criminal liability under the criminal laws on child stealing, men and women are not equally situated in using law (invoking it or violating it), or in benefiting from it. It is argued here, that men both benefit from and use law whether they are the violator or the legal victim.

Male benefit may also be the result of their influence in and familiarity with legal processes and constructs more generally speaking. While mothers may be perceived as the favored parties in custody determinations, the legal arena (civil and criminal) is still very much "a man's world." And the larger social and economic order that gives men access to higher status and more lucrative occupations means their influence in a male dominated legal arena is likely to be greater particularly, *when their interests conflict with those of women*, as in parental abduction cases. Women, on the other hand, have more contact and social responsibility for children and operate in spheres (home and job) shaped by these responsibilities (Fineman 1995). They have fewer fiscal and social resources, and far less familiarity and influence in institutional settings that do not revolve around children. Thus, it is suggested that when it comes to mobilizing the criminal law in conflicts over rights to children, women are disadvantaged relative to men in terms of both personal and social power.

In addition, the sentences imposed on women as a result of being convicted for an abduction that involve incarceration suggest a further degree of power is exerted over them. Persons convicted of violating P.C. 278.5 (custody order offense), as compared to the other Penal Code sections on abduction, are one and one-half times more likely to be incarcerated. Men tend to be slightly more likely to have an offense of violence at the abduction as compared to women. Yet while this factor greatly increases their likelihood of conviction, it seems less likely to increase their risk of incarceration. Thus, it appears that women who are charged and convicted of 278.5 may be at higher risk of incarceration than men (charged with other abduction offenses). Their risk also appears greater than that of women who are charged and convicted of other non-life threatening offenses under criminal laws in general. Why such a harsh response?

One explanation relates the criminal law's concern with respectability, control, and deviance. The charge of 278.5 (custody order offense) suggests that these women abductors have children, and once may have been married, but are free from the control of the children's father. This in itself appears to constitute a type of social deviance and threat of great concern to the legal/patriarchal order (Fineman 1995). Second, the charge of 278.5 also places women in the

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category of criminal law violators which constitutes a second level of deviance. This second level of deviance carries the association of disrepute because it entails a violation of gender role expectations (Inciardi, Lockwood & Pottieger 1993; Bortich 1992).

Third, in being charged with a violation of P.C. 278.5, women have violated a judicial order about their property relationship and role vis-a-vis their children and their children's father. This connotes an additional dimension of deviance. Their violation of a man's custody or visitation rights entails a direct affront and challenge to the patriarchal power of the state to oversee and limit women's rights as mothers. And lastly, while women appear to be less criminally dangerous or violent as evidenced by their official criminal histories (consisting largely of property offenses, drug or alcohol offenses, and public order offenses), they do pose a threat to children in having a slightly higher incidence of child abuse in their records than men. Courts may perceive women to pose a threat to children and the social order that assigns them a key role in the care of children. Because they are supposed to be safer, kinder, more careful, more responsible and more altruistic than men, their violation of these expectations constitutes another level of deviance that prompts harsh treatment.

In conclusion, it is theorized that the criminal justice system's responses to abductions carried out by women appear more as punitive responses to their "deviance" in challenging judicial authority and social norms, than as punitive responses to violent or culpable behavior (as established by prior criminal record and other criminal conduct at the abduction incident).

### Law as Resource and Control.

A different dynamic related to the use of law for benefit or control appears at work in the relationship between ethnicity, the laws on custody, the criminal law in general, and child stealing. The analyses of gender above focused on the power relationship between child abduction perpetrators and victims (left-behind parent). The analyses of ethnicity as it affects both the abducting behavior and system response focuses on contextual factors bearing on the relationship between the perpetrator and the state.

The data on arrest charges and disposition show that nonwhites are arrested for violating P.C. Sections 277 (precustody order offense) and 278 (no-custody rights offense), but they tend not to be convicted. This is so even though a higher percentage of nonwhites have violent offenses charged at the abduction. If convicted, however, nonwhites receive less severe sentences even though a higher percentage of nonwhites have a prior criminal record that includes prior incarceration. Yet, when charged with P.C. 278.5 (custody order offense), blacks are as likely as whites to receive the most severe disposition.



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One interpretation of these data is that the nonwhite perpetrator is positioned vis-a-vis the state differently than the white perpetrator along two dimensions: standing and experience in terms of matters conventionally within the domain of the criminal law (protection of property and people) and standing and use of the civil law to carry out responsibilities and decisions (marriage, child rearing, divorce).

From general arrest and imprisonment rates data, we know a disproportionate percentage of nonwhites are arrested, convicted and incarcerated than their numbers in the general population would warrant. One meaning that could be attached to these facts and the underlying social contexts in which nonwhites disproportionately inhabit the inner city is that they are "lawless"--in the sense of not conducting their lives in accordance with the general laws on property and personal liberty. This type of lawlessness matters to officials, is sanctioned and is subject to state control through the operation of the criminal law. The nonwhite abductors in this data set tend to have criminal histories and sanctions involving incarceration which suggest they have received attention from officials for more typical criminal law violating behavior against property or persons.

And to the extent that nonwhites do not turn to the law to organize their personal affairs (marital/sexual relations, child care) through law,<sup>62</sup> nonwhites may be said to act outside of the conventions of the civil law as well. It is suggested that this latter type of "lawlessness" (as evidenced by their arrest charges under P.C. Sections 277, and 278) is less important to criminal justice officials and does not violate social-legal expectations that legal officials (who tend to be middle class and white) have about the social/personal behavior of nonwhites as compared to whites. Moreover, the murkiness about questions of right to custody associated with the abduction charges of 277 (precustody order offense) and 278 (no-custody rights offense) along with the evidentiary problems noted earlier may well lead officials to be more lenient in their responses to the law violating behavior of nonwhites when it does not threaten property or life.

Whites on the other hand, may appear to, or be presumed to, utilize the law to order their personal lives in general. When they have subjected their family life to the law to formalize child rearing and parent-child relations in terms of rights to possession,<sup>63</sup> they are held to a code of social-legal conduct that calls for being held culpable for violating these rights. Being charged and convicted of violating P.C. Section 278.5 (custody order offense) more often than nonwhites suggests two things: that the underlying family/personal behavior of whites occurs within the constraints and conventions of law (formalization of marriages, separations, divorces, child custody); and that when these conventions are breached (as occurs in violating a term of a custody order issued by a family law judge), whites also use the law to reassert constraints and controls on family members. It also appears that when blacks subject their lives to legal constraints as in obtaining a custody order, they are treated harshly as well. Nonblack minorities, however, are not so treated.

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The analyses of factors associated with criminal justice system responses to persons arrested for child abduction suggest the severity of dispositions is determined in part and only with some offenders by external indicators of dangerousness or criminality surrounding the abduction (as evidenced by the types of other offenses charged at the abduction incident). The harshest system responses (conviction, and conviction with a sentence of incarceration), tend not to be consistently imposed on those who pose threats to the welfare of children or other persons, or who have a history of serious prior law violations and sanctions. Rather, these responses appear to be driven by ethnicity and gender. Whites and women show the least criminal involvement or threat either at the time of the abduction or in their past behavior, yet these groups of individuals appear to be at greatest risk for receiving the harshest dispositions for their abducting behavior. As was earlier noted, the type of violation that whites and women tend to be convicted of (P.C. Section 278.5) has not been viewed by the State Legislature as the most serious form of child abduction, at least if seriousness is defined by the penalty the Legislature assigns to a law violation. Rather, in the Penal Code, violations of P.C. Section 278 (where the perpetrator has no legally established right to the custody of a child and deprives one who does have lawful custody of the child) carry the longest maximum prison terms and the highest fine. In spite of the legislated assessment of liability for wrongdoing, those arrested for violating P.C. 278.5 are more likely to be convicted and incarcerated than those charged under P.C. 278.

Ethnicity appears as a factor distinguishing those who have violent offenses charged at the time of the abduction (who tend to be black arrestees and other minority arrestees) from those who have no other offenses or nonviolent offenses. These individuals are only somewhat likely to be convicted for the abduction and to be sentenced to jail or prison. These individuals are also more likely to have a criminal record that includes arrests both before and after the abduction arrest. Their prior records also indicate they have been subject to sanctions for criminal behavior through prior convictions and sentences involving incarceration. The arrest data indicate that the percentage of individuals arrested for a subsequent abduction is very low, yet those most likely to commit a second abduction tend to be racial minorities. Further, these abductors are least likely to be the most heavily sanctioned on the first abduction. Thus it is suggested that ethnicity, and the norms and resources associated with ethnicity, may be related to different orientations to the use of law to order and constrain one's personal circumstances. Social norms and expectations may operate on whites to organize their lives in accordance with legal norms. When whites violate these expectations or constraints, they are sanctioned. Nonwhites, on the other hand, are subject to different social expectations and norms; law is less central to organizing their personal lives and relationships.

### Rationales and Principles for the Administration of Sanctions

These patterns of offender characteristics, abduction circumstances, Penal Code violations, and dispositions suggest different rationales may be at work in the allocation of criminal justice interventions. One legitimate rationale for meting out sanctions in response to a violation of the criminal law is "punishment" or "just deserts." Under the punishment rationale, the state's imposition of some unpleasant action or infringement of liberty follows from wrongdoing as a sanction for willfully violating rules created to safeguard persons and property. The more serious or harmful the wrongdoing, the more unpleasant or severe the sentence. Harsh sanctions are given to those who are dangerous or especially blameworthy because such sanctions are "deserved."

Another rationale for allocating criminal justice system interventions and degrees of sanctions is specific deterrence. Under the rationale of specific deterrence, a criminal sentence is imposed on a violator primarily to discourage the person from engaging in future criminal behavior. Those who are thought to be least respectful of the law, or those for whom unlawful conduct carries greater benefits than lawful conduct, would receive the harshest sanctions. That is to say, future compliance with the law is to be gained through imposing onerous consequences; the offender is so affected by the consequences of prior criminal behavior that he or she will choose to conduct his or her affairs in accordance with the law in the future.

The deterrence rationale would direct the allocation of sanctions based on an individual's prior behavior (the more criminal past behavior, the more onerous the consequences for the abducting behavior would need to be to discourage future crime), and the individual's life circumstances (if law violations appear to be an integral part of a lifestyle, or yield more benefits than costs to the perpetrator, than the sanction needs to be great).

### Critique of the Administration of Sanctions for Child Abduction

When applied to the data on dispositions for child abduction, neither the rationale of just deserts nor specific deterrence seems to inform the criminal justice system's responses. Sanctions of conviction and incarceration are neither consistently allocated to those who are the most dangerous or culpable as the "punishment" or "just deserts" rationale would call for, nor allocated to those who are the most recalcitrant or impervious to conducting their lives in accordance with the rule of law as the rationale of specific deterrence would suggest. Repeat abductors constitute a small percentage of the entire population of abductors in the data set; women are no more likely than men to be repeat abductors. This being the case, on grounds of specific deterrence, men and women should be subject to the same degree of sanctioning to discourage future abductions. Yet the analyses suggest that women are likely to be subjected to a greater degree of state control than men after arrest for the first abduction.

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Instead, it is suggested in this study that the harshest sanctions for child abduction appear to be based on whether actions violate "socially" acceptable and expected roles and codes of behavior with respect to family relationships and to legal authorities. When harsh sanctions have been given to individuals who are arrested for offenses in the past, or are given as a response to the first abduction, these measures appear to have the effect, not of stopping a pattern of criminal behavior, but of entrenching both the offender's law violating behavior and the criminal law into a reinforcing system of surveillance and law violations. Put simply, for offenders in this data set, the "more law" that is applied to abductors either prior to their abduction arrest or as a result of it, the more lawless these individuals become.

Criminological theorists have referred to this pattern as the "labeling effect" (Lemert 1971; Becker 1963). The pattern observed in the criminal records of abduction offenders in this data set is consistent with other research on the relationship between ethnicity and social class, and criminal justice system processes and outcomes. The labeling effect theory leads to a critique of the role of the criminal law in controlling or changing behavior. From this perspective, the criminal law has the effect of furthering stigmatizing and isolating minorities and low income persons who because of the significance attributed to ethnicity and economic status in our society, already experience marginalization (Currie 1985).

In conclusion, criminal justice system interventions taken in the child abduction incidents captured in this data set appear to be related more to the use of law to punish individuals for their social deviance than either to punish law violators for dangerous or harmful behavior, or to discourage future law violations.

## Policy Implications and Conclusions

### Criteria and Principles for Criminal Justice Policymaking on Child Abduction

Since legislatures began to enact statutes in the 1970s to make child abduction and interference with custody or visitation crimes, researchers and policymakers have been interested in understanding and assessing the effect of criminal processes and sanctions on this behavior. The current study contributes to a growing array of empirical work describing the prevalence and incidence of child abduction, the effects of abduction on children and left-behind parents, the characteristics of families or relationships among intimates in which abduction occurs, and the effectiveness of legal (criminal or civil) or therapeutic interventions to prevent or resolve child custody conflicts. In its analyses of the dispositions of some 950 cases of persons arrested under California law for child abduction during a five year period in the late 1980s, the current study looks specifically at the influence of various legal and extra-legal factors in the determination of criminal justice outcomes, at the formal and informal, civil and criminal mechanisms that provide the context in which child abducting behavior occurs and is dealt with, at deterrence and

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punishment as justifications for criminal justice sanctions meted out in child abduction cases, and at the impact of the criminal law on conflicts and crime among intimates.

As noted in the discussion of findings, the analyses used on the data for the Statewide Criminal Actions Study suggest that race and gender do influence the types of law violations parents or intimates commit that constitute child abductions. Men and women, whites and nonwhites are charged under different sections of the applicable Penal Codes governing child abductions. Men tend to be charged with violations that occur in the absence of a custody order, whereas women tend to be charged with violations when there is a custody order in effect. Similarly, whites also tend to commit abductions when custody orders exist, whereas the abducting behavior of nonwhites takes place in the absence of court orders and or when the abductor does not have a legally recognized relationship to the child.

Race and gender appear to exert some influence on the responses criminal authorities give to abductions. Women consistently receive the harsher responses when it comes to conviction and incarceration. The harshness of system responses to whites, blacks, and nonblack minorities depends on type of abduction charge (precustody, no-custody rights, or custody order offense) and the response, conviction or sentence, at issue.

The data offer little support for viewing criminal interventions of conviction and incarceration in abduction cases as having the effect of specific deterrence or punishment for culpable and extrinsically harmful conduct. Rather, the data suggest that criminal justice interventions in child abduction cases may have the effect or intention of punishing "deviance" in the form of challenges to judicial authority and social roles. Specifically, *female* child abduction offenders appear to be singled out for punishment because of their violations of social norms, rather than because of dangerous behavior that puts life or limb at risk. Whites also seem to be liable for more severe responses, but this is affected by the abduction offense charged.

Put differently, the criminal justice system tends to exert its harshest formal responses--conviction and sentences of incarceration--on individuals who violate the terms of custody orders (including when those orders give them some right to the custody of a child) and the majority of these offenders are women; it offers leniency in cases of individuals who have no rights to custody or who have rights to custody that have not been determined through a court order; in these cases the majority of offenders are men or nonwhites.

Child abductions that constitute violations of court orders receive the harshest disposition even when the offender in these cases has no prior arrests, and has engaged in no other criminal act at the time of the abduction. Conversely, individuals whose abducting behavior occurs in the absence of a custody order are treated leniently (arrested only, or if convicted, not incarcerated) even though they are more likely to have priors and have other offenses at the abduction. These findings suggest that the criminal law may be used to punish those who challenge authority rather

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than to punish those who threaten the safety or well being of persons, or who have engaged in illegal and socially harmful behavior outside of the abduction incident.

The findings of this study on criminal interventions in child abduction incidents offer two policy-relevant cautions in using the law to reduce risks of family abductions. The first of these concerns the criminal justice system as a control mechanism. It is suggested that in defining the "crime" of abduction and carrying out measures to apprehend and sanction perpetrators, the criminal law be used to protect or vindicate the well being of "persons" rather than to secure the subordination of one person to another, or to the state. What appears from the data is that the administration of the criminal laws on child abduction may be part (wittingly or not) of a general backlash against women. This backlash has been evident in the 1980s and 1990s as a reaction to the advances in economic independence, and political and social power and status women made in the 1960s and 1970s through the Women's Movement (Faludi 1991).

One of the social purposes traditionally associated with the criminal law is its function to express the moral condemnation and feelings of abhorrence and blame members of a society attach to violation of a particular value, rule or code of conduct (Hart 1953). If the criminal law is to be used to express the moral condemnation that society feels when individuals remove or keep children from their lawful, responsible, and safe caretakers by defining such behavior as a crime, then two considerations seem in order.

To the extent that child abduction constitutes a social and a personal harm that warrants criminal sanctions, policymakers need to be careful to define and administer the law in ways consistent with this concern. The criminal law needs to be formulated to maximize protections afforded persons (children and parents). Specifically, the language of the state statutes defining child abduction as a crime needs to focus on the fact that the child, at least as much as the left-behind parent, is the victim of the crime. This language would help to direct individuals who have caretaking responsibilities and relationships with children, as well as legal authorities, to viewing and using the criminal law in ways that are consistent with its purpose to condemn and sanction behavior that harms children and caretaking relationships between parents and children.

In addition, *the rules governing both child custody and child abduction* need to be constructed so they minimize the use of law to perpetuate inequalities in personal or social power or to devalue and control persons based on their gender or race/ethnicity.

These considerations, in turn, would provide guidance to criminal justice officials not only on why the crime of abduction warrants sanctioning, and what specific conduct should be sanctioned, but how sanctions should be allocated. Criminal law sanctions should fall most heavily on behavior that is proven to be harmful and dangerous to the well-being and stability of children and their caretakers. Such allocation of sanctions would be both consistent with the principle of "just deserts" and the goal of the child's best interests.

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The other policy implication concerns the rules and processes for determining parent-child relations under family or civil law. These are the rules and relationships the criminal law has been made available to uphold and are referred to as "background rules" in this research report. The criminal law has a useful and appropriate role in apprehending abductors and in sanctioning family members or intimates who keep children from their lawful and capable parents or caretakers. Used in this way, the criminal law is one resource policymakers should make available to society to express condemnation of those who undermine or endanger children's relations with appropriate caregivers. As other aspects of this study of risk factors has suggested, law enforcement interventions through the child abduction statutes and civil laws authorizing prosecutors to locate and recover children subject to custody proceedings help expedite the return of the offending parent and the child, and promote the placement of the child in a safe and/or stable setting. However, the ability of criminal interventions to discourage or prevent initial or subsequent abductions is clearly questionable.

When it comes to preventing and reducing risks of abductions, the civil, rather than the criminal, law may be the most effective resource. This study found that one particular type of child abduction received the harshest response from the criminal courts (i.e., most likely to result in a conviction and a sentence that carried some period of incarceration). This type of abduction involved the violation of a custody order where the perpetrator/parent had a right to custody or visitation under a court order but deprived or interfered with the rights to custody or visitation given by the order to the other parent (P.C. 278.5).

When the criminal law is used to sanction such violations of court orders, it assumes that the underlying court order that allocates rights and responsibilities is "correct," "fair," or "appropriate." However, *what may be assumed by the criminal law* may actually be key to preventing or reducing risk of child abduction--that is whether the legal process and instrument of the custody order that is created to establish custody rights and care responsibilities has in fact carefully and appropriately determined these rights. A judge's custody order may not allocate responsibility "correctly" or may insufficiently attend to or consider the welfare of the child or the ability of a parent to safely and responsibly care for the child. If the custody order is *substantively* invalid or is perceived to be morally wrong in some way by a parent, then an abduction may be viewed by the offending parent as a legitimate corrective to a bad judicial decision or an unresponsive or biased legal process.<sup>64</sup> In such cases, criminal measures may be unlikely to bring about lawful behavior (i.e., parental compliance with the court order, willingness to submit the custody conflict to family court for resolution), or if they do, they do so at great cost to the child and the child's relationship to an otherwise caring parent.

On these points, the findings and discussions included in other chapters of this report are most relevant to policy measures to improve decisionmaking processes and determinations on custody that will be beneficial to children. Policymakers should consider the investment of resources to improve the quality and soundness of the initial determinations made by family court

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judges and support personnel on child custody. The processes and outcomes used to determine in whose care children should be placed, and the abilities of those caretaking persons to promote a child's well-being need to be conducive to assessing these issues. All facts bearing on a child's welfare and best interests at any given time should be considered in these processes and outcomes.

In addition, resources to increase the responsiveness and accessibility of the family courts when parents encounter problems or fears over their child's care or welfare should be used. Provision of resources to increase parents' abilities and skills in caring for their children and in being able to separate what is in the child's welfare from what may be largely self-serving for the adult would be crucial as well.



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### Endnotes

1. For the effects of race and social class on various points and outcomes in the criminal justice process, see Blumstein 1982; Bynum & Paternoster 1984; Gross & Mauro, 1989; Lynch & Patterson 1990; Paternoster 1983; 1984, Farnworth, Teske & Thurman 1991; Barnes & Kingsnorth 1996; Mosher & Hagan 1994; and Zatz 1985. For the effects of gender, see Moyer 1992; Kruttschnitt 1992, 1984; Steffensmeier, Kronek & Streifel 1933; Spohn 1985; and Zingraff & Thomson 1994.
2. See in general, Krisberg & Austin 1993, and Chesney-Lind & Sheldon 1992.
3. "Severity " becomes the difference between the application of the rules and exceptions to the rules.
4. Black's (1976) conceptualization of "law" as constituting a continuum of more and less formal control with the amount of law varying with the existence of informal social control mechanisms seems especially useful for the general discussion of research on the effects of extra-legal factors in the criminal justice process. In their respective analyses of gender disparity in sentencing, Kruttschnitt (1982) and Daly (1987) have further developed Black's concept of "respectability" as related to the degree of law applied to individuals.
5. Patterson and Lynch draw attention to understanding the discriminatory impact of extra-legal factors in terms of opposing qualities or degrees rather than as one directional (more severe, intrusive etc). They use concepts of preference and disadvantage to analyze the way gender, race, or class biases decisions and outcomes. As they note from their research on bail, discrimination "does not always result in harsher treatment of specific groups. Rather groups can be discriminated against when they are not afforded the same alternative, such as lenient restrictions, as other groups....(B)ias works by excluding individuals from more restrictive alternatives that can disadvantage non-excluded groups at later processing phases" (Lynch & Patterson 1991: 52).
6. Whether "leniency" in this context is actually desirable is questionable. If leniency is the result of paternalistic or "chivalrous" views that criminal justice officials have towards females (Moyer 1991) (Chesney-Lind & Sheldon 1992) such that women are believed to be in need of special protections from the consequences of their illegal behavior (because they are viewed as immature, child-like, fickle), then leniency merely promotes patriarchy. However, if leniency is driven by other utilitarian/social cost concerns that would extend to all similarly situated (e.g. leniency in sentencing based on what Daly refers to as the distinctions between "families" and "non families" persons, and "care" labor versus "remunerated" labor [Daly 1987]), it may be justified.
7. For example, for prostitution in the adult criminal justice system (Rafter 1985) and status offenses in the juvenile justice system (Chesney-Lind & Sheldon 1992).
8. For example, detention in a juvenile hall or an adult jail rather than return to home pending the filing of a petition in the juvenile system (Chesney-Lind & Sheldon 1992).
9. For example, see Bannister (1989) on conviction charges and terms of confinement for women who kill their husbands as compared to men who commit manslaughter; see Bortich (1992) for harsher sentencing of women from a historical perspective, see Muraskin (1993), Pollack-Byrne (1990), and Rafter (1985) for data and discussion of the disparate use and harsher conditions of imprisonment for women relative to men.
10. For example, self-report and official crime report data suggest that both the incidence and the prevalence of crime are higher among nonwhites, especially with respect to street crime and law violations that involve weapons. However, the work by Blumstein & Grady (1981) and Tillman (1987) qualify some of these differences by noting *that blacks have a higher probability of being arrested for their law violating behavior than whites* (Tillman 1987: 574).

## Identifying Risk Factors

11. This is particularly true where predatory street crime involving loss or destruction of property is at issue. On the other hand, while perpetrators of white collar crime (who tend to be white middle or upper income individuals) are responsible for far greater losses of property (Inciardi, 1993), they are least likely to have their crime reported to authorities. With white collar crime, victims, such as consumers, are often unaware of the loss, or victims fear even greater harm to the reputation of their interests (as in the case of financial institutions) if the loss is publicly known.
12. They carry a weapon or they have a longer prior criminal record.
13. For example, street crimes have eye witnesses; property crimes must be reported for insurance recovery purposes.
14. This perspective contrasts with Daly's argument about the utility of imposing less severe sanctions on women offenders with dependents because of the "social costs" of some forms of punishment such as incarceration (Daly 1987).
15. The extent of the rules, now codified in California's Family Code but contained in the Civil Code when this study began, alone precludes inclusion here. Moreover, legislative changes in the rules that were made during the period under study (1984-1989) further complicate such an endeavor. See Salsbury (1995) for a summary of criminal and civil bills affecting California child custody law between 1969 and 1992.
16. While California took the lead in adopting these rules, other states have incorporated a number of these statutory policies on child custody decisionmaking (Walters & Abshire 1995).
17. For a short period of time, as a matter of statutory law, joint physical custody was to be preferred over other arrangements. This preference was eliminated a few years before the period under study.
18. Legally speaking, the issues of child support and nonpayment are separate from the issue of custody; these matters were governed by different chapters of the California codes. However, parents (especially fathers since they, rather than mothers, still tend to be the noncustodial parent who is subject to child support orders) do not make this distinction. In some cases, the issue of child support may be an integral factor, indeed a motivating factor, in disputes over custody that develop into abductions. The parent who fails to pay child support may be denied lawful access to the child by the other parent who believes failure to pay support nullifies the right to custody or visitation. Alternately the parent who is ordered to pay support for a child with whom he or she has otherwise had no prior contact or interest in, may assert claims to custody or visitation because of the requirement to provide support (Grasso et al 1996).
19. While enacted after 1989, two other rules are worthy of note since they seem to reflect the power struggle between women's interest groups and men's interest groups carried out through child custody law. In 1990, AB 3546 was enacted to criminalize false allegations of child abuse or neglect made by a parent in order to obtain custody of a child. SB 2812, also enacted in 1990, provided that a "support person" could be present at mediation and court proceedings regarding custody law or domestic violence in order to assist a victim of domestic violence.

## Identifying Risk Factors

20. Anglo American legal rules on child custody have their roots in English Common law and the systems of feudalism, primogeniture, patrilineage, patronage and wardship. These systems gave male heads of households political and economic power over all household belongings and members--wife, children, servants. In the nineteenth century in the U.S., the paternal right to custody established at common law gave way to the doctrine of "the child best's interests" as the basis for allocating rights to the possession of the child. This doctrine made fathers and mothers eligible for consideration as the custodial parent; judges often gave custody to mothers, because, as policymakers influenced by the social and cultural beliefs of their day, they thought children's need for nurture and care were best met by mothers who were deemed to be nurturing and caring by "nature." So, the feudal legal concept that children were the property of the male parent has been preserved while the distribution of the right to the child/property has been expanded to include both mothers and fathers. Though custody determinations appear child-centered, the legal verbiage of *parental rights to custody*, "*custody is awarded to...*" used to translate custody and care plans into rights reveals the continuity of the feudal practice. The state defines child-parent relations in terms of parental claims to property-like rights in their children, rather than children's claims to having their needs or interests promoted.

21. See Blomquist (1995b) for a discussion of custody decisionmaking processes and effects in historical and contemporary contexts, and also Salsbury (1995) for evidence of the interests lobbying for various statutory reforms.

22. See Bertoia and Drakich (1993) for a critique of the discourse of "equal rights" advanced by fathers' rights groups. Their work suggests that while claims for equal treatment are morally compelling and appear to reflect a desire by fathers to participate more fully in the care and rearing of their children, in context, these claims have been used to further fathers' interests in controlling the children's mother and living situation. Grasso et al's (1996) comparative study of child stealing further reveals that at least in one California county, the prosecutors' campaign to go after "deadbeat dads" for child support payments through aggressive efforts to establish paternity and to enforce support awards in the early 1990s led to an increase in legal claims pressed by these biological fathers for visitation or joint "legal" custody rights (*i.e.*, *joint control over major decisions affecting child's upbringing*).

23. See Blomquist (1994) for a critical examination of women's participation in the control and ordering of children's lives.

24. In addition, a fourth section of the Penal Code--P.C. 279--was enacted in 1983 to further define the scope of California authority over abductors and abducted children. Specifically, P.C. 279 makes the crimes defined in 278 and 278.5 "continuous crimes" (and was subsequently extended to cover 277 when it was enacted in 1984). P.C. 279 also established a perpetrator's criminal liability under California law whether the intent to take, detain, or conceal the child is formed within or outside of the state so long as the child is a resident of California or was present in California at the time of the taking, or if the child is found in California (West 1988:279). (P.C. 277 also contains other provisions not specifically relevant to the criminal record data being analyzed in this chapter.)

25. A short hand characterization of the different Code Sections and offense definitions will be used throughout the chapter: P.C. 277, which concerns the violation of statutory rights to custody in the absence of a judicial custody order, will be referred to as the "precustody order offense"; P.C. 278, which concerns the taking or detention of a child by one who has no rights to custody, will be referred to as the "no-custody rights offense"; and P.C. 278.5, which applies to a party who has rights to custody or visitation under the terms of a judicial custody order but whose behavior violates the judicially determined custody or visitation rights of another, will be referred to as the "custody order offense."

26. As provided for in Civil Code Section 197 which was in effect during the period under study. In 1992, sections of the Civil Code pertaining to family law, including child custody, were repealed and reenacted as provisions within a newly created California Family Code.

## Identifying Risk Factors

27. For example, a boyfriend, or a girlfriend of the left-behind parent who does have statutory or court ordered rights to custody or visitation.
28. Unlike in 277 (pre-custody order offense), no defenses for the perpetrator's actions are specifically provided for in 278.5 (custody order offense). Presumably the rules on standard defenses ordinarily available to all persons charged with a crime (e.g., duress or compulsion, acting under authority ) could be invoked by the defendant to escape criminal liability.
29. This view may not or may not be shared by judges who determine the allocation of rights to custody and visitation, and who, if a case goes to a bench rather than a jury trial--determine guilt in a criminal prosecution. There are reasons to expect judges might view violations of a judicial decree as more serious. Such violations involve prior written notice of legally required conduct being given to the defendant, and then being ignored. This type of defiance of and challenge to judicial authority is not present in abductions falling under P.C. 278.
30. This was the year that two of the child abduction statutes went into effect.
31. This was the most recent year for which arrest disposition data were entered and available from the appropriate computerized data system.
32. In the interest of inclusiveness, lists were generated from OBTS for offenders charged with P.C. 207--the general crime of kidnapping. The criminal history records of these individuals were reviewed to determine if the kidnapping incident involved a domestic conflict where the victim of the kidnap was a child and the offender was a relative or was otherwise known to the child. This information was gleaned by other charges--such as P.C. 273d, inflicting corporal injury on a child, P.C. 273.5, inflicting corporal injury on a spouse, or P.C. 273.6 domestic violence--filed in the incident. It was anticipated that law enforcement might classify "true" parental child stealing cases under the general crime of kidnapping due to unfamiliarity with the new parental child stealing laws or as a strategy for plea bargaining. However, a review of the criminal history records for individuals charged with P.C. 207 revealed that very few of these incidents involved domestic conflicts with child victims; most appeared to be non-family incidents or incidents involving adult victims.
33. Thus, the findings and analyses reported in this chapter are for the entire population under study, rather than for a sample. Therefore, results of tests measuring the statistical significance of differences ordinarily used with samples are not reported.
34. For purposes of coding, single abductor offenders were defined as individuals who, based on the information in the criminal history record, had one arrest incident or disposition where PC 277, 278, and/or 278.5 was an arrest charge, or where more than one date for an arrest on these charges is given but the dates are close in time to suggest that the same continuous offense and underlying act was being detected by more than one law enforcement agency.
35. Multiple abduction offenders were defined as individuals whose criminal history record information indicated more than one arrest/disposition had been reported by law enforcement and that these arrests occurred on dates different enough to suggest that these arrests were in response to separate incidents rather than a continuous incident of child stealing.
36. Juvenile records were part of the criminal history record for some offenders. In these cases, only arrests and dispositions occurring after an individual reached 18 years of age were extracted in the coding process and included in the analyses.
37. A preliminary comparison of prosecutor case files for child abduction from two California counties with state criminal records indicated a discrepancy between the number of actual and reported dispositions. For example, a review of the child abduction files maintained in one Bay Area District Attorney's office revealed that in 1989, criminal charges were filed in 40 cases. However, a review of arrests and dispositions for parental child stealing on file in OBTS for this county yielded 23 cases. The reasons for the discrepancy vary and, at least in parental abduction cases, are related in part to how local officials classify and process cases. See Blomquist (1995a) and Blomquist and Van Laar (1995) for qualitative descriptions of case processing. The OBTS data parameters further exacerbate the problem of underreporting on the offense of parent abduction.

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38. Occupation may be a general indicator of socio-economic status but this information is not systematically included in rap sheets. A more informative item, whether an individual is employed at the time of arrest, is not part of the rap sheet data, nor, unfortunately, are facts on marital status, dependents, or level of education. Data on these personal characteristics, however, were collected and analyzed in the Documentary Study reported in Chapter Two.
39. Data on victim or complainant characteristics or actions are not part of the rap sheet record and so information on these items were unavailable for coding in the Statewide Criminal Actions Study. However, the Documentary Study discussed in Chapter Two did include information on these individuals.
40. The problem of missing data appeared in other years as well due in part to DOJ rules about deadlines for when counties must submit reports. While the rap sheet information may give the appearance that after an arrest, no action was taken or the matter is still open, the absence of subsequent entries on disposition may be a function of gaps in state reporting and DOJ data entry, rather than in the failure of local officials to take action.
41. The dynamic quality of criminal law rules makes generalization from research on crimes and dispositions difficult; rule variations over time are compounded by regional variations and changes in social-economic conditions even within a county or region or an entire state over time. See Myers and Talarico (1987) for research that specifically attempts to take these factors into account.
42. Disposition options for the abduction charge included on the codesheet were: "dismiss all," "convict/guilty plea all," "diversion," "not guilty all," "dismiss some abduction charges in exchange for plea to other abduction charges," "dismiss/not guilty on abduction counts in exchange for guilty on other offense," "probation revoked," "missing," and "other." Depending on the specificity of the information recorded on the rap sheet, the coders could determine if a disposition of guilty entailed a plea bargain either where counts were dropped, or other charges were dropped in exchange for a guilty plea on an abduction charge. Conversely, abduction counts could be dropped as part of a plea bargain to secure a conviction on "other" charge at the arrest or on charges that were filed subsequent to the abduction arrest. The coders attempted to capture these nuances with coding that distinguished convictions for abductions based on a plea bargain, no bargain, and a bargain where a nonabduction charge was the convicted offense. Discerning these nuances made coding extremely tedious. *In the findings reported here, a conviction on any offense charge related to the abduction incident constituted a conviction for the abduction incident.* Furthermore, in cases where a conviction was obtained on an other offense, the Penal Code for the abduction charge (277, 278, 278.5) was used to categorize the type of abduction.
43. Based on initial results from frequencies and cross-tabulations, these values were collapsed into two new codes: "convict on any" (which included "conviction on all," "on some charges," and "revocation") and "dismiss" (which included "divert" and "dismiss all charges").
44. Based on initial results from frequencies and cross-tabulations, these values were collapsed into two new codes: "no incarceration" (which combined the values "fine," "probation," "combination but without jail") and "incarceration" (which combined the values "jail only," "combination with jail," "prison," and "revocation").
45. Appendix 3C provides a technical discussion of how the various models were developed and used.
46. This may suggest that an unusually large percentage of individuals in the data set had criminal histories. Tillman's research on the prevalence and incidence of adult arrests in California offers some perspective by which to judge whether the arrests records for the individuals in this data set are comparable to arrest figures for the population in general. Tillman found that arrest is "widely distributed throughout the population" of young adults (Tillman 1987:570).
47. While the chart does not detail the relative distribution of these various types of offenses generally grouped as "violent," the percentage of individuals with a history of domestic violence, child abuse, or a sex offense was relatively small.
48. Individuals who were arrested on a combination charge of 277, 278, and/or 278.5 were excluded from the analyses reported here.

## Identifying Risk Factors

49. This is consistent with the fact that responsibility for child care in American society historically has been, and continues to be, a highly gendered matter. Initially a duty of fathers in colonial times (Mason 1994), child care became the primary responsibility of women from the 1800s on. And women in modern eras continue to be the primary care provider for children. As mothers, aunts, grandmothers, Sunday school teachers, and volunteer recreational leaders (even for organized programs primarily for boys such as boys' scouts), women provide non-remunerated care. Women also work in remunerated positions as daycare workers, pre-school/school teachers, and nurses. In addition, mothers in most families, whether headed by single or two parents, spend more time with children than fathers.

50. This decision is sometimes referred to in the literature on criminal justice decisionmaking as the first-level "in/out" decision.

51. This decision is sometimes referred to as the second-level "in/out" decision.

52. This means that women and men are similarly likely to receive a sentence of incarceration. This gender parity contrasts with much other research that shows women are less likely to receive a sentence of incarceration as compared to men. This parity is also surprising given that a higher percentage of male abductors have prior criminal records, including prior incarceration, and a higher (slightly) percentage of male abductors have offenses of violence also charged at the abduction incident as compared with female abductors.

53. Research on pre-trial processes (decisions bearing on pre-trial custody status versus bail or release on recognizance) indicate that indeed the decisions and procedures occurring between the point of arrest and prosecution affect prosecutor and defense strategies. They also set defendants on different trajectories for being further processed through the criminal justice system. Determinations at these early decision points have been shown to be influenced by the interplay of a host of both extra-legal and structural factors (race/ethnicity, social class, employment, community standing, type of defense attorney) that situate defendants with different characteristics differently. Individuals who are poor, minorities, or unemployed are more likely to be denied bail or released on their own recognizance than middle income persons. In turn, decisions about pre-trial release have been shown to influence later court processes and outcomes. Those denied bail are less able to actively assist in their defense than those who are granted bail; in turn even when facing similar charges, pre-trial detainees are more likely to be convicted and are more likely to be given a term of confinement as their sentence when compared to those released prior to trial (Feeley, 1992; Inciardi, 1993).

54. For example, Blomquist and Van Laar found that in one California county, investigators with the Child Abduction Unit of the District Attorney's Office would not intervene in cases where parents with visitation rights were denied access to their children. They would act on reported denial of access only if they received complaints that the violation involving the same party was ongoing or chronic and recourse to the family court to seek a "Declaration of Contempt" had proved ineffective (Blomquist and Van Laar 1995).

55. "The Documentary Study" completed by Sagatun-Edwards and reported in Chapter Two contains information relevant to this point. In addition, the "Interview Study" by Johnston described in Chapter Four indicates that the behavior of taking or detaining a child may occur more than once before criminal justice agencies are called or take action and formally label the incident as an abduction or detention.

56.. However, the assumption that offenders "specialize" in types of offenses is not well supported by empirical studies (Currie 1985).

57. There is considerable evidence in the social and legal literature on child custody that points to the existence of these dynamics. See Weizman (1985) and Fineman (1991).

58. Unfortunately, the charge of P.C. 278.5 in the criminal history record does not tell the nature of the possessory right--if joint physical custody, joint legal custody, sole physical custody, or visitation.

## Identifying Risk Factors

59. Grasso et al's (1996) comparative research on prosecutors' handling of child abduction provides data to indicate that, at least in one California county, the law did create opportunities for this kind of control. In a county with a pro-active Child Support Division of the District Attorney's office, fathers whose biological parentage was established to extract child support payments from them subsequently were granted rights to visitation or custody (joint physical or legal) under court orders. These biological fathers invoked the criminal law under P.C. 278.5 to enforce their rights to access and control of children and, therefore, to their mother.

60. Here, Bertoia and Drakich's (1983) critique of the fathers' rights rhetoric suggests that this interpretation of control is persuasive.

61. One problem noted in the literature on child custody law and the crime of child abduction is that the directives in judicial orders on custody are sometimes so vaguely or generally worded as to make violation (or compliance) difficult to establish (Forst & Blomquist 1991; Girdner & Hoff 1993).

62. Stack's (1974) ethnographic study of the systems of reciprocity and support that characterized the familial relations among the black urban residents she observed, as well as Johnston's (1995) comparison of families highly conflicted over child custody matters as discussed in Chapter Four, offer some support that nonwhites, especially if poor, do not voluntarily use law as a resource when it comes to organizing their personal lives. The lack of economic resources and the cultural legacy of slavery and racism may help to explain why nonwhites may not subject their personal lives to the state's imprimatur to the same extent whites may be willing to.

63. On the notion of rights to children, Stack's work (1993; 1974) suggests that poor black urban families have a cultural notion of adult rights in children that differs from those embodied in current custody laws. Thus, turning to law to establish or protect "parental rights" would not be as attractive an option as it is to white, middle class individuals.

64. Indeed, Black's idea that when individuals commit crimes they do so as a measure to express a grievance or avenge a perceived wrong may be particularly applicable to child abductors. From this perspective, the person whom the legal system considers the "victim," may be seen as the real "offender" by the perpetrator of the criminal act. From this view, a criminal act represents an individual's effort to control and "punish" someone whom the offender believes deserves retribution (Black 1983).

Figure, Charts and Tables

Figure

1. Features of California's Child Abduction Statutes



**Figure 1**

Features of California's Child Abduction Statutes

| P.C. 277  | P.C. 278   | P.C. 278.5   |
|---|--|--|
| <p>Enacted: 1984<br/> Mens Rea: specific intent (maliciously, intent to deprive); without good cause<br/> Custody Right: statutory, equal right to custody based on biological connection to child;<br/> Penalties: as misdemeanor, up to one year in jail and \$1,000 fine; as felony, one year plus one day in prison, up to \$5,000 in fines</p> | <p>Enacted: 1976<br/> Mens Rea: specific intent (maliciously, intent to deprive)<br/> Custody Right: none<br/> Penalties: as misdemeanor, up to one year in jail and \$1,000 fine; as felony, 2, 3, 4 years in prison* up to \$10,000 in fines</p> | <p>Enacted: 1976<br/> Mens Rea: general intent (intent to deprive)<br/> Custody Right: judicial order gives rights; has rights but violated rights that order gives to another. Penalties: as misdemeanor, up to one year in jail and \$1,000 fine; as felony, 16 months, 2, 3 years in prison*, up to \$10,000 in fines</p> |
|   | <p>*initially in 1976, penalty was not more than 10 years in prison; the tripartite terms were imposed when the Determinate Sentence became operative in 1977</p>  | <p>*initially in 1976, penalty was one year plus one day in prison which was increased in 1984</p>   |

## Charts

1. Gender Distribution of Child Abductors
2. Ethnic Distribution of Child Abductors
3. Prior Criminal History of Abductors
4. Violent Prior Criminal History of Abductors
5. Number of Arrests After First Abduction Incident
6. Number of Abduction Incidents
7. Penal Code Charge for Abduction
8. Charged with Other Violent Offenses at the Time of the Abduction
9. Criminal Justice System Response to the First Abduction Incident
10. Criminal Justice System Response to the Second Abduction Incident

CHART 1  
Gender distribution of child abductors

N=948

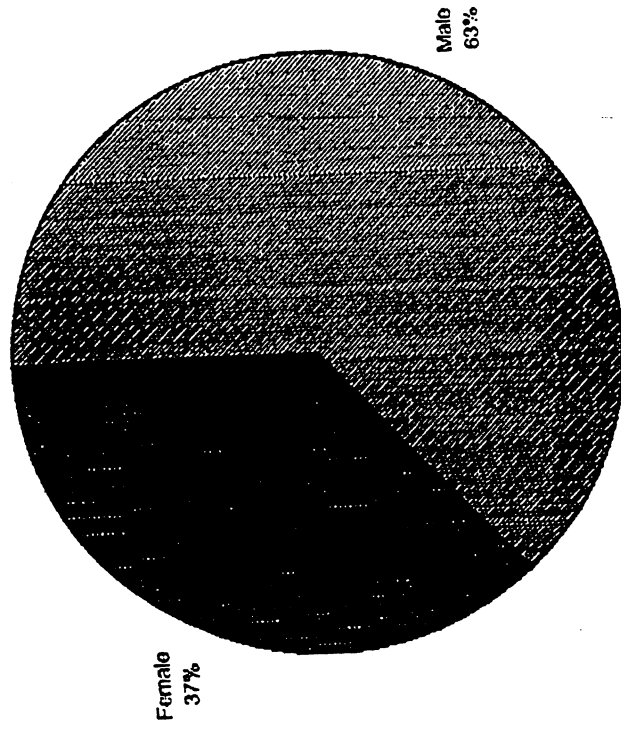


CHART 2

**Ethnic distribution of child abductors**

N=941

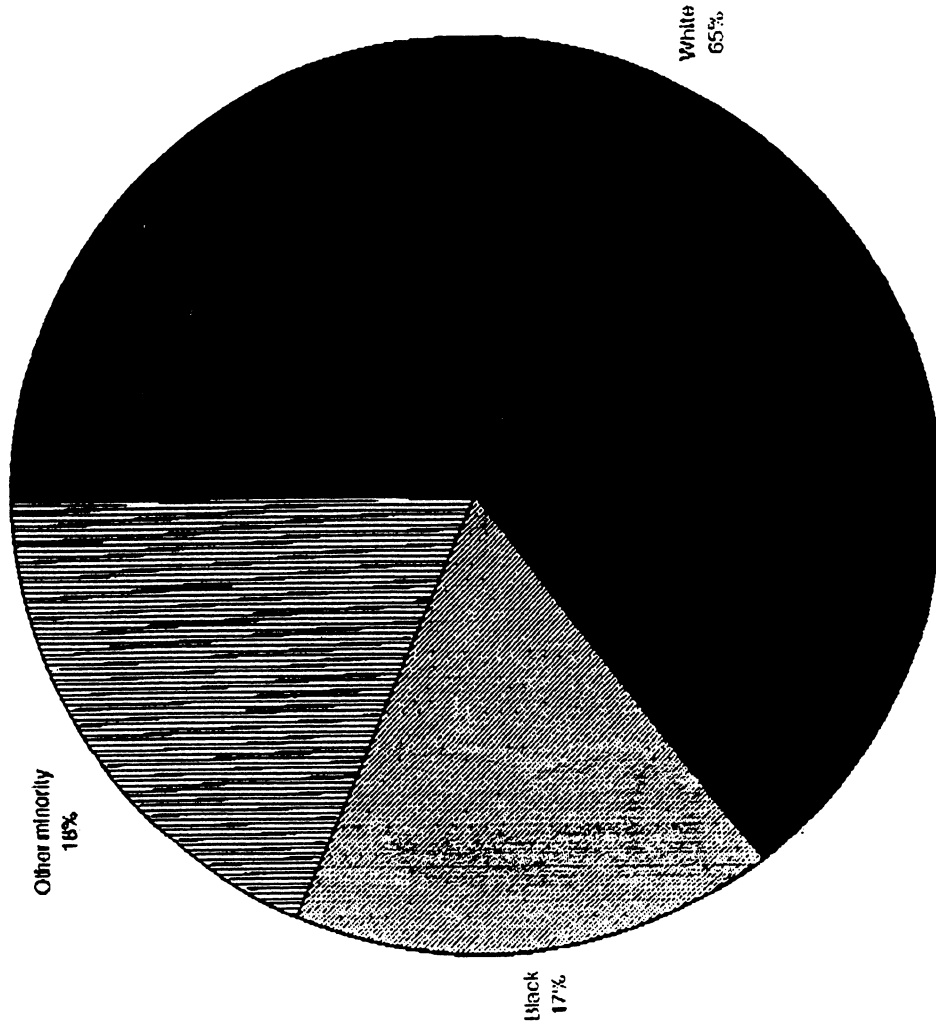


CHART 3

**Prior criminal history of abductors**

N=936

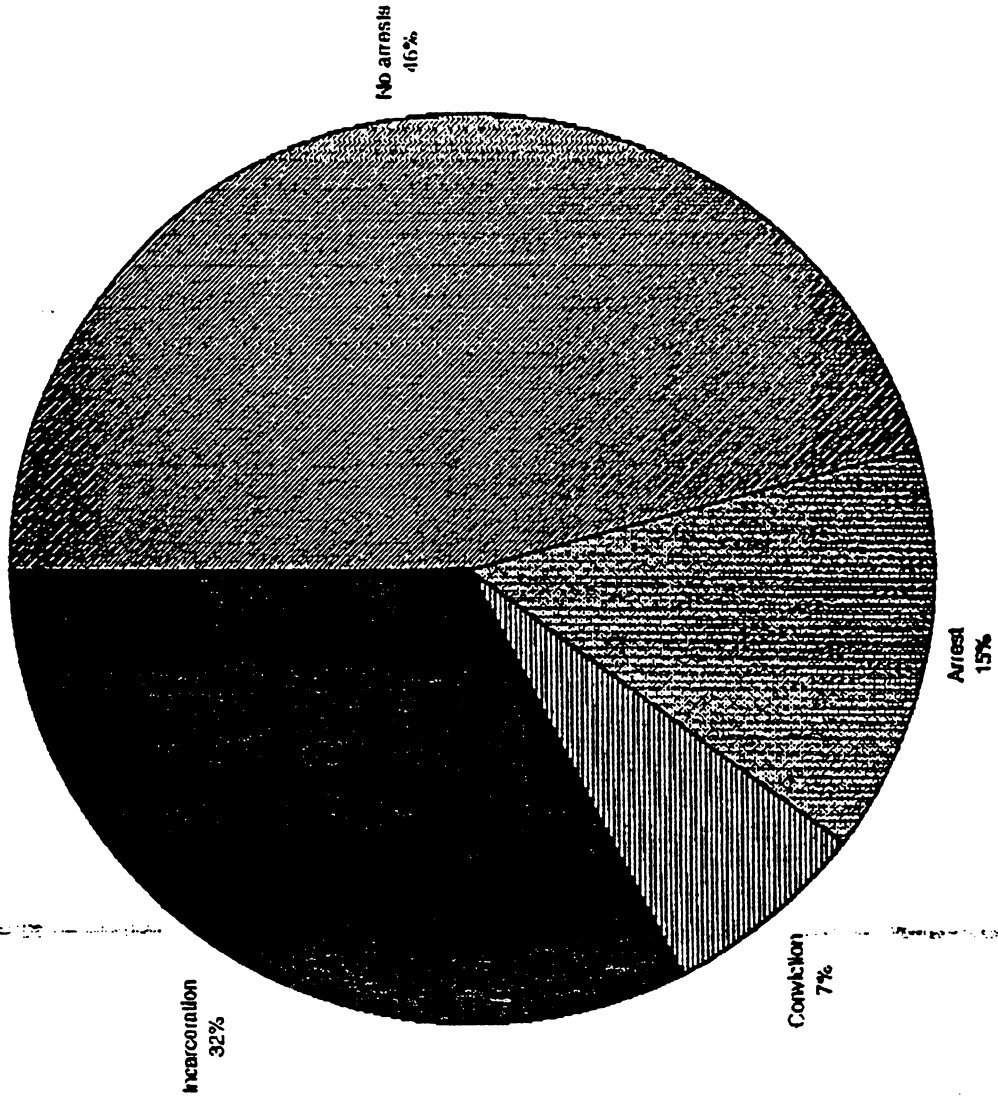


CHART 4

**\*violent prior criminal history of abductors**

N=929

\*violent offense was a summation of offenses against the person (nonsex and sex), domestic violence, child abuse, and or weapons

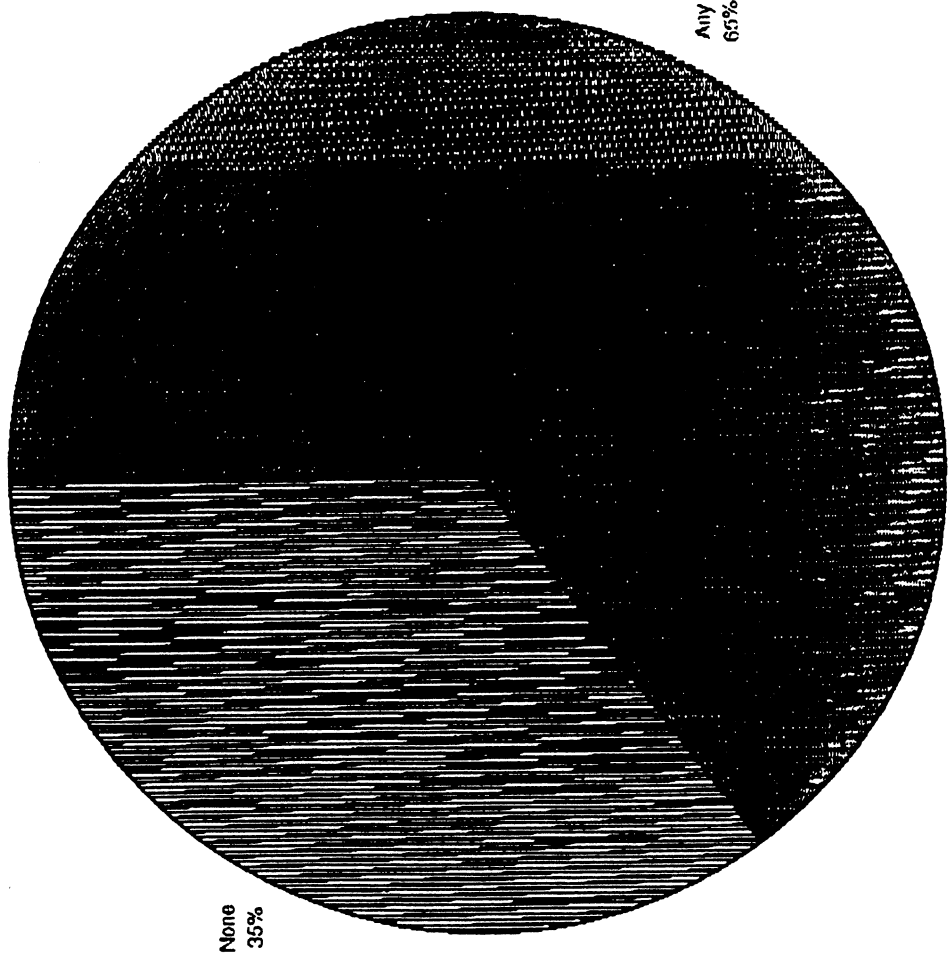
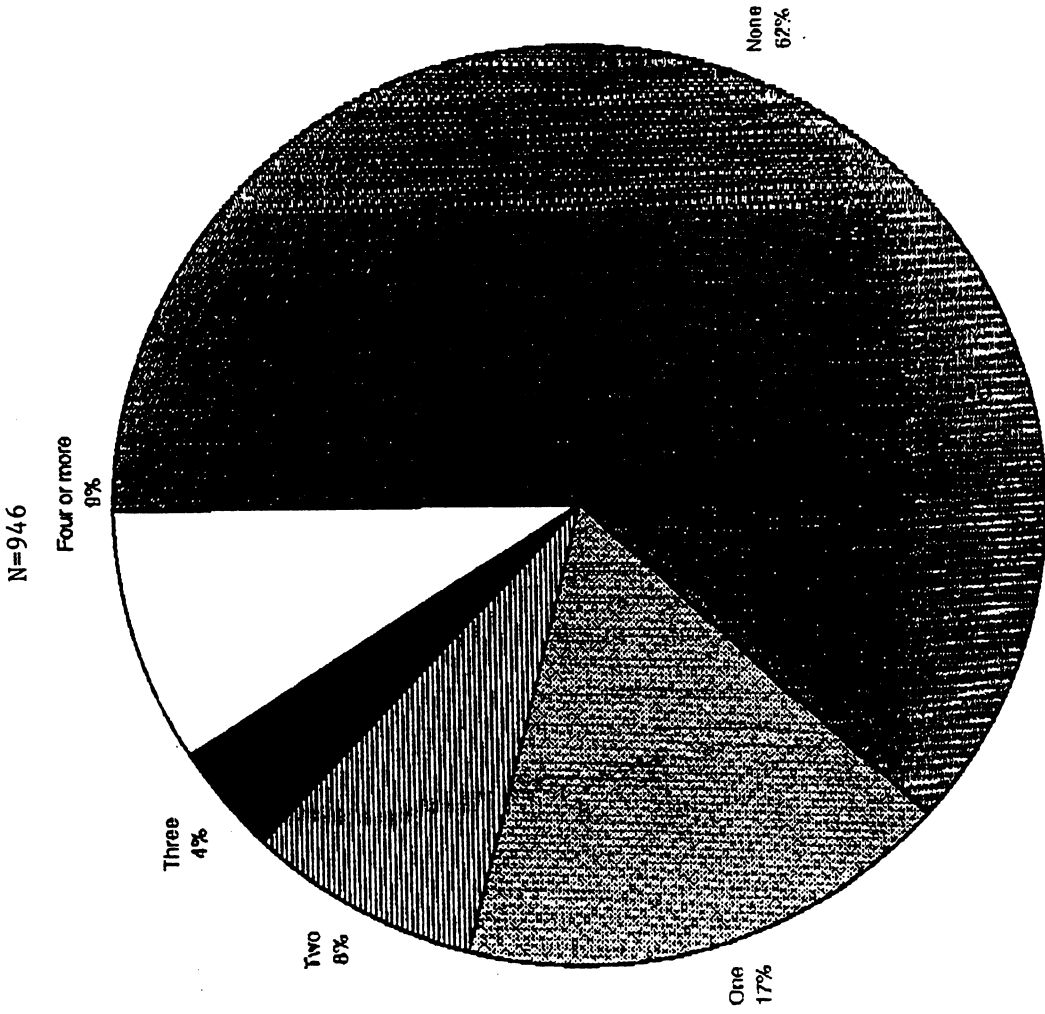


CHART 5

Number of arrests after first abduction incident



N=946

CHART 6

Number of abduction incidents

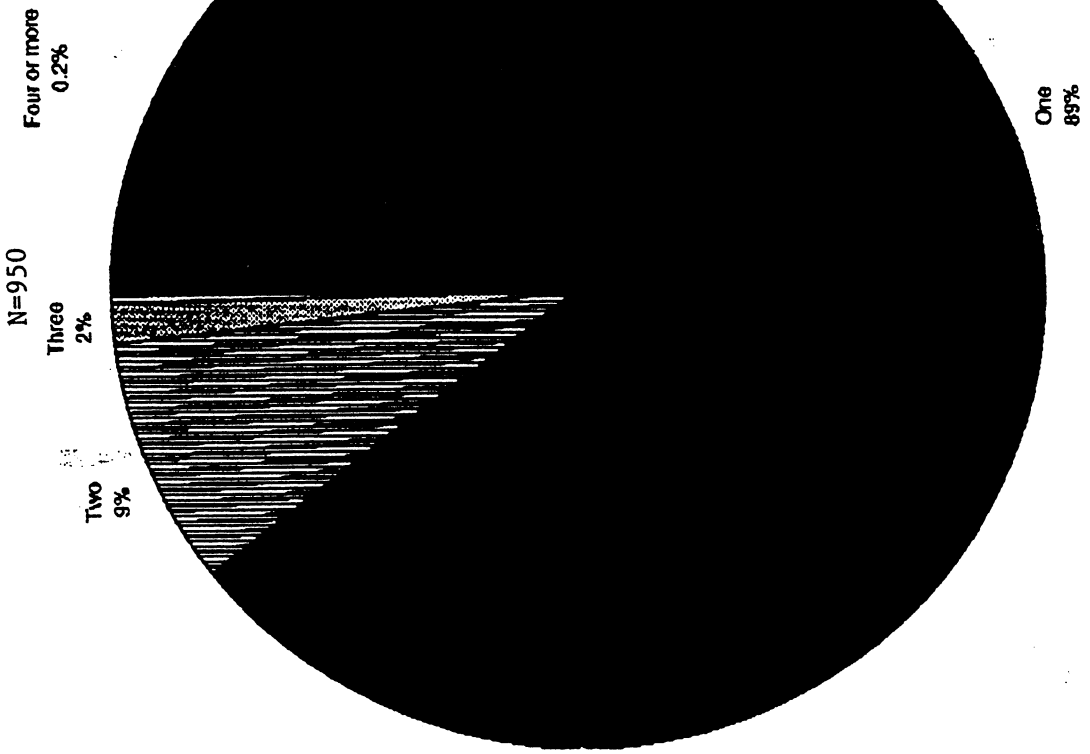




CHART 7 N=799

**Penal code charge for abduction**

\*refers to the abduction offense code at the first abduction for multiple abduction offenders, as well as the only abduction arrest for single abduction offenders; combination or other charges at arrest are excluded from the analyses

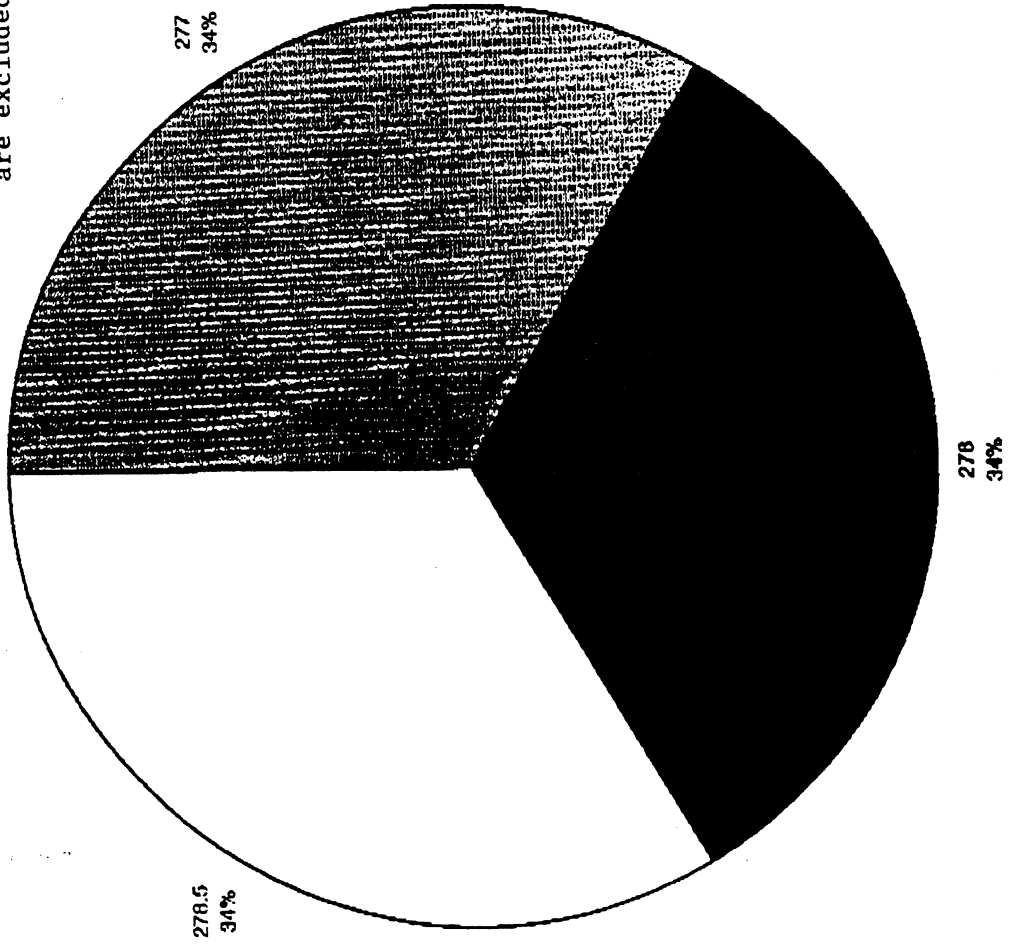
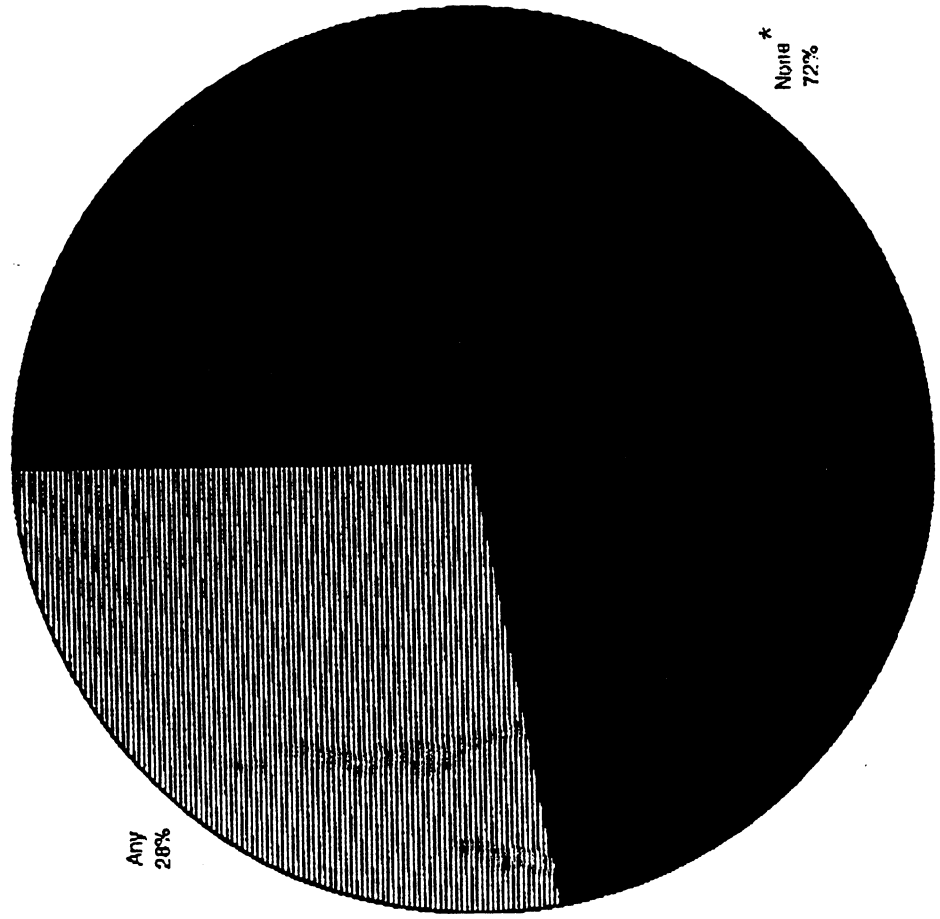


CHART 8

Charged with other violent offenses at the time of the abduction

N=948



\*no violent offenses includes cases where there were no other arrest charges at the abduction incident as well as cases where a nonviolent other offense was charged (e.g., drugs/alcohol, traffic/vehicle offense)

CHART 9

Criminal justice system response to the first abduction incident

N=828

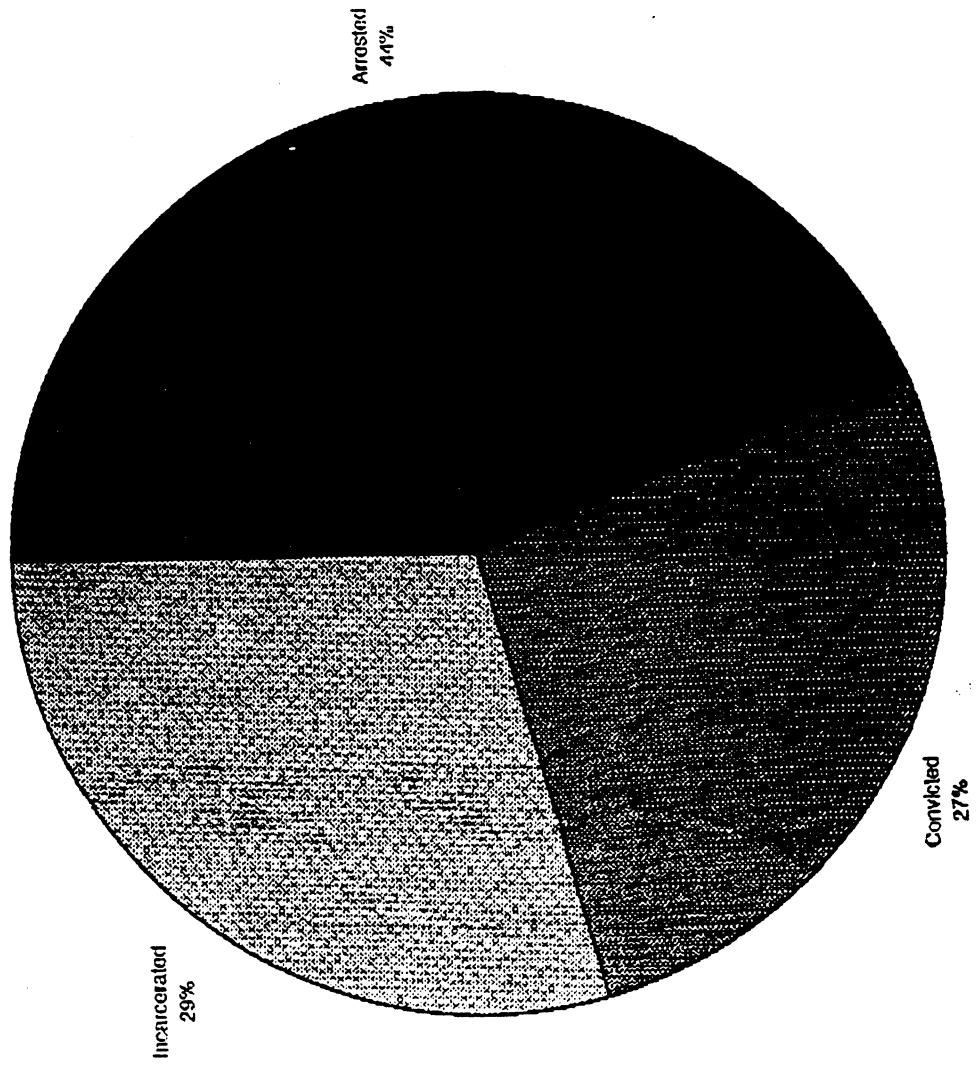
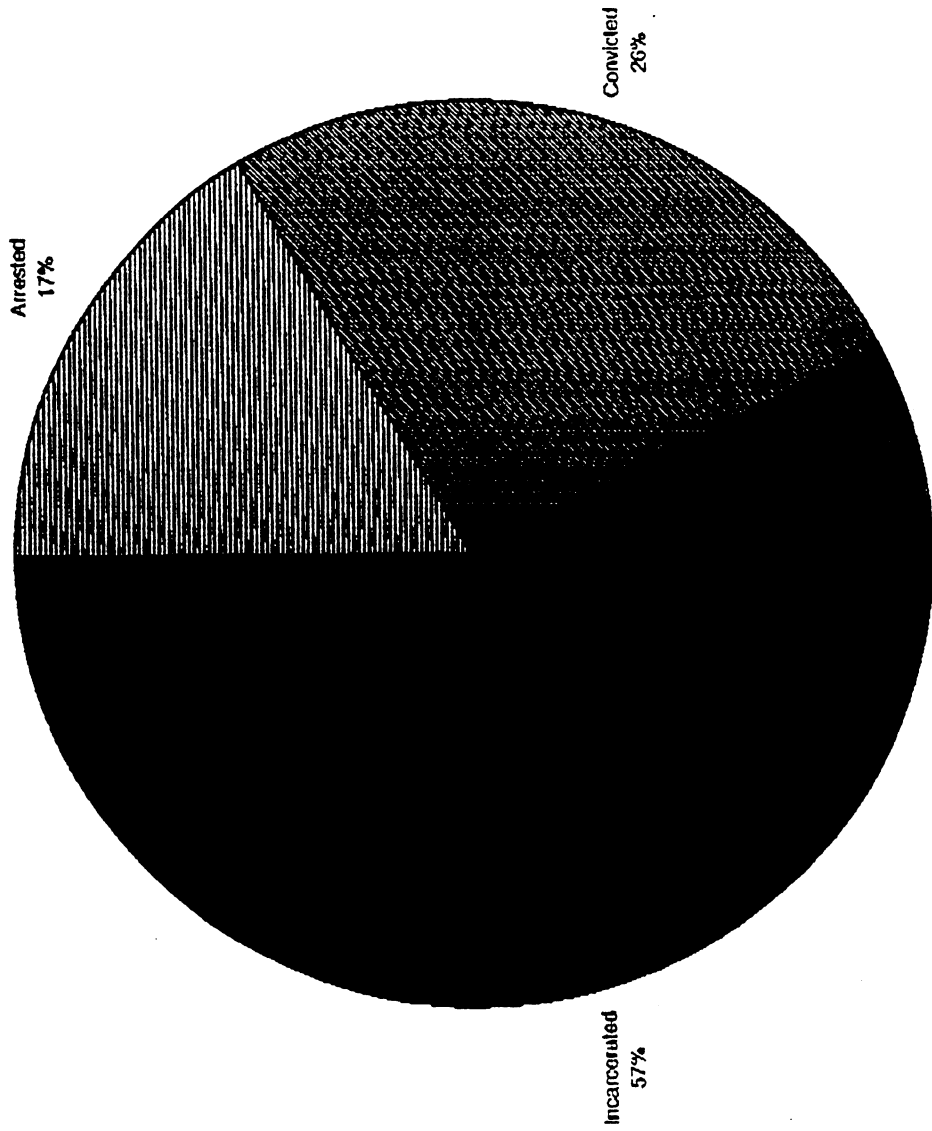


CHART 10

Criminal Justice system response to the second abduction incident

N=66



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**Table 1**  
Gender by Ethnicity, in Percent.

| Gender (n)   | Ethnicity |       |                |
|--------------|-----------|-------|----------------|
|              | White     | Black | Other minority |
| Male (594)   | 60.1      | 18.0  | 21.9           |
| Female (346) | 72.3      | 15.9  | 11.8           |

**Table 2**  
Gender by Prior Criminal History, in Percent.

| Gender (n)   | Prior criminal history |           |            |               |
|--------------|------------------------|-----------|------------|---------------|
|              | No arrests             | Arrest(s) | Conviction | Incarceration |
| Male (591)   | 39.4                   | 16.9      | 7.1        | 36.5          |
| Female (344) | 56.7                   | 10.5      | 7.6        | 25.3          |

**Table 3**  
Nature of Prior Offenses\* by Gender, in Percent.

| Prior Offense (n)               | Male | Female |
|---------------------------------|------|--------|
| Domestic violence (50)          | 12.8 | 2.0    |
| Non-sex offense to person (258) | 55.4 | 35.5   |
| Sex offense w/adult victim (17) | 4.6  | 0.0    |
| Sex offense w/child (7)         | 1.6  | 0.7    |
| Weapons offense (170)           | 38.3 | 19.1   |
| Property offense (326)          | 61.1 | 66.45  |
| Drug or alcohol offense (226)   | 43.5 | 43.4   |
| Traffic offense (149)           | 31.3 | 22.4   |
| Child abuse (68)                | 12.2 | 15.1   |
| Court violations (74)           | 15.5 | 11.2   |
| Other offenses (258)            | 50.0 | 48.0   |

\*Figures represent only those offenders who were arrested for the specific offense prior to the abduction incident.



**Table 4**  
Gender by Penal Code Charge for the Abduction, in Percent.

| Gender (n)   | Penal code for abduction |      |       |
|--------------|--------------------------|------|-------|
|              | 277                      | 278  | 278.5 |
| Male (496)   | 35.7                     | 35.1 | 29.2  |
| Female (301) | 18.3                     | 37.5 | 44.2  |

**Table 5**  
Gender by Charged with Other Violent Offenses at the Abduction, in Percent.

| Gender (n)   | Any violent | No violent |
|--------------|-------------|------------|
| Male (600)   | 29.5        | 70.5       |
| Female (346) | 24.9        | 75.1       |

**Table 6**  
Gender by Disposition of the Abduction Offense, in Percent.

| Gender (n)   | Not convicted | Convicted |
|--------------|---------------|-----------|
| Male (520)   | 47.3          | 52.7      |
| Female (313) | 37.4          | 62.6      |

**Table 7**  
Ethnicity by Prior Criminal History, in Percent.

| Ethnicity (n)        | Prior criminal history |           |            |               |
|----------------------|------------------------|-----------|------------|---------------|
|                      | No arrests             | Arrest(s) | Conviction | Incarceration |
| White (600)          | 50.0                   | 14.3      | 7.8        | 27.8          |
| Black (157)          | 28.0                   | 18.5      | 7.6        | 45.9          |
| Other minority (170) | 45.9                   | 12.4      | 4.7        | 37.0          |

**Table 8**Ethnicity by Penal Code Charge for the Abduction, in Percent.

| Ethnicity (n)        | Penal code for abduction |      |       |
|----------------------|--------------------------|------|-------|
|                      | 277                      | 278  | 278.5 |
| White (517)          | 27.3                     | 32.3 | 40.4  |
| Black (138)          | 29.0                     | 50.0 | 21.0  |
| Other minority (137) | 35.8                     | 36.5 | 27.7  |

**Table 9**Ethnicity by Other Violent Offenses at the Abduction, in Percent.

| Ethnicity (n)        | Any violent | No violent |
|----------------------|-------------|------------|
| White (607)          | 73.3        | 26.7       |
| Black (161)          | 70.2        | 29.8       |
| Other minority (171) | 69.6        | 30.4       |

**Table 10**Ethnicity by Disposition of the Abduction Offense, in Percent.

| Ethnicity (n)        | Not convicted | Convicted |
|----------------------|---------------|-----------|
| White (539)          | 41.2          | 58.8      |
| Black (143)          | 46.9          | 53.1      |
| Other minority (145) | 48.3          | 51.7      |

**Table 11**Abduction Charge by Criminal Justice System Response, in Percent.

| Abduction charge (n) | Criminal justice system response |           |              |
|----------------------|----------------------------------|-----------|--------------|
|                      | Arrested                         | Convicted | Incarcerated |
| 277 (232)            | 49.1                             | 25.9      | 25.0         |
| 278 (281)            | 47.0                             | 26.3      | 26.7         |
| 278.5 (278)          | 31.3                             | 31.3      | 37.4         |

**Table 12**Prior Criminal History by Abduction Disposition Charge, in Percent.

|                      |      |      |       |
|----------------------|------|------|-------|
| Criminal history (n) | 277  | 278  | 278.5 |
| No arrest(s) (374)   | 28.9 | 42.5 | 28.6  |
| Arrest(s) (115)      | 31.3 | 27.0 | 41.7  |
| Conviction(s) (58)   | 20.7 | 32.8 | 46.5  |
| Incarceration (239)  | 30.1 | 28.5 | 41.4  |

**Table 13**Prior Criminal History by Criminal Justice System Response, in Percent.

| Prior criminal hist. | Criminal justice system response |           |              |
|----------------------|----------------------------------|-----------|--------------|
|                      | Arrested                         | Convicted | Incarcerated |
| No arrests (385)     | 42.3                             | 29.9      | 27.8         |
| Arrest(s) (117)      | 55.6                             | 22.2      | 22.2         |
| Conviction (59)      | 40.7                             | 28.8      | 30.5         |
| Incarceration (254)  | 42.1                             | 24.0      | 33.9         |

**Table 14**Selected Prior Offenses by Criminal Justice System Response to First Abduction, in Percent.

| Prior Offenses (n)              | Arrest | Conviction | Incarceration |
|---------------------------------|--------|------------|---------------|
| Domestic violence (47)          | 38.3   | 27.7       | 34.0          |
| Sex offense w/adult victim (16) | 56.2   | 6.3        | 37.5          |
| Sex offense w/child (7)         | 28.6   | 42.9       | 28.6          |
| Child abuse (52)                | 40.4   | 26.9       | 32.7          |

\*Figures represent only those offenders who were arrested for the specific offense prior to the abduction incident.

**Table 15**Other Offenses at Abduction by Criminal Justice System Response to the First Abduction, in Percent

| Other Offenses (n)              | Arrest | Conviction | Incarceration |
|---------------------------------|--------|------------|---------------|
| Domestic violence (26)          | 15.4   | 38.5       | 46.1          |
| Non-sex offense to person (159) | 28.9   | 40.9       | 30.2          |
| Sex offense w/adult victim (1)  | 0.0    | 100.0      | 0.0           |
| Sex offense w/child (8)         | 37.5   | 12.5       | 50.0          |
| Weapons offense (19)            | 31.6   | 26.3       | 42.1          |
| Property offense (55)           | 20.0   | 30.9       | 49.1          |
| Drug or alcohol offense (21)    | 38.1   | 42.9       | 19.0          |
| Traffic offense (9)             | 34.7   | 34.5       | 30.8          |
| Child abuse (37)                | 35.2   | 37.8       | 27.0          |
| Court violations (60)           | 48.3   | 26.7       | 25.0          |
| Other offenses (64)             | 45.3   | 23.4       | 31.3          |

**Table 16**Abduction Charge by On Probation or Parole at the Time of the First Abduction Incident, in Percent\*

| Abduction Charge (n) | No   | Yes  |
|----------------------|------|------|
| 277 (84)             | 54.8 | 45.2 |
| 278 (126)            | 58.7 | 41.3 |
| 278.5 (86)           | 67.4 | 32.6 |

\*Figures represent only those offenders who were convicted of prior offenses.

**Table 17**Criminal Justice System Response by On Probation at Time of First Abduction, in Percent\*

| Criminal justice response (n) | No   | Yes  |
|-------------------------------|------|------|
| Arrested (131)                | 67.2 | 32.8 |
| Convicted (78)                | 52.6 | 47.4 |
| Incarcerated (103)            | 59.2 | 40.8 |

\*Figures represent only those offenders who were convicted of prior offenses.

**Table 18**Abduction Charge at Disposition by Criminal Justice System Response, in Percent.

| Abduction charge (n) | Criminal justice system response |           |              |
|----------------------|----------------------------------|-----------|--------------|
|                      | Arrested                         | Convicted | Incarcerated |
| 277 (232)            | 49.1                             | 25.9      | 25.0         |
| 278 (281)            | 47.0                             | 26.3      | 26.7         |
| 278.5 (278)          | 31.3                             | 31.3      | 37.4         |

**Table 19**Gender by Criminal Justice System Response for Each Abduction Charge, in Percent.

| Charge       | Criminal Justice Response |           |              |
|--------------|---------------------------|-----------|--------------|
|              | Arrested only             | Convicted | Incarcerated |
| <u>277</u>   |                           |           |              |
| Male (176)   | 48.9                      | 26.7      | 24.4         |
| Female (55)  | 50.9                      | 21.8      | 27.3         |
| <u>278</u>   |                           |           |              |
| Male (170)   | 53.5                      | 22.4      | 24.1         |
| Female (111) | 36.9                      | 32.4      | 30.6         |
| <u>278.5</u> |                           |           |              |
| Male (144)   | 33.3                      | 28.5      | 38.2         |
| Female (133) | 29.3                      | 34.6      | 36.1         |

**Table 20**

Ethnicity by Criminal Justice System Response for Each Abduction Disposition Charge, in Percent.

| Charge              | Criminal Justice Response |           |              |
|---------------------|---------------------------|-----------|--------------|
|                     | Arrested only             | Convicted | Incarcerated |
| <u>277</u>          |                           |           |              |
| White (140)         | 52.1                      | 22.9      | 25.0         |
| Black (40)          | 47.5                      | 32.5      | 20.0         |
| Other minority (49) | 42.9                      | 26.5      | 30.6         |
| <u>278</u>          |                           |           |              |
| White (162)         | 38.9                      | 26.5      | 34.6         |
| Black (68)          | 57.4                      | 26.5      | 16.1         |
| Other minority (50) | 58.0                      | 26.0      | 16.0         |
| <u>278.5</u>        |                           |           |              |
| White (209)         | 31.6                      | 29.2      | 39.2         |
| Black (28)          | 21.4                      | 39.3      | 39.3         |
| Other minority (38) | 36.8                      | 36.8      | 26.3         |

**Table 21**

Criminal Justice System Response by Time Lapse between Arrest and Disposition for First Abduction, in Percent.

| Time Lapse (n)           | Arrest | Conviction | Incarceration |
|--------------------------|--------|------------|---------------|
| Within 3 months (591)    | 46.4   | 26.6       | 27.0          |
| More than 3 months (235) | 37.5   | 28.5       | 34.0          |

**Table 22**First Abduction Disposition Charge by Level of Conviction\*, in Percent.

| Charge (n)  | Misdemeanor | Felony |
|-------------|-------------|--------|
| 277 (119)   | 76.5        | 23.5   |
| 278 (128)   | 54.7        | 45.3   |
| 278.5 (190) | 58.4        | 41.6   |

\*Figures represent only those offenders who were convicted on the first abduction.

**Table 23**Criminal Justice System Response to First Abduction by Level of Conviction\*, in Percent.

| Charge (n)         | Misdemeanor | Felony |
|--------------------|-------------|--------|
| Convicted (212)    | 71.2        | 28.8   |
| Incarcerated (227) | 52.4        | 47.6   |

\*Figures represent only those offenders who were convicted on the first abduction.

**Table 24**Type of Other Offense Charged at the Time of the First Abduction\* by Level of Conviction, in Percent.

| Other Offense (n)               | Misdemeanor | Felony |
|---------------------------------|-------------|--------|
| Domestic violence (17)          | 82.4        | 17.6   |
| Non-sex offense to person (107) | 63.6        | 36.4   |
| Sex offense w/adult victim (1)  | 0.0         | 100.0  |
| Sex offense w/child (4)         | 0.0         | 100.0  |
| Weapons offense (12)            | 33.3        | 66.7   |
| Property offense (40)           | 62.5        | 37.5   |
| Drug or alcohol offense (12)    | 50.0        | 50.0   |
| Traffic offense (3)             | 66.7        | 33.3   |
| Child abuse (19)                | 57.9        | 42.1   |
| Court violations (27)           | 70.4        | 29.6   |
| Other offenses (28)             | 42.9        | 57.1   |

\*Figures represent only those offenders who were convicted on the abduction incident.

**Table 25**

Charged with Violent Offenses at First Abduction\* by Level of Disposition, in Percent.

| Violent offense (n) | Misdemeanor | Felony |
|---------------------|-------------|--------|
| No (301)            | 63.1        | 36.9   |
| Yes (125)           | 62.4        | 37.6   |

\*Figures represent only those offenders who were convicted on the first abduction.

**Table 26**

Prior Criminal History by Level of Conviction\*, in Percent.

| Criminal history (n) | Misdemeanor | Felony |
|----------------------|-------------|--------|
| No arrests (209)     | 63.2        | 36.8   |
| Arrest(s) (52)       | 57.7        | 42.3   |
| Conviction(s) (28)   | 67.9        | 32.1   |
| Incarceration (133)  | 62.4        | 37.6   |

\*Figures represent only those offenders who were convicted on the first abduction.



**Table 27**

Logistic Regression of the Criminal Justice System Response on Legal and Extra-legal Characteristics of Offenders, Using Cumulative Logics.

| Predictor variables   | No Conviction/Conviction |            | Incarceration/No Incarceration |            |
|-----------------------|--------------------------|------------|--------------------------------|------------|
|                       | Parameter (s.e.)         | Odds Ratio | Parameter (s.e.)               | Odds Ratio |
| Intercept 1           | -.485<br>(.364)          | .616       |                                |            |
| Intercept 2           | -1.397<br>(.355)         | .247       |                                |            |
| Female                | .273<br>(.164)           | 1.313      | .033<br>(.169)                 | 1.034      |
| Black                 | -.171<br>(.211)          | .843       | -.540<br>(.233)                | .583       |
| Other minority        | -.266<br>(.205)          | .767       | -.563<br>(.230)                | .569       |
| Charge 278            | -.105<br>(.192)          | .901       | .021<br>(.211)                 | 1.022      |
| Charge 278.5          | .672<br>(.195)           | 1.959      | .469<br>(.204)                 | 1.598      |
| Prior arrest          | -.570<br>(.230)          | .566       | -.143<br>(.255)                | .867       |
| Prior convict         | -.109<br>(.308)          | .897       | .109<br>(.318)                 | 1.115      |
| Prior incarcerate     | .130<br>(.182)           | 1.139      | .477<br>(.188)                 | 1.612      |
| Violence at abduction | .387<br>(.306)           | 2.731      | .330<br>(.285)                 | 1.329      |
| Multiple abduction    | 1.005<br>(.193)          | 1.472      | .330<br>(.285)                 | 1.391      |

**Table 28**  
Gender by Number of Abduction Incidents, in Percent.

| Gender (n)   | One  | More than one |
|--------------|------|---------------|
| Male (601)   | 89.9 | 10.1          |
| Female (347) | 89.6 | 10.4          |

**Table 29**  
Ethnicity by Number of Abduction Incidents, in Percent.

| Ethnicity (n)        | One  | More than one |
|----------------------|------|---------------|
| White (608)          | 89.6 | 10.4          |
| Black (162)          | 87.0 | 13.0          |
| Other minority (171) | 92.4 | 7.6           |

**Table 30**  
Prior Criminal History by Number of Abduction Incidents, in Percent.

| Prior criminal history (n) | One  | More than one |
|----------------------------|------|---------------|
| No Arrests (428)           | 93.0 | 7.0           |
| At least one arrest (137)  | 94.2 | 5.8           |
| Conviction (68)            | 76.5 | 23.5          |
| Incarceration(303)         | 87.5 | 12.5          |

**Table 31**  
Abduction Charge by Number of Abduction Incidents, in Percent.

| Abduction Charge (n) | One  | More than one |
|----------------------|------|---------------|
| 277 (233)            | 94.0 | 6.0           |
| 278 (287)            | 90.6 | 9.4           |
| 278.5 (279)          | 90.7 | 9.3           |

**Table 32**Nature of Prior Offenses\* by Number of Abduction Incidents, in Percent.

| Prior Offense (n)               | One   | Two  |
|---------------------------------|-------|------|
| Domestic violence (50)          | 88.0  | 12.0 |
| Non-sex offense to person (258) | 88.0  | 12.0 |
| Sex offense w/adult victim (17) | 94.1  | 5.9  |
| Sex offense w/child (7)         | 100.0 | 0.0  |
| Weapons offense (170)           | 86.5  | 13.5 |
| Property offense (327)          | 84.7  | 15.3 |
| Drug or alcohol offense (522)   | 85.0  | 15.0 |
| Traffic offense (149)           | 79.2  | 20.8 |
| Child abuse (68)                | 80.9  | 19.1 |
| Court violations (74)           | 83.8  | 16.2 |
| Other offenses (258)            | 88.4  | 11.6 |

\*Figures represent only those offenders who were arrested for the specific offense prior to the abduction incident.

**Table 33**

Nature of Offense for Arrests between First and Second Abduction\* by Number of Abduction Incidents, in Percent.

| Offense (n)                     | One  | Two  |
|---------------------------------|------|------|
| Domestic violence (64)          | 89.1 | 10.9 |
| Non-sex offense to person (115) | 94.8 | 5.2  |
| Sex offense w/adult victim (7)  | 85.7 | 14.3 |
| Sex offense w/child (8)         | 87.5 | 12.5 |
| Weapons offense (82)            | 95.1 | 4.9  |
| Property offense (172)          | 90.1 | 9.9  |
| Drug or alcohol offense (146)   | 95.9 | 4.11 |
| Child abuse (21)                | 90.5 | 9.5  |
| Court violations (50)           | 90.0 | 10.0 |
| Other offenses** (155)          | 91.0 | 9.0  |

\*Figures represent only those offenders who were arrested for the specific offense between the first and second abduction incidents.

\*\*Includes traffic offenses.

**Table 34**

Other Offenses by Number of Abduction Incidents, in Percent.

| Other offenses? (n) | One  | More than one |
|---------------------|------|---------------|
| No (554)            | 91.0 | 9.0           |
| Yes (347)           | 88.1 | 11.9          |

**Table 35**

Other Offenses at the Time of the First Abduction\* by Number of Abduction Incidents, in Percent.

| Other Offense (n)               | One   | Two  |
|---------------------------------|-------|------|
| Domestic violence (36)          | 86.1  | 13.9 |
| Non-sex offense to person (188) | 85.6  | 14.4 |
| Sex offense w/adult victim (3)  | 100.0 | 0.0  |
| Sex offense w/child (13)        | 100.0 | 0.0  |
| Weapons offense (25)            | 76.0  | 24.0 |
| Property offense (70)           | 84.3  | 15.7 |
| Drug or alcohol offense (25)    | 80.0  | 20.0 |
| Traffic offense (15)            | 80.0  | 20.0 |
| Child abuse (57)                | 86.0  | 14.0 |
| Court violations (74)           | 97.3  | 2.7  |
| Other offenses (85)             | 88.2  | 11.8 |

\*Figures represent only those offenders who were charged for the specific offense at the abduction incident.

**Table 36**

Criminal Justice System Response to the First Abduction by Number of Abduction Incidents, in Percent.

| Criminal justice response (n) | One  | More than one |
|-------------------------------|------|---------------|
| Arrest (363)                  | 93.4 | 6.6           |
| Conviction (203)              | 90.6 | 9.4           |
| Incarceration (241)           | 89.2 | 10.8          |

**Table 37**Level of Conviction\* on First Abduction by Number of Abduction Incidents, in Percent.

| Level       | One  | More than one |
|-------------|------|---------------|
| Misdemeanor | 91.2 | 8.8           |
| Felony      | 89.5 | 10.5          |
| N           | 403  | 42            |

\*Figure represent only those offenders who were convicted on the first abduction offense.

**Table 38**Level of Conviction\* on First Abduction by Subsequent Arrests, in Percent.

| Level       | None | Any  |
|-------------|------|------|
| Misdemeanor | 62.4 | 37.6 |
| Felony      | 65.4 | 34.6 |
| N           | 256  | 147  |

\*Figure represent only those offenders who were convicted on the first abduction offense.

**Table 39**Criminal Justice System Response by Time Lapse between Arrest and Disposition for Second Abduction, in Percent.

| Time Lapse (n)          | Arrest | Conviction | Incarceration |
|-------------------------|--------|------------|---------------|
| Within 3 months (25)    | 20.0   | 40.0       | 40.0          |
| More than 3 months (14) | 57.1   | 14.3       | 28.6          |

**Table 40**Abduction Disposition Charge by Time Lapse between Arrest and Disposition for Second Abduction, in Percent.

| Time Lapse (n)           | 277  | 278.5 | 278  |
|--------------------------|------|-------|------|
| Within 3 months (580)    | 30.2 | 37.0  | 32.8 |
| More than 3 months (217) | 26.7 | 32.7  | 40.6 |

**Table 41**

Time Lapse Between Date of Arrest and Date of Disposition for First and Second Abduction Incidents, in Percent.

| Time Lapse         | First Abduction | Second Abduction |
|--------------------|-----------------|------------------|
| Within 3 months    | 71.3            | 62.1             |
| More than 3 months | 28.7            | 37.9             |
| N                  | 836             | 66               |

**Table 42**

Parameter Estimates, Standard Errors and Odds Ratios from the Logistic Regression of Subsequent Arrests on Extra-legal and Legal Characteristics

| Predictor                | Parameter estimate | Standard error | Odds Ratio |
|--------------------------|--------------------|----------------|------------|
| Intercept                | -1.550             | 0.219          | 0.212      |
| Female                   | -0.132             | 0.176          | 0.876      |
| Black                    | 0.764              | 0.216          | 2.147      |
| Other minority           | 0.307              | 0.216          | 1.359      |
| Prior arrest             | 0.841              | 0.239          | 2.318      |
| Prior conviction         | 0.855              | 0.305          | 2.352      |
| Prior incarceration      | 1.518              | 0.190          | 4.565      |
| 278                      | 0.174              | 0.203          | 1.190      |
| 278.5                    | -0.178             | 0.211          | 0.837      |
| Violence at abduction    | 0.337              | 0.191          | 1.401      |
| Convicted (abduction)    | 0.014              | 0.205          | 1.014      |
| Incarcerated (abduction) | 0.237              | 0.197          | 1.267      |

Note: 289 subjects had arrests subsequent to the first abduction, 489 had no subsequent arrests, and 172 cases were eliminated from the analysis because of missing data.

**Table 43**

Parameter Estimates, Standard Errors, and Odds Ratios from the Logistic Regression of Subsequent Abductions on Extra-legal and Legal Characteristics

| Predictor                      | Parameter estimate | Standard error | Odds Ratio |
|--------------------------------|--------------------|----------------|------------|
| Intercept                      | -3.377             | 0.412          | 0.034      |
| Female                         | -0.105             | 0.289          | 1.111      |
| Black                          | 0.292              | 0.364          | 1.339      |
| Other minority                 | 0.099              | 0.399          | 0.906      |
| Prior arrest                   | 0.236              | 0.487          | 0.790      |
| Prior conviction               | 1.235              | 0.407          | 3.438      |
| Prior incarceration            | 0.208              | 0.355          | 1.231      |
| 278                            | 0.140              | 0.376          | 1.150      |
| 278.5                          | 0.333              | 0.373          | 1.395      |
| Violence at abduction          | 0.797              | 0.298          | 2.218      |
| Convicted (abduction)          | 0.311              | 0.361          | 1.365      |
| Incarcerated (abduction)       | 0.555              | 0.340          | 1.742      |
| Arrest subsequent to abduction | 0.177              | 0.307          | 0.837      |

Note: 61 offenders had a least one subsequent abduction incident, 717 had no subsequent incidents, and 172 cases were eliminated from the analysis because of missing data.



## Chapter 4

### Interview Study of Risk Factors for Family Abduction

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Prevention of Family Abduction

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## Prevention of Family Abduction

### Interview Study of Risk Factors for Family Abduction

#### Chapter Summary

An interview study was conducted comparing 70 members of 50 families, in which the children had been abducted (half were abductors and half were left-behind parents) with 114 members of 57 high-conflict divorcing families, in which parents were litigating the custody of their children. Equal numbers of men and women were seen in each group. The abducting sample was obtained from district attorney records and the litigating sample was obtained from the family courts, within the San Francisco Bay Area of California. The purpose was to identify demographic, psychological, and family dynamics factors that distinguish these two groups from one another to develop a predictive model of risk for parental or family member abduction of children. Before summarizing the results, the limitations of the study should be noted:

1. Although this is the first systematic study of abductors in addition to left-behind parents, the sample size is small, and it was drawn from only two urban counties in California, which is not nationally representative. In as much as this state has especially broad definitions of parental child stealing, the study may have identified a range of persons and situations much broader than is generally defined as family abduction in other states.

2. The risk factors identified here pertain only to those features that differentiate abductors and their family situations from those highly conflictual and violent couples who used the formal dispute resolution processes of the family court. They do not necessarily discriminate which individuals are likely to abduct in the broader population of separating and divorcing families.

3. Many of the comparisons between the two samples were descriptive and exploratory, rather than hypothesis testing. Hence, the differences found here may well be ones that are unique to these particular samples, rather than indicators of more general empirical findings.

4. Although the study was of the events surrounding the same abduction/litigation period in 1990, most of the data for the two samples were collected at different points in time, which may result in invalid comparisons. For the litigation sample, data were gathered following the litigation and before entry to counseling; for the abduction sample, the data were gathered three years after the abduction incident.

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5. Most important, the attitudes and explanations given for the events, especially the abduction itself, may well be justifications and excuses constructed after the fact rather than being true predictors of the event. The psychological states of the individuals may well be a consequence of the abduction/litigation rather than a predictor of who is likely to abduct or to litigate in child custody disputes. Only a longitudinal study of a broad sample of separating and divorcing families could properly identify attitudinal and psychological risk factors for abduction.

Despite these limitations, this preliminary descriptive study suggests that parental abduction of children is multidetermined, with a combination of demographic, family dynamics, and psychological factors contributing to the risk for abduction. The findings of this study suggest a model of five interrelated factors predicting the abduction of a child by a parent or family member as shown in the path diagram in Figure 1. Each of the five factors is hypothesized to lessen the likelihood that separating and divorcing parents will use formal dispute resolution (by courts and mental health professionals), which, in turn, lessens the likelihood of their having attitudes favoring abduction. Three of these five factors are directly predictive of attitudes favoring abduction, that is, they are risk factors that are not mediated by the use of the legal system or counseling services. Connecting lines with plus (+) or minus (-) signs indicate the hypothesized relationships and the direction of effects. Each of these factors will be considered in turn.

The first risk factor is belonging to an ethnic/cultural minority group which holds different cultural values about appropriate child care arrangements after separation and divorce compared to the prevailing norms reflected in the laws and procedures of the states' courts. Members of these groups are likely to turn to their own families and informal networks for practical help, social support, and validation of their actions, rather than to formal dispute-resolution forums such as the courts. The study's findings show that a significant number of abductions were the outcome of a private ordering among African Americans, Hispanics, and immigrants from other cultures--one which involved extended kin and new partners brokering interparental disputes and socially legitimating the actions taken by the parties. For this reason, many of these abductors did not consider their actions to be immoral and were surprised to learn that they were illegal.

The second risk factor is low socioeconomic status (which includes low income, education, and occupational position). Many of the abductors and left-behind parents could not afford the legal counsel required to help guide them through the courts. Nor could they afford consultation with mental health professionals to obtain current knowledge about what children need after parents separate. Families of lower socioeconomic status are also more likely to rely upon informal networks of family, friends, and associates, as well as on their own devices for dispute resolution rather than upon major social institutions, such as the legal and mental health systems. This is particularly true for ethnic minority groups who are also

## Prevention of Family Abduction

likely to be economically disadvantaged. Additionally, those individuals who are unemployed or work in unskilled jobs, and who have no fixed assets (e.g., a family home), have few economic incentives to remain in one geographical area. They also have more anonymity and can disappear more easily without a trace.

The third risk factor is a psychological one. Those individuals with narcissistic, sociopathic personality disorders (traits which are often associated with a history of criminal activity) are more likely to hold a constellation of beliefs that are directly conducive to child abduction. They tend to believe that they, above all others, know what is best for their children, to feel entitled to take the children without consideration of the other parent's rights or feelings, and not to consider the children's needs as separate from their own. They also tend to expect special exemptions from social demands, to believe that they can omnipotently control and exploit others, and to flaunt authority. Moreover, those individuals who have prior arrests and convictions for criminal offenses are less likely to appeal to the family courts for help because they do not expect the legal system will give them a sympathetic hearing over custody matters. If, in addition, these individuals are inclined to thought disorder (i.e., to think irrationally and harbor paranoid ideas of conspiracy and betrayal by their partner, associates, and the legal system), the risk of abduction becomes critical and the child could be in grave danger.

The fourth risk factor is the parents' transient and/or unmarried relationship status. Couples who have never married are less likely to have made any contract or commitment with each other. Those couples who have brief, unstable and transient relationships are also less likely to have planned the conception of the child. When such relationships break up, the mothers, in particular, tend to act as though the children are their exclusive property and to see fathers as having few, if any, rights. These proprietary attitudes are consolidated if the father does not pay child support. Because these unions between parents have not been legalized, couples may be less likely to consider that the legal system has an interest in the care of their children after the separation. They are, therefore, less likely to appeal to the courts to resolve their disputes over custody. It is hypothesized that transient relationships between parents are more likely for those with fewer socioeconomic resources and for those individuals with personality disorders (such as narcissism and sociopathy), so that these risk factors are likely to be cumulative.

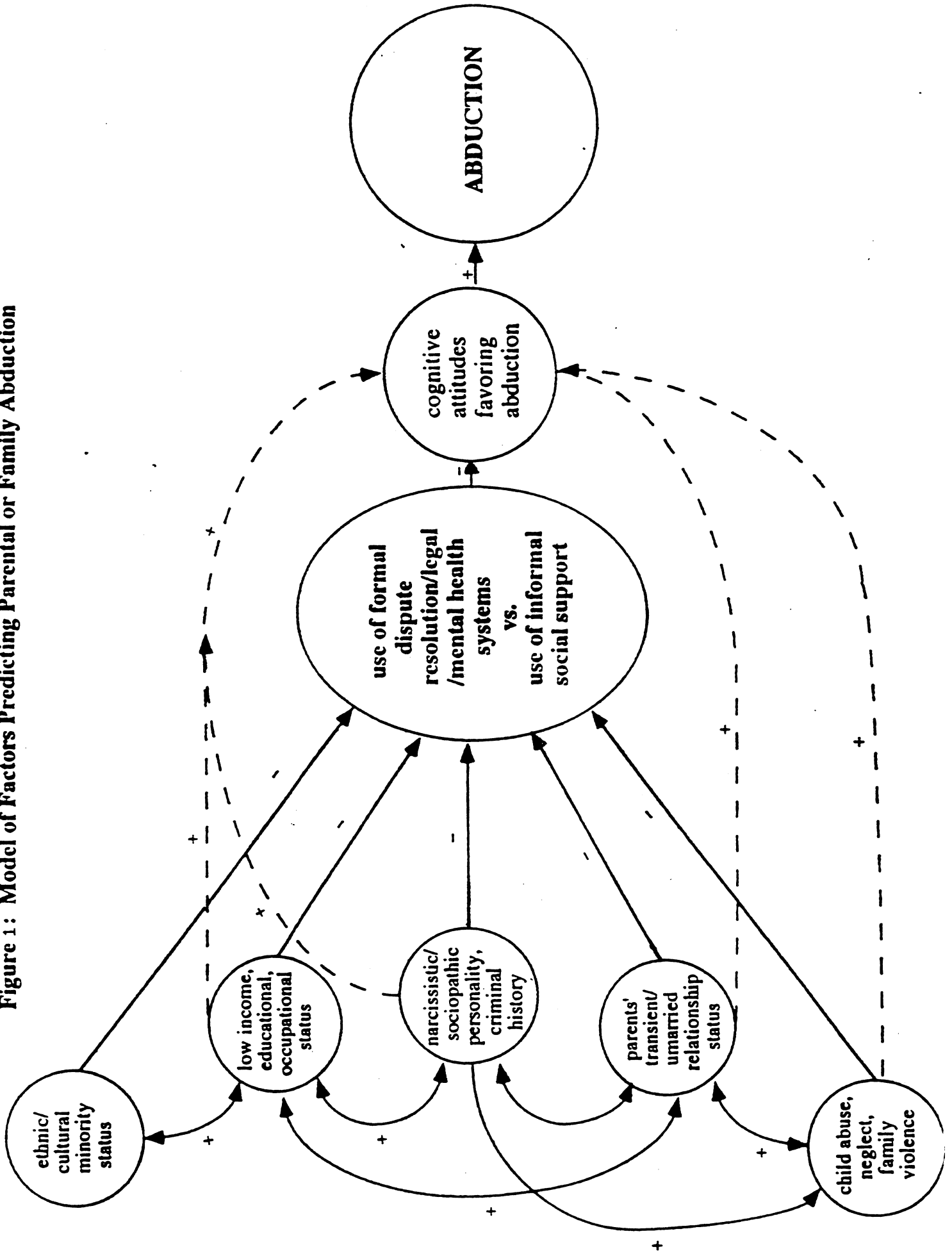
The fifth and final risk factor is concern about child neglect, sexual abuse, and family violence. These issues are likely to be more frequent within transient, unstable marriage-like relationships and for individuals with narcissistic and sociopathic personality disorders. The findings of this study indicate that abducting parents and other family members are, in part, attempting to rescue or protect their children from neglectful, violent, and/or criminal environments. Their allegations in this respect are more likely to be substantiated compared to those of litigating families. This study also found that unsubstantiated sexual abuse

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allegations against the father are an indicator of risk for abduction. In these cases, the abductor was generally the mother, although sometimes it was the parent who felt unjustly accused. While many of these concerned parents did seek the help of the family courts and child protective services for help in protecting their children, the response of these authorities was often inadequate and inconsistent. From the parents' viewpoint, counselors of the family and juvenile courts were often dismissive of their concerns, failed to thoroughly investigate the claims, and did not follow up or monitor the potentially unstable and neglectful environments to which their children were exposed. Again, in these matters, those with fewer economic resources and those of ethnic minority status were particularly disadvantaged in accessing and getting help from the legal and mental health systems.

In conclusion, it should be emphasized that the model of risk factors proposed here has been derived from this preliminary descriptive study comparing abducting and litigating individuals and their family situations. As such, it is a set of hypotheses that need further study and empirical confirmation. Study comparisons do not provide a means to know how many of the individuals in the population in general, who exhibit the "risk factor" characteristics, do not abduct. Without these comparisons the material is useful descriptively and useful in further understanding parental abductors (and perhaps subgroups of abductors) but not in a predictive manner. The risk involved in identifying useful descriptive material as predictive is tagging or labeling individuals as potential abductors, and the potential for misuse of that label. In other words, this research furthers knowledge of what characteristics are associated with parental abduction, but should not be used alone to predict potential parental abductions.

**Figure 1: Model of Factors Predicting Parental or Family Abduction**





## Prevention of Family Abduction

### Objectives of the Interview Study<sup>1</sup>

The overall objective of the interview study was to systematically compare a sample of families where a parent (or other family member) had acted outside the law in response to disputes over the custody and care of their children, by abducting their children, with a sample of families who were in intense disagreement over these matters but had taken legal action, that is, they had filed to litigate these disputes.<sup>2</sup> The goal was to interview both the abductor and the left-behind parent in the abducting sample, and fathers and mothers in both samples.

The first specific aim of the study was to compare abducting individuals and their family situation with litigating individuals and their family situation on the following dimensions:

- (a) their demographic characteristics (socioeconomic indices, ethnicity, family size, age of children, marital status and stage of separation, financial support);
- (b) the involvement of informal supports (extended kin, friends) as well as formal helping institutions (police, child protective services, juvenile court, mental health professions, etc.) in trying to help the families;
- (c) the issues about which parents disputed and rationalized the abduction/litigation (child abuse, neglect, molestation, parent's use of alcohol, drugs, domestic violence, involvement in criminal activity);
- (d) the severity and type of domestic violence perpetrated, injuries sustained, medical help and legal restraints sought;
- (e) the extent and kind of formal conflict resolution process within the family courts (i.e., representation by attorneys, number of filings for custody/visitation, restraining orders; hearings, settlement conferences by a judge; specificity and content of court orders);
- (f) the psychological adjustment of parents, and their early family histories of trauma and loss;
- (g) the psychological adjustment of the children;
- (h) the subsequent custody and visitation arrangements of these children at the time of follow-up three years later (including type of custody, access schedule, frequency of transitions, and duration of contact with each parent).

## Prevention of Family Abduction

The second specific aim of this study was to develop an attitude survey, the Abduction Risk Questionnaire (ARQ), which could help discriminate abducting individuals and their family situations from those who litigate their disputes over the custody and care of children.

### Procedures

#### Selection of Abduction Sample

Parental abduction was defined according to California law, which encompasses a broad range of situations that involve taking, detaining, concealing, or enticing away a child from a parent who has rights of custody. Thus abductions can occur between married, divorced, and unmarried persons; before or after a custody order; between parents who have joint custody; and even when visitation or access to the child is systematically denied by the custodial parent. (See Chapters 2 and 3).

California mandates the district attorneys (D.A.) to locate and return abducted children and provides funds for this purpose. Hence the district attorneys' case records were used to obtain access to what is believed to be a broad and more representative sample of situations where one parent takes unilateral and extra-legal action with respect to the custody of the child compared to previous studies of special populations (e.g., samples obtained from missing children's organizations). The abduction sample was obtained by selecting every fifth case from the D.A.'s records in Alameda County and Santa Clara County, California, during 1990. Only families with a child 12 years old or under were selected. This was to avoid selecting cases in which teenage children had elected to run away with one parent, and to match the comparison sample. If a family was ineligible or unable to be contacted, the next consecutive case was chosen.

Each parent was mailed a letter inviting them to participate in a study of high-conflict divorce (or separations between parents who were never married) (see procedures for contacting parents and letter in Appendix). When letters were returned as undeliverable, we attempted to trace parents' whereabouts through telephone calls to any relatives and places of employment, where such telephone numbers were available in the D.A.'s records.

Each parent was asked to give informed consent to participate in the study, which involved completing written questionnaires and a battery of standardized psychological measures, and being interviewed (approximately two hours). They were paid \$50 for their participation. A dispute-specific assessment and history of the marriage, separation, and abduction were obtained (see guidelines for interviewer in Appendix), together with a child history and description of adjustment. This information was dictated by the interviewer following each interview and later transcribed.

## Prevention of Family Abduction

The interviewers were trained interns or qualified clinical social workers, psychologists, and marriage and family counselors. The interviews were conducted in various places: private homes, places of employment, counselor's office, a quiet restaurant, and, in two cases, in prisons. About one-fourth of the interviews were conducted by telephone because the subject lived out of state or, in the case of three subjects, was considered too dangerous for face-to-face interviews. A Spanish speaking interviewer was available, and the written measures were given orally for those who had difficulty reading and writing. All information given by subjects was guaranteed to be confidential (see stipulation in Appendix). To the extent possible, attempts were made to have both parents participate in the study so that the perspectives of both the abducting and left-behind parent could be obtained. However, this was not a condition for participation. In most cases, participants were not aware of whether or not their ex-spouse had also agreed to be interviewed.

### Selection of Comparison Sample of Litigation Families

The comparison sample was a group of litigating families who had been referred for counseling by the Family Courts in San Mateo and Santa Clara counties between September, 1989 and January, 1991 (Johnston, 1992). All of these parents had filed a legal suit in court and were unable to reach a stable settlement of their disputes over the custody and care of their children, despite mandated mediation (in all cases), custody evaluations (in one-third of cases), and (in several cases) full court trials. Parents were also referred for counseling from the Family Court where there was a history of domestic violence in addition to ongoing disputes over child custody matters. Only families with children 12 years old or younger were eligible.

Following Family Court Services intervention (including mediation, evaluation, or court order), these litigating families were offered a free, brief counseling service (approximately 30 hours). The initial eight hours were devoted to psychological assessment, during which time the same questionnaires and battery of standardized psychological measures given to the abduction sample were administered. The interviews were conducted in counselors' offices by qualified clinical social workers or psychologists, and occasionally in private homes. All information obtained from these litigating parents was guaranteed to be confidential, and they were asked to stipulate that none of the information would be available for legal proceedings (see Appendix). Parents were informed that the purpose of the brief counseling service was to help them assess how their children were coping with the divorce situation, including the visitation and custody arrangements, and to give them advice on how they might help their children adjust. They were informed that it was also a study to understand more about the effects of divorce, conflict and violence, and custody and visitation arrangements on children, in general.

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During the initial assessment period, both parents were interviewed separately to obtain a dispute-specific assessment and history of the marriage and separation (see guidelines in Appendix). They also described their child's history and adjustment. This information was dictated by the research clinician following each interview and later transcribed. Parents were asked to complete written questionnaires on demographic and family information and standardized measures on their own and their children's adjustment (see Appendix). These were administered orally, if necessary. These instruments were the same as those administered to the abduction sample.

Following the initial assessment, both parents were offered separate interviews in which they were given feedback about their children's adjustment. They then entered our counseling service, where they were helped with parenting and coparenting, and the children were provided with therapy, for a total of approximately 22 hours of direct service to the family over a three-to-six-month period. It is important to note that all relevant information was gathered before any feedback or counseling was given, in order to minimize confounding the data with the intervention.

**A cautionary note:** It is important to point out that most of the descriptive data on these litigating families were collected during 1990 (which was the time of abduction for the abducting sample). By contrast, most of the descriptive data on the abduction families were collected two to three years later (October, 1992 - June, 1993). However, the Abduction Risk Questionnaire (ARQ), the Narcissistic Personality Inventory (NPI), and current custody data were obtained from both samples in 1993, by mailing the litigating families these questionnaires to complete. In the following report of the findings, the reader will be cautioned as to the comparability of relevant data from the two samples whenever they were obtained during different time periods.

### Measures

A list of all measures used in this study and references to published data on their psychometric properties can be found in the Appendix. Copies of the measures are also available in the Appendix. The following is a description of those measures used in this report.

#### Coparental Relationship

Parental conflict was measured by the Conflict Tactics Scale (CTS), comprising 18 behavioral items on how disagreements between parents had been managed during the previous 12 months (Straus, 1979), and whether each had ever occurred in the past. Both parents completed the scale as to their own and their ex-spouse's frequency of verbal reasoning, verbal aggression, and physical aggression. For the purposes of this study, only

## Prevention of Family Abduction

the physical aggression subscale was used, which comprised nine items. *Total Physical Aggression* was divided into three subtypes: *Minor Physical Aggression*, which included three items (threw or smashed object; threw something at the other; pushed, grabbed, or shoved the other); *Moderate Physical Aggression*, which included three items (slapped; kicked, bit, or hit with a fist; hit with an object); and *Severe Physical Aggression*, which included three items (beat up; threatened with a weapon; used a weapon).

Data on the injuries sustained as a consequence of violence from the ex-spouse and medical assistance sought were obtained from a checklist in the Intake Questionnaire. Information on requests for restraining orders, use of police, and assault charges filed against the ex-spouse were also obtained from this same questionnaire.

Parental cooperation was measured by the Ahrons Discuss & Share Decision-Making Scale (Ahrons, 1981). This was a 10-item instrument, each rated on a 5-point scale, of the frequency with which divorced parents made major and day-to-day decisions together regarding their children; how often they talked about their children's accomplishments, progress, and problems; and how often they discussed coparenting and financial issues with respect to their children.

### Involvement with the Legal System

Family Court records were accessed by research assistants who coded the number and different types of legal actions that had been initiated by the separating spouses before and after the abduction in the abduction sample and before and after the counseling intervention in the litigation sample. From these court records, data were also obtained about the extent of attorney representation and the specificity and content of court orders.

### Parents' Psychological Functioning

The parents' psychological adjustment was measured by the Brief Symptom Inventory (BSI) (Derogatis & Spencer, 1982). The BSI is a 53-item self-report symptom inventory designed to reflect the psychological symptoms pattern of psychiatric patients as well as nonpatient individuals. Each item of the BSI is rated on a 5-point scale of distress. It is scored in terms of 9 subscales, which include somatization, obsessive-compulsive, interpersonal sensitivity, depression, anxiety, hostility, phobic-anxiety, paranoid ideation, and psychoticism.

Two global indices were also used, namely, the Global Severity Index (GSI) and the Positive Symptom Distress Index (PSDI). The GSI is a sum of responses on all 53 items, multiplied by the 5-point severity rating, the *T*-score of which serves as a measure of total emotional dysfunction in this study. The PSDI communicates the respondent's "style" of

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experiencing distress, that is, whether he or she tends to minimize or exaggerate stress experiences. It is calculated by dividing the GSI raw score by the total of non-zero responses on each item, which is then converted to a *T*-score. These measures have all been standardized for males and females separately.

A shortened version of the Narcissistic Personality Inventory (NPI) (Raskin & Terry, 1988) was also administered. Four subscales of this instrument were used: Self-Sufficiency, Exhibitionism, Exploitativeness, and Entitlement. In addition, a total of all 21 items gave a score for Narcissistic. The four subscales were selected because they reflect a constellation of problematic attitudes that can characterize a person's relationship with others, making abduction more likely. This constellation of exhibitionism, Exploitativeness, feelings of entitlement, and sense of self-sufficiency involves the expectation of special privilege over others and special exemptions from normal social demands, a tendency to see others as extensions of oneself, and feelings and thoughts of omnipotence regarding the control of others.

### Children's Psychological Functioning

Child adjustment was measured by parents' reports. Wherever possible, both mother and father completed the Child Behavior Checklist (CBC) (Achenbach & Edelbrock, 1983) a 118-item checklist, each rated on a 3-point scale, of the behavioral problems and symptoms of children. The total *T*-score provided an index of emotional and behavioral problems that control for gender and age differences found in a normal population, so that any gender and age effects found in this research could more clearly be attributed to the divorce disputes or abduction. In addition, *T*-scores for subscales common to both genders and all ages of children were used, namely, depression, withdrawn/uncommunicative, somatic complaints, aggression, internalizing, and externalizing.<sup>3</sup>

### Custody and Access Arrangements

Custody was defined by the court order and refers to physical custody (the children's residential living arrangements), which was classified as one of four types: joint, sole mother, sole father, or other custody. Amount of access was the number of days per month during which the child saw the visiting (or least-seen) parent. Frequency of transitions was defined as the average number of times per week the child changed parental caretaker.

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The timesharing schedule was classified into six types: Typical *joint custody* included equal time spent with both parents, weekday-weekend split, or three full weekends per month. Typical *sole custody* was defined as alternate weekend visits with or without midweek visits. *Other* included other regularly scheduled arrangements (e.g., long-distance vacations). *Flexible schedules* involved unplanned and varying (irregular) visits which occurred 1-4 times each month. *Minimal contact* was unplanned visits of less than once per month, and *no contact* were situations in which visitation had ceased for any reason.

### Abduction Risk Questionnaire

Finally, a new measure was developed called Abduction Risk Questionnaire (ARQ). This was a 41-item attitude survey, each item rated on a 9-point scale. It included questions about the degree of hostility, distrust, and fear of the ex-partner, concerns about the parenting practices of the other parent, dissatisfaction with custody and visitation arrangements, distrust of legal and helping professions, beliefs about sex bias in the courts, and economic stressors. The items in the questionnaire were developed from existing literature which describes the salient characteristics of abducting individuals and their family situations, and from polling experts in this field and some parents who had experienced their child's abduction.

### Sample

#### Abduction Interview Sample

Attempts were made to contact a total of 112 abducting families using the district attorney records. We were unable to locate either party in 56/112 (50%) of these cases. Refusals to participate in the study resulted in another 5% loss of cases (4 mothers and 5 fathers declined). Among the refusals, 2 mothers and 1 father were judged to be too emotionally disturbed to interview (they were paranoid psychotic). The final sample consisted of 50 families (45% of those sampled). In 20/50 families (40%), both parents were interviewed. Hence, a total of 70 individual interviews were conducted.

According to the D.A. records of the 50 families interviewed, in 27 (54%) of the cases the mother was classified as the abductor; in 20 (40%) of the cases the father was the abductor; and in 3 (6%) of the cases another family member was the abductor (2 grandmothers and 1 stepfather). According to the interview data, however, in 7 (14%) of these cases there were multiple snatchings, hidings and withholdings of the child by both parents, before the 1990 involvement of the district attorney's office. Since the 1990 abduction incident, the child(ren) had been re-abducted (secreted or withheld from one parent) in 15 (30%) of these families.

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Among the 70 individuals interviewed, 22 were female abductors and 13 were male abductors. In sum, a total of 35 abductors and 35 victims were interviewed. A total of 64/70 (91%) of the interviewed sample returned their questionnaires. However, the n's vary somewhat in each of the data analyses because of missing responses on particular items within the questionnaires.

According to definitions in the NISMART study (Finkelhor et al., 1991), 61% were "policy-focal" abductions (i.e., intent to permanently alter the custody arrangement by concealing the child or taking the child out of the state or country). The remainder were classified as broad-scope abductions. They were all considered by the D.A. to meet the definition according to California law.

Statistics on the length of time children were gone was available in 41/50 abduction cases. The median length of time was 2 months, but the range was broad, from children who were gone less than one day to one child who has not been recovered to date. In 10 (24%) cases, the child(ren) was returned within 7 days; in 7 (17%), within 8-30 days; in 9 (22%), within 1-3 months; in 6 (15%), within 3-6 months; and in 9 (22%) cases, the child(ren) was not returned for more than 6 months.

### Attrition Analyses for the Abduction Sample

Since more than one-half of the families were unable to be contacted or declined to participate, it was important to examine whether the subsample of abduction cases interviewed was different in significant ways from the remainder of the total 1990 sample of district attorney records from which it was drawn. Twenty-four planned comparisons were made between these two groups. Only two differences were found. There was a tendency for abductors who were interviewed to have higher occupational status than the remainder of the total sample (*Chi Square* = 7.29;  $p < .1$ ), and abductors in the interviewed subsample were significantly less likely to have been assisted in executing the child stealing compared to the remainder of the total sample (*Chi Square* = 10.31;  $p < .001$ ).

There were no significant differences between the two groups in terms of occupational status of the left-behind parents, nor in ethnicity and employment status of either parent. The two groups were equally likely to be unmarried. Boys and girls were abducted in similar proportions. Children were equally likely to be recovered in another state or country. The custody status at the time of abduction was similar, and the children were similarly likely to be abducted by their mothers compared to their fathers.



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Allegations of abuse were equally likely in both the interviewed subsample and the remainder of the total sample that was not interviewed. The arrest records of both abducting and left-behind parents were similar in both groups. It is concluded that in all of these respects, the interview subsample was remarkably representative of the total population from which it was drawn.

### Litigation Interview Sample

From a total of 60 families (120 parents) referred by the family court, 57 were eligible to be included as part of the comparison sample of high-conflict litigating, divorcing parents. (In the other 3 families, a parental abduction had occurred. These cases were transferred to the abduction sample, and are included in the statistics above.) This data set, which was obtained in 1990, was relatively complete (0-8% missing data on the principal measures). Note that most of the data analysis that follows used this relatively complete data set. However, the Abduction Risk Questionnaire (ARQ), the Narcissistic Personality Inventory (NPI), and the current custody and visitation schedule were three new measures that were mailed to this sample of litigating parents in 1993 (at the same time the measures were administered to the abduction sample).

### Attrition Analysis for Litigation Sample

Of the 120 parents from 60 litigating families who were mailed the questionnaires, 45 (40%) responded (20 women and 25 men). This raises the question of how representative this subgroup was of the whole sample. An attrition analysis was carried out, examining this question. As can be seen, there were surprisingly few important differences between those who responded and those who did not respond.

First, in terms of demographics: The responders were slightly older (41 years compared to 38 years,  $t = 2.57, p < .01$ ). There were no significant differences in likelihood of having been married, years married, or in number of children. There was a tendency for responders to have been separated for a longer period and to be remarried. There were no significant differences in terms of socioeconomic and employment status, education, ethnicity, income, and amount of child support paid or received.

Second, in terms of the dispute characteristics of the family: The responders had appeared more often in mediation (4.8 times compared to 3.1,  $t = 1.79, p < .05$ ), but were as likely as non-responders to have appeared before the judge. There were also no significant differences in terms of the prior history of verbal and physical aggression between parents, nor in the involvement of attorneys or mental health evaluators in the disputes. There were likewise no differences with respect to prior requests for restraining orders, calls for help to police, and injuries sustained as a consequence of domestic violence. Further, there were no

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significant differences in their prior levels of dissatisfaction with custody and visitation arrangements. Responders had similar levels of self-reported emotional distress and symptomatology on the Brief Symptom Inventory (BSI) as those who did not respond.

In order to increase the *N* of the litigating sample for the three new measures only (Abduction Risk Questionnaire [ARQ], Narcissistic Personality Inventory [NPI], and the current custody schedule), it was decided to include the responses of 26 litigating parents (14 women and 12 men) who were referred by the family courts for counseling during 1991. Analyses were first undertaken to ensure that these 1991 parents were not different in any important respects (on demographic and dispute characteristics). Except for a tendency for the 1991 group to be better educated than their 1990 counterparts, there were no significant differences on any of the factors reported in the attrition analyses above. Hence, a total sample of 61 litigating parents (34 women and 37 men) were available for comparison with the abduction sample. This enlarged comparison sample was especially important for the development of the Abduction Risk Questionnaire (ARQ).

### Findings and Discussions

#### Demographic Comparisons: Findings

As shown in Table 1, parents from abducting families were significantly more likely to have never married (42%) compared to litigating parents (14%). The mean duration of marriages of those couples in the abducting sample who had wed was significantly shorter (5.4 years) than for the litigating couples (8.7 years). Whereas a third of the litigating parents had a prior marriage and divorce, this was true for only one-sixth of the parents from abducting families. When comparing the married couples in each sample, there was no difference in how long the couple had been separated before the abduction occurred or before the court referred the litigating families to the counseling study -- for both groups, the separation on average had occurred 30 months earlier.

(Table 1 about here)

The families in the two samples had about the same number of children, but the children in the abducting families were significantly younger (5.2 years) compared to those in the litigating families (7.8 years). Fifty percent of the children in the abduction sample were 3 years old and younger; the remaining 50% ranged in age from 4 to 12. There was no such concentration in the distribution of children's ages for the litigating sample. There were no significant differences between the ages of the parents in either sample, nor did abducting parents differ in age from the left-behind parent in the litigating sample.

(Table 2 about here)

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Table 2 provides a comparison of the ethnic origins of both samples. Proportions of each ethnicity within each sample are compared to the corresponding proportions in the population from which they were drawn. Whereas the proportion of Caucasians appears to fall in the expected range, the percentage of African-American families within the abduction sample is significantly disproportionate to that of the two counties' (Santa Clara and Alameda) combined populations (1990 U.S. Census). Twenty-four percent of the abducting families were African-American, whereas 10% of the counties' population for that sample is black. This is in contrast to the litigating sample where the percentage of the African American samples equals the percentage of African-Americans in the counties' (Marin and San Mateo) population (4%). Hispanic families were represented in expectable proportions in each sample. Asian families were under-represented according to the counties' combined populations, in both the abducting and litigating samples.

### Socioeconomic Indices.

Socioeconomic status (SES) was ranked in terms of the Hollingshead 7-point index (see Table 3). There were significantly more men from litigating families (compared to men from abducting families) in the two highest categories (major/minor profession and large/small business managers) (41% vs. 12%). There were also significantly more women from litigating families than women from abducting families in these categories (24.5% vs. 6% respectively). Subjects from abducting families tended to be in the lowest three categories of occupational status more often than litigating subjects: 58% vs. 32% of men, and 59% vs. 33% of women, respectively, were semi-skilled, unskilled, or in the category of unemployed/student/homemaker. Within the abducting sample, there was a tendency for abducting mothers to have a higher SES than left-behind mothers ( $t = 1.91; p > .1$ ), whereas abducting and left-behind fathers had similar SES.

(Table 3 about here)

The educational level of the parents was rated from 1=some high school to 6=post-graduate degree (see Table 4). Although there was no overall significant difference between men from abducting and litigating families, it is observed that a greater percentage of the litigating men (42%) had graduated from college or had a post-graduate degree than had the men from the abduction sample (22%). The litigating women had obtained a significantly higher level of education than had the women from abducting families (means = 4.7 and 3.7 respectively). In particular, a greater percentage of the litigating women (61%) had some college, were college graduates, or had post-graduate degrees compared to the women from the abducting group (19%). Within the abducting sample, abducting men and women had educational levels similar to their left-behind counterparts.

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(Table 4 about here)

### Income and Employment Status.

It is important to note that income comparisons between the samples may not be valid because they reflect different time periods (1990 for the litigating group and 1993 for the abducting group). Despite this difference, both fathers and mothers from abducting families earned significantly less than their litigating counterparts as shown in Table 5. Note that "earned income" here includes monies from all sources (e.g. AFDC, child support, employment). For example, 50% of men and 44% of women from the abducting group earned less than \$10,000 per annum compared to 13% of men and 23% of women from the litigating group. However, within the abducting sample, abducting women earned significantly more than left-behind women ( $t = 2.28; p > .05$ ). This was not true for abducting men compared to left-behind men.

(Table 5 about here)

Economic factors at the time of the abduction/litigation appear to be an important discriminator between the abduction and litigation samples, especially for women. AFDC was a main source of economic support for 40% of the mothers in the abduction sample, but for only 14% of those in the litigation sample ( $Chi Square = 6.6; p < .01$ ). The dependence on AFDC was similar for abducting and left-behind mothers.

The family court records, coded by research assistants, indicated that child support awards in the abduction sample were less than half the award amounts in the litigation sample. The initial child support order on behalf of mothers in the abduction sample averaged \$165 per month and for the litigation sample it was \$333 per month ( $t = 2.25; p < .05$ ). The most recent child support order for mothers in the abducting families was \$139 per month and for the litigating couples it was \$287 per month ( $t = 2.01; p < .05$ ). The amount of these awards was largely confirmed by parents' self-reports on the questionnaires. Furthermore, parents in the abduction sample reported that they actually received the child support only about half the time, whereas it was received about 80% of the time by those in the litigation sample ( $t = 2.76; p < .01$ ). Within the abducting sample, there were no significant differences between the abducting and left-behind mothers with respect to child support awards, nor to their regularity of payment.

Seventy-nine percent of women in the abducting group were unemployed at the time of the abduction, whereas this was true for 55% of the mothers when they were litigating ( $Chi Square = 4.5; p < .05$ ). Within the abducting group, there was a tendency for more abducting women to be unemployed or working part-time prior to the abduction than their

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left-behind counterparts ( $t = 1.7; p < .1$ ). Half of the litigating mothers lived in a family-owned home during the litigation phase, whereas this was true for none of the abducting mothers and only one left-behind mother in the abduction group ( $Chi Square = 24.5; p > .001$ ) at the time of abduction. There were no significant differences in men's unemployment rates between the two samples, nor between abducting and left-behind men in the abduction sample.

Altogether, the data indicate very little economic incentive for women in abducting families to stay in one geographical location, relatively little economic dependence upon their ex-spouses, and a low level of exchange of financial resources between them and their separated partner, compared to those in litigating families. The economic basis for the severance of the ex-spousal relationship by the abduction is quite apparent in the rationalizations and justifications given in the interviews, examples of which will be provided in the discussion section.

### Family, Cultural, and Social Networks.

In accord with the significant socioeconomic and ethnic differences found between the abducting and litigating families, there were some markedly different cultural and social values that differentiate those who abduct rather than litigate custody disputes. The interview data, as rated by two clinical researchers, indicated a tendency for more women, but not men, in the abduction sample to talk explicitly about the fact that they had ethnic and cultural backgrounds which supported custody norms contrary to prevailing legal standards and court practices ( $r = .17; p < .1$ ). This was true whether the woman was the abductor or the left-behind parent. In many more of the ethnic minority families, this was implicit in their world views as will be illustrated in the discussion section. In addition, there was a higher incidence of unmarried couples in the abduction sample who indicated they had had no more than a transient relationship with their child's father or mother, or they had never established a workable coparenting relationship before or after their separation, compared to the litigating couples ( $Chi Square = 3.67; p < .05$ ).

The relatively lesser influence of professionals and stronger influence of informal networks was apparent for the abducting compared to the litigating group. Although abducting families were just as likely to evoke the help of law enforcement agencies, they were significantly less likely to have sought the help of therapists and counselors prior to the abduction compared to the litigating group ( $Chi Square = 9.16; p < .01$ ). Therapists or counselors were more likely to have been sought prior to the abduction in female abducting compared to male abducting cases ( $t = 2.59; p < .01$ ).

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Abducting males were significantly more likely to have a network of family, friends and social support in another geographical community compared to left-behind males ( $t = 2.98; p < .01$ ). This was not true for abducting females compared to their left-behind counterparts, nor for the abducting families in general compared to those who were litigating. Family members and friends were significantly more likely to have provided practical assistance to both the mothers (58%) and the fathers (42%) in executing the abduction, than were family and friends of litigating mothers (36%) and fathers (14%) to have helped in the legal disputing ( $Chi Square = 2.9, 6.0; p < .1, .01$ , respectively). Interview reports indicated that along with their approval, they helped plan the abduction, provided money, food and lodging, and either helped to hide children or refused to disclose their whereabouts. Hence, there appears to be considerable social support (emotional, moral, and practical) in the extra-legal actions these abducting parents took in stealing the child.

The consequences of this social validation of their actions is perhaps best reflected in the parent's views as to whether or not the abduction was an illegal act. Two clinical researchers coded the interview reports as to how respondents viewed the legality of the abduction incident in which the district attorney had been called in to recover their child, before and after it had occurred. Prior to the abduction, 14 (61%) of the abducting mothers and 11 (73%) of the abducting fathers did not consider their actions illegal. Even after the abduction and despite the involvement of the district attorney's office, 8 (36%) of the abducting women and 9 (60%) of the abducting men continued to believe that they had done nothing illegal.

By contrast, among left-behind parents, prior to the abduction 6 (24%) of the left-behind mothers and 2 (12%) of the left-behind fathers did not consider the action illegal. After the abduction, only 2 (9%) of the left-behind mothers and none of the left-behind fathers did not consider the abduction illegal. These are highly significant findings ( $Chi Square 6.4 - 8.8; .01 < p < .001$ ). They are difficult to interpret, however, because they may suggest defensiveness on the part of the abductors rather than their true beliefs.

### Demographic Comparisons: Discussion

In summary, demographic comparisons between the abduction and litigation families showed startling disparities. Compared to litigating parents, in general, parents in abduction families had briefer, more unstable relationships. They were less likely to have ever been married to each other, or their marriages were of briefer duration, and they were more likely to have failed to establish a capacity to cooperate in the care of their children. Those that had married were also less likely to have experienced a previous divorce, so that they had less knowledge of what was expected in the dissolution of the marriage.

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For many of the unmarried couples, the relationship was transitory or tumultuous. Mutual commitments to each other had not been made, the pregnancy was unplanned, and usually the mother of the child believed that the father had few, if any, rights to the child.

*Case #1.* This young unmarried Caucasian couple had a brief, stormy liaison. The young woman became pregnant by the father at the same time that she began a relationship with another young man. It never occurred to the mother that the father had any legal rights to the child. She promised him visitation, all the while arranging for the baby to be adopted once it was born. When the father realized this, he tried to stop the process with the D.A.'s help, charging child abduction. However, after a brief protest, he dropped his suit for custody, allowing the adoption to go through. The mother seemed nonplussed by the abduction charges, and she still does not consider that she did anything illegal.

*Case #2.* This young Latino couple had a brief dating relationship which resulted in the mother's pregnancy. The father did not know of the child's existence until he received a request for child support when the boy was five years old, coincident with the mother's applying for AFDC. When the father counterfiled for visitation with his son, the mother fled with the child.

When child support was not paid in these out-of-wedlock cases, the mother resisted the child's visitation with the father and seemed incredulous that it could be expected. In other cases, the mother alternately detained the child from visitation and precipitously demanded that the father take full custody.

*Case #3.* This young unmarried Caucasian couple had never established a coparental relationship that worked. When they separated, the child became part of their struggle (to avenge and punish on the mother's part and to stay in contact with one another on the father's part). The mother repeatedly refused visitation when child support was not paid. The "abduction incident" was part of this ongoing struggle between them, when, during his summer visitation, the father put the child in the care of a friend in another state for one week without informing the mother of the child's whereabouts. He claimed this was a temporary arrangement while he dealt with a family emergency. He denies that he did anything illegal. Later, when the court ordered joint legal custody, the mother was offended: "He's been out of my life for six years, and I don't see why he should have that kind of authority!"

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*Case #4.* This Caucasian couple's relationship slowly broke up after the father's physical abuse of the mother. Finally, the mother left when she met another man, and together they returned to her community of family and friends in another state, taking the child. The child was then withheld from visiting his father, ostensibly because the father refused to pay child support. Then the boy was abruptly sent to the father, forcing his economic maintenance of the child for a period of three months. When the father refused to return his son, the D.A. was involved and abduction charges were filed. After six months, the court enforced the return of the boy to his mother. However, three years later, the mother sent the boy to live with his father because she could not manage him.

The ethnic minority composition of the abduction sample was also significantly greater than the litigating sample and more than the expectable proportions compared to county statistics. It was evident that these ethnic minorities held different beliefs about the appropriate custody arrangements for their children, compared to prevailing legal standards.

California law uses a "best interests of the child" standard, explicitly rules out gender bias in custody awards, and presumes that frequent and continuing contact with both parents is in the child's best interests. Until 1990, California law also stated a preference for joint custody (legal and physical). Furthermore, the biological parents of the child are given preeminent rights to custody, compared to extended family members.

For many of ethnic minorities (e.g. Latino and African American families), there is a presumption that the mother is the primary parent (Billingsley, 1992; Falicov, 1982; Stack, 1974). If she is unavailable for any reason, then it is often expected that members of the mother's extended family, especially grandparents and aunts will be appropriate caregivers. This is particularly likely in the case of young, unmarried African American mothers. In other cultures (e.g. Middle Eastern families), the father is seen as having primary custody rights, especially to his sons (Jalali, 1982; Welts, 1982).

*Case #5.* Both these Latino parents were immigrants from Central America. The marriage was never functional, and the father remained centrally committed to and dependent upon his family of origin. When the marriage broke up over his affairs with other women, the father and his extended family tried to deprive the mother of custody, by alleging abuse, neglect, and molestation in repeated custody litigation. When their goals were not achieved through legal channels, the father abducted his 2-year-old daughter to his native country and was successful in hiding her there among his extended kin for three years. The child was recovered when he returned the daughter to the U.S. and tried to enroll her in school.



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*Case #6.* These young unmarried African American parents separated after their baby was born. The mother, who had a documented history of drug abuse, lived on the street with her child who was obviously neglected. The paternal grandmother and the father decided to keep the child until the mother "got her act straightened up." Neither of them seemed to consider using the formal legal system--the courts--to gain custody. They simply did what they felt needed to be done to protect the child. The mother then requested the D.A.'s help to recover her child, alleging abduction. A subsequent investigation by the Family Court determined that the father should keep custody.

*Case #7.* In this international abduction, the boy has never been returned. The couple lived in Greece until the marriage broke up. The mother came to the U.S. to visit with relatives and refused to return with the toddler. Two years later, the father came to the U.S. to establish visitation with the four-year-old boy, and despite the mother's great fears of abduction and against her will, he was granted unsupervised visitation by the family court. He used this opportunity to abduct the child and left the country, using a Greek passport he had obtained for the child. His actions were supported by his Greek kin who believed in paternal rights to custody. Since Greece at that time was not a member of the Hague Convention, the mother apparently has no legal recourse. She is sadly wistful that some day her son might seek to reunite with her.

As is apparent from the cases described above, there was considerable support by extended family members and ethnic community for the parents' actions in taking the child. Moreover, in general, these people apparently did not consider using the courts to help them resolve their disagreements over custody. They seemed to prefer using their informal networks of family and friends to help mediate the dispute.

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*Case #8.* This is a working-class African American family, where the marriage dissolved when the son was six years old. Parents settled their own divorce, and drew up their own custody plan which involved sharing custody one year in each home, provided they lived in the same county. The resident parent was to be fully responsible for the child's support. In actuality, the father was unemployed for long periods and homeless, so that his contact with his son was irregular and infrequent. He then found employment in another county and began living with another woman, when his son was ten years old. Here, the parents' stories differ. The father claims the mother called and told him to take the son, who was placed with all of his packed belongings on the curb. The mother claims that this was meant to be only a one-week visit before school resumed at the end of the summer. The father refused to let the mother know where he was living and enrolled the boy in another school. He justified his actions on the basis that the mother had "had her turn," and now it was his turn to have the boy. With the D.A.'s help, the child was located through school records and returned to the mother. Neither parent considered obtaining legal help nor filing in family court.

*Case #9.* This was a case of repeated abductions, by both mother and father, immediately following the marital separation. Neither of these African American parents seemed to feel it was relevant to obtain legal counsel or take action in court to secure their rights, until after the D.A. was involved and abduction charges were filed against the father. Instead, they relied upon their informal networks of family support in several states. Once the courts were involved, the situation was further complicated by multiple court orders from three different states and the refusal of authorities to honor the California custody order. For this reason the children continued to experience precipitous changes in their custody arrangements.

Some parents seemed surprised that it was the state's prerogative to intervene in what they considered to be an entirely private and personal affair. One father said about the litigation process that followed his wife's abduction of their child: "I would like to be safe from the legal hassles. There is no harbor for that in California. When you get married, you don't think you are entering into a contract with the State, and the first clause of that contract is: The California State is not responsible and everyone in the system will be guarding their rear end, and they will do this by staying within the judicial process."

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Compared to the litigating families as a group, the abducting families (including abductors and left-behind parents) were disadvantaged on all indicators of socioeconomic position--income, education, occupational and employment status. For these reasons, they were not only less acculturated into prevailing values and existing knowledge about custody matters, they could not afford professional advice from attorneys and counselors. Finding the funds to pay a retainer to an attorney was simply not possible for many. If they did seek legal help, it was often for one or two brief visits, and they either wittingly or unwittingly misunderstood the counsel. In some cases, they were provided with ambiguous or inadequate legal advice and service. If they had filed to litigate the dispute in court, the counseling was limited (one or two mandatory mediation sessions provided by Family Court Services). The effects of unavailability of affordable legal and mental health services was compounded in the cases of ethnic minorities who did not speak English or who were illegal immigrants.

*Case #10.* At the time of this young Filipino couple's separation, father abducted the child, asserting that he did this on the advice of his attorney. He did not consider at any time that he had acted illegally. This unilateral action on his part was typical of a long, ongoing struggle during the couple's relationship, which was abetted by continued interference on the part of each parent's family of origin. It is unclear whether this man received incorrect legal advice or mistook his attorney's advice. It is clear that he received much support and permission from his own extended family for the abduction.

*Case #11.* This young Filipino couple's marriage broke up after the father had an affair with another woman. The mother then met another man and followed him across country, leaving the child with the father. Although there was a custody agreement in place, it was written ambiguously. It stated that the father had custody, but that he paid child support to the mother. Both disputed the intended meaning of the order. The mother believed that the boy was only to stay with the father for the school year, until she settled into her new home; the father believed he had permanent custody with summer visits to the mother. When mother failed to return the boy after the first summer, the father contacted his attorney and the D.A. The mother passively avoided the dispute by not obtaining legal counsel and ignoring the D.A.'s requests for her voluntary compliance to return the child. Instead, she continued to believe it was a simple misunderstanding between her and her ex-husband, which would be clarified informally between them. It took ten months to establish that father was entitled to custody, and for the D.A. to arrest the mother and retrieve the child.

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**Case #12.** This couple were undocumented Mexican immigrants. The father's behavior was bizarre, possibly psychotic: he was taking drugs, became interested in satanic cults, and talked irrationally. He abandoned the mother when the baby was one month old. After the separation, she was destitute and homeless and only survived because someone found her on the street, took her into their home, and showed her how to apply for welfare. The father returned and abducted the baby when he was 15 months old, and threatened to commit murder/suicide. This appeared to be an act of spite because the mother had survived quite well without him, and did not want to resume the marriage. The mother did not seek legal help because of her illegal immigrant status. Language and cultural barriers also mitigated against her using formal means of protection. A friend helped her make contact with the D.A. who retrieved the child. The father was convicted of felony abduction.

The lack of financial resources and practical support for women with very young children, who wished to leave their marriage, was particularly marked in a number of cases. Having nowhere else to turn, they fled to their families of origin in another state, unaware that they were committing a felony. Their forced return to the geographical area in which their spouse lived, in order for both parents to have access to the children, resulted in great hardship.

**Case #13.** This Caucasian woman came to the Bay Area to marry a man whom she barely knew, leaving behind all of her family and social supports in the Midwest. She experienced the marriage as lonely, controlling, and emotionally (although not physically) abusive. Finally, she roused herself from her depression, and while her husband was at work, she packed a U-Haul van with her possessions and her young children, and returned to her warm and welcoming extended family. She was most distressed to find herself facing felony abduction charges. The court ordered alternate weekend visitation for the three-year-old son. Initially, the parents alternated commuting the 1200 mile trip by air, but it became too expensive for the mother. She felt compelled to return to her miserable marriage for another two years.

**Case #14.** This Caucasian mother with two young, difficult to manage children, fled her marriage with an alcoholic man, seeking help from her parents on the east coast. At the time, it was apparent that she was emotionally overwhelmed, economically dependent, and had nowhere else to turn. Abduction charges were filed by the D.A., and she temporarily lost custody of both her infant and toddler to the father. In subsequent litigation in court, although custody was returned to the mother, she was compelled to live nearby so that the father could have regular visitation with his children. For

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more than a year, the father continued to live in the rented family home, while the mother was homeless with the children. She lived in homeless shelters and in various shared living arrangements with others. After great effort, she obtained occupational training and then employment. This and her remarriage finally provided her an escape from her precarious economic situation and unstable living arrangements.

The legal and practical services of the district attorney to help recover their abducted children were obviously invaluable to many indigent parents who otherwise would have received no relief. However, it sometimes took months for them to become aware of these services, and the process of recovery sometimes took many more months.

*Case #15.* This African American couple's marriage broke up because of the father's affairs with other women. Although physical abuse was also a feature of the relationship, the mother did not consider it relevant to her decision to leave. The father remarried in California, and the mother lived with her extended family on the east coast. When the six-year-old boy wanted to see his father, the father agreed to take him for a month and then refused to return him. The mother could not afford legal advice and had no knowledge of her legal rights. It took four months for her to file a missing child report and almost two years to recover her child with the D.A.'s help.

*Case #16.* This African American couple never married. The man had multiple simultaneous relationships with other women. The mother gave the children to the father while she was hospitalized and recovering from a chronic illness, after which he refused to return them to her. His abduction of the children was encouraged and arranged by his current woman consort, who seemed jealous of the father's continued intermittent involvement with the mother of the children. It took the mother six months to recover her children, which she accomplished after an extended custody evaluation. This man was involved in drug trafficking and at the time of the study, three years after the abduction, he was in prison serving time for murder. Since he was in prison, AFDC became this mother's only means of support.

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The children of the abduction sample tended to be younger than those in the litigation sample, half were three years old or younger. This finding was in agreement with the NISMART study which indicated that the modal age for the abducted child was two to three years, especially in the more serious "policy-focal" cases (Finkelhor et al., 1991). It has been argued that very young children are easier to abduct. They are less likely to verbally protest, easier to transport and conceal, and are unable to tell others of their history. At the same time, they require less intensive care than infants and are often more gratifying and comforting to their emotionally needy parents (Agopian, 1981; Finkelhor et al., 1991).

It is interesting to note in what ways the two samples were similar in terms of demographic characteristics. The most notable is the finding that, on average, parents in both samples had been separated for an average of 30 months. This is a considerable time after the ending of the marriage, when it is expected that most divorcing couples would have settled their disputes (Hetherington, Cox, & Cox, 1982; Wallerstein & Kelly, 1980). In only one third of the abduction cases did the separation itself trigger the abduction. The NISMART study found that about half of the broad-scope abductions had occurred two years after the divorce, but half of the policy-focal ones had occurred at the time of the separation (Finkelhor et al., 1991). The findings indicate that the risk of a family abduction extends over a considerable time period during and after the separation.

### The Content of Parents' Disputes: Findings

Interviews with each parent provided a detailed account of the parental disputes, their content and history. Each typed record of the interviews was coded by two clinical researchers for the kinds of allegations parents made of each other, and their rationalizations for the abduction/litigation in each sample. Specifically, concerns about care of the child(ren) included child neglect, physical abuse, and sexual abuse. Concerns about parenting included substance abuse, domestic violence, *prior* child stealing and criminal activity. These data are shown in Figure 2.

Also shown in Figure 2, for comparison purposes, are data from a 1991 statewide California study by Depner, Cannata, and Simon (1992) of 1,669 mediation sessions conducted in family courts, a sample which included 93% of all disputes regarding custody and access mediated during a two-week period. (California law requires mediation in any case where parents are disputing custody and visitation matters, and there is no provision for domestic violence cases to be excluded from this mandate.) The family court counselors who conducted the mediation sessions reported on the allegations made by those separating and divorced couples using the same categories used in the present study.

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In addition, the interview records were scanned for substantiating indications of the allegations. (Substantiations were defined as corroborating evidence cited, such as police reports, arrests, criminal convictions, self-admissions, eye-witness or expert testimony, child protective service reports.) These data are graphed in Figure 3. It is important to note that more than one type of allegation could be raised, and, in fact, multiple allegations were typically made in both samples. In every category of allegation except domestic violence, the abducting sample most frequently raised concerns about the parenting practices and the parental behavior of their ex-partners/spouses. The litigating sample most frequently alleged domestic violence. The litigating sample ranked second and the mediation sample ranked third in frequency of concerns about child neglect, physical and sexual abuse, substance abuse, prior child stealing, and criminal activity.

However, comparing the abducting families with the litigating families, only three of these differences were statistically significant. First, the most startling finding was that allegations about the criminal activity of a parent were raised significantly more often in abducting families (46%) compared to the litigating ones (10%) (*Chi Square* = 15.17;  $p < .001$ ), and these allegations were significantly more often substantiated (40% versus 7%) (*Chi Square* = 13.04;  $p < .001$ ). Second, there were significantly more allegations of child sexual abuse in the abducting group (36%) compared to the litigating group (15%) (*Chi Square* = 4.67,  $p < .05$ ), although the frequency with which these were substantiated was not significantly different (8% versus 2%). Third, there were significantly more substantiated allegations of child neglect in abducting families (24%) compared to litigating families (8%) (*Chi Square* = 3.97,  $p < .05$ ).

The pattern of allegations in female abducting families and male abducting families was surprisingly similar. Only two marginally significant differences were found: There were more allegations of mother's neglect ( $t = 1.6$ ;  $p < .1$ ) and more allegations of father's alcohol abuse ( $t = 1.77$ ;  $p < .1$ ) in male abducting cases compared to female abducting cases.

It is interesting to note the extent each of these allegations was specifically cited during interviews as a reason for the abduction of the child in the abduction sample. Note again, that in any one case, it was possible for more than one rationale to be given; alternatively, none might be offered. Although in 54% of families, child neglect was raised as an issue, only 26% used it as a rationale for the abduction. Physical abuse was raised in 38% of families but only 18% cited it as a reason for abduction. Child sexual abuse was an issue in 36% of cases and was expressly cited as a reason for the abduction in 20% of the families. Substance abuse was stated to be a problem in 68% of the abduction families, but given as a reason for stealing the child in only 20% of the cases.

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Most remarkable, although in 68% of abducting families domestic violence was alleged, in only 14% was it explicitly stated as a reason for the child stealing. Prior child stealing was never cited as a reason for the abduction, although it had been alleged in 20% of situations. Finally, criminal activity of a parent was alleged in 46% of the families but stated as a reason for the child abduction in only 10% of the cases. It is important to note that similar rationales for the abduction were given in male abducting and female abducting cases, except for father's domestic violence, which was more likely to be cited as a reason in families where the female was the abductor ( $t = 2.98; p < .01$ ).

Before interpreting these data, it is important to raise the question of the comparability of these allegations and substantiations across the two samples which differ so much in socioeconomic and ethnic composition. It is possible that what is perceived to be substance abuse, neglect, domestic violence, etc., by parents is more severe and extensive in abducting families which have suffered more economic stress, deprivation, and discrimination. It is also possible that they are more reluctant to admit to these problems. Kiser's (1986) study of the marital dynamics of abducting families also suggests that the left-behind parent can cover for the abducting parent either by not admitting to problems or by taking responsibility for his or her actions.

### The Content of Parents' Disputes: Discussion

Serious multiple issues of child neglect, sexual and physical abuse, domestic violence, parental abuse of drugs and alcohol, criminal activity, and child stealing are typically raised by parents disputing the care and custody of their children in court (Depner et al., 1992; Johnston & Campbell, 1988). It is always difficult to determine the extent to which these allegations are well-founded, the extent to which they signify each party's negative perceptions, hostility, and distrust of the other, and the extent to which they are strategic ploys in the legal disputing. The question is: to what extent do these concerns motivate child abductions, and to what extent are they correlates of chaotic and conflictual parental relationships? Prior abduction studies indicate that fears about the welfare of the children are important precursors (Greif & Hegar, 1993; Hatcher & Brooks, 1993; Long, Forehand, & Zogg, 1992). Prior studies also indicate that transient and unmarried relationships are more likely to involve abuse (Makepeace, 1989; Stets & Straus, 1989). This study's findings indicate that substantiated incidents of child neglect and parents' involvement in crime are more likely to surface in abduction cases compared to those litigated in the family court. Unsubstantiated allegations of child sexual abuse against the father are also more likely to occur in abduction compared to litigation cases. Except for child sexual abuse, the kinds of allegations in mother abducting cases and father abducting cases are quite similar.



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Many of the interviews with both abducting and left-behind parents illustrated that while not necessarily directly abused, many children in the abducted sample were exposed to violent and dangerous environments. Other children were clearly neglected as a consequence of their parents' substance abuse and/or involvement in crime.

*Case #17.* This Caucasian mother appears to have existed in a transient and unstable relationship with a violent and abusive man, the father of her children. Periodically, the children were left in the care of maternal grandparents. During the time father was in prison, the mother met another man who subsequently suffered a brain injury in an auto accident. When the father was paroled, he sued for custody on the grounds that the mother and her new male friend were neglectful and abusive. The court concurred. In the midst of this, the mother moved to another state, cutting off the children's access to the father, apparently believing that she had a right to do this. She either wittingly or unwittingly misunderstood her legal position.

*Case #18.* Both mother and father (Caucasians and middle-class professionals) had arrest records and convictions associated with their drug and alcohol involvement. Both had transitory relationships with other parties. The mother's affair with father's best friend ended their marriage. Following the separation, the children (1 and 2 years) were first snatched back and forth between parents and then left in the father's care for long periods of time, with mother having infrequent and irregular contact with them. When the father remarried and tried to relocate with the children to another state without the mother's or the court's permission, the mother filed abduction charges. Father obtained only one legal consultation, and there was no counseling help given to this family, despite the fact that both parents had problems with their parenting. Instead, following the abduction incident, the Family Court ordered joint physical custody, an arrangement that parents could not sustain because they have never been able to cooperate around the parenting of their young children.

What is evident in these accounts is the failure of the legal system to thoroughly investigate parents' allegations, and to take appropriate action. Family Court Services typically begin with an assumption and hope that a brief mediation session between parents will be sufficient to settle the custody and visitation dispute. They are unlikely to pursue evaluations unless there is overwhelming evidence that it is needed, or if the disputants persist. Unfortunately, the cost of undertaking a custody evaluation with a private psychologist is prohibitive for many low income families.

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Overworked staff of Child Protective Services are more likely to dismiss claims of abuse and neglect in the context of a parental separation/divorce and refer the case back to family court for settlement. The result is that many of these abducting parents do not feel that their concerns are heard by authorities in either the family or the juvenile court systems who could take action on behalf of them or their children.

*Case #19.* This African American grandmother removed her grandchildren from her teenage daughter's care because she believed the toddlers were being exposed to drug use/dealing, domestic violence, and criminal gangs on the part of the young mother's boyfriend and associates. The grandmother gave a very credible account of her attempts to protect and rescue these children from a grossly unstable and dangerous environment. She first tried all of the legal routes, with repeated appeals to Child Protective Services, to attorneys, and to the Family Court. It appears that none of these agencies took the time to investigate her complaints and so the grandmother took action herself by taking and hiding the children. This resulted in the D.A.'s involvement and the grandmother being arrested and jailed overnight. She then found herself facing felony charges of child abduction as well as trying to rescue the children. A subsequent evaluation by Family Court Services supported this grandmother's concerns and she was given guardianship.

Where investigation and intervention have occurred by either family or juvenile courts, there is often no follow-up or monitoring of the potentially unstable and neglectful environments to which these children are subjected.

*Case #20.* Both of these Caucasian parents admitted to heavy drug use, which made their relationship chaotic. When the mother had an affair with another man and left the marriage with the child, she continued her unstable lifestyle. Child Protective Services were involved and the Juvenile Court placed the young child in the care of the maternal grandmother, who supposedly also took and dealt drugs. When this caretaker had a heart attack, the father acted in desperation by abducting the baby and returning to his family on the east coast. (He conceded that at the time he was emotionally and financially distressed by the termination of the marriage.) His own family of origin refused to harbor him and he came back with the child to face a series of custody suits in court, which involved jurisdictional disputes and contradictory court orders. As a result, the child continued to be transferred abruptly from one caretaker to another, now by court order. At the time of the study, three years later, the father had custody by default, that is, the mother had withdrawn her demands.

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*Case #21.* Following the separation, this unmarried Caucasian mother hid her two-year-old son from his father. When the boy was five years old, the mother was jailed for a month for using and dealing in drugs. The father took this opportunity to snatch the child from the maternal grandmother and went into hiding. The D.A. recovered the child and directed the matter back to the Family Court, which supported the father's custody of the boy because he was obviously pitifully malnourished. The father then disappeared with the child. Three years later, at the time of the study, this child had been placed in residential care, because of his severe emotional disturbance. His father had been determined to be abusive.

*Case #22.* The children in this Caucasian family were abused and neglected by both parents. During and after the separation, the mother abused alcohol and became involved in a series of violent relationships. The father was addicted to drugs and periodically abandoned the children to the state's care. The mother secured custody when she remarried. Then her new husband molested the 12-year-old daughter and abducted her and her younger brother when he found the girl was pregnant. Neither mother nor father was able to recognize or protect this young girl from the sexual abuse despite the obvious signs that it was occurring. This case is an example of the failure of the child welfare system to provide services for and to monitor high-risk children, where both parents have a long history of failure to provide for and protect their children.

In a few cases, it would appear that parents can be subjected to grave injustice by the juvenile justice system, when it fails to ensure due process of law. In these cases, the abduction is part of the accused parents' attempts to take action in order to untangle themselves from a complex and ambiguous legal situation.

*Case #23.* In the midst of bitter escalating custody litigation between Caucasian parents, the mother was accused by her emotionally disturbed son of sexual molestation. The case was transferred from the Family Court to the jurisdiction of the Juvenile Court. The mother was persuaded by a Child Protective Service caseworker to voluntarily give up the eight-year-old boy to the State, which subsequently put him into the temporary care of his father. There were no court appearances or trials, and the mother was never formally accused. She applied for legal assistance but was told that her income exceeded the limit by \$25. In desperation, she asked how to recover her son, and was told by an employee of the legal assistance agency that if no court order existed otherwise, she had a right to take her son from his school. This she did, and was immediately charged with child abduction. Three years later,

at the time of the study, this boy was in residential treatment for his emotional difficulties. Although he has long since recanted his accusations of his mother, he is not believed. The mother also continues to insist she is innocent, but is not believed. She is allowed one hour of therapeutically supervised visitation with him each week, which requires a four-hour commute. She still has not been charged with any crime. Ironically, she and her new husband have been awarded the custody of her stepdaughter by the Juvenile Court, after it was proven that the girl had been molested by her stepfather.

The findings of this study indicate that in about one fifth of the abducted families interviewed, it was sexual abuse allegedly committed by a parent (usually the father) that clearly motivated the abducting parent (usually the mother) to take flight with the child. In these cases, the allegations were investigated by Child Protective Services or court-appointed sexual abuse evaluators who could not substantiate the claims. Nevertheless, the alleging parent remains convinced the child was in ongoing danger or was actually being molested. These parents believe that the legal and mental health professionals have failed them, and that they had to defy the law in order to protect their children. In some cases, this was done with the support of groups organized for this purpose. Berliner (1990) has made similar observations as to the high risk for abductions in these cases.

*Case #24.* This young unmarried Caucasian couple had never had a coparental relationship that worked. After the separation, the mother believed that the paternal stepfather had molested the child, but neither Child Protective Services nor the Family Court could find sufficient evidence to back this allegation. Instead, the court-ordered psychological evaluation was extremely demeaning to this mother. Custody was awarded to the maternal grandmother, with supervised visits to the mother. This was perceived to be a humiliating and unjust decision, which, together with the fear of further molestation, prompted the mother to flee to a southern state and hide the child.

*Case #25.* An extensive custody fight over the two-year-old son followed the ending of this extremely conflictual and histrionic mixed-race marriage. The mother became convinced that the father was sexually molesting the child, and she sought the help of a highly political underground railroad of parents who claim that widespread institutional bias and corruption permeate the legal system. After continued litigation and court orders that did not support the mother's claims, she fled with her son to Australia where she lived for three years. The father employed private investigators who mounted a sting operation that recovered the child and resulted in the arrest and extradition of the mother on felony abduction charges.

Domestic Violence: Findings

Interparental violence was measured by the physical aggression subscale of the Conflict Tactics Scale (Straus, 1979) which was completed by both the abduction and the litigating groups. This scale was administered to the litigating families in 1990 and to the abducting families in 1993. There are two parts to this scale: one asking about physical aggression in the preceding 12 months, and one asking whether it had ever occurred. This second part of the scale was used to minimize confusion caused by the different time periods in which the data were gathered. Each man and woman in the study was asked to report whether nine different types of physical aggression had ever occurred between them and their ex-partner. A Total Physical Aggression score could therefore range between 0 and 9. As explained in the Methods section, Total Physical Aggression was divided into three subtypes, Minor Physical Aggression, Moderate Physical Aggression, and Severe Physical Aggression. Within-couple agreement on these measures ranged from a correlation of .38 to .55 for the litigating sample, and .15 to .55 for the abduction sample.

It is important to note that this measure gives an indication of the severity of violence, but not its relative frequency. Neither does it discriminate as to initiator and victim. Table 6 provides a comparison of the highest level of aggression that ever occurred as reported by women and men. There appears to be a trend for women from abducting families to report higher levels of violence. However, these differences do not reach statistical significance.

(Table 6 about here)

Table 7 compares the mean number of types of Minor, Moderate, Severe, and Total Aggression that have ever occurred in abducting compared to litigating families, as reported by men and women. None of these comparisons show statistically significant differences between the two groups. However, within the abducting sample, it was interesting to note that abducting males reported more aggression had occurred in the couple relationship than did left-behind males ( $t = 2.11-2.4; p < .05$ ). Abducting and left-behind females reported similar levels of aggression.

(Table 7 about here)

Comparing men's and women's reports within each sample, it is evident that women report more violence than do men (see Tables 6 and 7). These data suggest two possibilities: either a tendency for men to underreport or for women to overreport the more severe forms of aggression. These gender differences were explored more fully in the interview accounts, where the men and women were specifically asked to describe the first, worst, and most recent incident of violence between them and their ex-partner. Both parties in the litigating

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sample were interviewed, and in 20 (40%) of the abducting sample both parties to the relationship were seen, providing both men's and women's views of the same relationship. In general, women's reports on the actual violent incidents were more detailed and highly specific accounts, whereas men tended to be more vague and dismissive of the events. Furthermore, from the interview reports in 60% of the abduction cases and 71% of the litigation cases, the male was alleged to have perpetrated domestic violence; whereas in only 37% of the abduction cases and 44% of the litigating cases was the female partner alleged to have been physically abusive.

### Injuries Sustained.

Each of the respondents reported on the injuries sustained from all forms of domestic violence involving their ex-partner. Table 8 compares the number of injuries women reported that they had sustained in families where a child abduction had occurred with those injuries reported by women in litigating families where no abduction had occurred. No significant differences were found between these two groups. Table 9 shows the corresponding data comparing men's reports of injuries sustained in abduction families compared to litigation families, none of which showed significant differences. It is important to note that there were also no differences in the kind and extent of injuries sustained by abducting mothers compared to left-behind mothers, or by abducting fathers compared to left-behind fathers. Comparing Table 8 with Table 9, however, it should be noted that women sustained more injuries than men, in both samples.

(Tables 8 and 9 about here)

As shown in Table 10, women from abducting families tended to report more frequently that domestic violence abuse charges had been filed compared to those in litigating families (*Chi Square* = 3.4;  $p < .1$ ). The other comparisons of frequency of medical and legal help sought between the abducting and litigating groups, and between abducting and left-behind parents, both men and women, were not significant.

(Table 10 about here)

### Domestic Violence: Discussion

Overall, there were no significant differences found in the extent of domestic violence and its injurious consequences in the abduction sample, compared to the litigation sample. The dynamics of physically abusive relationships were of serious concern in both groups. Hence the need to escape from a violent partner was not a discriminating feature of abduction cases. It would appear that other factors cited earlier, namely having the economic resources to secure legal and mental health consultations, and sharing the culturally predominant values

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about child-rearing after separation and divorce, appear to be the more important discriminators, predicting which victims of violence take legal action in court to leave the abusive relationship.

What is most intriguing is that although domestic violence was a feature of two thirds of the abduction sample, it was cited as a justification for the abduction in only a small minority (14%) of the families and these were by no means the more severe cases. A surprising number of the victims of violent relationships (especially women) accepted and rationalized, in a matter-of-fact manner, horrendous incidences of sadism and abuse as expectable occurrences. This was true of both the abducting and the left-behind mothers. These findings can be compared with those of Greif and Hegar (1993), Hatcher and Brooks (1993), and Kiser (1987), where domestic violence had occurred in more than half of the abduction cases.

California law allows evidence of domestic violence to be good cause to "take, detain, conceal or entice away" the child, if there is threat of immediate bodily or emotional harm. In such cases, the law requires that the person fleeing domestic violence with his or her child is required to report to the district attorney once they are safe from immediate harm, in order to claim this defense. In many of the cases in the study, the shelters advised women to take this action. Alternatively, the district attorney advised the woman of her legal rights, directed her to shelter services, and referred her to the family court to settle the custody and visitation issues. While this protected women's safety in the short run, some of the longer-term visitation arrangements that were an outcome of mediation and recommendation by Family Court Services, or orders of the Court, placed these women, and sometimes the children, at continuing risk.

**Case #26.** This case was the prototype of the battered woman who is accused of abduction when she tries to escape from a violent, sadistic, controlling and paranoid man. This Caucasian woman fled to a shelter where she was helped and given legal advice that allowed her to present her case to the D.A., who dropped the charges. At the subsequent hearings in family court to settle the visitation dispute, joint legal custody with alternate weekend visitation to the father was ordered. These visitation arrangements allow the father to continue to terrorize and threaten the mother. (This woman's story was corroborated when this man became acutely paranoid and physically threatening to the interviewer, after he received the invitation to participate in the study.)

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**Case #27.** Both of these parents were immigrants from different parts of Eastern Europe. They married after a brief, long-distance correspondence. The father became extremely suspicious and paranoid that his wife was having sexual liaisons with sundry men. His accusations were bizarre: he accused her of sleeping with the mailman, the neighbors, the priest, and even the checker at the grocery store (because she smiled at him). He began beating her, regularly and severely. He also isolated her from outside contacts, withheld all financial resources, and was generally physically and emotionally controlling. Language difficulties contributed to this woman's social isolation. Finally, her relatives in Eastern Europe sent her funds to return home, which she did, taking the child. The D.A. was involved, family court awarded temporary custody to the father, and the mother voluntarily returned to the U.S. to face felony abduction charges. Since she had no other place to go, this woman returned to the battering relationship and the abuse continued. Finally, when the D.A. was made aware of the domestic violence, the abduction charges were dropped and the mother was referred to the women's shelter, which provided the support and assistance for her to leave her husband. The family court awarded her custody, but the child's alternate weekend visits with the father continue to place her at physical risk from this paranoid man.

**Case #28.** Shortly after this young African-American teenage couple conceived a child, the young father was imprisoned for two years for drug dealing. The mother stopped visiting and writing him in prison when he physically threatened her, because he thought she might have relationships with other men. When the father was released from prison, he attempted to locate her with the help of his family and friends. He finally filed abduction charges, in order to have the D.A. help find her. This man showed very little interest in the baby; his main concern was to resume a relationship with the mother. The D.A. located the mother and advised both parties to return to family court to work out an appropriate visitation arrangement. The mother was encouraged by the D.A. to keep her location confidential. This young woman seemed to have no agenda other than to stay physically safe and to hide until the baby was older, before she set up a visitation arrangement with this father that would work for her child.

**Case #29.** This Caucasian father was a dangerous, impulse-ridden, unstable man who was quite frightening to the interviewer. He explicitly talked about his fantasies of harming the mother of his children, because he alleged that she was "a drug-addicted prostitute living with an ex-con who has maliciously and falsely accused me of molesting my daughter." In actuality, the child refused to visit the father and appeared quite conflicted and afraid of him. This man



had no awareness of how his behavior frightened the child and was convinced that the mother was alienating him from his daughter. The investigation by the D.A. into a possible abduction apparently stemmed from the mother's repeated refusals to allow visitation, and then hiding from the father as a consequence of the child's reluctance to visit. Despite the explicit threats made by this man and the fears expressed by his child, his visitation was unsupervised. Nor was this woman protected by the court-ordered exchange of the child at a public restaurant.

In conclusion, the findings of this study indicate that a subgroup of women are running and hiding themselves and their children from a violent spouse, but not more often than women leave a violent relationship and take legal action in court to protect themselves and their children. While the findings do not support the claim that battered women are being prosecuted by California abduction statutes, the interview data suggest that court mediated or ordered visitation arrangements are at times not sufficiently protective of the safety of abused women or their children.

### Coparental Communication and Cooperation: Findings

The Discuss & Share Decision Making Scale (Ahrons, 1981) was completed by parents to measure the frequency with which they talked and made major and day-to-day decisions together with respect to their children. Caution needs to be used in interpreting these findings because the scale was administered to the litigation sample in 1990 and to the abduction sample in 1993. Mothers from the abduction group reported they communicated and made decisions with their ex-partner significantly less frequently than did mothers in the litigation group ( $t = 2.34, p > .05$ ). Both groups of women were equally dissatisfied with the level of communication. Fathers from both samples reported similarly infrequent communication and similar levels of dissatisfaction. Most notable is that in both groups (abduction and litigation), the average communication and dissatisfaction on a 5-point scale ranged from 1-2, indicating rare or absent communication and very high levels of dissatisfaction with their capacity to cooperate on behalf of their children. Within the abducting sample, there were no significant differences in levels of communication and dissatisfaction reported by abducting compared to left-behind parents, for both women and men.

Coparental Communication and Cooperation: Discussion

The capacity to communicate and cooperate with respect to their children was extremely low or absent in both the litigating and abduction samples, with the latter communicating significantly less. It is not known whether this difference reflects the different time periods in which these data were gathered. However, research assistants who coded family court records could approximately match the time periods of parents' reports on their communication with the current custody order. These data showed that (during 1989-91) in more than four-fifths of all of the litigation sample and (in 1993) in three-fourths of all of the abduction sample, parents had joint legal custody orders.<sup>4</sup> This presumes that they will exercise joint decision-making with respect to major issues such as health, education, and welfare of their children. The interview data indicated this was seldom attempted or was not possible.

Many of these separated parents were unremittingly angry, blaming, fearful, assiduously avoidant, and highly distrustful of each other. In many of the abduction cases, parents had cut off contact and did not even know the whereabouts of the other parent. Alternatively, in both samples, parents' brief exchanges with each other on the telephone, or at the time of the transfer of the child, were usually cryptic and/or mutually abusive.

Extent of Litigation: Findings

Family court records were coded to compare the extent and kinds of litigation that had occurred before and after the abduction in the abduction sample, and before and after the counseling intervention in the litigating sample. Despite the fact that we had judicial permission to access confidential files in the family court, in only 33/50 (66%) of the abduction cases could the record be located. By comparison, 48/57 (84%) of the litigating cases were located and coded. Some possible reasons as to why so many abduction files were missing were explored, using the recorded interviews with the parties involved. First, 5 (10%) of these separated couples did not pursue any family court action, despite the referral back to this court by the district attorney. Second, 10 (20%) of these cases appear to have been heard mostly in juvenile court, where records remain sealed. This was true for only 2% of the litigating sample. (Cases are usually heard in juvenile court rather than family court if there is evidence that the child has been neglected or abused, physically or sexually.) It is possible that the remainder of the missing files in both samples have been misplaced within family court or have been transferred to other jurisdictions. It is difficult to know how the following data are biased by the absence of this many cases. However, the significant differential loss of data due to the cases' involvement in juvenile court, between the two samples (*Chi Square* = 6.9;  $p < .01$ ), suggests that the abduction and litigation data may be somewhat biased in favor of families with less severe parenting problems.

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Tables 11 and 12 compare the proportion and the frequency of legal actions in both samples before and after the abduction in the abduction sample, and before and after the therapeutic intervention in the litigating sample. These data show that the abduction cases are significantly less likely to have been to court at all. On the average, counting from the time of the first filing, litigating families had been in court 29 months prior to the counseling intervention, while abducting families had first filed 17 months prior to the abduction. Abduction families had significantly fewer filings for custody, visitation, child support, spousal support/property, and restraining (stay-away) orders before the abduction, compared to the litigating cases before entry to counseling. After the abduction, the abduction cases were significantly more likely to have legal filings for custody, visitation and restraining (or stay-away) orders, and equally likely to file for child support and spousal/property issues compared to the litigating cases following their entry into counseling.

(Tables 11 and 12 here)

Further inspection of the family court data reveals that mothers and fathers in the abduction sample were significantly less likely to be initially represented by attorneys in the first custody/visitation order than were those in the litigation sample (34% vs 60%) ( $t = 2.56$ ,  $p < .01$ ). There was a trend for women in abduction cases, in particular, to continue to have less legal representation over the course of the litigation.

The content of the court orders showed that, compared to the litigation sample, there was a non-significant tendency for families in the abduction sample to have less specific custody and visitation orders, and to have been granted fewer restraining (stay-away) orders. They were significantly less likely to have therapy stipulated or ordered by the court ( $Chi Square = 5.15$ ;  $p < .05$ ). The court orders in each sample were equally likely to have provisions preventing a parent from taking the child out of the state/area without the other parent's permission. In the initial order, this was 74% of the abduction sample and 67% of the litigation sample, and in the final order it was 45% and 29%, respectively. (Note that final orders may be an addendum to the initial order and include the provisions of earlier orders.)

Contempt actions were sparse (2%-6%) in both the abduction and litigation samples. Not surprisingly, there are more *ex parte* actions regarding custody/visitation matters in the abduction cases compared to the litigation cases (42% versus 8%;  $Chi Square = 11.25$ ;  $p < .001$ ). In general, these actions were taken after the abduction, in an attempt to secure legal help to return the children.

Extent of Litigation: Discussion

In summary, abduction cases were characterized by much less frequent use of legal actions in family court, more involvement in juvenile court, and less legal representation of the parties prior to the abduction incident, compared to the litigation cases at the time of entry for counseling. In almost one third of the abduction sample, neither parent had even sought the help of the court prior to one parent (or other family member) abducting the child.

These general findings contradict an intuitive expectation that an abducting parent would exhaust all legal options before taking matters into his or her own hands. (Cases where there are unsubstantiated sexual allegations are an exception.) Some researchers have indicated that abduction is a gesture of defiance and frustration at a legal system that has resulted in an unfavorable and unjust outcome (Greif & Hegar, 1993). The data suggest that it may be frustration at not being able to afford access to the legal system which is implicated in abductions. The data on litigation drawn directly from the court records confirm the interview impressions that these families were economically disadvantaged and could not afford the cost of litigation. Moreover, the institutional culture, laws, and procedures of the family courts were strange and foreign to many of these families with minority ethnic status. Having no one to guide them through the procedures, they remained outside the system, alien or anomic. Or, their attempts to represent themselves (*in pro per*) in court were often clumsy and added further confusion, so they gave up and went away. At times, however, the expressed frustration with the legal system by abductors seemed to be primarily a smoke screen, a public rationale for their illegal actions in taking the child.

It also should be noted here that a large proportion of both the abducting and left-behind parents had criminal arrest records for a variety of offenses (use and dealing of drugs, driving under the influence, assault and domestic violence, failure to pay traffic fines, burglary, and, in several cases, murder). (See accompanying documentary report, Stage I, Part A, Sagatun-Edwards, 1994, for details.) In this context, they were not strangers to the judicial process. However, in the criminal court, they were in the position of defendant, and it is very possible that they transferred their defensive posture to the family courts with respect to custody matters. At the very least, many did not seem to feel they would obtain a sympathetic hearing in family court given their arrest and conviction record.

Parents' Psychological Functioning: Findings

Brief Symptom Inventory (BSI).

The short form of the Brief Symptom Inventory (BSI) (Derogatis & Spencer, 1982), a self-report of emotional distress and symptomatology, was completed by all subjects in the study. On the nine subscales (namely, somatization, obsessive-compulsive, interpersonal sensitivity, depression, anxiety, hostility, phobic anxiety, paranoid ideation, and psychoticism), *T*-scores were calculated, together with an overall total *T*-score called the General Sensitivity Index (GSI). In addition, the degree to which parents were likely to exaggerate or diminish the extent of their symptomatology is calculated as a *T*-score called the Positive Symptom Distress Index (PSDI).

Caution needs to be used in comparing the abduction and the litigation samples using this scale because it was completed by the litigation sample in 1990 and completed by the abduction sample in 1993. The general patterns of symptomatology in these two groups, however, may be of some interest because it could possibly reflect the typical distress responses of men and women in each group. On the other hand, they may reflect the differential responses of the abducting group to the stress of the abduction and its aftermath.

The following ANOVA analyses were undertaken (see Table 13), examining for gender and abduction status as main effects, and for the interaction of gender and abduction status. They compared: (a) abducting individuals with non-abducting individuals; (b) abducting families with litigating families; and (c) abducting parents with left-behind parents.

(Table 13 about here)

Significant differences were found in 8 of the 33 analyses. However, 5 of these were gender effects and only 3 discriminated between abducting and litigating groups. There was a tendency for abducting individuals to have higher somatic scores. Members of abducting families scored significantly higher on Psychoticism and this was especially true of females from abducting families compared to females from litigating families.

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To what extent are these parents in both samples emotionally dysfunctional compared to a normal or non-clinical population of adults? Comparing their total raw scores on the BSI to norms provided by Derogatis and Spencer (1982), it is noted that the degree of disturbance in both samples falls approximately midway between a non-clinical population and a psychiatric population (inpatient and outpatient), where marital status is not specified. In support of this observation, 13 (20%) of the abduction sample and 15 (14%) of the litigation sample scored at or above the 98th percentile range of the GSI *T*-scores for a non-clinical population; 32 (50%) of the abducting group and 45 (41%) of the litigating group had GSI *T*-scores at or above the 84th percentile range.

### Narcissistic Personality Inventory (NPI).

All subjects in the study (both the abducting and non-abducting respondents) were administered a shortened version of the NPI (Raskin & Terry, 1988). Four subscales of this instrument were used: Self-Sufficiency, Exhibitionism, Exploitativeness, and Entitlement. In addition, a total of all 21 items gave a score named Narcissistic. ANOVA were carried out on these data examining for gender and abduction status as main effects, and for the interaction of gender and abduction status: (a) comparing abducting individuals with non-abducting individuals; (b) comparing members of abducting families with those of litigating families; and (c) comparing abducting parents with left-behind parents.

As shown in Table 14, only four significant differences between groups were found in a total of 15 ANOVA tests. Members of abducting families had significantly higher scores on Narcissistic and Exploitativeness, and tended to have higher scores on Exhibitionism compared to members of litigating families. Females from abducting families tended to have higher scores on Exploitativeness than males from abducting families. There was also a tendency for abducting individuals to have higher scores on Exploitativeness compared to those individuals who had not abducted. In interpreting these findings it is important to observe that the litigating group had higher socioeconomic status and may have given more socially appropriate responses to the NPI, compared to the abduction group.

(Table 14 about here)

### Early Family Histories of Parents.

Prior losses and early trauma in the families of origin of both abducting and litigating groups were obtained from the interview data. Two clinical researchers coded the records of interviews wherein the subjects were systematically asked about these matters. Specifically, the incidence of separation of parents, child abuse and domestic violence, sexual molestation, death of parents and other separation from parents as a child, and alcohol and drug use in the family of origin were examined. These data are shown in Table 15.

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(Table 15 about here)

Although there appears to be considerable experience of early trauma and loss in both the abduction and litigation samples, none of these differences between the two groups reach statistical significance. However, within the abducting families, several trends emerged. Mothers who were abductors were more likely to have experienced a family history of child abuse and domestic violence compared to left-behind mothers ( $r = .34; p < .05$ ). Fathers who were abductors tended to have an early family history of violence and abuse ( $r = .35; p < .1$ ), drug/alcohol use in their family of origin ( $r = .35; p < .1$ ), and to have suffered the death of a parent as a child ( $r = .34; p < .1$ ), compared to left-behind fathers. Unfortunately, it is not known how these prior losses and early trauma differ from those of the general divorcing population.

### Parents' Psychological Functioning: Discussion

In actuality, there were few important differences found in the personality and psychological state of the parents in the abduction group compared with those in the litigating group. The patterns of their symptomatology, which involved significantly elevated scores on all scales compared to non-patient populations, looked surprisingly similar. Of particular note are the high degree of paranoid ideation and psychoticism in both samples, indicating a tendency to feel persecuted and under attack, and to engage in irrational thinking.

On several noteworthy indices, however, members of abducting families (which included abducting and left-behind parents), as a group, showed more dysfunction compared to the litigating group. This was particularly true for women from abducting families. This dysfunction involved psychotic symptoms and narcissistically exploitative attitudes. Those with psychotic symptoms endorsed statements such as, they had "never felt close to another person," they "believed someone else could control their thoughts," and they feared "something was wrong with [their] mind." Those with exploitative attitudes endorsed statements that indicated they "find it easy to manipulate people," they "can make other people believe anything they want," and they "can talk [their] way out of anything." The combinations of these indicators of irrational, self-centered thought processes and sociopathic attitudes are congruent with the high prevalence of criminal activity in the abduction families, which was most true of abducting parents but also of left-behind parents. These findings are supported by those of Kiser (1987), Blomquist (1992), and Sagatun and Barrett (1990), but not by those of Agopian (1981).

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It is especially interesting to note that within abducting families, abducting men and women were more likely to have early histories of trauma. Compared to their left-behind counterparts they were more likely to have experienced child abuse and witnessed violence. The abducting men were also more disadvantaged in terms of exposure to parental substance abuse and loss of a parent by death as a child. Perhaps their earlier experiences of caregivers who failed to protect and nurture them have become generalized into an expectation that others, including the legal system, will fail to protect themselves and their children.

The clinical interviews revealed a small but important minority of cases in which one party to the divorce was diagnosed as paranoid psychotic, and possibly also sociopathic, supporting previous observations by Sagatun and Barrett (1990). The events of the separation, and the financial and custody disputes, provoked a severe wounding of these narcissistically vulnerable persons, evoking a paranoid reaction, and they became acutely dangerous. Interestingly, the paranoid delusions and preoccupations that they developed frequently involved sexual molestation.<sup>5</sup> In some cases, they became convinced that their ex-partner had molested the child; in other cases, they felt outraged by a court system that suspected them of child sexual abuse. These perceptions justified the abduction of the child. These cases are extremely troublesome for the judicial and mental health systems, and there is often poor coordination between the systems, resulting in more confusion and mismanagement.

*Case #30.* This Caucasian professional woman had been hospitalized in a psychiatric ward and diagnosed as paranoid schizophrenic. Her increasingly irrational behavior precipitated the ending of a 15-year marriage. She felt very betrayed by her husband's decision to leave her, and developed paranoid delusions that he was sexually molesting their son. The father, who had not been the primary parent, rather passively expected Child Protective Services to prove his innocence. Instead, without an adequate investigation, both parents' suitability was questioned and the child was placed in a series of foster homes. Despite the fact that six months later the psychological evaluations clearly vindicated the father and affirmed the mother's psychotic thinking, the child was not returned to the father's custody for another 12 months. When the boy then refused to visit his mother, this woman persuaded the D.A. that he had been abducted by the father. It took another several weeks for the official agencies and professionals involved in this case to determine that this was a false allegation.



**Case #31.** The marital separation in this Caucasian family was initiated by the husband after severe financial problems culminated in his bankruptcy. Feeling extremely betrayed by his decision to abandon her, especially at this time, the wife developed clearly paranoid delusions about her husband. She was convinced that he had poisoned the family cat, that he was sending his (non-existent) girlfriend to her son's school to frighten and harass the child, and that he was molesting her mother. As the litigation over father's visitation with his son intensified, this woman became highly agitated, claiming that the father was "an evil, dangerous man, and extremely cunning." She likened him to a recently convicted mass-murderer who had massacred his family. In actuality, the husband was a shy, quiet, non-assertive man who was quite frightened of his wife's rages and nonplussed by her allegations. He commented, however, that she had always been "a little strange" and "often had it in for someone," but that he had not previously been the target of her hostility. Finally, this mother accused him of molesting the child and fled with the boy "in order to protect my son." She and the child were located six months later: both had been admitted to a psychiatric facility.

**Case #32.** This Caucasian father was an extremely dangerous, violent, and paranoid man (with a history of having previously killed a man in a brawl). He became incensed at the injustice of the legal system for not believing and supporting him when he was suspected of sexually molesting his eight-year-old daughter. He was also angered by what he considered an unjust financial court-ordered settlement. The young girl entered into a *folie à deux* collusion with her very scary father and participated in planning her own abduction. The mother was construed to be the child abuser. Father and daughter fled through several Far Eastern countries on a terrifying journey marked by the father's agitated, paranoid behavior, and violent assaults on passing acquaintances. He was finally apprehended, convicted, and sent to prison. The child required months of residential treatment for the emotional sequelae of this ordeal.

**Case #33.** This Caucasian professional man felt extremely guilty, conflicted, and depressed about his wish to end his marriage and was unable to assert himself with his emotionally labile wife, who was hospitalized with a psychotic episode. The disturbed woman fantasied that the father molested the children (after he guiltily admitted to her that he had looked at pornographic movies). For six months, the father simply withdrew from his children's lives, feeling unable or unwilling to challenge his fragile ex-wife. When he finally tried to have supervised visits with his children, the mother abruptly took the children to the east coast. Although the D.A. compelled

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their return by threatening to file felony abduction charges, these preadolescent children were in alliance with their mother and felt alienated from their father. Sadly, the father gave up his quest for contact with his children. Three years later, at the time of follow-up, his teenage daughter was abruptly sent to live with him and his new wife.

*Case #34.* The child of this Caucasian marriage was emotionally and behaviorally disturbed, the etiology of which was partly assumed to be his generally sexualized relationship with his disturbed mother. The father appealed to the court to effect some intervention. When the family court, on recommendation from therapists, attempted to put some constraints around the mother's inappropriate behavior with the child, she resisted and fled to Europe, where her family initially helped her to hide. Subsequently, they encouraged her to give herself up and return with the boy to California. Although the father obtained physical custody, three years later, at the time of the study, the adolescent boy was living with his mother and resisted contact with his father.

### Children's Emotional-Behavioral Adjustment: Findings and Discussion

Parents from both the abduction and the litigation groups completed the Child Behavior Check List (CBC) (Achenbach & Edelbrock, 1983) on the target children (i.e. children aged 12 years and under at the time of the abduction/entry to the counseling intervention). *T*-scores for the subscales Depression, Withdrawn/Uncommunicative, Somatic Complaints, Aggression, Internalizing, Externalizing, and Total Behavior Problems were calculated. Caution needs to be used in comparing the two groups of children using this scale (see Tables 16 and 17), because it was completed by the litigation sample in 1990 and by the abduction sample in 1993.

(Tables 16 and 17 about here)

No significant differences were found in the adjustment of children in the abducting compared to the litigating families other than fathers' ratings of their sons' depression. Fathers from the abduction sample rated their sons as significantly more depressed than litigating fathers rated their sons.

In comparison with a normal (non-clinical) population, however, children in both samples were significantly less well-adjusted. Mothers rated their sons in both samples on the average one standard deviation above the mean (Total *T*-score for abducted boys was 60.3, *sd* = 12.5; for litigation boys, it was 60.6, *sd* = 13.0). Fifty-five percent of the boys from the abduction sample and 56% of those from the litigation sample scored above the 84th percentile, whereas 20% and 26%, respectively, scored above the 98th percentile. Fathers rated their sons more moderately (Total *T*-score for abducted boys was 55.1, *sd* = 11.1; for

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litigated boys it was 53.0,  $sd = 13.4$ ). In the abduction and litigation samples, 29% and 33% of the boys scored above the 84th percentile, and 6% and 7% scored above the 98th percentile, respectively.

The mean total  $T$ -score for girls as rated by their mothers was 50.6 ( $sd = 6.8$ ) and 53.3 ( $sd = 13.6$ ) in the abducting and litigating families, respectively. Only 12% of the girls in the abduction sample scored above the 84th percentile and none scored above the 98th percentile. Thirty percent of the girls in the litigation sample scored above the 84th percentile, whereas 11% scored above the 98th percentile. The mean total  $T$ -score for girls in the abduction sample as rated by their fathers, was 54 ( $sd = 11.94$ ), and the mean total  $T$ -score in the litigation sample was 51.4 ( $sd = 9.96$ ). Twenty percent of the girls from the abduction sample scored above the 84th percentile, whereas 10% scored above the 98th percentile. Twenty-four percent of the girls in the litigation sample scored above the 84th percentile, whereas 3% scored above the 98th percentile.

Overall, both parents in both samples (but especially mothers in the abduction sample) tended to perceive their sons as having more behavioral difficulties compared to a "normal" population of boys. Also, in both samples, mothers tended to rate their sons as more disturbed than did fathers. Girls in both samples were rated in the normal range by both mothers and fathers.

Further analysis was undertaken to examine whether boys or girls were better adjusted when abducted by their mothers or by their fathers. There was a tendency for fathers to report that their sons, but not their daughters, had fewer behavioral problems (Total  $T$ -score on CBC), if they had been abducted by their mothers ( $t = 1.78$ ;  $p < .1$ ). On the other hand, there was a tendency for mothers to report that their daughters, but not their sons, had fewer behavioral problems (Total  $T$ -score on CBC), if they had been abducted by their fathers rather than by their mothers ( $t = 2.44$ ;  $p < .1$ ).

These findings on the children's adjustment should be regarded as extremely preliminary and for this reason, further discussion and conclusions are unwarranted. Although it was the original intent of this study to interview the children and to evaluate their functioning from the perspectives of both parents as well as teachers and clinicians, it was soon evident that the logistics and cost of obtaining this information in a systematic manner was beyond the scope and affordability of the project. Many of the children lived in other counties and states and were not available to be interviewed directly. Moreover, the majority of parents had joint legal custody, and hence both had to agree to their child's participation in the study. This was not possible in the abduction sample where one parent either could not be located or was reluctant to give permission. Although we collected CBC ratings from both parents whenever possible, some parents declined to complete these or did so with little or no recent knowledge of their child. Similarly, the parents in the abduction sample did not always know the name of the child's school, so that teacher ratings could not be obtained.

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### Current Custody/Visitation Arrangements: Findings and Discussion

Table 18 shows the different types of physical custody arrangements currently in place for the target child (the oldest child aged 12 years or younger) at the time of follow-up, 3 years after the abduction/litigation. In 48% of the abducting families, the mothers have sole physical custody compared to 72% of mothers in litigating families. In 20% of the abducting families and in 17% of the litigating families, the father has sole physical custody of the target child. Twenty-six percent of the abducting families compared to 11% of the litigating families have joint physical custody. Finally, 6% of the abducting families have some other arrangement regarding the physical custody of the target child.

(Table 18 about here)

Table 19 gives the current physical custody arrangement for the target child in abducting families according to the status of the abductor. When women abducted, they ended up with sole physical custody almost half (45%) of the time. When a male abducted, father custody was the outcome in only one fourth (22%) of cases. Note that in 35% of these female-abducting families, the parents currently have joint physical custody, indicating that overall 80% of the abducting mothers subsequently had either joint or sole custody of their children, compared to 39% of abducting fathers.

(Table 19 about here)

In sum, about twice as many abducting mothers as abducting fathers retained sole physical custody of the target child two-to-three years after the abduction. Also, more than twice as many families ended up with joint physical custody when the mother abducted compared to families in which the father abducted.

### Children's Access to Their Parents

Table 20 shows the types of visitation arrangements and the percentages of families from each sample in each category. The most startling finding was that 44% of the abducted children have "no contact" or "minimal contact" (unplanned visits less than once a month), whereas this is true for only 8% of the children of litigating families. In general, abducted children also have less regular visitation arrangements. However, in terms of the average number of days that the non-custodial parent sees the child(ren) each month, there is no significant difference between the samples. Non-custodial parents from the abduction and litigation samples see their children an average of 5 and 6-1/2 days per months, respectively. There is also no significant difference in the average number of transitions between parents each week: In both samples, children make between 1 and 2 transitions per week.

(Table 20 about here)

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In summary, children in abduction families are significantly more likely to have minimal or no contact with at least one of their parents, three years after the abduction, compared to children in litigation families. Few parents in the abducting group (6%) had supervision restrictions on their visitation, so this relative lack of contact was not more likely to be court-imposed. However, in almost one third of the abduction sample, the children had experienced what could be legally classified as a further abduction during that time. As was illustrated in the case examples, another subgroup of these children experienced being precipitously, but legally transferred between parents, or removed from both parents by order of the family court or the juvenile court. The destabilizing effects of these radical changes in primary care arrangements for children who have often been subject to other tumultuous family changes, can only be imagined. Further study is needed of this very high-risk sub-population of children.

### Abduction Risk Questionnaire (ARO): Development and Findings

All subjects of the study (in both the abduction and the litigation samples) were given the ARQ which comprises 41 items, each on a 9-point scale. They were asked to complete this questionnaire as they remembered feeling at a specified period of time during 1990. Inserted into each questionnaire were dates defining a three-month period. For the abduction group, this was the three months prior to the abduction incident. For the litigation group, it was the three months prior to their entry to the counseling intervention. For both groups, the data were gathered retrospectively and are subject to faulty recall. The important question is whether one group is more biased in recall than the other. It is entirely possible that abducting individuals are likely to justify and rationalize their illegal actions after the fact and, for this reason, the differences found between groups may not be valid predictive differences.

The following ANOVA analyses were undertaken (see Table 21), examining for gender and abduction status as main effects and for the interaction of gender and abduction status. They compared: (a) abducting individuals with non-abducting individuals; (b) abducting families with litigating families; and (c) abducting parents with left-behind parents.

(Table 21 about here)

It was hypothesized that more extreme negative attitudes on each item would be expressed by abducting individuals compared to litigating individuals. Furthermore, it was thought that some items would reflect family or socio-cultural attitudes, in which case members of abducting families (both abductors and left-behind parents) would have more negative attitudes on each item than members of litigating families. There were no specific gender effects hypothesized.

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Twenty-nine of the 41 items discriminated significantly between the abducting and non-abducting groups in at least one of these analyses. (In addition, as shown in Table 21, 20 of the items also showed main effects for gender; but since this is not the focus of this study, these will not be discussed further.)

Most of the significant findings comparing the abduction group with the litigation group were in the predicted direction, supporting previous observations in the literature.

- (a) Abductors more strongly endorsed concerns about the physical care and safety of their children with their ex-partner (#3). This was especially true for women from abducting families (#8, #40), and for female abductors compared to male abductors (#40).
- (b) Abductors and members of abducting families, especially women, expressed a greater fear that their ex-partner would take the child and leave the area (#36).
- (c) Abducting females expressed more physical fear of their ex-partners (#5). Women from abducting families had a stronger belief that their ex-partner was trying to control them (#16), and cut them out of their child's life (#28). Abductors, both men and women, tended to believe their ex-partner would never leave them alone (#26).
- (d) Abductors were more likely to express difficulty with their jobs (#29). They were also more likely to say they had no stable place to live (#24). This was also true for members of abducting families. Women from abducting families in particular expressed greater concern about financial pressures (#6).
- (e) Abductors were less likely to see any value in the child maintaining contact with their ex-partners (#14) and more likely felt there was no way they could share parenting with their ex-partner (#33). They also tended to believe that they, more than anyone else, knew what was best for their children (#37); this was especially true for mothers of abducting families.
- (f) Abductors and members of abducting families more strongly endorsed the belief that the only people one could depend upon were members of one's own family (#35). However, male abductors, compared to female ones, also more strongly believed that one has to rely on one's own resources to change things (#32). Males from abducting families were more likely to feel that counselors were of little help (#23).

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- (g) Abductors, in general, wished their ex-partner could feel as much pain as they did (#39). Male abductors were more likely to admit feeling depressed about the separation/divorce (#9) but also expressed more optimism that the bad times would pass (#31).
- (h) Abductors and members of abducting families expressed a greater certainty that the courts favored mothers with respect to custody (#17). Female abductors, and females from abducting families, expressed more dissatisfaction with help provided by police (#41).
- (i) Abductors strongly endorsed the idea that sometimes a person has to take unlawful action in order to protect themselves or their children (#34). However, they were also more inclined to admit poor judgment under stress (#18).

There were a number of significant findings opposite to what was expected, given previous observations in the literature.

Members of litigating families, compared to abducting ones, expressed stronger feelings that they were under intolerable stress and pressure (#1); they had greater dissatisfaction with custody (#7); they tended to wish more strongly that their ex-partner would disappear (#2); and they had greater fear that their children were being turned against them by their ex-spouse (#12). Litigators also expressed greater dissatisfaction with the financial settlement in the divorce (#38).

There was an absence of findings for a number of items, despite hypotheses to the contrary.

- (a) Abducting and litigating groups were equally likely to express dissatisfaction with family law attorneys (#4), with the services of the family court (#11), and to fear that they would not get a fair hearing in court (#22). They were equally likely to believe that men could exercise more power and control in court (#27).
- (b) Abducting and litigating groups were equally angry at their ex-partners (#21) and believed their ex-partner was spiteful and vindictive toward them (#20). They were similar in their wish not to have to deal with their ex-partner ever again (#10). They were equally likely to express a need to take some decisive action to gain control of their life (#13). They were also equally likely to want to quit their job (#15).

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- (c) Abducting and litigating groups were equally unhappy with the visitation arrangement (#19), just as likely to fear they were losing their relationship with their children (#30), and not to trust that their ex-spouse would take care of the emotional needs of their children (#25).

Finally, an important question is whether male abductors and female abductors have different constellations of attitudes as measured by the ARQ. In most respects, they were remarkably similar. Only 7/41 items on the ARQ discriminated significantly and these reflected a theme of physical vulnerability on the part of abducting women, and a theme of emotional hurt but more optimism and independence on the part of abducting men.

Female abductors expressed more physical fear of their ex-partner (#5), more worry that their ex-partner would abduct (#36), more concern for the safety of their children (#40), and more dissatisfaction with help from the police (#41). Male abductors admitted to more depression about the separation (#9), but also had more optimism that the bad times would pass (#31), and a greater conviction that one has to depend on one's own resources for change (#32).

Seven subscales were constructed from the Abduction Risk Questionnaire (see Table 22): Negative Attitude Towards Ex-Partner; Fear of Child Abuse/Neglect by Ex-Partner; Fear of Exclusion from Child's Life by Ex-Partner; Sex Bias; Distrust in Legal and Helping Institutions; Dissatisfaction with Custody/Visitation; Economic Distress.

(Table 22 about here)

Five of these seven subscales distinguished between the abduction and non-abduction groups, after controlling for gender of respondent.

- (1) In general, members of litigating families expressed more hostility and negative attitudes towards the ex-partner. However, female abductors and females from abducting families had more negative attitudes than male abductors and males from abducting families.
- (2) There was a tendency for abducting individuals to have more fear about child abuse and neglect by the ex-partner. This was especially true of females from abducting families.
- (3) Male litigators expressed more concern about the ex-partner excluding them from their child's life.
- (4) Abducting individuals tended to have greater distrust of legal and helping institutions.



- (5) Litigating families expressed greater dissatisfaction about custody and visitation.
- (6) Females from abducting families expressed more distress about economic and housing matters.

#### Development of Abduction Risk Questionnaire: Discussion

The development of this instrument is obviously in its very preliminary stages. Although almost three fourths of the items in the questionnaires differentiated in some way between the abduction and litigation groups, not all of these findings were consistent, and some were contrary to the expected hypothesis. Moreover, some of the findings were only of borderline statistical significance.

Where there were positive findings, it is difficult to determine whether the specific question in the ARQ is tapping socioeconomic and cultural differences that are a consequence of the two samples being so different in these respects, whether it is tapping attitudes and personality factors, whether it is tapping a culture of attitudes that are more prone to law violation in general, or whether it is an indicator of propensity for parental abduction of children in particular. Since the questionnaires were administered in only two counties and one state, it may be that it helps identify the particular individuals and families which these particular state laws and county policies target as abductors. The instrument may be less effective in other environments with different laws and policies. A further and probably more serious problem is that there is no way of knowing whether the answers to these questions are rationalizations of the abduction, after the fact and after the D.A. intervention, or whether they truly reflect attitudes present before the abduction, and are hence predictive.

In some respects, the ARQ has been subject to a most stringent test from its inception, since it has been asked to discriminate between two groups of highly conflictual couples who are disputing the custody and care of their children after separation or divorce. For this reason it is remarkable that it has fared so well. However, to be an effective tool to discriminate between those who are likely to abduct and those who will pursue legal measures, it needs to be administered to a large number of separating parents, who are in varying degrees of conflict with each other, and who will be followed over time. This diverse kind of sampling is needed to establish the ARQ's discriminative validity, and longitudinal data are needed to establish its predictive validity. Concurrent validity would need to be established by administering other instruments that might tap the same kind of attitudinal and personality dimensions (like external versus internal locus of control, attitudes towards authority, conventionality, hostility, etc.)

Postscript: Future Research on Risk Factors

In her capacity as a reviewer of the report of this study, Behrman-Lippert (1994) has made the following thoughtful observation:

"In the history of the missing children's issue, the early 1980's focused on three primary groups of missing children, namely stranger abducted, parentally abducted and runaway children. With the completion of NISMART, four groups were defined including, runaway, throwaway, stranger abducted and parentally abducted children. Psychological Consequences identified three specific sub-groups of stranger abducted children and families, including those children returned alive, those recovered deceased and infant abductions. In regard to parental abductions, Obstacles to Recovery and Psychological Consequences identified a distinct group of parents who abduct prior to divorce and/or prior to a custody order being issued. Greif and Hegar through clinical interviews identified five sub-groups of parental abductors. These classifications have been utilized in the Reunification training curriculum, the M/CAP technical assistance training and are in the revised Parental Abduction Publication from the National Center for Missing and Abducted Children (NCMEC). Each step along the way has seen the emergence of sub-groups that have helped to understand the specific problems or issues related to the global groupings. The historical trend has been one of starting from a global perspective of missing children to going forward to understand important unique sub-groups within the areas of family and non-family abduction."

This study can offer some suggestions about further delineation of sub-groups that need to be researched. Future research designs looking for risk factors need to examine viable sub-groups *separately* in order to determine the likelihood of individuals abducting their children if they fit into a particular sub-group and, conversely, to estimate the false positive rate for such predictions (i.e., the chances of identifying a person as a potential abductor when, in fact, they are not).

Six profiles of separating/divorced parents at-risk for abducting their children are proposed on the basis of this descriptive study and listed in Table 23. Note that it is possible that an individual situation might meet the criteria for more than one profile, in which case, theoretically, the risk would be increased.

(Table 23 about here)

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### Endnotes

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2. The data for the comparison group were obtained from a prior study funded by the State-wide Office of Family Court Services, Administrative Office of the Court, Superior Court of California.

3. Since these factors were derived separately for each sex and different age groups, it was important to consider their comparability across groups. Inspection of the items in each subscale indicated they were comparable except for social withdrawal for boys 6-16 years. For this reason, uncommunicative scores for boys in this age were substituted, these being more comparable in content to the withdrawn factors for boys ages 4-5 and girls ages 4-16.

4. It should be noted that in California, joint legal custody is common and the most frequent arrangement.

5. Of course, it is not possible to conclude definitively that their beliefs were delusional, rather than extreme reactions to not being able to protect their child from abuse. Their history of thought disorder, however, would suggest the former.

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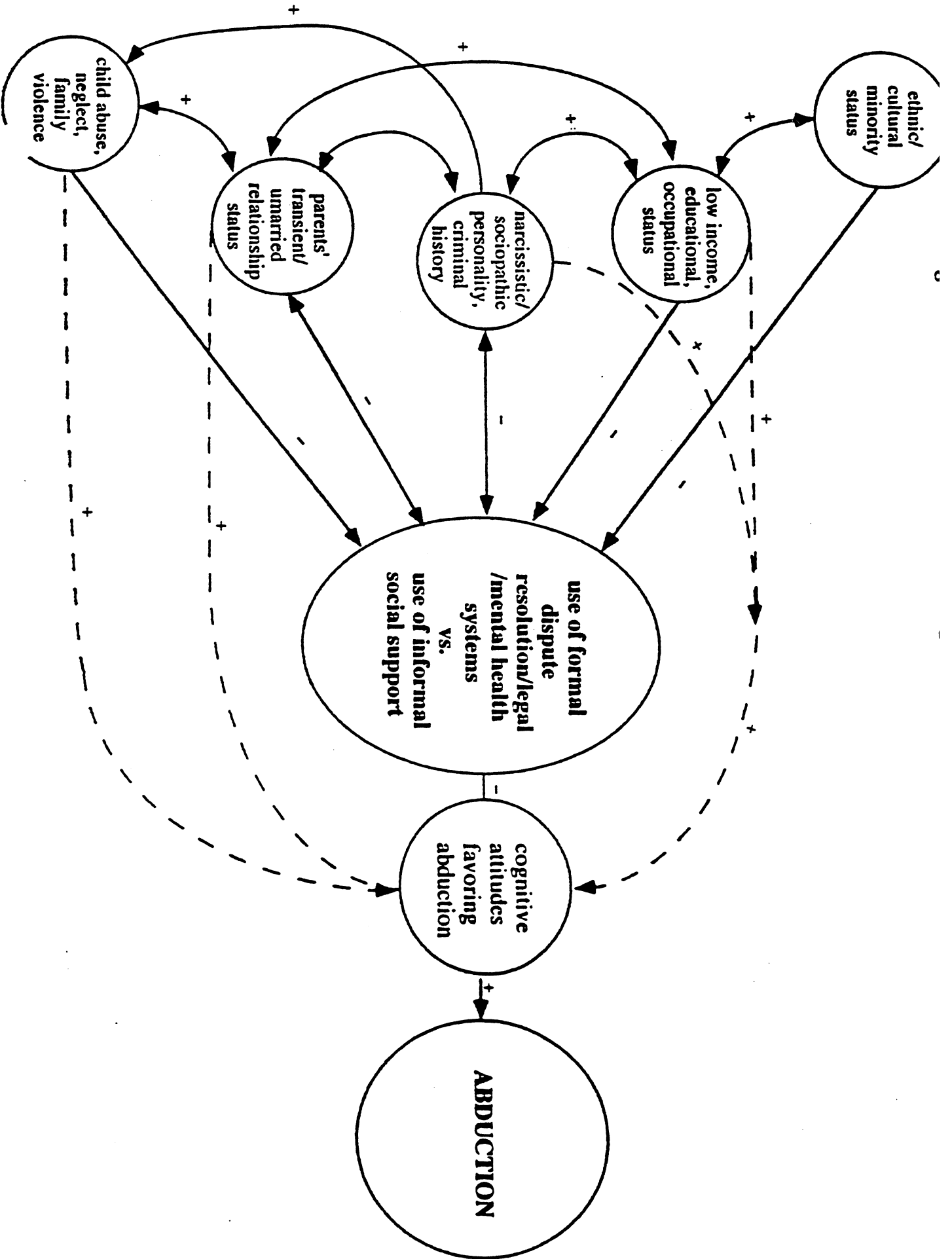


Figure 2: PARENTS' ALLEGATIONS IN ABDUCTING FAMILIES (N=50), HIGH-CONFLICT LITIGATING FAMILIES (N=52) AND MEDIATING FAMILIES\* (N=1669)

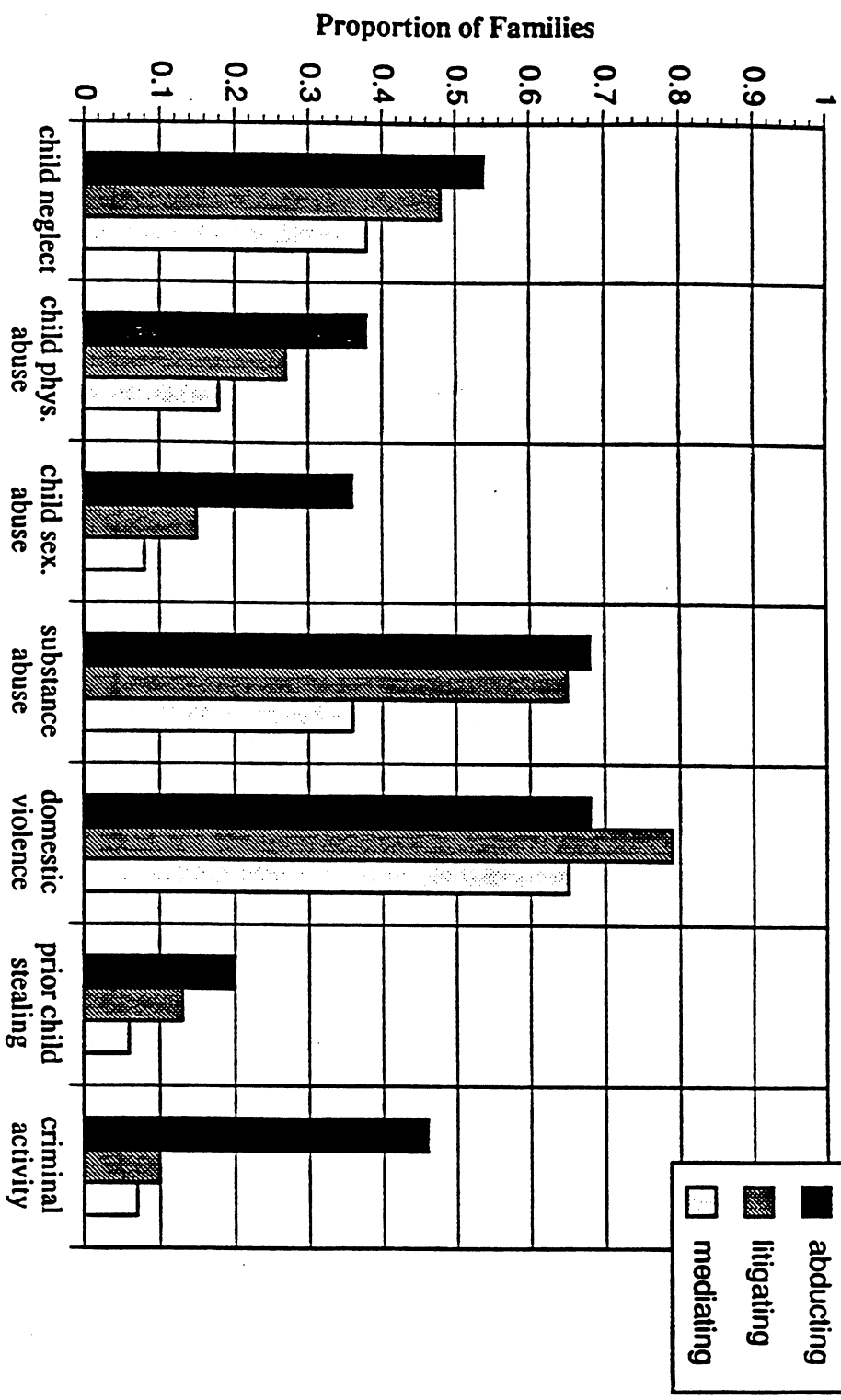
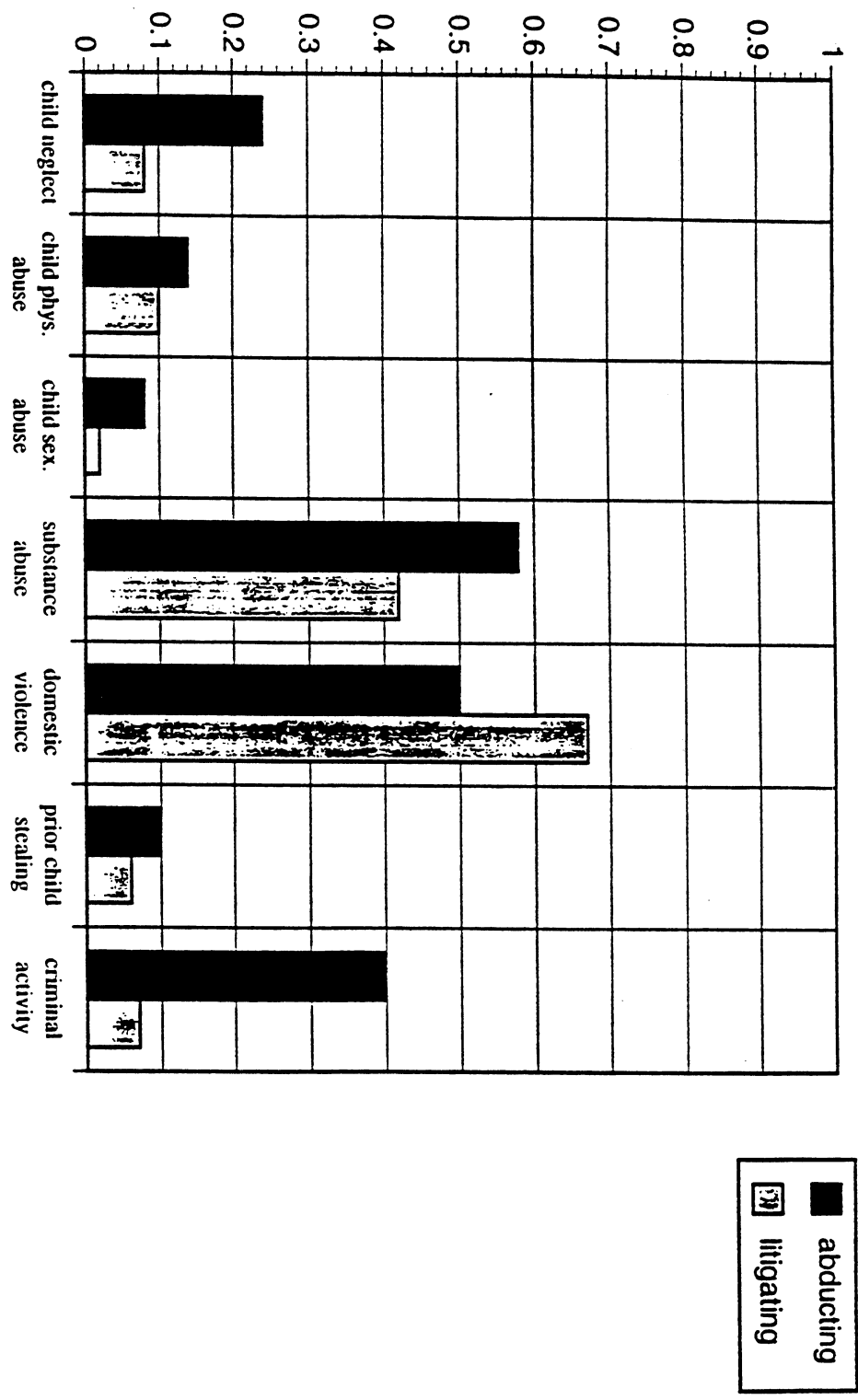


Figure 3: SUBSTANTIATIONS IN ABDUCTING AND LITIGATING FAMILIES





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**Table 1**  
**Demographic Comparisons of Abducting and Litigating Families**

|   | Abduct<br>Families<br>( <u>n</u> =48) | Litigat<br>Families<br>( <u>n</u> =57) | <u>t</u> test or<br>Chi Square |
|---|---------------------------------------|--|--------------------------------|
| Never married                           | 42%                                   | 14%                                    | <u>p</u> < .01                 |
| Years married                           | 5.4                                   | 8.7                                    | <u>p</u> < .05                 |
| Prior marriage and<br>divorce           | 16%                                   | 34%                                    | <u>p</u> < .05                 |
| Months separated<br>before abduct/litig | 36                                    | 36                                     | N.S.                           |
| Number of children                      | 1.6                                   | 1.7                                    | N.S.                           |
| Age of child                            | 5.4                                   | 7.9                                    | <u>p</u> < .001                |
| Age range of children<br>(in study)     | 1-12 yrs                              | 3-12 yrs                               |                                |
| Age of mothers                          | 35                                    | 36                                     | N.S.                           |
| Age of fathers                          | 39                                    | 41                                     | N.S.                           |

**Table 2**  
**Ethnicity of Families**

|                              | Abduct<br>Families<br>( <u>n</u> = 48) | Counties'<br>Pop. | Litigat<br>Families<br>( <u>n</u> = 57) | Counties'<br>Pop. |
|------------------------------|--|-------------------|---|-------------------|
| Caucasian                    | 53%                                    | 56%               | 79%                                     | 72%               |
| African-American             | 24%                                    | 10%               | 4%                                      | 4%                |
| Hispanic                     | 13%                                    | 17%               | 9%                                      | 11%               |
| Asian & Pacific<br>Islanders | 5%                                     | 15%               | 4%                                      | 10%               |
| Other                        | 5%                                     | 3%                | 4%                                      | 3%                |

**Table 3**  
**Hollingshead Occupational Status**

|  | Abduct<br>Families/<br>Fathers<br>n=31 | Litigat<br>Families/<br>Fathers<br>n=56 | Abduct<br>Families/<br>Mothers<br>n=32 | Litigat<br>Families/<br>Mothers<br>n=57 |
|--|--|---|--|---|
| 1= Major profession/<br>large business | 2 ( 6%)                                | 15 (27%)                                | --                                     | 4 ( 7%)                                 |
| 2= Minor profession/<br>small business | 2 ( 6%)                                | 8 (14%)                                 | 2 ( 6%)                                | 10 (17.5%)                              |
| 3= Clerical                            | 4 (13%)                                | 8 (14%)                                 | 5 (16%)                                | 10 (17.5%)                              |
| 4= Technical                           | 5 (16%)                                | 7 (13%)                                 | 6 (19%)                                | 14 (25%)                                |
| 5= Semi-skilled                        | 8 (26%)                                | 12 (21%)                                | --                                     | 3 ( 5%)                                 |
| 6= Unskilled                           | --                                     | 2 ( 4%)                                 | 1 ( 3%)                                | 1 ( 2%)                                 |
| 7= Unemployed/<br>home/student         | 10 (32%)                               | 4 ( 7%)                                 | 18 (56%)                               | 15 (26%)                                |
| Mean                                   | 4.8                                    | 3.3                                     | 5.5                                    | 5.5                                     |
|  | $\underline{t} = 3.52, p < .001$       |   | $\underline{t} = 3.11, p < .01$        |   |

Table 4  
Educational Level

|                     | Abduct<br>Families/<br>Fathers<br><u>n=31</u> | Litigat<br>Families/<br>Fathers<br><u>n=55</u> | Abduct<br>Families/<br>Mothers<br><u>n=27</u> | Litigat<br>Families/<br>Mothers<br><u>n=54</u> |
|---------------------|---|--|---|--|
| 1= Some high school | 3 (10%)                                       | 3 ( 5%)  | 2 ( 7%)                                       | 3 ( 5%)  |
| 2= High school grad | 6 (19%)                                       | 19 (35%)                                       | 15 (56%)                                      | 16 (30%)                                       |
| 3= Tech/vocatnl sch | 3 (10%)                                       | 1 ( 2%)  | 5 (18%)                                       | 2 ( 4%)  |
| 4= Some college     | 12 (39%)                                      | 9 (16%)  | 1 ( 4%)                                       | 17 (31%)                                       |
| 5= College grad     | 2 ( 6%)                                       | 11 (20%)                                       | 3 (11%)                                       | 7 (13%)  |
| 6= Post-grad degree | 5 (16%)                                       | 12 (22%)                                       | 1 ( 4%)                                       | 9 (17%)  |
| Mean                | 4.8   | 4.6  | 3.7   | 4.7  |
|                     |   | N.S.   | <u>t</u> = 3.08, <u>p</u> < .01               |  |

Table 5  
Income Level

|                  | Abduct<br>Families/<br>Fathers<br><u>n=28</u> | Litigat<br>Families/<br>Fathers<br><u>n=54</u> | Abduct<br>Families/<br>Mothers<br><u>n=32</u> | Litigat<br>Families/<br>Mothers<br><u>n=55</u> |
|------------------|---|--|---|--|
| 1= Under \$5,000 | 7 (25%)                                       | 3 ( 6%)  | 6 (19%)                                       | 4 ( 7%)  |
| 2= \$5-10,000    | 7 (25%)                                       | 4 ( 7%)  | 8 (25%)                                       | 9 (16%)  |
| 3= \$10-18,000   | 2 ( 7%)                                       | 6 (11%)  | 7 (22%)                                       | 10 (18%)                                       |
| 4= \$18-25,000   | 2 ( 7%)                                       | 14 (26%)                                       | 3 ( 9%)                                       | 13 (24%)                                       |
| 5= \$25-50,000   | 5 (18%)                                       | 23 (43%)                                       | 5 (17%)                                       | 12 (22%)                                       |
| 6= \$50,000 plus | 5 (18%)                                       | 4 ( 7%)  | 3 ( 9%)                                       | 7 (13%)  |
| Mean             | 3.2   | 4.1  | 3.1   | 3.7  |
|                  | $\underline{t} = 2.3, p < .01$                |  | $\underline{t} = 1.95, p = .05$               |  |



**Table 6**  
**Highest Level of Physical Aggression Ever Occurred**

|                        | Abduct<br>Families/<br>Women's<br>Reports<br>( <u>n</u> =35) | Litigat<br>Families/<br>Women's<br>Reports<br>( <u>n</u> =53) | Abduct<br>Families/<br>Men's<br>Reports<br>( <u>n</u> =32) | Litigat<br>Families/<br>Men's<br>Reports<br>( <u>n</u> =55) |
|------------------------|--|---|--|---|
| No<br>Aggression       | 3 ( 9%)  | 12 (23%)  | 5 (16%)  | 11 (20%)  |
| Minor<br>Aggression    | 4 (11%)  | 6 (11%)   | 7 (22%)  | 6 (11%)   |
| Moderate<br>Aggression | 9 (26%)  | 13 (25%)  | 12 (37%)   | 19 (34%)  |
| Severe<br>Aggression   | 19 (54%)   | 22 (41%)  | 8 (25%)  | 19 (35%)  |

**Table 7**  
**Comparison of Mean Number of Types of Physical Aggression Ever Occurred and T-Tests of Significance**

|                        | Abduct<br>Families/<br>Women's<br>Reports<br>( <u>n</u> =35) | Litigat<br>Families/<br>Women's<br>Reports<br>( <u>n</u> =53) | Abduct<br>Families/<br>Men's<br>Reports<br>( <u>n</u> =32) | Litigat<br>Families/<br>Men's<br>Reports<br>( <u>n</u> =55) |
|------------------------|--|---|--|---|
| Minor<br>Aggression    | 2.0<br><u>t</u> =0.9 n.s.                                    | 1.76<br>n.s.  | 1.63<br><u>t</u> =.66 n.s.                                 | 1.8<br>n.s.   |
| Moderate<br>Aggression | 1.71<br><u>t</u> =.98 n.s.                                   | 1.45<br>n.s.  | 1.22<br><u>t</u> =.79 n.s.                                 | 1.44<br>n.s.  |
| Severe<br>Aggression   | .77<br><u>t</u> =1.14 n.s.                                   | .57<br>n.s.   | .34<br><u>t</u> =1.1 n.s.                                  | .53<br>n.s.   |
| Total<br>Aggression    | 4.49<br><u>t</u> =1.22 n.s.                                  | 3.77<br>n.s.  | 3.19<br><u>t</u> =.96 n.s.                                 | 3.76<br>n.s.  |

**Table 8**  
**Number of Injuries Women Sustained from Domestic Violence**

|                        | None             |                   | One-Three        |                   | More than Three  |                   |
|------------------------|------------------|-------------------|------------------|-------------------|------------------|-------------------|
|                        | Abduct<br>Family | Litigat<br>Family | Abduct<br>Family | Litigat<br>Family | Abduct<br>Family | Litigat<br>Family |
| Bruises                | 16 (50%)         | 21 (37%)          | 9 (28%)          | 16 (28%)          | 7 (22%)          | 20 (35%)          |
| Cuts                   | 22 (69%)         | 44 (79%)          | 8 (25%)          | 7 (12%)           | 2 (6%)           | 5 (9%)            |
| Broken Bones           | 29 (91%)         | 53 (95%)          | 3 (9%)           | 3 (5%)            | -                | -                 |
| Concussion             | 30 (94%)         | 53 (95%)          | 2 (6%)           | 3 (5%)            | -                | -                 |
| Threat to<br>Pregnancy | 22 (69%)         | 47 (84%)          | 8 (25%)          | 5 (9%)            | 2 (6%)           | 4 (7%)            |

**Table 9**  
**Number of Injuries Men Sustained from Domestic Violence**

|              | None             |                   | One-Three        |                   | More than Three  |                   |
|--------------|------------------|-------------------|------------------|-------------------|------------------|-------------------|
|              | Abduct<br>Family | Litigat<br>Family | Abduct<br>Family | Litigat<br>Family | Abduct<br>Family | Litigat<br>Family |
| Bruises      | 20 (67%)         | 38 (69%)          | 10 (33%)         | 12 (22%)          | -                | 5 (9%)            |
| Cuts         | 24 (80%)         | 38 (69%)          | 5 (17%)          | 14 (26%)          | 1 (3%)           | 3 (5%)            |
| Broken Bones | 30 (100%)        | 54 (96%)          | -                | 2 (4%)            | -                | -                 |
| Concussion   | 28 (93%)         | 55 (100%)         | 2 (7%)           | -                 | -                | -                 |

**Table 10**  
**Medical and Legal Relief Sought for**  
**Injuries Sustained From Domestic Violence**

|                        | <u>Abduct<br/>Families/<br/>Women</u> | <u>Litigat<br/>Families/<br/>Women</u> | <u>Abduct<br/>Families/<br/>Men</u> | <u>Litigat<br/>Families/<br/>Men</u> |
|------------------------|---------------------------------------|--|-------------------------------------|--------------------------------------|
| Medical Help<br>Sought | 8 (29%)                               | 8 (14%)                                | 3 (11%)                             | 6 (11%)                              |
| Abuse Charges<br>Filed | 12 (37%)                              | 10 (18%)                               | 3 (11%)                             | 5 (9%)                               |

Table 11  
Proportion of Cases with Family Court Actions  
Before and After Abduction/Counseling Intervention

|   | Abduction Sample<br>N = 33 |                    | Litigating Sample<br>N = 48 |                   |
|---|----------------------------|--------------------|-----------------------------|-------------------|
|   | Before                     | After              | Before                      | After             |
| 1. Filed for custody<br>(range)                               | 23 (70%)<br>(1-4)          | 23 (70%)<br>(1-8)  | 43 (90%)<br>(1-10)          | 13 (27%)<br>(1-5) |
| 2. Filed for visitation<br>(range)                            | 21 (64%)<br>(1-4)          | 24 (73%)<br>(1-7)  | 43 (90%)<br>(1-8)           | 18 (37%)<br>(1-9) |
| 3. Filed for child support<br>(range)                         | 15 (45%)<br>(1-7)          | 14 (42%)<br>(1-4)  | 6 (88%)<br>(1-7)            | 24 (50%)<br>(1-8) |
| 4. Filed for spousal<br>support/property<br>(range)           | 9 (27%)<br>(1-6)           | 8 (24%)<br>(1-5)   | 36 (75%)<br>(1-7)           | 12 (25%)<br>(1-5) |
| 5. Filed for restraining<br>(stay-away) orders<br>(range)     | 7 (21%)<br>(1-2)           | 12 (36%)<br>(1-3)  | 29 (60%)<br>(1-6)           | 9 (19%)<br>(1-4)  |
| 6. Total custody/visit<br>orders<br>(range)                   | 17 (52%)<br>(1-7)          | 25 (76%)<br>(1-12) | 38 (79%)<br>(1-7)           | 36 (75%)<br>(1-4) |
| 7. Hearings by judge on<br>custody/visitation<br>(range)      | 17 (52%)<br>(1-8)          | 28 (85%)<br>(1-15) | 32 (67%)<br>(1-13)          | 29 (60%)<br>(1-9) |
| 8. Settlement conferences<br>on custody/visitation<br>(range) | 2 (6%)<br>(1-2)            | 4 (12%)<br>(1-2)   | 9 (19%)<br>(1-3)            | 10 (21%)<br>(1-3) |

Table 12

Comparison of Extent of Litigation between Abducting and Litigating  
Samples Before and After Abduction/Counseling Intervention

|   | Abduction Sample<br>(N = 33) |                   | Litigating Sample<br>(N = 48) |  |
|---|------------------------------|-------------------|-------------------------------|--|
| 1. Months of litigation<br>prior to abduction/interv. | 16.88                        | $t = -2.05^*$     | 29.0                          |  |
| 2. No. filings for custody                            |                              |                   |                               |  |
| before  | 1.12                         | $t = -4.66^{***}$ | 2.71                          |  |
| after   | 1.82                         | $t = 3.57^{***}$  | .48                           |  |
| 3. No. filings for visitation                         |                              |                   |                               |  |
| before  | 1.18                         | $t = -4.66^{***}$ | 2.79                          |  |
| after   | 1.85                         | $t = 2.46^{**}$   | .83                           |  |
| 4. No. filings for child<br>support                   |                              |                   |                               |  |
| before  | .88                          | $t = -4.52^{***}$ | 2.58                          |  |
| after   | .82                          | $t = -.85$ n.s.   | 1.1                           |  |
| 5. No. filings for spousal<br>support/property        |                              |                   |                               |  |
| before  | .51                          | $t = -4.62^{***}$ | 2.12                          |  |
| after   | .45                          | $t = .08$ n.s.    | .44                           |  |
| 6. No. filings for restraining<br>(stay-away) orders  |                              |                   |                               |  |
| before  | .24                          | $t = -4.6^{***}$  | 1.25                          |  |
| after   | .61                          | $t = 1.36$ n.s.   | .33                           |  |
| 7. Total custody/visitation<br>orders on file         |                              |                   |                               |  |
| before  | 1.18                         | $t = -1.6$ n.s.   | 1.81                          |  |
| after   | 2.76                         | $t = 2.63^{**}$   | 1.25                          |  |
| 8. Hearings before judge on<br>custody/visitation     |                              |                   |                               |  |
| before  | 1.24                         | $t = -.87$ n.s.   | 1.65                          |  |
| after   | 4.03                         | $t = 3.1^{***}$   | 1.54                          |  |
| 9. Settlement conferences on<br>custody/visitation    |                              |                   |                               |  |
| before  | .12                          | $t = -1.31$ n.s.  | .29                           |  |
| after   | .15                          | $t = -1.45$ n.s.  | .35                           |  |

Table 13

Comparison of Responses on Brief Symptom Inventory (BSI), T-Score Means & Results of ANOVA

- a) Abducting Individuals with Non-Abducting Individuals (N = 172)  
 b) Members of Abducting Families with Those of Litigating Families (N = 172)  
 c) Abducting Parents with Left-Behind Parents (N = 63)

| SCALE                                     | -----MAIN EFFECTS----- |      |      |                    |      |      | -----INTERACTION----- |             |     |
|---|------------------------|------|------|--------------------|------|------|-----------------------|-------------|-----|
|   | GENDER<br>MEANS        |      |      | ABDUCTION<br>MEANS |      |      | GENDER X<br>ABDUCTION |             |     |
|   | Feml                   | Male | F    | No                 | Yes  | F    |                       | F           |     |
| Somatization                              | a)                     | 54.1 | 50.9 | 4.2*               | 51.9 | 55.3 | 1.9                   | --          | 0.0 |
|   | b)                     | 54.1 | 50.9 | 4.2*               | 51.4 | 54.5 | 3.4+                  | --          | 0.0 |
|   | c)                     | 55.8 | 53.0 | 0.9                | 53.7 | 55.3 | 0.1                   | --          | 0.1 |
| Obsessive-Compulsive                      | a)                     | 57.5 | 57.2 | 0.0                | 57.4 | 57.4 | 0.0                   | --          | 2.3 |
|   | b)                     | 57.5 | 57.2 | 0.0                | 57.2 | 57.6 | 0.0                   | --          | 1.6 |
|   | c)                     | 58.9 | 56.0 | 1.1                | 57.8 | 57.4 | 0.2                   | --          | 0.7 |
| Interpersonal Sensitivity                 | a)                     | 54.5 | 55.9 | 0.7                | 55.3 | 54.3 | 0.2                   | --          | 1.4 |
|   | b)                     | 54.5 | 55.9 | 0.7                | 54.7 | 55.9 | 0.5                   | --          | 1.5 |
|   | c)                     | 56.4 | 55.3 | 0.2                | 57.6 | 54.3 | 2.0                   | --          | 0.1 |
| Depression                                | a)                     | 57.1 | 58.9 | 1.5                | 58.0 | 57.6 | 0.0                   | --          | 0.4 |
|   | b)                     | 57.1 | 58.9 | 1.5                | 57.5 | 58.8 | 0.7                   | --          | 1.6 |
|   | c)                     | 59.1 | 58.4 | 0.1                | 60.0 | 57.6 | 1.1                   | --          | 0.2 |
| Anxiety                                   | a)                     | 57.9 | 57.0 | 0.2                | 57.8 | 56.2 | 0.6                   | --          | 1.6 |
|   | b)                     | 57.5 | 57.9 | 0.2                | 57.0 | 57.8 | 0.4                   | --          | 0.0 |
|   | c)                     | 57.4 | 56.2 | 0.1                | 57.4 | 56.2 | 0.3                   | --          | 1.5 |
| Hostility                                 | a)                     | 56.4 | 54.3 | 1.9                | 55.7 | 54.1 | 1.1                   | --          | 1.0 |
|   | b)                     | 56.4 | 54.3 | 1.9                | 55.9 | 54.5 | 0.9                   | --          | 0.2 |
|   | c)                     | 55.9 | 52.9 | 1.0                | 54.9 | 54.1 | 0.4                   | --          | 0.5 |
| Phobic Anxiety                            | a)                     | 50.8 | 53.4 | 3.4+               | 51.7 | 53.5 | 1.7                   | --          | 0.0 |
|   | b)                     | 50.8 | 53.4 | 3.4+               | 51.5 | 53.0 | 1.1                   | --          | 0.0 |
|   | c)                     | 51.7 | 54.4 | 1.4                | 52.4 | 53.5 | 0.7                   | --          | 0.1 |
| Paranoid Ideation                         | a)                     | 58.7 | 58.8 | 0.0                | 58.9 | 58.3 | 0.1                   | --          | 0.4 |
|   | b)                     | 58.7 | 58.8 | 0.0                | 58.2 | 59.8 | 0.9                   | --          | 0.0 |
|   | c)                     | 59.9 | 59.6 | 0.0                | 61.3 | 58.3 | 1.4                   | --          | 0.1 |
| Psychoticism                              | a)                     | 58.2 | 57.1 | 0.5                | 57.2 | 59.4 | 1.0                   | --          | 0.5 |
|   | b)                     | 58.2 | 57.1 | 0.5                | 56.4 | 59.9 | 4.8*                  | FMAbd>FMLit | 4.2 |
|   | c)                     | 62.2 | 57.1 | 3.8+               | 60.3 | 59.4 | 0.9                   | --          | 0.8 |
| Global Severity<br>Index (GSI)            | a)                     | 58.3 | 58.2 | 0.0                | 58.1 | 58.8 | 0.1                   | --          | 1.4 |
|   | b)                     | 58.3 | 58.2 | 0.0                | 57.8 | 59.1 | 0.7                   | --          | 0.9 |
|   | c)                     | 60.1 | 58.0 | 0.5                | 59.5 | 58.8 | 0.2                   | --          | 0.4 |
| Positive Symptom Distress<br>Index (PSDI) | a)                     | 56.2 | 54.0 | 2.0                | 55.0 | 55.9 | 0.1                   | --          | 1.6 |
|   | b)                     | 56.2 | 54.0 | 2.0                | 54.5 | 56.3 | 1.3                   | --          | 1.0 |
|   | c)                     | 58.2 | 54.1 | 2.1                | 56.7 | 55.9 | 0.5                   | --          | 0.3 |

Note on abbreviations: FMAbd = Female Abducting; FMLit = Female Litigating.  
 +p < .1. \*p < .05.



Table 14  
Comparison of Subjects' Responses on Narcissistic Personality Inventory (NPI)  
Means and Results of ANOVA

- a) Abducting Individuals with Non-Abducting Individuals (N=131)  
b) Members of Abducting Families with Those of Litigating Families (N = 131)  
c) Abducting Parents with Left-Behind Parents (N = 63)

| SCALE            | -----MAIN EFFECTS----- |      |     |                 |     |      | ----INTERACTION---- |      |
|------------------|------------------------|------|-----|-----------------|-----|------|---------------------|------|
|                  | GENDER MEANS           |      |     | ABDUCTION MEANS |     |      | GENDER X ABDUCTION  | F    |
|                  | Feml                   | Male | F   | No              | Yes | F    |                     |      |
| Narcissistic     | a) 6.5                 | 6.3  | 0.2 | 6.3             | 6.8 | 0.5  | --                  | 0.8  |
|                  | b) 6.5                 | 6.3  | 0.2 | 5.8             | 7.0 | 4.9* | --                  | 0.5  |
|                  | c) 6.9                 | 7.1  | 0.0 | 7.2             | 6.8 | 0.3  | --                  | 1.8  |
| Self-Sufficiency | a) 3.5                 | 3.3  | 1.0 | 3.4             | 3.3 | 0.3  | --                  | 0.0  |
|                  | b) 3.5                 | 3.3  | 1.0 | 3.3             | 3.5 | 0.9  | --                  | 0.6  |
|                  | c) 3.5                 | 3.5  | 0.0 | 3.7             | 3.3 | 1.5  | --                  | 0.2  |
| Exhibitionism    | a) 0.4                 | 0.6  | 1.1 | 0.5             | 0.6 | 1.1  | --                  | 1.3  |
|                  | b) 0.4                 | 0.6  | 1.1 | 0.4             | 0.7 | 3.4+ | --                  | 0.1  |
|                  | c) 0.6                 | 0.7  | 0.8 | 0.7             | 0.6 | 0.0  | --                  | 2.0  |
| Exploitative     | a) 0.6                 | 0.7  | 0.2 | 0.6             | 0.9 | 2.9+ | --                  | 0.0  |
|                  | b) 0.6                 | 0.7  | 0.2 | 0.7             | 0.8 | 5.8* | FMabd>MLabd         | 3.5+ |
|                  | c) 0.7                 | 1.0  | 2.0 | 0.8             | 0.9 | 0.5  | --                  | 1.4  |
| Entitlement      | a) 1.9                 | 1.7  | 0.7 | 1.8             | 2.0 | 0.2  | --                  | 1.2  |
|                  | b) 1.9                 | 1.7  | 0.7 | 1.7             | 2.0 | 2.0  | --                  | 0.4  |
|                  | c) 2.2                 | 1.8  | 1.1 | 2.1             | 2.0 | 0.3  | --                  | 0.6  |

Note on abbreviations: FMabd = Female Abducting; MLabd = Male Abducting.

+p < .1.      \*p < .05.

Table 15  
Comparison of Early Prior Losses and Trauma for Parents  
in Abducting and Litigating Families\*

|  | Women              |                     | Men                |                     |
|--|--------------------|---------------------|--------------------|---------------------|
|  | Abduct<br>Families | Litigat<br>Families | Abduct<br>Families | Litigat<br>Families |
| Separation of Parents<br>as a Child          | 22 (56%)           | 17 (39%)            | 10 (29%)           | 13 (30%)            |
| Child Abuse/Domestic<br>Violence in FOO**    | 18 (50%)           | 16 (37%)            | 7 (23%)            | 14 (32%)            |
| Sexual Molestation<br>as a Child             | 11 (31%)           | 7 (18%)             | 0 ( 0%)            | 1 ( 3%)             |
| Alcohol/Drug Abuse<br>in FOO**               | 12 (33%)           | 19 (42%)            | 8 (29%)            | 13 (30%)            |
| Death of Parents<br>as a Child               | 7 (18%)            | 7 (16%)             | 5 (16%)            | 7 (16%)             |
| Other Separations from<br>Parents as a Child | 6 (16%)            | 12 (27%)            | 5 (16%)            | 6 (14%)             |

\*"N's" vary depending upon availability of data in the interview reports.

\*\*FOO = Family of Origin.

Table 16  
Comparison of Boys' Adjustment in Abducting and Litigating Families  
T-Scores from the Child Behavior Checklist (CBCL)

|                            | Mothers' Ratings        |                          | Fathers' Ratings        |                          |
|----------------------------|-------------------------|--------------------------|-------------------------|--------------------------|
|                            | Abducted<br>Boys (n=20) | Litigated<br>Boys (n=34) | Abducted<br>Boys (n=17) | Litigated<br>Boys (n=27) |
| 1. Depression              | 57.3                    | 58.8                     | 59.7                    | 52.4                     |
|                            | $t = -0.47, n.s.$       |                          | $t = 2.05, p > .05$     |                          |
| 2. Withdrawn/Uncomm.       | 59.7                    | 61.0                     | 56.9                    | 57.0                     |
|                            | $t = -.44, n.s.$        |                          | $t = -.02, n.s.$        |                          |
| 3. Somatic Complaints      | 58.8                    | 61.4                     | 56.8                    | 60.0                     |
|                            | $t = -1.02, n.s.$       |                          | $t = -1.39, n.s.$       |                          |
| 4. Aggression              | 61.5                    | 59.9                     | 53.5                    | 54.1                     |
|                            | $t = .44, n.s.$         |                          | $t = -0.17, n.s.$       |                          |
| 5. Internalizing           | 58.0                    | 60.1                     | 56.1                    | 51.7                     |
|                            | $t = -.58, n.s.$        |                          | $t = 1.22, n.s.$        |                          |
| 6. Externalizing           | 59.6                    | 59.6                     | 54.1                    | 53.8                     |
|                            | $t = .0, n.s.$          |                          | $t = 0.07, n.s.$        |                          |
| 7. Total Behavior Problems | 60.3                    | 60.6                     | 55.1                    | 53.0                     |
|                            | $t = -.1, n.s.$         |                          | $t = 0.04, n.s.$        |                          |

Table 17  
Comparison of Girls' Adjustment in Abducting and Litigating Families  
T-Scores from the Child Behavior Checklist (CBCL)

|                            | Mothers' Ratings          |                           | Fathers' Ratings         |                           |
|----------------------------|---------------------------|---------------------------|--------------------------|---------------------------|
|                            | Abducted<br>Girls (n=17)  | Litigated<br>Girls (n=36) | Abducted<br>Girls (n=20) | Litigated<br>Girls (n=37) |
| 1. Child Depression        | 50.3<br>$t = -1.78, n.s.$ | 55.5                      | 54.4<br>$t = 0.65, n.s.$ | 52.5                      |
| 2. Withdrawn/Uncomm.       | 54.3<br>$t = -0.06, n.s.$ | 54.4                      | 58.0<br>$t = 1.2, n.s.$  | 54.4                      |
| 3. Somatic Complaints      | 53.7<br>$t = -1.1, n.s.$  | 56.5                      | 55.6<br>$t = 0.06, n.s.$ | 55.5                      |
| 4. Aggression              | 52.5<br>$t = 0.29, n.s.$  | 51.7                      | 51.8<br>$t = 1.52, n.s.$ | 47.7                      |
| 5. Internalizing           | 51.9<br>$t = -0.91, n.s.$ | 55.0                      | 54.5<br>$t = 0.58, n.s.$ | 52.8                      |
| 6. Externalizing           | 51.7<br>$t = 0.14, n.s.$  | 51.3                      | 52.6<br>$t = 1.41, n.s.$ | 48.5                      |
| 7. Total Behavior Problems | 50.6<br>$t = -0.95, n.s.$ | 53.3                      | 54.2<br>$t = 0.9, n.s.$  | 51.4                      |

Table 18  
Current Physical Custody of Target Child\*

|                     | Abducting Families<br>(N = 47) | Litigating Families<br>(N = 50) |
|---------------------|--------------------------------|---------------------------------|
| Sole Mother Custody | 24 (48%)                       | 34 (72%)                        |
| Sole Father Custody | 10 (20%)                       | 8 (17%)                         |
| Joint Custody       | 13 (26%)                       | 5 (11%)                         |
| Other               | 3 (6%)                         | 0 (0%)                          |

\*Target child is the oldest child aged 12 years or younger at the time of the abduction/entry to counseling.

**Table 19**  
**Current Physical Custody Arrangement of Target Child\***  
**in Abducting Families by Abducting Status**

|                                      | <u>Physical Custody Arrangement</u> |                        |              |              |
|--------------------------------------|-------------------------------------|------------------------|--------------|--------------|
|                                      | <u>Sole<br/>Mother</u>              | <u>Sole<br/>Father</u> | <u>Joint</u> | <u>Other</u> |
| Abducting Female<br>( <u>N</u> = 29) | 13 (45%)                            | 5 (17%)                | 10 (35%)     | 1 (3%)       |
| Abducting Male<br>( <u>N</u> = 18)   | 11 (61%)                            | 4 (22%)                | 3 (17%)      | 0 (0%)       |
| Abducting Other<br>( <u>N</u> = 3)   | 0                                   | 1 (33%)                | 0            | 2 (67%)      |

\*Target child is the oldest child aged 12 years or younger at the time of the abduction/entry to counseling.

Table 20  
Current Visitation Schedules for Target Child\*  
in Abducting and Litigating Families

|   | Abducting<br>(N=50)                      | Litigating<br>(N=47) |
|---|--|----------------------|
| <u>Typical shared access</u><br>50/50; 1 week/1 week;<br>weekend/weekdays         | 9 (18%)                                  | 13 (28%)             |
| <u>Typical visitation</u><br>alternate weekends with or<br>without midweek visit  | 8 (16%)                                  | 23 (49%)             |
| <u>Other regularly scheduled visits</u><br>(e.g. long distance vacations)         | 6 (12%)                                  | 4 (9%)               |
| <u>Flexible schedule</u><br>unplanned or varying<br>visits (1-4 times each month) | 5 (10%)                                  | 3 (6%)               |
| <u>Minimal contact</u><br>unplanned visits less<br>than once a month              | 7 (14%)                                  | 3 (6%)               |
| <u>No contact</u>   | 15 (30%)                                 | 1 (2%)               |
| No. of transitions<br>between parents per week                                    | 1.2, <u>s.d.</u> 2.3<br>$t = 1.46, n.s.$ | 1.7, <u>s.d.</u> 1.2 |
| Access days per month   | 4.9, <u>s.d.</u> 6.2<br>$t = 1.48, n.s.$ | 6.5, <u>s.d.</u> 3.8 |

\*Target child is the oldest child aged 12 years or younger at the time of the abduction/entry to counseling.

Table 21

COMPARISON OF RESPONSES FROM ABDUCTION RISK QUESTIONNAIRE (ARQ) : MEANS & RESULTS OF ANOVA

- a) Abducting Individuals with Non-Abducting Individuals (N = 134)
- b) Members of Abducting Families with Those of Non-Abducting Families (N = 134)
- c) Abducting Parents with Left-Behind Parents (N = 65)

Note on abbreviations: FMAbd = Female abducting; MLabd = Male abducting.

| ITEM FROM ARQ  | -----MAIN EFFECTS----- |      |         |                 |     |      | -----INTERACTION----- |      |
|--|------------------------|------|---------|-----------------|-----|------|-----------------------|------|
|  | GENDER MEANS           |      |         | ABDUCTION MEANS |     |      | GENDER X ABDUCTION    |      |
|  | Feml                   | Male | F       | No              | Yes | F    |                       | F    |
| 1. I felt undr intolerable stress and pressure:                      |                        |      |         |                 |     |      |                       |      |
| a)   | 6.4                    | 5.2  | 9.1**   | 5.8             | 5.7 | 0.4  | --                    | 0.4  |
| b)   | 6.4                    | 5.2  | 9.4**   | 6.2             | 5.3 | 4.9* | --                    | 0.5  |
| c)   | 6.1                    | 4.5  | 4.5*    | 4.9             | 5.7 | 0.4  | --                    | 0.8  |
| 2. I wished that my ex-spouse/ex-partner wld disappear:              |                        |      |         |                 |     |      |                       |      |
| a)   | 6.6                    | 5.1  | 10.1**  | 5.7             | 6.3 | 0.3  | --                    | 0.6  |
| b)   | 6.6                    | 5.1  | 10.3**  | 6.2             | 5.5 | 2.8+ | --                    | 1.4  |
| c)   | 6.5                    | 4.4  | 7.8**   | 4.6             | 6.3 | 2.7+ | --                    | 0.2  |
| 3. I doubted my child(ren) was safe when with my ex-spouse/ex-prtnr: |                        |      |         |                 |     |      |                       |      |
| a)   | 5.3                    | 5.1  | 0.2     | 4.9             | 6.1 | 4.3* | --                    | 2.1  |
| b)   | 5.3                    | 5.1  | 0.2     | 5.1             | 5.3 | 0.3  | --                    | 1.3  |
| c)   | 5.7                    | 4.9  | 1.0     | 4.5             | 6.1 | 3.5+ | --                    | 1.4  |
| 4. I felt family law attorneys are of little help:                   |                        |      |         |                 |     |      |                       |      |
| a)   | 4.8                    | 5.0  | 0.1     | 5.0             | 4.9 | 0.0  | --                    | 0.1  |
| b)   | 4.8                    | 5.0  | 0.1     | 5.3             | 4.6 | 1.8  | --                    | 0.1  |
| c)   | 4.6                    | 4.6  | 0.0     | 4.3             | 4.9 | 0.6  | --                    | 0.1  |
| 5. I was physically afraid of my ex-spouse/ex-partner:               |                        |      |         |                 |     |      |                       |      |
| a)   | 5.4                    | 2.0  | 53.3*** | 3.6             | 3.9 | 0.2  | FMAbd>MLAbd           | 7.7* |
| b)   | 5.4                    | 2.0  | 52.6*** | 3.9             | 3.5 | 0.7  | FMAbd>MLAbd           | 5.3* |
| c)   | 5.8                    | 1.2  | 49.5*** | 3.1             | 3.9 | 0.2  | FMAbd>MLAbd           | 3.3+ |
| 6. I had financial pressures:  |                        |      |         |                 |     |      |                       |      |
| a)   | 6.6                    | 5.4  | 6.5**   | 6.0             | 6.1 | 0.0  | --                    | 0.9  |
| b)   | 6.6                    | 5.4  | 6.8**   | 6.2             | 5.7 | 1.2  | FMAbd>MLAbd           | 5.2* |
| c)   | 6.8                    | 4.6  | 9.7**   | 5.4             | 6.1 | 0.1  | --                    | 0.1  |
| 7. I was unhappy with custody arrangements for my child(ren):        |                        |      |         |                 |     |      |                       |      |
| a)   | 5.8                    | 5.9  | 0.0     | 6.0             | 5.5 | 0.8  | --                    | 1.1  |
| b)   | 5.8                    | 5.9  | 0.0     | 6.3             | 5.4 | 3.2+ | --                    | 1.9  |
| c)   | 5.7                    | 5.1  | 0.6     | 5.3             | 5.5 | 0.0  | --                    | 0.1  |

Note: +p < .1      \*p < .05      \*\*p < .01      \*\*\*p < .001

table continues..



Table 21 (...continued)

| ITEM FROM ARQ   | -----MAIN EFFECTS----- |      |     |                    |     |     | ----INTERACTION----   |             |      |
|---|------------------------|------|-----|--------------------|-----|-----|-----------------------|-------------|------|
|   | GENDER<br>MEANS        |      |     | ABDUCTION<br>MEANS |     |     | GENDER X<br>ABDUCTION |             |      |
|   | Feml                   | Male | F   | No                 | Yes | F   |                       | F           |      |
| 8. My child(ren) was upset by things my ex-spouse/ex-partner said/did:              | a)                     | 6.0  | 6.0 | 0.1                | 5.9 | 6.1 | 1.1                   | --          | 1.9  |
|   | b)                     | 6.0  | 6.0 | 0.1                | 6.3 | 5.7 | 2.1                   | FMAbd>MLAbd | 6.2* |
|   | c)                     | 6.3  | 5.0 | 2.8+               | 5.7 | 5.6 | 0.3                   | --          | 0.0  |
| 9. I felt depressed about the separation/divorce situation:                         | a)                     | 3.4  | 3.5 | 0.0                | 3.4 | 3.6 | 0.2                   | --          | 1.7  |
|   | b)                     | 3.4  | 3.5 | 0.0                | 3.7 | 3.1 | 1.2                   | --          | 0.9  |
|   | c)                     | 3.3  | 2.9 | 0.3                | 2.6 | 3.6 | 1.5                   | MLAbd>FMAbd | 4.3* |
| 10. I wished I wld never have to deal with my ex-spouse/ex-partner again:           | a)                     | 6.9  | 6.0 | 4.6*               | 6.4 | 6.5 | 0.0                   | --          | 1.8  |
|   | b)                     | 6.9  | 6.0 | 4.7*               | 6.7 | 6.1 | 2.2                   | --          | 0.6  |
|   | c)                     | 6.7  | 5.5 | 3.4+               | 5.7 | 6.5 | 0.6                   | --          | 1.4  |
| 11. I felt frustrated w/the services of the family court:                           | a)                     | 5.9  | 5.8 | 0.1                | 5.9 | 5.9 | 0.0                   | --          | 1.4  |
|   | b)                     | 5.9  | 5.8 | 0.1                | 5.9 | 5.8 | 0.0                   | --          | 0.4  |
|   | c)                     | 6.1  | 5.6 | 0.4                | 5.7 | 5.9 | 0.0                   | --          | 1.1  |
| 12. I believed my child(ren) was being turned against me by my ex-spse/ex-prtnr:    | a)                     | 4.4  | 4.8 | 0.6                | 4.9 | 3.8 | 2.4                   | --          | 0.0  |
|   | b)                     | 4.4  | 4.8 | 0.6                | 5.2 | 3.9 | 6.4**                 | --          | 0.1  |
|   | c)                     | 3.8  | 4.0 | 0.1                | 4.0 | 3.8 | 0.0                   | --          | 0.0  |
| 13. I felt I needed to take decisive action to get control of my life:              | a)                     | 6.1  | 5.1 | 4.5*               | 5.4 | 6.1 | 0.8                   | --          | 0.4  |
|   | b)                     | 6.1  | 5.1 | 4.5*               | 5.1 | 5.7 | 0.1                   | --          | 0.2  |
|   | c)                     | 6.1  | 4.9 | 2.7                | 4.9 | 6.1 | 1.4                   | --          | 0.7  |
| 14. I did see value in my child(ren) maintaining contact w/my ex-spouse/ex-partner: | a)                     | 5.0  | 6.1 | 6.3**              | 5.9 | 4.6 | 4.6*                  | --          | 1.9  |
|   | b)                     | 5.0  | 6.1 | 6.1**              | 5.9 | 5.1 | 3.1+                  | --          | 0.1  |
|   | c)                     | 4.6  | 5.8 | 2.9+               | 5.7 | 4.6 | 1.3                   | --          | 2.0  |

Note: +p < .1      \*p < .05      \*\*p < .01      \*\*\*p < .001

table continues.

Table 21 (...continued)

| ITEM FROM ARQ  | -----MAIN EFFECTS----- |      |     |                 |     |     | -----INTERACTION----- |             |     |
|--|------------------------|------|-----|-----------------|-----|-----|-----------------------|-------------|-----|
|  | GENDER MEANS           |      |     | ABDUCTION MEANS |     |     | GENDER X ABDUCTION    |             |     |
|  | Feml                   | Male | F   | No              | Yes | F   |                       | F           |     |
| 15. I felt like quitting my job:   | a)                     | 1.2  | 2.0 | 2.9+            | 1.6 | 1.6 | 0.0                   | --          | 0.2 |
|  | b)                     | 1.2  | 2.0 | 2.9+            | 2.0 | 1.2 | 2.4                   | --          | 1.9 |
|  | c)                     | 1.2  | 1.3 | 0.0             | 0.9 | 1.6 | 1.2                   | --          | 1.6 |
| 16. I felt my ex-spouse/ex-prtnr was trying to control me:   | a)                     | 6.6  | 5.1 | 10.1**          | 5.9 | 5.7 | 0.7                   | --          | 0.2 |
|  | b)                     | 6.6  | 5.1 | 10.8***         | 6.3 | 5.4 | 4.2*                  | FMAbd>MLAbd | 7.5 |
|  | c)                     | 6.8  | 4.0 | 14.3***         | 5.0 | 5.7 | 0.0                   | --          | 0.0 |
| 17. I believed mothers tend to be favored in court compared to fathers when it comes to child custody: | a)                     | 2.4  | 6.5 | 82.7***         | 4.4 | 4.8 | 4.3*                  | --          | 2.2 |
|  | b)                     | 2.4  | 6.5 | 80.6***         | 4.3 | 4.6 | 0.5                   | --          | 2.6 |
|  | c)                     | 3.0  | 6.3 | 19.5***         | 4.4 | 4.8 | 2.5                   | --          | 0.6 |
| 18. I knew I didn't always think straight when I was upset:  | a)                     | 4.3  | 4.8 | 1.1             | 4.5 | 4.9 | 1.0                   | --          | 0.0 |
|  | b)                     | 4.3  | 4.8 | 1.1             | 4.9 | 4.2 | 2.1                   | --          | 0.0 |
|  | c)                     | 4.0  | 4.5 | 0.4             | 4.5 | 3.4 | 5.4*                  | --          | 0.1 |
| 19. I was unhappy w/the visitation arrngemnts with my child(ren):                                      | a)                     | 5.5  | 5.8 | 0.4             | 5.7 | 5.6 | 0.1                   | --          | 0.0 |
|  | b)                     | 5.5  | 5.8 | 0.3             | 6.0 | 5.3 | 2.0                   | --          | 0.6 |
|  | c)                     | 5.4  | 5.3 | 0.0             | 5.0 | 5.6 | 0.4                   | --          | 0.0 |
| 20. My ex-spouse/ex-prtnr was spiteful/vindictive to me:   | a)                     | 7.2  | 7.1 | 0.3             | 7.2 | 7.1 | 0.1                   | --          | 0.0 |
|  | b)                     | 7.2  | 7.1 | 0.3             | 7.2 | 7.1 | 0.1                   | --          | 2.0 |
|  | c)                     | 7.4  | 6.8 | 1.5             | 7.1 | 7.1 | 0.1                   | --          | 0.7 |
| 21. I felt angry at my ex-spouse/ex-prtnr:   | a)                     | 7.0  | 6.7 | 1.0             | 6.8 | 6.9 | 0.0                   | --          | 0.0 |
|  | b)                     | 7.0  | 6.7 | 1.0             | 7.0 | 6.8 | 0.3                   | --          | 0.0 |
|  | c)                     | 7.0  | 6.6 | 0.5             | 6.6 | 6.9 | 0.2                   | --          | 0.1 |

Note: +p < .1      \*p < .05      \*\*p < .01      \*\*\*p < .001

table continues.

Table 21 (...continued)

| ITEM FROM ARQ   | -----MAIN EFFECTS----- |      |     |                    |     |     | ----INTERACTION----   |             |      |
|---|------------------------|------|-----|--------------------|-----|-----|-----------------------|-------------|------|
|   | GENDER<br>MEANS        |      |     | ABDUCTION<br>MEANS |     |     | GENDER X<br>ABDUCTION |             |      |
|   | Feml                   | Male | F   | No                 | Yes | F   |                       | F           |      |
| 22. I doubted I wld get a fair hearing before a judge in court:   | a)                     | 4.4  | 4.5 | 0.0                | 4.3 | 5.1 | 1.1                   | --          | 0.0  |
|   | b)                     | 4.4  | 4.5 | 0.0                | 4.4 | 4.6 | 0.2                   | --          | 0.0  |
|   | c)                     | 4.6  | 4.6 | 0.0                | 4.2 | 5.0 | 0.8                   | --          | 0.0  |
| 23. I felt therapists/counselors are of little help:  | a)                     | 3.2  | 3.7 | 1.2                | 3.4 | 3.6 | 0.2                   | --          | 0.1  |
|   | b)                     | 3.2  | 3.7 | 1.2                | 3.4 | 3.5 | 0.1                   | MLAbd>FMAbd | 4.3* |
|   | c)                     | 2.7  | 4.4 | 4.4*               | 3.5 | 3.6 | 0.4                   | --          | 1.4  |
| 24. I had no stable place to live:  | a)                     | 1.4  | 1.2 | 0.4                | 1.0 | 2.2 | 6.6**                 | --          | 1.8  |
|   | b)                     | 1.4  | 1.2 | 0.4                | 0.9 | 1.7 | 4.0*                  | --          | 1.7  |
|   | c)                     | 2.1  | 1.3 | 1.4                | 1.7 | 2.2 | 1.5                   | --          | 0.5  |
| 25. I did not trust my ex-spouse/ex-prtnr to take care of the emotional needs of my child(ren):             | a)                     | 6.8  | 5.8 | 5.2*               | 6.2 | 6.7 | 0.6                   | --          | 0.0  |
|   | b)                     | 6.8  | 5.8 | 5.2*               | 6.3 | 6.4 | 0.0                   | --          | 0.2  |
|   | c)                     | 6.9  | 5.8 | 3.4+               | 6.0 | 6.7 | 0.5                   | --          | 0.1  |
| 26. I believed my ex-spouse/ex-prtnr wld never leave me alone:  | a)                     | 5.9  | 4.9 | 5.0*               | 5.6 | 4.9 | 3.1+                  | --          | 0.3  |
|   | b)                     | 5.9  | 4.9 | 4.9*               | 5.6 | 5.2 | 1.1                   | --          | 0.0  |
|   | c)                     | 5.7  | 4.6 | 2.1                | 5.5 | 4.9 | 1.7                   | --          | 0.1  |
| 27. I believed men can exert more power/influence in court than women when it comes to custody of children: | a)                     | 4.1  | 0.7 | 67.7***            | 2.2 | 2.8 | 0.0                   | --          | 0.1  |
|   | b)                     | 4.1  | 0.7 | 67.7***            | 2.5 | 2.3 | 0.2                   | --          | 0.0  |
|   | c)                     | 4.0  | 0.7 | 26.5***            | 1.7 | 2.8 | 0.3                   | --          | 0.2  |
| 28. I believed my ex-spouse/ex-partner was trying to cut me out of my child(ren)'s life:                    | a)                     | 5.1  | 5.1 | 0.0                | 5.1 | 5.0 | 0.0                   | --          | 0.2  |
|   | b)                     | 5.1  | 5.1 | 0.0                | 5.1 | 5.1 | 0.0                   | FMAbd>MLAbd | 5.9* |
|   | c)                     | 5.8  | 4.4 | 2.7                | 5.2 | 5.0 | 0.6                   | --          | 1.8  |

Note: +p < .1      \*p < .05      \*\*p < .01      \*\*\*p < .001

table continues.

Table 21 (...continued)

| ITEM FROM ARQ   | -----MAIN EFFECTS----- |      |     |                    |     |     | -----INTERACTION----- |             |      |
|---|------------------------|------|-----|--------------------|-----|-----|-----------------------|-------------|------|
|   | GENDER<br>MEANS        |      |     | ABDUCTION<br>MEANS |     |     | GENDER X<br>ABDUCTION |             |      |
|   | Feml                   | Male | F   | No                 | Yes | F   |                       | F           |      |
| 29. My job was giving me trouble OR finding employment was a problem:   | a)                     | 2.2  | 2.7 | 0.7                | 2.3 | 2.9 | 1.2                   | --          | 0.0  |
|   | b)                     | 2.2  | 2.7 | 0.7                | 2.7 | 2.2 | 0.6                   | --          | 0.0  |
|   | c)                     | 2.0  | 2.4 | 0.3                | 1.5 | 2.9 | 3.8+                  | --          | 0.2  |
| 30. I felt I was losing my relationship with my child(ren):   | a)                     | 3.0  | 3.4 | 0.5                | 3.2 | 3.3 | 0.1                   | --          | 0.0  |
|   | b)                     | 3.0  | 3.4 | 0.5                | 3.2 | 3.2 | 0.1                   | --          | 0.6  |
|   | c)                     | 3.3  | 3.3 | 0.0                | 3.3 | 3.3 | 0.0                   | --          | 0.3  |
| 31. I had hope things wld get better eventually, bad times wld pass:  | a)                     | 6.2  | 6.0 | 0.2                | 6.3 | 5.7 | 1.7                   | MLAbd>FMAbd | 9.8* |
|   | b)                     | 6.2  | 6.0 | 0.2                | 6.4 | 5.8 | 1.6                   | --          | 0.9  |
|   | c)                     | 5.7  | 5.9 | 0.1                | 6.0 | 5.7 | 0.2                   | MLAbd>FMAbd | 8.8* |
| 32. I believed the only way things change is if you depend on your own resources:   | a)                     | 5.7  | 5.2 | 1.1                | 5.5 | 5.4 | 0.1                   | MLAbd>FMAbd | 3.7+ |
|   | b)                     | 5.7  | 5.2 | 1.0                | 5.6 | 5.4 | 0.1                   | --          | 0.2  |
|   | c)                     | 5.5  | 5.2 | 0.1                | 5.3 | 5.4 | 0.0                   | MLAbd>FMAbd | 3.5+ |
| 33. I did not believe there was any way my ex-spouse/ ex-prtnr and I could share parenting of my child(ren):                    | a)                     | 5.6  | 3.7 | 13.2***            | 4.3 | 5.8 | 4.5*                  | --          | 0.1  |
|   | b)                     | 5.6  | 3.7 | 12.8***            | 4.6 | 4.7 | 0.7                   | --          | 0.0  |
|   | c)                     | 5.6  | 3.8 | 5.9*               | 3.6 | 5.7 | 6.2*                  | --          | 1.0  |
| 34. I thought that sometimes a person has to take action to protect themselves or their children even if it is against the law: | a)                     | 3.4  | 3.0 | 0.4                | 2.6 | 5.2 | 16.9***               | --          | 0.5  |
|   | b)                     | 3.4  | 3.0 | 0.4                | 2.5 | 4.0 | 8.0**                 | --          | 2.5  |
|   | c)                     | 4.7  | 3.4 | 2.1                | 2.8 | 5.2 | 5.8*                  | --          | 0.0  |

Note: +p < .1      \*p < .05      \*\*p < .01      \*\*\*p < .001

table continues..

Table 21 (...continued)

| ITEM FROM ARQ   | -----MAIN EFFECTS----- |      |     |                    |     |     | -----INTERACTION----- |             |      |
|---|------------------------|------|-----|--------------------|-----|-----|-----------------------|-------------|------|
|   | GENDER<br>MEANS        |      |     | ABDUCTION<br>MEANS |     |     | GENDER X<br>ABDUCTION |             |      |
|   | Feml                   | Male | F   | No                 | Yes | F   |                       | F           |      |
| 35. I felt the only people I cld depend on were my own family (my mother/my father):                | a)                     | 3.0  | 3.2 | 0.1                | 2.6 | 4.5 | 9.4**                 | --          | 0.0  |
|   | b)                     | 3.0  | 3.2 | 0.1                | 2.4 | 3.8 | 6.5**                 | --          | 0.2  |
|   | c)                     | 3.6  | 4.0 | 0.2                | 3.1 | 4.5 | 3.4+                  | --          | 0.1  |
| 36. I feared my ex-spouse/ex-prtnr wld take my child(ren) and leave the area:                       | a)                     | 4.9  | 4.6 | 0.3                | 4.8 | 4.7 | 0.0                   | FMAbd>MLAbd | 3.7+ |
|   | b)                     | 4.9  | 4.6 | 0.3                | 4.2 | 5.4 | 5.0*                  | FMAbd>MLAbd | 4.6* |
|   | c)                     | 6.2  | 4.6 | 4.0*               | 6.1 | 4.7 | 5.7*                  | --          | 0.7  |
| 37. I felt that I (more than anyone else) know what is best for my child(ren):                      | a)                     | 5.9  | 4.3 | 12.5***            | 4.9 | 5.9 | 2.9+                  | --          | 0.1  |
|   | b)                     | 5.9  | 4.3 | 12.6***            | 4.7 | 5.6 | 4.1*                  | --          | 0.2  |
|   | c)                     | 6.3  | 4.9 | 3.8+               | 5.2 | 5.9 | 0.4                   | --          | 0.4  |
| 38. I felt the amount of money and/or property I had to give to my ex-spouse/ex-partner was unfair: | a)                     | 3.3  | 4.0 | 1.5                | 3.8 | 3.3 | 0.2                   | --          | 0.1  |
|   | b)                     | 3.3  | 4.0 | 1.6                | 4.4 | 2.8 | 6.8**                 | --          | 0.9  |
|   | c)                     | 2.8  | 2.9 | 0.0                | 2.3 | 3.3 | 1.4                   | --          | 0.0  |
| 39. I wished my ex-spouse/ex-prtnr could feel as much pain as I did:                                | a)                     | 4.4  | 2.9 | 7.0**              | 3.2 | 4.9 | 4.7*                  | --          | 0.5  |
|   | b)                     | 4.4  | 2.9 | 6.8**              | 3.3 | 4.0 | 1.7                   | --          | 0.7  |
|   | c)                     | 5.1  | 3.0 | 6.2*               | 3.1 | 4.9 | 2.7                   | --          | 0.2  |
| 40. My ex-spouse/ex-prtnr was abusive/neglectful to my child(ren):                                  | a)                     | 5.3  | 4.9 | 0.5                | 4.8 | 5.9 | 3.4+                  | FMAbd>MLAbd | 3.4+ |
|   | b)                     | 5.3  | 4.9 | 0.5                | 5.1 | 5.1 | 0.0                   | FMAbd>MLAbd | 3.6+ |
|   | c)                     | 5.8  | 4.4 | 3.2+               | 4.1 | 5.9 | 3.9+                  | --          | 1.5  |
| 41. I felt the police were of little help:  | a)                     | 4.4  | 4.3 | 0.0                | 4.1 | 5.3 | 3.2+                  | FMAbd>MLAbd | 4.6+ |
|   | b)                     | 4.4  | 4.3 | 0.0                | 4.0 | 4.9 | 2.4                   | FMAbd>MLAbd | 4.4+ |
|   | c)                     | 5.5  | 4.2 | 2.4                | 4.4 | 5.3 | 0.5                   | --          | 1.3  |

Note: +p < .1      \*p < .05      \*\*p < .01      \*\*\*p < .001

Table 22  
Subscales from Abduction Risk Questionnaire (ARQ)

| SUBSCALE  | -----MAIN EFFECTS----- |      |     |                 |     |     | -----INTERACTION----- |             |      |
|---|------------------------|------|-----|-----------------|-----|-----|-----------------------|-------------|------|
|   | GENDER MEANS           |      |     | ABDUCTION MEANS |     |     | GENDER X ABDUCTION    |             |      |
|   | Feml                   | Male | F   | No              | Yes | F   |                       | F           |      |
| 1. Negative Attitude Toward Ex<br>(items 2,5,10,16,20,21,26)<br>(Alpha = .74)                 | a)                     | 6.5  | 5.3 | 23.7***         | 5.9 | 5.9 | 0.4                   | FMAbd>MLAbd | 3.2+ |
|   | b)                     | 6.5  | 5.3 | 24.6***         | 6.1 | 5.6 | 4.4*                  | FMAbd>MLAbd | 4.3* |
|   | c)                     | 6.5  | 4.7 | 20.6***         | 5.3 | 5.9 | 0.2                   | None        | 0.7  |
| 2. Fears Child Abuse/Neglect<br>by Ex (items 3,8,25,33,40)<br>(Alpha = .73)                   | a)                     | 5.8  | 5.1 | 4.2*            | 5.3 | 6.0 | 2.8+                  | None        | 2.1  |
|   | b)                     | 5.8  | 5.1 | 4.1*            | 5.5 | 5.4 | 0.0                   | FMAbd>MLAbd | 2.8+ |
|   | c)                     | 6.0  | 4.8 | 6.0*            | 4.8 | 6.0 | 3.5+                  | None        | 0.7  |
| 3. Fears Exclusion from Child's<br>Life by Ex (items 12,23,30,36)<br>(Alpha = .56)            | a)                     | 4.3  | 4.5 | 0.2             | 4.5 | 4.2 | 0.3                   | None        | 0.5  |
|   | b)                     | 4.3  | 4.5 | 0.2             | 4.4 | 4.4 | 0.0                   | MLNonAbd>   |      |
|   | c)                     | 4.7  | 4.1 | 1.1             | 4.6 | 4.2 | 1.1                   | FMNonAbd    | 4.0* |
|   |                        |      |     |                 |     |     |                       | None        | 0.6  |
| 4. Sex Bias (items 17,27)<br>( $r = .37$ )  | a)                     | 3.2  | 6.9 | 149.0***        | 5.1 | 5.0 | 1.9                   | None        | 0.9  |
|   | b)                     | 3.2  | 6.9 | 148.0***        | 4.9 | 5.2 | 0.7                   | None        | 1.4  |
|   | c)                     | 3.5  | 6.8 | 44.8***         | 5.4 | 5.0 | 0.6                   | None        | 0.1  |
| 5. Distrust of Legal and<br>Helping Institutions<br>(items 4,11,22,23,25,41)<br>(Alpha = .62) | a)                     | 4.3  | 4.4 | 0.2             | 4.2 | 4.8 | 3.3+                  | None        | 0.6  |
|   | b)                     | 4.3  | 4.4 | 0.2             | 4.2 | 4.5 | 0.9                   | None        | 0.1  |
|   | c)                     | 4.5  | 4.5 | 0.0             | 4.1 | 4.8 | 1.8                   | None        | 0.6  |
| 6. Dissatisfaction with<br>Custody/Visitation<br>(items 7,19)<br>( $r = .73$ )                | a)                     | 5.7  | 5.8 | 0.1             | 5.8 | 5.6 | 0.2                   | None        | 0.4  |
|   | b)                     | 5.7  | 5.8 | 0.0             | 6.2 | 5.3 | 3.2+                  | None        | 1.7  |
|   | c)                     | 5.6  | 5.1 | 0.4             | 5.1 | 5.6 | 0.2                   | None        | 0.0  |
| 7. Economic and Housing Distress<br>(items 6,15,24,29)<br>(index)                             | a)                     | 3.0  | 2.9 | 0.1             | 2.8 | 3.4 | 2.1                   | None        | 0.1  |
|   | b)                     | 3.0  | 2.9 | 0.1             | 3.0 | 2.9 | 0.0                   | FMAbd>MLAbd | 3.5+ |
|   | c)                     | 3.3  | 2.5 | 1.9             | 2.4 | 3.4 | 2.3                   | None        | 0.3  |

Note on abbreviations: FMAbd = Female abducting; MAbd = Male Abducting;  
FMNonAbd = Female nonabducting; MLNonAbd = Male nonabducting.  
+p < .1. \*p < .05. \*\*p < .01. \*\*\*p < .001.

Table 23  
Six Profiles of Parents Proposed as At-Risk for Abducting Their Children

---

FOR ALL OF THE FOLLOWING PROFILES

\_\_\_\_\_ Parent does not acknowledge that child's contact with other parent is beneficial or important.

\_\_\_\_\_ Child is unable or unwilling to protest and prevent parent's unilateral action re custody (i.e. too young, or easily persuaded).

PROFILE A: SUSPICIOUS-DISTRUSTFUL

\_\_\_\_\_ Parent has a fixed belief that other parent is dangerous to child (abusive, molesting, neglectful) without sufficient substantiating evidence for CPS action.

AND

\_\_\_\_\_ Extended family or social network support parent's claim that child is in danger/is being abused, etc.

PROFILE B: PARANOID

\_\_\_\_\_ Parent holds irrational beliefs or paranoid delusions that involve the other parent harming self/child.

PROFILE C: FOREIGNER

\_\_\_\_\_ Parent is a citizen of another country (or has dual citizenship with U.S.) and has strong extended family/cultural ties to country of national origin.

PROFILE D: PRIOR THREATS OR ABDUCTION

\_\_\_\_\_ Parent has made credible threats to abduct child (i.e., has the means to do so, and has specific plans).

OR

\_\_\_\_\_ Parent has a history of hiding child, withholding visitation, snatching child back and forth.

PROFILE E: SOCIOPATHIC

\_\_\_\_\_ Parent has a criminal record with multiple arrests and convictions for crimes other than traffic offenses.

PROFILE F: DISENFRANCHISED

\_\_\_\_\_ Parent has extended family/social/economic support in another geographical community.

AND

\_\_\_\_\_ Parent is ANY of the following:

\_\_\_\_\_ unmarried;

\_\_\_\_\_ belongs to group with views re custody/child care somewhat contrary to prevailing laws;

\_\_\_\_\_ economically stressed (unemployed, irregular or no support);

\_\_\_\_\_ victim of domestic violence.

## Chapter 5

### Empirical Study of Two Counseling Interventions in Families At-Risk for Abduction

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# Prevention of Family Abduction

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## Prevention of Family Abduction

### Empirical Study of Two Counseling Interventions in Families At-Risk for Abduction

#### Chapter Summary

The purpose of this study was to identify families at-risk for parental abduction in order to provide them with preventive counseling interventions that would help them resolve their disputes over the custody and care of their children, and avoid the kind of custody violations that have been defined as abduction according to California law.

The sample consisted of 50 separating or divorced families with 85 children, identified by family court services in eight San Francisco Bay Area counties, who fit one or more of six profiles-of-abduction-risk developed in the first phase of the research (see Chapter 4). From most frequent to least frequent, the profiles-of-risk were: (1) families in which there had been a previous abduction or threat to abduct (45%); (2) economically, socially, and culturally disenfranchised families who could not afford or felt alienated from the legal system (38%); (3) families in which a parent had social or kin support for their fixed belief that the other parent was endangering to the child (28%); (4) families in which parents were foreigners or dual-citizens who had ties to their homeland (28%); (5) families in which a parent had extremely irrational/paranoid beliefs about the child's other parent (4%); and (6) families in which parents were flagrant law violators with multiple prior arrests and/or criminal convictions (4%).

Identified families were referred (predominately by court order) to the project where they were randomly assigned to one of two counseling services: a brief 10-hour intervention or a longer 40-hour intervention. Both parents and their children were assessed with a battery of questionnaires and standardized measures at intake and again at a follow-up nine months later.

Systematic comparison of the demographic, dispute, and psychological characteristics of this at-risk sample with the abduction sample obtained from district attorney records in the previous study showed few significant differences (see Chapter 4). Most importantly, similar to the sample of abducting families, and in contrast to a sample of litigating families in highly disputed custody situations in the previous study, many of the parents in this at-risk study were disadvantaged by limited incomes, poor education, low occupational and employment status, and membership in minority or foreign cultures. A large proportion were unmarried. Their children were young, of an age that made them easy candidates for abduction.

## Prevention of Family Abduction

On the other hand, unlike the previous abduction sample, this sample of families received considerable attention from the courts over the course of the study and follow-up period (e.g., frequent judicial hearings, custody evaluations, appointment of a child's attorney or special master, explicit court orders and supervised visitation). This heightened attention may have been simply a function of their having been court-identified as at-risk for abduction; nevertheless, it most likely influenced outcomes in both treatment groups.

At the nine-month follow-up, at-risk parents were substantially more cooperative, expressed less disagreement, and were more likely to have resolved the disputed custody issues with their ex-partners, compared to baseline. Furthermore, incidents of violence between parents decreased and were a rare event at follow-up. Most importantly, custody violations that could be defined legally as criminal/custodial interference occurred in only a small minority of families (10%) during the follow-up period, whereas almost half (44%) had experienced an actual abduction prior to the intervention. In almost all of the analyses, women showed more consistent improvement on these outcomes than did men. However, there was virtually no evidence that the longer (40-hour) intervention was more effective in achieving these positive outcomes than the brief (10-hour) intervention.

Caution should be used in interpreting and generalizing these findings because the sample size is small and of unknown representativeness to the larger population of families at risk for child abduction by a parent or family member. Furthermore, the ethical constraints that required the use of comparison treatment groups rather than a no-treatment control make the findings of clinical effectiveness of the counseling interventions somewhat ambiguous. Despite these limitations, the results of this preliminary study do suggest that relatively inexpensive, brief counseling interventions are likely to help separated and divorcing parents resolve custody disputes through legitimate means rather than resorting to child abduction, when delivered relatively early and in the context of court-imposed constraints and monitoring of the custody and visitation arrangements. More extensive evaluation research into this issue is most certainly warranted.

Objectives of the Intervention Study

The overall objective of the intervention study was to compare two counseling interventions of varying lengths for separating and divorced families identified as at-risk for abducting their children based upon the descriptive profiles developed in the earlier study reported in Stage I, Part B. Specifically, the goals were to:

- (a) identify families who were similar to known abducting families on demographic, dispute, and psychological characteristics;
- (b) provide each family either a brief (10-hour) or a longer (40-hour) counseling intervention to help resolve the parental disputes about custody and access arrangements for the children, in order to prevent abductions;
- (c) evaluate the relative effectiveness of the interventions by reassessing each family at a nine-month follow-up;
- (d) document the nature of the interventions and the different strategies used for the different profiles of abduction-risk.

In this chapter, the results of (a) - (c) are described. Goal (d) is addressed in Chapter 6.

Procedures

Selection of Sample

Initially, a sample of 55 families was identified by Family Court Services' counselors in eight San Francisco Bay Area counties: Alameda (11), Contra Costa (1), Marin (8), San Francisco (4), San Mateo (5), Santa Clara (23), Solano (2) and Sonoma (1). Each family referred to the project met the criteria for one or more of the six profiles of parents at-risk for abducting their children as described in Chapter 4 and as shown in Table 1. Both parents were required to participate in the project and allow their children to be seen. In actuality, parents had either stipulated or were ordered by the court to participate in the intervention in all cases, except one, where involvement was entirely voluntary. This probably accounts for the fact that in only five cases (9%) did one or both parents subsequently decline the intervention. Hence the final sample consisted of 50 families with 85 children (77 of whom were twelve years and under). At the 9-month follow-up, at least one parent in all 50 families was re-interviewed. In 38 cases (76%), both parents were re-interviewed.

(Table 1 here)

### Missing Data

Despite the very good participation rates initially and at follow-up, it was not possible to collect self-report data from every participant, and those who did provide data did not complete every item. At each time of assessment about 40 fathers (80%) and 45 mothers (90%) completed the data forms. For this reason, *n*'s will vary slightly in the descriptive reports of the sample. Where outcome analyses were undertaken, the respective means for women and men on each item were substituted for missing baseline data (as recommended by Cohen & Cohen, 1983). It is important to note that the more seriously violent, criminal and psychologically disturbed persons (especially paranoid ones) were less likely to complete the forms and to be re-interviewed, probably skewing the reported findings in the direction of less pathology than actually existed in this sample.

### Representativeness of the Sample

In California, all families who file an action for custody and visitation, whether separated, divorced or unwed, are required by law to attempt to mediate their disputes with Family Court Services. Hence this agency is an appropriate source for recruitment of the sample among those parents who make some attempt to use the legal system to resolve their differences with each other. However, in our previous studies of families in which abduction had occurred (Chapters 2 and 4), it was found that in about one third of all cases, parents had never attempted to use the family court to resolve their differences. It is difficult to know where to look for and how to identify potential parent and family abductions in these cases. Therefore, it must be clearly acknowledged that the sample of families in this study comprises only a sub-set (albeit the major one) of all those at-risk for abduction. In other respects, it is not possible to know to what extent the family court counseling staff were able to identify and refer a representative population of all of those at-risk who enter the court. A description of who they referred according to profile of risk is, however, informative.

### Abduction-Risk Categories

Note that cases can be identified on one or more criteria of abduction-risk. Family Court Services staff most readily identified Profile D, those families in which there had been a previous abduction or threat to abduct, as those continuing to be at-risk: 27 (45%). Those who were economically and socially disenfranchised, Profile F, were the next most frequent group identified: 19 (38%). Cases in which a parent had a fixed belief that the other parent was endangering the child and was supported by his/her social network in such a belief (Profile A), and those in which a parent was a foreigner or dual citizen of another country (Profile C), were equally likely to be identified, with 14 (28%) cases each. Finally, Profile B, where a parent held flagrantly irrational and paranoid beliefs about the other parent, and Profile E, where a parent had a history of multiple arrests and criminal convictions, were equally rarely identified, with 2 (4%) cases each.

## Prevention of Family Abduction

Cases were identified on a single category of risk in 25 (50%) families: comprising Profile A (12%); Profile B (2%); Profile C (4%); Profile D (14%); Profile E (2%); and Profile F (16%). This indicates that both those with an abduction history and those who are disenfranchised are the ones most readily identified on a single category.

In 23 (46%) families they were identified on two categories of risk; most of these were a combination of having a prior abduction with one other category: Profiles AD (4%); DF (14%); CD (16%); BD (2%). Other combinations were more rare: AC (2%); CF (2%); AF (4%); and EF (1%). In only 2 cases (4%) were the families identified on three categories of risk, and each included prior abduction as a profile: ACD and CDF.

### Recruitment of Staff and Subjects and Assignment to Treatment Groups

Eight trained counselors<sup>1</sup> who lived and worked in widely different locations throughout the Bay Area were recruited to the project. They were variously qualified as clinical psychologists, clinical social workers, and marriage, family and child counselors. Although all were mature in age and other work experience, the majority were counseling interns who required supervised hours for licensure and, hence, were paid at entry level rates. Seven were female and one was male; one was bilingual in Spanish/English. This counseling staff received three days of intensive training from the Principal Investigator (PI) in the dynamics of high-conflict custody cases and the profiles of abduction-risk. Subsequently they were provided with consultation/supervision by the PI on a weekly or as-needed basis, usually by telephone. As a group, the project counselors met monthly with the PI to exchange ideas, and to help ensure fidelity and increase uniformity of the two treatment interventions.

To recruit the families, the PI visited each Family Court Services site (together with the project counselor(s) who worked in that area) and gave the court staff an overview of the findings from the earlier study which distinguished between families where an abduction had occurred and highly conflictual families that were litigating custody. The six abduction-risk categories were defined and illustrated (see Table 1), and court counselors were invited to refer appropriate families to the project. As families were referred, the PI checked eligibility and then randomly assigned them to either the 10-hour or the 40-hour intervention with a project counselor who worked in that particular geographical area. The framework and time-lines for the two different interventions are shown in Table 2. More details about the conceptual basis for the overall approach and different interventions are provided in Chapter 6.

(Table 2 here)

## Prevention of Family Abduction

Many families at-risk for abduction are indigent, ethnic minorities, and/or non-trusting, chaotic in their lifestyles, alienated from the legal system and from the majority culture's social institutions. For this reason, the project counselors were encouraged to be very active and creative in their attempts at outreach to family members, meeting them in their own homes or places of work, or in private offices or meeting rooms that were loaned for the occasion. Liberal use of telephone counseling was encouraged once the initial face-to-face rapport had been established.

Each parent was asked to give informed consent to participate in the evaluation study, which involved completing written questions and standardized measures at entry to the project and again about nine months later. They were also required to sign a confidentiality stipulation that ensured that counseling service was entirely separate and confidential from any court proceedings.

### Measures

The theoretical model of factors predicting parental or family abduction that was developed in the previous research (see Chapter 4) was used as the rationale for the targets of the counseling interventions, and for the measures selected. *Background variables* comprise demographic, family dynamic and psychological factors that are prior markers of risk for abduction. The *independent variable* is, of course, the type of intervention to which families were randomly assigned. *Mediating variables* (which are predicted to be influenced by both background and independent variables) include the extent to which subjects used formal, legitimate dispute resolution methods, and cognitive attitudes and behaviors that favor abduction. All of these prior variables are, in turn, directly or indirectly predictive of the *dependent variable* which was child abduction.

A list of all measures used in this study and references to published data on their psychometric properties can be found in Table 3. Copies of the measures are available in the Appendix. Since the measures used are virtually the same as those detailed in Chapter 4 (pp. 4-8--4-11), they will be described only briefly here.

(Table 3 Here)

Background Variables

At baseline, demographic, custody and legal information was drawn from intake questionnaires completed by all the parents. The Brief Symptom Inventory (BSI) (Derogatis & Spencer, 1982) and sub-scales from the Narcissistic Personality Inventory (NPI) (Raskin & Terry, 1988) were used to measure the parents' psychological functioning. Children's psychological adjustment was measured by the Child Behavior Checklist (CBCL) (Achenbach & Edelbrock, 1983.)

At both baseline and follow-up, the children's living arrangements were described in terms of the legal and physical custody status as indicated in the court order; by the number of days they had access to their father each month (Access); by the number of transitions they made between parents each week (Transitions); and by the type of visiting schedule that was operating (Schedule). In addition, any requirement for supervised visitation was noted.

At baseline, the history of family violence was measured by a modified Conflict Tactics Scale (CTS) (Straus, 1979), in which subjects were asked to report whether each of 15 kinds of verbal and physical aggression had ever been perpetrated by one's self and/or one's ex-partner, the other parent.

Independent Variable

This consisted of the extent of the counseling intervention: brief (10 hours) or longer (40 hours).

Mediating Variables

An index of the Extent of Psychological/Legal Counseling used by each parent at follow-up was obtained by summing the number of mental health counselors involved (other than the project counselor), the number of times the parent's attorney was consulted, whether or not a child's attorney was appointed, and whether or not a special master (an arbitrator) was appointed within the previous six months to help the family. At baseline and follow-up, parents were asked to describe, on a five-point scale, the Level of Violence that characterized their relationship in the past, and within the previous six months. The correlations between the CTS and this five-point scale were  $r = .64$  for women and  $r = .50$  for men.

At baseline and follow-up, the Level of Cooperation between parents was measured on a five-point scale in which each parent described their capacity to cooperate over the children. This was found to be highly correlated ( $r = .83$ ) with the Discuss and Share Decision-Making Scale (Ahrns, 1981) used in the earlier study.



## Prevention of Family Abduction

Extent of Disagreement between parents, also called the Content of Conflict Checklist (CCC), is a 17-item list, each on a five-point scale, which describes the extent of disagreement between parents over different child-rearing matters. Each item was considered separately and a total measure of disagreement was obtained by summing the scores on all 17 items. This was administered at intake and at follow-up. In addition, at follow-up the clinicians rated each case on a five-point scale as to the degree of Overall Resolution of the issues. The Extent of Disagreement was moderately correlated with the clinician's ratings of Overall Resolution ( $r = -.37$ ).

A shortened form of the Abduction Risk Questionnaire, an attitudinal measure developed for the study described in Chapter 4, was administered to both parents at intake and at follow-up. Seven items, which failed to distinguish the abduction from the litigating sample in the previous study, were dropped from the original 41-item list, leaving 34 items, each on a nine-point scale. Each item was considered separately and a mean was obtained for all 34 items.

### Dependent Variable

Finally, the incidence of abduction by mothers and fathers was recorded prior to and following the project's interventions. Parental abduction was defined according to California law which encompasses a broad range of situations that involve taking, detaining, concealing, or enticing away a child from a parent who has rights of custody.

## Findings

### Comparison of At-Risk for Abducting and Abducting Families: Demographics

In the Interview Study (Chapter 4), it was found that demographic comparisons between parents who abducted their children and those who used the courts to litigate their disagreements over custody showed startling disparities. Abducting parents, compared to litigating parents, were less likely to be married; they had lower incomes, lower occupational status, were more likely to be unemployed and less likely to be Caucasian. Their children were more likely to be of younger age.

## Prevention of Family Abduction

The first task in this study, therefore, was to determine to what extent the sample of families identified as at-risk for abduction ( $N=50$ ) in the present study were similar in terms of these demographic characteristics to the sample of abducting families ( $N=50$ ) as reported earlier. In interpreting these and subsequent comparisons of the at-risk and abducting samples of families, however, it is important to remember that the data for the abduction group were gathered approximately three years after the critical abduction incident. Some of it, especially the psychological data, may not be comparable with data gathered from families at-risk for abduction, presumably at an earlier point of time in the family history.

Tables 4 through 9 compare the data from these two samples. It is important to note that, with few exceptions, the demography of both samples were not significantly different. As shown in Table 4, although 28% of the at-risk parents had never married compared to 42% of the abducting group, this was not a statistically significant difference.

For separated and divorced parents, number of years married and number of months separated prior to the abduction/intervention were similar. For all parents, number of children and age of children at time of abduction or risk for abduction were remarkably similar. Though the age of mother was similar, that of father tended to be slightly older in the abduction sample.

(Table 4 Here)

As shown in Table 5, almost half of the parents in both samples were non-Caucasian. However, African-Americans appeared to be underrepresented in the at-risk sample, although the numbers were too small for statistical tests of significance. Most importantly, Tables 6, 7, and 8 show that occupational status, educational level, and income were similar in both samples.

(Tables 5, 6, 7, and 8 Here)

Table 9 indicates that whereas there was a greater tendency for mothers in the at-risk sample to be employed compared to their counterparts in the abducting group, this was not true for the fathers in the sample. Women in the at-risk sample reported receiving on the average \$81 each month in child support, compared with \$50 per month for those in the abducting group. Twenty-one percent of the at-risk women received AFDC whereas this was true for 40% of the abducting group. These differences suggest that women in the abduction sample were less likely to be financially dependent upon their ex-partners and jobs for support, compared to the at-risk group.

(Table 9 Here)

### Domestic Violence

The Conflict Tactics Scale (CTS) (Straus, 1979), completed by all parents in both samples, indicated whether nine different types of physical aggression, each of increasing severity, had ever occurred between parents. A sum of all items gave a Total Aggression score. In addition, sub-scales of Minor, Moderate and Severe Aggression were created by dividing the scale into three parts (see Chapter 4, pp. 4-8--4-9). As shown in Table 10, the patterns of domestic violence as described by these data show the samples of men and women in at-risk families to be almost identical to their counterparts in abducting families. This is true for both the men's and women's reports. In addition, the patterns of injuries that resulted from this domestic violence for both men and women were similar in the two samples of at-risk and abducting families (not shown).

(Table 10 Here)

### Legal Information

At intake into the project, 25 (one half of the mothers) and 15 (almost one-third of the fathers) from the at-risk families reported that they were not represented by an attorney. This compares to about one-third of both men and women in the abduction group who were initially unrepresented. The length of legal disputing over the child in the at-risk group averaged 17 months, which mirrors the months of legal disputing in the abduction sample before the abduction incident. It is difficult to compare other data on the extent of legal involvement because of the different methods and times of data collection. The at-risk parents reported appearing before a judge on the average 3.5 times (range 0-37) prior to the project's intervention, and on the average 1.6 times (range 0-20) during the follow-up period. At baseline, 9 families had undergone a custody evaluation and after the intervention another 11 families had done so, making a total of 20 (40%). Altogether, over the course of the follow-up period, these data indicate a considerable use of the courts and its related services, comparable to highly conflicted families who litigate their disputes (Johnston, 1992).

### Parents' Psychological Functioning

The short form of the Brief Symptom Inventory (BSI) (Derogatis & Spencer, 1982), a self-report of emotional distress and symptomatology, was completed by all subjects in both samples. On the nine subscales (namely, Somatization, Obsessive-Compulsive, Interpersonal Sensitivity, Depression, Anxiety, Hostility, Phobic-Anxiety, Paranoid Ideation, and Psychoticism), *T*-scores were calculated, together with an overall total *T*-score called the Global Severity Index (GSI). In addition, the degree to which parents were likely to exaggerate or diminish the extent of their symptomatology was calculated as a *T*-score called the Positive Symptom Distress Index (PSDI). The patterns of symptomatology in both the

## Prevention of Family Abduction

at-risk and abducting samples were remarkably similar (see Table 11). On the average, men and women in both samples were approximately one standard deviation above the norm, compared to a non-clinical population of adults. Of particular note are the high levels of Paranoid Ideation in both samples.

(Table 11 Here)

All parents in both studies were also administered a shortened version of the Narcissistic Personality Inventory (NPI). Four subscales of this instrument were used (Self-Sufficiency, Exhibitionism, Exploitativeness, and Entitlement.) In addition, a total of all 21 items gave a score named Narcissistic. There was a tendency for fathers in the abducting group to be less Self-Sufficient compared to fathers in the at-risk group. In all other comparisons between the two samples, there were no significant differences (see Table 12).

(Table 12 Here)

### Custody/Visitation Arrangements and Child Adjustment

During the period of the study, from intake until the nine-month follow-up, the custody and visitation arrangements for the at-risk sample remained virtually unchanged. In 90% of the at-risk families, custody and visitation arrangements were court-ordered: in 32 (64%) the arrangements had been decided by a judge, in 13 (26%) of cases they were stipulated to in mediation, and in the small remainder of families 5 (10%), they were informally agreed upon by parents. By contrast, in the abducting sample, as recorded three years after the abduction incident, although about the same proportion had custody orders stipulated by the court (85%), in one-third of the sample, the visitation arrangements that were in place were not court-ordered; instead, they had evolved more informally between parents over time. Table 13 compares the type of physical custody arrangements in place for the children of the at-risk sample (at baseline) with those of the abduction sample (which were in place three years after the abduction incident).

(Table 13 Here)

Table 14 shows the corresponding visitation schedules that were in effect in each sample. Although there appears to be more mother custody and less joint custody in the at-risk families compared to the abducting ones, these findings are not statistically significant. However, it is evident that the children in the at-risk families had significantly more frequent access to their fathers, and were less likely to have had minimal or no contact with the visiting parent (usually the father) compared to those from the abducting families. However, this visitation was always court-ordered and grudgingly carried out. Moreover, clinician reports also showed that visitation was more likely to be supervised in the at-risk families: At

## Prevention of Family Abduction

baseline, 17 (34%) of cases were under court-ordered supervised visitation and, at follow-up, in 13 (28%) of cases the visitation was under supervision. By comparison, evidence of supervised visitation was found in only 3 (6%) of the abduction sample (according to court records). It is important to note that prior abductions were often the cited reason for ordering visits to be supervised. Other reasons were substance abuse, domestic violence and alleged sexual abuse of the child.

(Table 14 Here)

Parents completed the Child Behavior Checklist (CBCL) (Achenbach & Edelbrock, 1983) for children aged 4-12 years in both the at-risk and abducting samples. The Total *T*-score provided an index of emotional and behavioral problems that are normed on large representative samples of children of similar gender and age. The Internalizing *T*-score is a measure of the child's depression, withdrawal, somatic complaints and tendency to be uncommunicative. The Externalizing *T*-score indicates the extent to which the child is aggressive, delinquent and difficult to manage. Tables 15 and 16 compare the adjustment of girls and boys as rated by their mothers and fathers in the two samples. Note that the mothers in the at-risk for abducting sample rated their daughters with significantly more internalizing symptoms (Internalizing *T*-score) and total behavior problems (Total *T*-score) compared with those in the abduction sample. In other respects there were no important differences between the two samples. That is, mothers' ratings of their sons and fathers' ratings of their daughters in the two groups were not significantly different.

(Tables 15 and 16 Here)

### Evaluation of the Effectiveness of the Interventions

The principal goals of the interventions were to impact the mediating variables, that is, (a) to help parents resolve their disputes by accessing and using legitimate measures such as psychological and legal counseling; (b) to help resolve parents' disagreements over custody, access, and the care of their children; (c) to decrease the overt conflict between parents; and (d) to increase their capacity to cooperate in the care of their children. These goals were sought in order to impact the dependent variable, that is, to prevent abductions. Six principal outcome measures were used to evaluate the effectiveness of the interventions: Overall Resolution (of the issues), Extent of Psychological/Legal Counseling, Extent of Disagreement, Level of Violence, Level of Cooperation, and the Abduction Risk Questionnaire. All but the first two were repeated measures, taken at baseline and again at follow-up. Most importantly, the number of abductions prior to and since the beginning of the project's interventions were recorded.

## Prevention of Family Abduction

On outcomes measured only at follow-up, it was predicted that those receiving the longer counseling intervention would show greater gains than those receiving the briefer one. On each of the repeated measures, it was predicted that the subjects would show significant improvement after the interventions, compared to baseline. It was further predicted that those in the lengthier counseling intervention (40 hours) would show significantly greater improvement than those in the brief intervention (10 hours). Statistically, this involved a repeated Analysis of Variance wherein the between-subjects factor was Treatment Type (short, long) and the within subjects factor was Treatment Time (before, after). A significant main effect was predicted for time (i.e., follow-up > baseline), and a significant interaction effect was predicted for treatment type with time (long x after > short x after). Repeated measures *t*-tests were used to explore differences on individual items within the measures where overall significant effects were found using the ANOVA. Finally, independent measures *t*-tests were used for each of the outcome measures that were administered only at follow-up, to examine for differences between treatment types. In all analyses, women's and men's data were analyzed separately, because these observations are not independent of one another.

On the Overall Resolution of the issues as rated by the project's counselors, 6 (12%) families were much improved, 26 (54%) were somewhat improved, 13 (27%) were unchanged, 2 (4%) were worse, and 1 (2%) was much worse following the intervention. There were no significant differences in outcome on this measure comparing treatment types, that is, the brief and the longer periods of intervention were equally likely to have these levels of resolution. However, men who received the longer intervention were significantly more likely to have accessed legitimate means of help as measured by the Index of Psychological/Legal Counseling compared to men who received the brief intervention (means = 11.17 and 3.17, respectively,  $t = 2.03$ ,  $p = .05$ ). There were no significant differences in the women's use of help on this measure.

Tables 17 and 18 show the results of the ANOVA. The data indicate that there are strong significant effects for treatment time, with increase in Level of Cooperation, decrease in Level of Violence, and decrease in Extent of Disagreement for both women and men after the project's intervention, compared with baseline. There were no significant effects for treatment type, indicating that brief treatment was as effective as longer treatment on these measures. The Abduction Risk Questionnaire showed neither effects for treatment time nor for treatment type.

(Tables 17 and 18 Here)

## Prevention of Family Abduction

These significant effects for before and after treatment are explored further in a series of *t*-tests on each item making up the scales. In Table 19, it is shown that women indicated significantly diminished disagreement with their ex-partner/the other parent on 10 of the 17 items in the Extent of Disagreement checklist, whereas men registered significant reduction in disagreement on only two items in this checklist.

(Table 19 Here)

Increases in cooperation and decreases in violence for both men and women remained significant effects as rated by parents (see Table 20), consistent with the ANOVA results.

(Table 20 Here)

The final and most important measure of outcome was the rates of abduction in this sample (see Table 21). In 22 (44%) of the at-risk sample, there had been an abduction, as defined by California law, prior to the family's referral to the project. In 14 cases, the abductor was the mother, in seven it was the father, and in one family both parents had snatched the child at different times. Following the project's interventions, there were a total of 5 (10%) incidents that could be construed as abductions: in four cases it was the father and in one case it was the mother. In all but one case, the abduction was broad scope (Finkelhor et al., 1991), and the children were gone for brief periods of time. In the one serious case, the child was abducted for about four months by a paranoid psychotic mother. There were no significant differences in rates of abduction in either the brief or longer treatment intervention at either baseline or follow-up.

(Table 21 Here)

### What Factors Predict Better and Worse Outcomes at Follow-up?

To explore what factors predict better and worse outcomes at follow-up, sets of correlations were produced between the independent variables at baseline (demographic, dispute, and psychological characteristics of the parents) and the main dependent variables (Level of Cooperation, Level of Violence, Extent of Disagreement, and Overall Resolution). It is important to remember, in interpreting these findings, that these are preliminary descriptive statistics and cannot be construed to be causal or even reliable predictors of outcome. They simply provide a way of exploring the data for hypotheses that need to be tested in further research.

## Prevention of Family Abduction

Tables 22 and 23 show that very few demographic descriptors of women and none of the men predict outcomes in these domains. Age, income, education and number of children are unrelated to outcomes. However, the data suggest that women with higher occupational status (SES) are less cooperative and in more disagreement with their ex-partners at follow-up. Women and men with lower levels of cooperation and more severe histories of domestic violence, at baseline, were less likely to be cooperative and more likely to be involved in repeated violence in the follow-up period. Interestingly, higher levels of disagreement over the children at baseline predict poorer cooperation and higher disagreement at follow-up for men, but not for women.

(Tables 22 and 23 Here)

Tables 24 and 25 indicate the relationship of psychological variables to the same outcome measures. In these sets of correlations, subscales of the BSI and NPI suggest few predictors of outcome at follow-up. The strongest findings indicate that women who score with higher levels of narcissism (NPI), in general, and Self-Sufficiency, in particular, are more likely to report more cooperation with their ex-partners and to experience more overall resolution of the issues, according to the counselor's ratings. Men do not share these patterns of findings. The one significant correlation for men indicates that those with higher levels of Hostility (BSI) report higher levels of violence at follow-up.

(Tables 24 and 25 Here)

Finally, in Tables 26 and 27, the correlations between profiles of abduction-risk and outcome variables for men and women are shown. Again, there are few clues as to what predicts better or worse outcomes among the different types of abduction-risk. Women who are economically and socially disenfranchised (Profile F) indicate greater levels of cooperation and less disagreement with their ex-partners over the child at follow-up. Men from families where there has been a prior abduction or threat of such (Profile D) are rated as significantly less likely to achieve an overall resolution of the disputed issues by the counselors at follow-up.

(Tables 26 and 27 Here)



Summary and Discussion

The sample of 50 families identified as at-risk for abduction in this study shared most of the important demographic features that distinguished families in which an abduction was known to have taken place from highly conflicted nonabducting families who had litigated custody in the previous study (Chapter 4). Similar to the sample of abducting families, many of the parents in this study were disadvantaged by limited incomes, poor education, low occupational and employment status, and by membership in minority or foreign cultures. A large proportion were unmarried. Their children were young -- of an age in which they are easy candidates for abduction. In terms of domestic violence and psychological characteristics, this sample of at-risk families also mirrored the abducting families, and in these respects they also tended to be similar to the litigating nonabducting sample in the previous study.

Consistent with their poor economic conditions, a large proportion of this at-risk group were not represented by attorneys in the court proceedings, a fact which was also true of much of the abducting sample. In other respects, the extent of legal involvement, from baseline through follow-up, of this sample of families identified as at-risk for abduction tended to be more similar to the sample of nonabducting families litigating custody and unlike those who abducted in the previous study (Chapter 4). Specifically, judicial hearings and custody evaluations were more frequent, access arrangements were more likely to be explicit court orders, and although the child had more frequent and substantial contact with both parents, supervised visitation was more common compared to the abducting sample. It is possible that these are indicators that parents in this at-risk sample were more prone to use legal means rather than illegitimate means, such as abduction, to resolve their disputes. Alternatively, it could mean that, once having been labeled as at-risk for abduction by the family court counselors, these families were scrutinized and given more attention by the courts than might otherwise have occurred. If this is true, then potent unintended effects were introduced into this study merely by identifying the families as at-risk.

All of the families identified as at-risk for abduction in this sample were provided with psychological counseling and consultation, the details of which will be described in the following chapter. At a nine-month follow-up, there were strong findings that at-risk parents were substantially more cooperative, expressed less disagreement, and were more likely to have resolved the disputed custody issues with their ex-partner, with women showing more consistent improvement than men. Furthermore, domestic violence between parents diminished to an almost negligible amount. Most importantly, custody violations that could be defined legally as child abduction occurred in only a small minority of families (10%) during the follow-up period, compared to almost half (44%) who had actually violated custody orders (abducted) before the intervention.

## Prevention of Family Abduction

Although these were most gratifying findings, there remains the question of whether and how much the project's interventions were responsible for the changes from baseline to follow-up. It was considered unethical to have a no-treatment control group in this study. Instead, two different types of intervention were compared: half of the families received only a brief 10-hour intervention and half received a longer 40-hour intervention. There were no consistent findings from the data that the longer, more intensive intervention produced better outcomes than the brief one. Except for one finding that men who received longer counseling were more likely to have access to and use other psychological and legal help, in all other respects the two interventions were equally effective. In terms of cooperation, disagreement, extent of violence, overall resolution of the issues, and abduction incidents, the brief and longer-term interventions showed similar degrees of improvement at follow-up, compared to baseline. In the absence of a no-treatment control group, there is no way to determine whether the relatively positive outcomes reported at the follow-up would not have occurred independently of the interventions. For example, greater vigilance and control exerted by the court once a family was identified as at-risk, as suggested above, may have been responsible for the outcomes. Or the families may have naturally resolved their disputes with time. Alternatively, the brief counseling intervention may have been sufficient to effect the discernible changes, with only attenuated effects of additional hours of counseling. Another possibility is that these families essentially received early intervention of a case management type, involving both strategic legal constraints and psychological counseling. Hence, the improved outcomes could be a function of the timing of the intervention and/or the combination of these services, which are more potent than any specific type of intervention (e.g., counseling).

The Abduction Risk Questionnaire (ARQ) was developed in the previous study (Chapter 4) to help identify those parents at-risk, and to distinguish them from parents who are likely to resort to litigation, and not to abduction, to resolve their disputes. The mean score on the ARQ for the at-risk for abduction sample failed to register any significant change from baseline to follow-up. Upon further inspection, many of the items in this questionnaire could reflect prevailing social mores and beliefs that are relatively immutable to change, especially in the short-term. For example: that the courts are unfair and gender-biased; that counselors, attorneys, or the police are of little help; that only family members can be relied upon for help; that violation of the law is appropriate when protection of children is at stake -- all these may be more or less persistent cultural beliefs. On the other hand, items that reflect parents' relationship with each other and with the child (e.g., distrust and fear of the ex-partner and concern for the child's welfare) are more mutable and should have registered change consistent with the positive outcomes on the other measures. To explore this, sub-analysis of the ARQ data on an item-by-item basis indicated significant positive changes over time for 8/34 items for women and 3/34 items for men. Moreover, these items tended to be ones where change of attitude was more expectable.

The data were explored for predictors of better and worse outcomes at the nine-month follow-up. Women who were at-risk for abduction because they were economically, socially, or culturally disadvantaged (compared to those who were more advantaged) had better outcomes in that they were more cooperative and in less disagreement. Women who scored higher on levels of narcissism (compared to those who scored lower), especially those who expressed strong beliefs in their own self-sufficiency, also had significantly better outcomes on the same dimensions. Men from families where there had been a prior abduction, or threat of such (compared to those with no abduction history), were less likely to resolve the disputed issues; and men who scored higher on hostility (compared to those who scored lower) were subsequently more likely to be among those few who perpetrated violence during the follow-up period. A history of domestic violence predicted relatively poor outcomes for both men and women in that they were less likely to be cooperative with each other, and most likely to be those who were physically aggressive, albeit rarely so, at follow-up, compared to those without a history of violence.

In conclusion, some of the limitations of this study should be noted. The sample size is of unknown representativeness to the larger population of families at-risk for child abduction by a parent or family member. To identify those at-risk this study sampled only the sub-group of parents who made some attempt to use the family court. The previous studies (Chapters 2 and 4) suggest that as many as one-third of abductions occur in the absence of any appeal to the family court and prior to a custody order. For this reason, caution should be used in generalizing these findings. Moreover, the sample size was small, which means the statistically significant findings are not likely to be very robust. Given the complexity of families and hence the number of potentially confounding variables, the small sample size also limits the capacity to undertake meaningful sub-analysis to examine variations in outcome among the sample. Furthermore, it was considered unethical to withhold help from any of the families that were identified as at-risk, which meant that a comparison treatment group rather than a no-treatment control group was used to evaluate clinical effectiveness. Unfortunately, this resulted in somewhat ambiguous findings because it was not possible to know whether and to what extent the interventions were responsible for the positive outcomes noted. Finally, this study evaluated only short-term outcomes. Longer-term follow-ups are important to ascertain the durability of positive effects, especially the prevention of abduction.

For all these reasons, this study must be seen as preliminary. Despite these limitations, the results do suggest that relatively inexpensive, brief counseling interventions are likely to help separated and divorcing parents resolve custody disputes through legitimate means rather than by resorting to illegitimate ones, such as child abduction, when delivered relatively early and in the context of court-imposed constraints and monitoring of the custody and visitation arrangements. More extensive evaluation research into this issue is most certainly warranted.

Endnotes

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## Prevention of Family Abduction

Table 1

*Six Profiles of Parents Proposed as At-Risk for Abducting Their Children*

**FOR ALL OF THE FOLLOWING PROFILES**

\_\_\_\_\_ Parent does not acknowledge that child's contact with other parents is beneficial or important.

\_\_\_\_\_ Child is unable or unwilling to protest and prevent parent's unilateral action re custody (i.e. too young, or easily persuaded).

**PROFILE A: SUSPICIOUS-DISTRUSTFUL**

\_\_\_\_\_ Parent has a fixed belief that other parent is dangerous to child (abusive, molesting, neglectful) without sufficient substantiating evidence for CPS action.

**AND**

\_\_\_\_\_ Extended family or social network support parent's claim that child is in danger/is being abused, etc.

**PROFILE B: PARANOID**

\_\_\_\_\_ Parent holds irrational beliefs or paranoid delusions that involve the other parent harming self/child.

**PROFILE C: FOREIGNER**

\_\_\_\_\_ Parent is a citizen of another country (or has dual citizenship with U.S.) and has strong extended family/cultural ties to country of national origin.

**PROFILE D: PRIOR THREATS OR ABDUCTION**

\_\_\_\_\_ Parent has made credible threats to abduct child (i.e., has the means to do so, and has specific plans).

**OR**

\_\_\_\_\_ Parent has a history of hiding child, withholding visitation, snatching child back and forth.

**PROFILE E: SOCIOPATHIC**

\_\_\_\_\_ Parent has a criminal record with multiple arrests and convictions for crimes other than traffic offenses.

**PROFILE F: DISENFRANCHISED**

\_\_\_\_\_ Parent has extended family/social/economic support in another geographical community.

**AND**

Parent is ANY of the following:

- \_\_\_\_\_ unmarried;
- \_\_\_\_\_ belongs to group with views re custody/child care somewhat contrary to prevailing laws;
- \_\_\_\_\_ economically stressed (unemployed, irregular or no support);
- \_\_\_\_\_ victim of domestic violence.

Prevention of Family Abduction

Table 2

Flow Chart and Structure of Two Counseling Models

*Phases:*

1. *Referral:* Referral of high-risk families from family court services.

2. *Intake:* Telephone intake, check eligibility, random assignment to treatment model, assignment to research clinician.

3. *Information*

*Gathering:*

Brief Consultation Model

- 10 hrs total
- Minimally 2/3 direct service
- Individual interviews w/each parent
- Child observed in play interview *or* parent collateral contact w/others re child
- Time: 3 hrs. direct

*Data*

- Confidentiality stipulated & informed consent
- Administer standard measures, questionnaires
- Brief assessment of impasse & effects on child

Therapeutic Mediation Model

- 40 hrs total
- Minimally ½ direct service
- Individual interviews w/each parent
- Child observed in play interview/  
Parent-child observation/Collateral contacts
- Time: 6 hrs. direct

*Data*

- Confidentiality stipulated & informed consent
- Administer standard measures, questionnaires
- Assessment of impasse & effects on child
- Formulate intervention strategy

4. *Intervention:*

Brief Consultation Model

- Feedback
- Reframing of problem
- Information handouts on law

Therapeutic Mediation Model

- Prenegotiation on counseling phase (Individual w/parents & extended network)
  - a. strategic therapeutic intervention into impasse

Prevention of Family Abduction

Table 2

*Flow Chart and Structure of Two Counseling Models (...continued)*

- Referral to appropriate agencies  
(Individual interventions with parents)
- Time: 3-4 hrs direct

4. *Intervention: (...continued)*

Brief Consultation Model

Therapeutic Mediation Model

- Negotiation or conflict resolution phase
    - a. individual or conjoint mediation session
    - b. preparing parenting plan w/built-in supports, monitoring, conditions and consequences.
  - Referrals and linkage to other services
- Subtotal: 5 hrs direct

Brief Consultation Model

None

Therapeutic Mediation Model

- Clinician remains available for telephone crisis counseling, monitoring, interpreting, and renegotiating agreement
- Subtotal: 5 hrs direct

Total time: 3-4 hours direct

6. *Follow-Up:*

Telephone or in-person follow-up nine months from start of information gathering. Collect outcome data, make clinical assessment of outcome, and what did or did not help. (time: 4 hrs total *additional* time available)

Table 3  
*Assessment Measures, Stage II - Abduction Project*

\*Both parents complete. \*\*Child completes. \*\*\*Clinician completes. \*\*\*\*Teacher completes.

1. *Informed Consent*

- (a) Informed Consent to Participate\*
- (b) Consent to Confidentiality\*
- (c) Release of Information - School (optional)\*
- (d) Participants' Bill of Rights\*

2. *Adults*

- (a) Intake Questionnaire (revised)\*  
(demographics, family & legal information)
- (b) Straus Conflict Tactics Scale (CTS)\*  
(Straus, 1979)
- (c) Content of Conflict Checklist (CCC) (initial & final)\*
- (d) Brief Symptom Inventory (BSI)\*  
(Derogatis & Spencer, 1982)
- (e) Narcissistic Personality Inventory (NPI)\*  
(Raskin & Terry, 1988)
- (f) Abduction Risk Questionnaire (ARQ) (initial & final)\*

3. *Parent-Child Observation*

- (a) Separation-Reunion Behavior (for 3-7 yrs only) (optional)\*\*\*  
(Main, Kaplan & Cassidy, 1985)
- (b) Draw-a-Family Task (modified) (optional) \* & \*\*

4. *Child*

- (a) Child Interview/Structured Play/Projective Stories (optional)\*\*
- (b) Child Behavior Checklist (CBCL)\*  
(Achenbach & Edelbrock, 1983)
- (c) Teacher-Child Rating Scale (TRS) (optional)\*\*\*\*  
(Hightower et al., 1986)

5. *Clinician*

- (a) Initial Formulation of Impasse and Effects on Child (Summary)\*\*\*
- (b) Goals & Strategies (List)\*\*\*
- (c) Clinical Summary of Outcome (Effective & ineffective Strategies) and  
Ratings of Outcome\*\*\*

Table 4

*Demographic Comparison of At-Risk for Abducting and Abducting Families*

|                                     | At-Risk<br>Families<br>(N = 50) | Abduct.<br>Families<br>(N = 48) | t test or<br><i>Chi Square</i> |
|-------------------------------------|---------------------------------|---------------------------------|--------------------------------|
| Never Married                       | 28%                             | 42%                             | n.s.                           |
| Married (separated/divorced)        | 72%                             | 58%                             | n.s.                           |
| Years Married                       | 5.3                             | 5.4                             | n.s.                           |
| Months Separated                    | 27                              | 35                              | n.s.                           |
| Number of Children                  | 1.7                             | 1.6                             | n.s.                           |
| Age of Child (N=77)<br>(in study)   | 5.8                             | 5.4                             | n.s.                           |
| Age Range of Children<br>(in study) | 0-13 yrs                        | 0-12 yrs                        | n.s.                           |
| Age of Mothers                      | 33                              | 35                              | n.s.                           |
| Age of Fathers                      | 35                              | 39                              | t = 1.7 <sup>+</sup>           |

<sup>+</sup>p < .1    \*p < .05    \*\*p < .01    \*\*\*p < .001

Table 5  
*Comparison of Ethnicity Between Parents in At-Risk for Abducting and Abducting Families*

|                  | At-Risk<br>Fathers<br>( <i>n</i> =46) | Abduct.<br>Fathers<br>( <i>n</i> =27) | At-Risk<br>Mothers<br>( <i>n</i> =50) | Abduct.<br>Mothers<br>( <i>n</i> =29) |
|------------------|---------------------------------------|---------------------------------------|---------------------------------------|---------------------------------------|
| Caucasian        | 28 (61%)                              | 14 (52%)                              | 33 (66%)                              | 18 (62%)                              |
| African American | 2 (4%)                                | 4 (15%)                               | 2 (4%)                                | 6 (21%)                               |
| Hispanic         | 6 (13%)                               | 5 (19%)                               | 8 (16%)                               | 3 (10%)                               |
| Asian & Pacific  | 3 (7%)                                | 2 (8%)                                | 2 (4%)                                | 1 (4%)                                |
| Other            | 7 (15%)                               | 3 (6%)                                | 5 (10%)                               | 1 (3%)                                |

Table 6  
*Comparison of Hollingshead Occupational Status Between Parents in At-Risk for Abducting and Abducting Families*

|                                     | At-Risk<br>Fathers<br>( <i>n</i> =37) | Abduct.<br>Fathers<br>( <i>n</i> =31) | At-Risk<br>Mothers<br>( <i>n</i> =41) | Abduct.<br>Mothers<br>( <i>n</i> =32) |
|-------------------------------------|---------------------------------------|---------------------------------------|---------------------------------------|---------------------------------------|
| Major Profession/<br>Large Business | 3 (8%)                                | 2 (6%)                                | 1 (2%)                                | 0 (0%)                                |
| Minor Profession/<br>Small Business | 1 (3%)                                | 2 (6%)                                | 3 (7%)                                | 2 (6%)                                |
| Clerical                            | 6 (16%)                               | 4 (13%)                               | 8 (20%)                               | 5 (16%)                               |
| Technical                           | 7 (19%)                               | 5 (16%)                               | 14 (34%)                              | 6 (19%)                               |
| Semi-Skilled                        | 14 (38%)                              | 8 (26%)                               | 3 (7%)                                | 0 (0%)                                |
| Unskilled                           | 5 (13%)                               | 0 (0%)                                | 1 (3%)                                | 1 (3%)                                |
| Student/Home                        | 1 (3%)                                | 10 (32%)                              | 11 (27%)                              | 18 (56%)                              |
| Mean                                | 4.3                                   | 4.8                                   | 4.7                                   | 5.5                                   |
|                                     | <i>t</i> = 1.2                        | n.s.                                  | <i>t</i> = 1.64                       | n.s.                                  |



Prevention of Family Abduction

Table 7

*Comparison of Educational Level Between Parents in At-Risk for Abducting and Abducting Families*

|                     | At-Risk<br>Fathers<br>(n=40) | Abduct.<br>Fathers<br>(n=31) | At-Risk<br>Mothers<br>(n=46) | Abduct.<br>Mothers<br>(n=27) |
|---------------------|------------------------------|------------------------------|------------------------------|------------------------------|
| Some High School    | 5 (12.5%)                    | 3 (10%)                      | 6 (13%)                      | 2 (7%)                       |
| High School Grad    | 17 (42.5%)                   | 6 (19%)                      | 17 (37%)                     | 15 (56%)                     |
| Tech/Vocatnl School | 4 (10%)                      | 3 (10%)                      | 1 (2%)                       | 5 (18%)                      |
| Some College        | 5 (12.5%)                    | 12 (39%)                     | 11 (24%)                     | 1 (4%)                       |
| College Grad        | 5 (12.5%)                    | 2 (6%)                       | 5 (11%)                      | 3 (11%)                      |
| Post-Grad Degree    | 4 (10%)                      | 5 (16%)                      | 6 (13%)                      | 1 (4%)                       |
| Mean                | 4.0                          | 4.8                          | 4.2                          | 3.7                          |
|                     | <i>t</i> = 1.64              | n.s.                         | <i>t</i> = 1.51              | n.s.                         |

Table 8

*Comparison of Income Level Between At-Risk for Abducting and Abducting Parents*

|               | At-Risk<br>Fathers<br>(n=36) | Abduct.<br>Fathers<br>(n=31) | At-Risk<br>Mothers<br>(n=44) | Abduct.<br>Mothers<br>(n=32) |
|---------------|------------------------------|------------------------------|------------------------------|------------------------------|
| Under \$5,000 | 6 (17%)                      | 7 (25%)                      | 11 (25%)                     | 6 (19%)                      |
| \$5-10,000    | 12 (33%)                     | 7 (25%)                      | 7 (16%)                      | 8 (25%)                      |
| \$10-18,000   | 6 (17%)                      | 2 (7%)                       | 12 (27%)                     | 7 (22%)                      |
| \$18-25,000   | 4 (11%)                      | 2 (7%)                       | 5 (11.5%)                    | 3 (9%)                       |
| \$25-50,000   | 4 (11%)                      | 5 (18%)                      | 5 (11.5%)                    | 5 (17%)                      |
| \$50-75,000   | 3 (8.1%)                     | 5 (18%)                      | 4 (9%)                       | 3 (9%)                       |
| Over \$75,000 | 1 (3%)                       | --                           | --                           | --                           |
| Mean          | 3.0                          | 3.2                          | 3.0                          | 3.1                          |
|               | <i>t</i> = .41               | n.s.                         | <i>t</i> = .29               | n.s.                         |

Prevention of Family Abduction

Table 9

*Comparison of Employment Status Between Parents in At-Risk for Abducting and Abducting Parents*

|              | At-Risk<br>Fathers<br>(n=38) | Abduct.<br>Fathers<br>(n=28) | At-Risk<br>Mothers<br>(n=40) | Abduct.<br>Mothers<br>(n=32) |
|--------------|------------------------------|------------------------------|------------------------------|------------------------------|
| Not Employed | 8 (21%)                      | 3 (11%)                      | 11 (27.5%)                   | 11 (34.5%)                   |
| Part-Time    | 7 (18%)                      | 5 (18%)                      | 4 (10%)                      | 10 (31%)                     |
| Full-Time    | 23 (61%)                     | 20 (71%)                     | 25 (62.5%)                   | 11 (34.5%)                   |
|              | $t = 1.14$                   | n.s.                         | $t = 1.71$                   | $p = .09$                    |

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Prevention of Family Abduction

Table 10

*Comparison of Mean Number of Types of Physical Aggression Ever Occurred (from Conflict Tactics Scale) for Parents in At-Risk for Abducting and Abducting Families*

|                     | At-Risk<br>Fathers'<br>Reports<br>(n=41) | Abduct.<br>Fathers'<br>Reports<br>(n=32) | At-Risk<br>Mothers'<br>Reports<br>(n=48) | Abduct.<br>Mothers'<br>Reports<br>(n=35) |
|---------------------|--|--|--|--|
| Minor Aggression    | 1.76                                     | 1.63                                     | 2.15                                     | 2.0                                      |
| Moderate Aggression | 1.24                                     | 1.22                                     | 1.42                                     | 1.71                                     |
| Severe Aggression   | .34                                      | .34                                      | .85                                      | .77                                      |
| Total Aggression    | 3.34                                     | 3.19                                     | 4.42                                     | 4.49                                     |

$^{\dagger}p < .1$      $*p < .05$      $**p < .01$      $***p < .001$

Table 11

*Comparison of Responses on Brief Symptom Inventory (BSI) Between Parents in At-Risk for Abducting and Abducting Families (T-Scores)*

| Scale  | At-Risk<br>Fathers<br>(n=38) | Abduct.<br>Fathers<br>(n=29) | At-Risk<br>Mothers<br>(n=46) | Abduct.<br>Mothers<br>(n=32) |
|--|------------------------------|------------------------------|------------------------------|------------------------------|
| Somatization                                 | 53.97                        | 53.03                        | 55.77                        | 55.34                        |
| Obsessive-<br>Compulsive                     | 58.59                        | 55.97                        | 57.20                        | 59.03                        |
| Interpersonal<br>Sensitivity                 | 55.58                        | 55.28                        | 57.24                        | 56.22                        |
| Depression                                   | 60.60                        | 58.45                        | 57.24                        | 59.03                        |
| Anxiety                                      | 59.16                        | 56.17                        | 59.40                        | 57.50                        |
| Hostility                                    | 55.12                        | 52.93                        | 55.79                        | 55.41                        |
| Phobic Anxiety                               | 52.67                        | 54.38                        | 53.08                        | 51.78                        |
| Paranoid<br>Ideation                         | 60.85                        | 59.59                        | 61.62                        | 60.22                        |
| Psychoticism                                 | 61.14                        | 57.10                        | 59.30                        | 61.75                        |
| Global Severity<br>Index (GSI)               | 60.50                        | 58.00                        | 59.35                        | 60.06                        |
| Positive Symptom<br>Distress Index<br>(PSDI) | 54.80                        | 54.10                        | 57.99                        | 58.41                        |

<sup>†</sup> $p < .1$     \* $p < .05$     \*\* $p < .01$     \*\*\* $p < .001$

Prevention of Family Abduction

Table 12

*Comparison of Responses on Narcissistic Personality Inventory (NPI) Between Parents in At-Risk for Abducting and Abducting Families*

| Scale            | At-Risk<br>Fathers<br>(N=39) | Abduct.<br>Fathers<br>(N=30) | At-Risk<br>Mothers<br>(N=46) | Abduct.<br>Mothers<br>(N=31) |
|------------------|------------------------------|------------------------------|------------------------------|------------------------------|
| Narcissistic     | 7.99                         | 7.80                         | 6.97                         | 7.71                         |
| Self-Sufficiency | 4.07                         | 3.50 <sup>+</sup>            | 3.88                         | 3.65                         |
| Exhibitionism    | .85                          | 1.00                         | .63                          | .90                          |
| Exploitive       | .99                          | 1.23                         | .64                          | .84                          |
| Entitlement      | 2.09                         | 2.03                         | 1.82                         | 2.32                         |

<sup>+</sup>*p* < .1    \**p* < .05    \*\**p* < .01    \*\*\**p* .001

Table 13  
*Current Physical Custody Arrangements*

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|                     | At-Risk Families<br>( <i>N</i> = 50) | Abducting Families<br>( <i>N</i> = 50) |
|---------------------|--------------------------------------|--|
| Sole Mother Custody | 29 (58%)                             | 24 (48%)                               |
| Sole Father Custody | 11 (22%)                             | 10 (20%)                               |
| Joint Custody       | 9 (18%)                              | 13 (26%)                               |
| Other               | 1 (2%)                               | 3 (6%)                                 |

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Table 14

*Current Visitation Schedules for Children in At-Risk for Abducting and Abducting Families*

|   | At-Risk Families<br>(N = 48)        | Abducting Families<br>(N = 50) |
|---|-------------------------------------|--------------------------------|
| <i>Typical Shared Access</i><br>50/50; 1 week/1week<br>weekend/weekday            | 13 (27%)                            | 9 (18%)                        |
| <i>Typical Visitation</i><br>alternate weekends with<br>or without mid-week visit | 12 (25%)                            | 8 (16%)                        |
| <i>Other Regularly Scheduled</i><br>(e.g. daytime only, long-<br>distance visits) | 16 (33%)                            | 6 (12%)                        |
| <i>Flexible Schedule</i><br>unplanned or varying<br>visits (1-4 times ea mo)      | ---                                 | 5 (10%)                        |
| <i>Minimal or Non-Contact</i><br>access days per month<br>(to father)             | 7 (14%)<br>11.16<br>$t = 2.66^{**}$ | 22 (44%)<br>6.51               |
| no. transitions between<br>parents per week                                       | 2.09<br>$t = .90$                   | 1.6                            |

$^+p > .1$     $*p > .05$     $**p > .01$     $***p > .001$

Prevention of Family Abduction

Table 15

*Comparison of Girls' CBCL Scores for At-Risk for Abducting and Abducting Families (T-Scores)*

|                        | Mothers' Ratings                      |                             | Fathers' Ratings            |                             |
|------------------------|---------------------------------------|-----------------------------|-----------------------------|-----------------------------|
|                        | At-Risk<br>( <i>n</i> = 21)           | Abduct.<br>( <i>n</i> = 17) | At-Risk<br>( <i>n</i> = 17) | Abduct.<br>( <i>n</i> = 20) |
| Internalizing <i>T</i> | 61.09<br><i>t</i> = 2.30*             | 51.94                       | 55.62<br>n.s.               | 54.55                       |
| Externalizing <i>T</i> | 56.62<br>n.s.                         | 51.70                       | 51.75<br>n.s.               | 52.60                       |
| Total <i>T</i> -Score  | 57.38<br><i>t</i> = 1.84 <sup>+</sup> | 50.64                       | 54.47<br>n.s.               | 54.20                       |



Table 16

*Comparison of Boys' CBCL Scores for At-Risk for Abducting and Abducting Families (T-Scores)*

|                        | Mothers' Ratings            |                             | Fathers' Ratings            |                             |
|------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|
|                        | At-Risk<br>( <i>n</i> = 27) | Abduct.<br>( <i>n</i> = 20) | At-Risk<br>( <i>n</i> = 20) | Abduct.<br>( <i>n</i> = 17) |
| Internalizing <i>T</i> | 54.70<br>n.s.               | 58.05                       | 50.80<br>n.s.               | 56.12                       |
| Externalizing <i>T</i> | 56.26<br>n.s.               | 59.63                       | 49.95<br>n.s.               | 54.12                       |
| Total <i>T</i> -Score  | 55.91<br>n.s.               | 60.30                       | 50.32<br>n.s.               | 55.06                       |

Table 17

*Analysis of Variance of Women's Reports of Cooperation, Violence, and Disagreement Over Child at Follow-Up (N = 45) in At-Risk for Abduction Families*

*Between-Subjects Factor: Treatment Type (Short, Long)*

*Within-Subjects Factor: Treatment Time (Before, After)*

*(F Values)*

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|                                      | Main Effects   |                   | Interaction Effects |  |
|--------------------------------------|----------------|-------------------|---------------------|--|
|                                      | Treatment Type | Treatment Time    | Time x Type         |  |
| Level of Cooperation                 | .50            | 14.03***          | .65                 |  |
| Level of Violence                    | .02            | 89.61***          | .37                 |  |
| Extent of Disagreement<br>over Child | 1.76           | 11.61***          | .25                 |  |
| Abduction Risk<br>Questionnaire      | .06            | 2.04              | .43                 |  |
| <sup>+</sup> <i>p</i> < .1           | * <i>p</i> .05 | ** <i>p</i> < .01 | *** <i>p</i> < .001 |  |

Table 18

*Analysis of Variance of Men's Reports of Cooperation, Violence, and Disagreement Over Child at Follow-Up (N = 40) in At-Risk for Abduction Families*

*Between-Subjects Factor: Treatment Type (Short, Long)*

*Within-Subjects Factor: Treatment Time (Before, After)*

*(F Values)*

|  | Main Effects   |                | Interaction Effects |  |
|--|----------------|----------------|---------------------|--|
|  | Treatment Type | Treatment Time | Time x Type         |  |
| Level of Cooperation   | .23            | 5.40*          | .87                 |  |
| Level of Violence  | .06            | 30.59***       | .22                 |  |
| Extent of Disagreement<br>over Child   | .04            | 5.62*          | 2.50                |  |
| Abduction Risk<br>Questionnaire  | .33            | .68            | .04                 |  |
| <sup>†</sup> <i>p</i> < .1    * <i>p</i> .05    ** <i>p</i> < .01    *** <i>p</i> < .001 |                |                |                     |  |

Table 19  
*Parents' Ratings of Extent of Disagreement Over Child  
 Before and After Treatment in At-Risk for Abduction Families*

|   | Women (N=45) |                                      | Men (N=40) |                          |
|---|--------------|--------------------------------------|------------|--------------------------|
|   | Before       | After                                | Before     | After                    |
| The other parent and I agree about the custody arrangement for the child(ren).  | 1.65         | 2.38<br><i>t</i> = 3.16**            | 2.10       | 2.42<br><i>t</i> = 1.28  |
| The other parent and I have disagreements about arrangements for picking up and dropping off the child(ren) (keeping to schedule, being punctual, agreeing on time, place, etc.). | 3.88         | 3.45<br><i>t</i> = -1.3              | 3.31       | 2.87<br><i>t</i> = -1.39 |
| The other parent and I mostly share the same attitude towards discipline of the child(ren).   | 2.16         | 2.36<br><i>t</i> = .84               | 2.60       | 2.85<br><i>t</i> = 1.14  |
| I do not approve of the other parent's lifestyle and believe it is a harmful example to my child(ren).  | 3.86         | 3.47<br><i>t</i> = -1.8 <sup>+</sup> | 3.59       | 3.35<br><i>t</i> = -.96  |
| I trust the other parent to look out for the physical safety and welfare of the child(ren) when with him/her.   | 2.69         | 3.41<br><i>t</i> = 2.5*              | 2.95       | 3.22<br><i>t</i> = 1.18  |
| The other parent and I often disagree over the everyday care of the child(ren) (e.g. bedtime, TV, diet, curfew, manners).   | 3.84         | 3.16<br><i>t</i> = -2.83**           | 3.30       | 3.00<br><i>t</i> = -1.13 |
| I don't trust the other parent to be responsive to the emotional needs of the child(ren).   | 4.41         | 3.86<br><i>t</i> = -2.79**           | 3.74       | 3.60<br><i>t</i> = -.47  |
| The other parent and I agree over child support.  | 4.23         | 3.78<br><i>t</i> = -2.4*             | 3.6        | 3.7<br><i>t</i> = .42    |
| Disagreements arise because child support is generally not paid regularly.  | 2.04         | 2.40<br><i>t</i> = 1.11              | 2.36       | 2.76<br><i>t</i> = 1.39  |

(continued ...)

Table 19 (... continued)

|  | Women (N=45) |                                       | Men (N=40) |                            |
|--|--------------|---------------------------------------|------------|----------------------------|
|  | Before       | After                                 | Before     | After                      |
| The other parent makes negative comments about me and my life in front of the child(ren).  | 3.03         | 2.79<br><i>t</i> = -.85               | 2.28       | 2.26<br><i>t</i> = -.06    |
| The other parent's relatives, friends, and/or new partner interfere with the child(ren).   | 3.24         | 2.98<br><i>t</i> = -1.02              | 3.41       | 3.30<br><i>t</i> = -.41    |
| The other parent threatens or actually cuts off child(ren)'s visits because of disputes over money OR cuts off money because of our dispute over visits. | 3.08         | 1.71<br><i>t</i> = -4.58              | 2.86       | 2.13<br><i>t</i> = -2.32*  |
| The other parent doesn't listen to what I have to say about the child(ren) or will not discuss arrangements with regard to the child(ren).               | 4.14         | 3.71<br><i>t</i> = -1.64              | 3.87       | 3.56<br><i>t</i> = -1.21   |
| The other parent is trying to cut me out from the child(ren)'s life.   | 3.51         | 2.45<br><i>t</i> = -4.68***           | 3.69       | 2.95<br><i>t</i> = -3.24** |
| The other parent does not take enough interest in the child(ren)'s affairs.  | 3.63         | 2.87<br><i>t</i> = -3.52***           | 3.06       | 2.90<br><i>t</i> = -.73    |
| The other parent and I agree with whom the child(ren) spend special occasions (e.g. holidays, birthdays, etc.).  | 2.15         | 3.16<br><i>t</i> = 3.39***            | 2.59       | 2.97<br><i>t</i> = 1.30    |
| I think it would be better for the child(ren) to see the other parent a lot less.  | 3.12         | 2.62<br><i>t</i> = -1.80 <sup>+</sup> | 2.65       | 2.60<br><i>t</i> = -.24    |

<sup>+</sup>*p* < .1    \**p* < .05    \*\**p* < .01    \*\*\**p* < .001

Prevention of Family Abduction

Table 20

*Parents' Ratings of Level of Cooperation and Violence Before and After Treatment in At-Risk for Abduction Families*

|                                   | Women<br>(N=45)   |       | Men<br>(N=40)     |       |
|-----------------------------------|-------------------|-------|-------------------|-------|
|                                   | Before            | After | Before            | After |
| Cooperation between parents       | 1.98              | 2.84  | 2.45              | 2.95  |
|                                   | $t = 3.76^{***}$  |       | $t = 2.33^*$      |       |
| Physical violence between parents | 2.73              | 1.20  | 1.78              | 1.10  |
|                                   | $t = -9.54^{***}$ |       | $t = -5.59^{***}$ |       |

$^+p < .1$     $*p < .05$     $**p < .01$     $***p < .001$

Prevention of Family Abduction

Table 21  
*Number of Families in Which an Abduction Had Occurred  
Before and After Treatment (N = 50) in At-Risk for Abduction Families*

|                              | Mother   | Father  | Both   | Total    |
|------------------------------|----------|---------|--------|----------|
| Before Intervention          | 14 (28%) | 7 (14%) | 1 (2%) | 24 (44%) |
| During or After Intervention | 1 (2%)   | 4 (8%)  | 0 (0%) | 5 (10%)  |

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Prevention of Family Abduction

Table 22  
*Correlations Between Demographic and Dispute Characteristics at Baseline and Outcome Variables for Women in Families At-Risk for Abduction at Follow-Up (N = 45)*

|  | Cooperation<br>with Ex | Physical<br>Violence | Disagreement<br>over Child | Overall<br>Resolution |
|--|------------------------|----------------------|----------------------------|-----------------------|
| <b>Demographic<br/>Characteristics</b>         |                        |                      |                            |                       |
| Age  | -.25 <sup>+</sup>      | .01                  | .17                        | .15                   |
| SES  | .31*                   | .12                  | -.31*                      | .05                   |
| Income   | -.26 <sup>+</sup>      | -.07                 | .13                        | -.15                  |
| Education                                      | -.19                   | -.07                 | .03                        | .15                   |
| No. of Children                                | .12                    | .02                  | -.15                       | -.04                  |
| <b>Dispute<br/>Characteristics</b>             |                        |                      |                            |                       |
| Mos. of Legal<br>Disputing                     | -.04                   | -.03                 | .14                        | .00                   |
| Cooperation<br>w/Ex Before<br>Treatment        | .25 <sup>+</sup>       | -.08                 | -.27 <sup>+</sup>          | -.05                  |
| Level of Past<br>Violence                      | .26 <sup>+</sup>       | .24 <sup>+</sup>     | .13                        | .17                   |
| History of<br>Aggression<br>(CTS)              | -.29*                  | .12                  | .21                        | -.09                  |
| Disagreement<br>Over Child<br>Before Treatment | -.02                   | .01                  | .37                        | .17                   |

<sup>+</sup>*p* < .1    \*\**p* < .05    \*\*\**p* < .01    \*\*\*\**p* < .001



Prevention of Family Abduction

Table 23

*Correlations Between Demographic and Dispute Characteristics at Baseline and Outcome Variables for Men in Families At-Risk for Abduction at Follow-Up (N = 40)*

|  | Cooperation<br>with Ex | Physical<br>Violence | Disagreement<br>over Child | Overall<br>Resolution |
|--|------------------------|----------------------|----------------------------|-----------------------|
| <b>Demographic<br/>Characteristics</b>         |                        |                      |                            |                       |
| Age  | -.18                   | .06                  | .19                        | -.03                  |
| SES  | .19                    | -.20                 | -.20                       | .10                   |
| Income   | -.18                   | .08                  | .14                        | .04                   |
| Education                                      | -.12                   | .20                  | .12                        | -.04                  |
| No. of Children                                | -.11                   | -.19                 | .20                        | -.12                  |
| <b>Dispute<br/>Characteristics</b>             |                        |                      |                            |                       |
| Mos. of Legal<br>Disputing                     | -.22                   | .09                  | .29 <sup>+</sup>           | .14                   |
| Cooperation<br>w/Ex Before<br>Treatment        | .54***                 | -.11                 | -.45**                     | .17                   |
| Level of Past<br>Violence                      | -.24                   | .39**                | .05                        | .00                   |
| History of<br>Aggression<br>(CTS)              | -.25*                  | .33*                 | .15                        | -.04                  |
| Disagreement<br>Over Child<br>Before Treatment | -.37*                  | .11                  | .59***                     | -.09                  |

<sup>+</sup>*p* < .1    \*\**p* < .05    \*\*\**p* < .01    \*\*\*\**p* < .001

Prevention of Family Abduction

Table 24

Correlation Between Psychological Variables at Baseline and Outcome Variables for Women in Families At-Risk for Abduction at Follow-Up (N = 45)

| Psychological Characteristics   | Cooperation With Ex | Physical Violence | Disagreement Over Child | Overall Resolution |
|---------------------------------|---------------------|-------------------|-------------------------|--------------------|
| From BSI                        |                     |                   |                         |                    |
| Somatic                         | .18                 | -.01              | -.15                    | .26 <sup>+</sup>   |
| Obsessive-Compulsive            | -.10                | .01               | .14                     | -.02               |
| Interpersonal Sensitivity       | .04                 | .13               | -.02                    | .12                |
| Depression                      | .14                 | -.04              | -.14                    | .17                |
| Anxiety                         | .05                 | -.16              | -.07                    | .07                |
| Hostility                       | -.09                | -.08              | -.01                    | -.07               |
| Phobic Anxiety                  | .09                 | .06               | -.06                    | .16                |
| Paranoid Ideation               | .09                 | .14               | .05                     | .28 <sup>+</sup>   |
| Psychoticism                    | .10                 | .06               | -.01                    | .10                |
| Gen. Symptom Inv.               | .03                 | -.04              | -.02                    | .09                |
| Positive Symptom Distress Index | .04                 | .06               | .04                     | .10                |
| From NPI                        |                     |                   |                         |                    |
| Self-Sufficiency                | .42 <sup>**</sup>   | .01               | -.19                    | .23                |
| Exhibitionism                   | .15                 | -.19              | -.12                    | .27                |
| Exploitive                      | .33                 | .00               | -.16                    | .33                |
| Entitlement                     | .15                 | .07               | -.04                    | .18                |
| Narcissism                      | .41 <sup>**</sup>   | -.01              | -.19                    | .37 <sup>*</sup>   |

<sup>+</sup>*p* < .1    \**p* .05    \*\**p* < .01    \*\*\**p* < .001

Table 25

*Correlation Between Psychological Variables at Baseline and Outcome Variables for Men in Families At-Risk for Abduction at Follow-Up (N = 40)*

| Psychological Characteristics   | Cooperation With Ex | Physical Violence | Disagreement Over Child | Overall Resolution |
|---------------------------------|---------------------|-------------------|-------------------------|--------------------|
| From BSI                        |                     |                   |                         |                    |
| Somatic                         | -.15                | .02               | .30 <sup>+</sup>        | -.04               |
| Obsessive-Compulsive            | -.20                | .10               | .05                     | -.13               |
| Interpersonal Sensitivity       | -.14                | .25               | -.06                    | .02                |
| Depression                      | -.07                | .15               | -.22                    | -.16               |
| Anxiety                         | -.28 <sup>+</sup>   | .28 <sup>+</sup>  | .02                     | -.17               |
| Hostility                       | -.17                | .34 <sup>*</sup>  | -.11                    | -.05               |
| Phobic Anxiety                  | -.05                | .05               | .15                     | .09                |
| Paranoid Ideation               | -.28 <sup>+</sup>   | .26               | .21                     | -.19               |
| Psychoticism                    | -.11                | .13               | -.11                    | -.09               |
| Gen. Symptom Inv.               | -.23                | .25               | .01                     | -.18               |
| Positive Symptom Distress Index | -.27 <sup>+</sup>   | .29 <sup>+</sup>  | .07                     | -.20               |
| From NPI                        |                     |                   |                         |                    |
| Self-Sufficiency                | .02                 | .02               | -.11                    | -.17               |
| Exhibitionism                   | .02                 | .14               | -.01                    | -.07               |
| Exploitive                      | .14                 | -.05              | -.19                    | -.07               |
| Entitlement                     | .08                 | .27 <sup>+</sup>  | -.21                    | .03                |
| Narcissism                      | .09                 | .13               | -.19                    | -.10               |

<sup>+</sup> $p < .1$      $*p .05$      $**p < .01$      $***p < .001$

Prevention of Family Abduction

Table 26

*Correlations Between Profile of Abduction Risk and Outcome Variables for Women in Families At-Risk for Abduction at Follow-Up (N = 45)*

| Profile of Abduction Risk          | Cooperation With Ex | Physical Violence | Disagreement Over Child | Overall Resolution |
|------------------------------------|---------------------|-------------------|-------------------------|--------------------|
| A Suspicious/Distrust of Parenting | -.01                | -.14              | .15                     | .06                |
| B Paranoid                         | -.05                | -.09              | .02                     | .20                |
| C Foreigner/Cultural Ties          | -.16                | -.14              | -.06                    | -.13               |
| D Prior Abduction/Threat           | -.20                | -.10              | .18                     | -.29               |
| E Criminal History/Sociopathic     | .02                 | -.09              | -.09                    | .20                |
| F Disenfranchised                  | .33*                | .14               | -.29*                   | .04                |

<sup>+</sup>*p* < .1    \**p* < .05    \*\**p* < .01    \*\*\**p* < .001

Prevention of Family Abduction

Table 27

*Correlations Between Profile of Abduction Risk and Outcome Variables for Men in Families At-Risk for Abduction at Follow-Up (N = 40)*

| Profile of Abduction Risk          | Cooperation With Ex | Physical Violence | Disagreement Over Child | Overall Resolution |
|------------------------------------|---------------------|-------------------|-------------------------|--------------------|
| A Suspicious/Distrust of Parenting | .22                 | -.02              | .01                     | .18                |
| B Paranoid*                        | ---                 | ---               | ---                     | ---                |
| C Foreigner/Cultural Ties          | -.18                | -.19              | .01                     | -.17               |
| D Prior Abduction/Threat           | -.17                | .27 <sup>+</sup>  | .18                     | -.29*              |
| E Criminal History/Sociopathic     | .12                 | -.05              | -.14                    | .20                |
| F Disenfranchised                  | .17                 | .06               | -.16                    | .02                |

<sup>+</sup> $p < .1$     \* $p < .05$     \*\* $p < .01$     \*\*\* $p < .001$

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\*Note that men judged as paranoid did not complete the follow-up questionnaires.

## Chapter 6

### Descriptive Study of Preventive Interventions in Families At-Risk for Abduction

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Prevention of Family Abduction

Descriptive Study of Preventive Interventions  
in Families At-Risk for Abduction

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## Prevention of Family Abduction

### Descriptive Study of Preventive Interventions in Families At-Risk for Abduction

#### Chapter Summary

This report documents counseling interventions and conflict resolution strategies used to help settle custody and access disputes with families identified as at-risk for parental abduction of their children. It is argued that traditional, issue-focused methods of mediation are, by and large, unsuitable or ineffective for the resolution of highly conflicted custody matters that are likely to be the precursors of an abduction incident. Rather, what are needed are counseling and advocacy interventions that (1) are economically feasible, (2) help troubled families bridge the cultural chasms to mental health and legal services in the community, (3) provide information about abduction laws and the consequences of custody violations (4) address the underlying psychologically conflicts and disturbed family dynamics of the parents, and (5) focus on children's individual and developmental needs. These kinds of interventions need to be used in conjunction with attempts to settle custody disputes through negotiation, mediation, evaluation and court orders.

Two models of impasse-directed mediation which are hypothesized to met the above-listed criteria are described in detail: one is a brief diagnostic-referral service (10 hours duration), and one is a longer, therapeutic service (maximum of 40 ours duration). In each case, families identified as at-risk for abduction either stipulate or are court-ordered to participate in the program, which is confidential and separate from litigation. The goals of the service are (1) to resolve the underlying emotional factors which converge to create the impasse so that parents can make more rational, joint decisions; (2) to assess the impact of the conflict on the children in order to help parents make chid-focused decisions, and (3) to help the family move through the separation crisis to a post-divorce structure that is more conducive to the children's and parent's continued growth and development.

Specific strategies for different kinds of abduction risk are described and illustrated with case examples. First and foremost, where there have been threats to abduct or a prior abduction, preventive measures need to be taken. These may include explicit court-ordered custody and visitation agreements, jurisdictional assignment and reciprocal custody orders, control of passports, restraining orders, posting of bonds, and, in the more extreme cases, electronic monitoring and visitation supervision. In families where a parents has a fixed belief that the other parent is endangering the child and is supported in such a belief by his/her social network, measures also need to be taken to prevent the parent from fleeing to protect the child. This involves ensuring that adequate investigations of the allegations are made in ways that do not escalate the conflict and confound the process of establishing the facts. Moreover, when the allegations cannot be substantiated, it is important to use



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measures that can rebuild trust and monitor the situation over the long term, in order to avoid continued emotional, if not physical, abuse of the children in these fractured families.

Where there is serious delusional thinking or dangerous sociopathy in one of the parents, the family court needs to have mechanisms and procedures to protect the child rather than relying on counseling and mediation, which can result not only in child abductions but perhaps in murder/suicide. Such procedures include emergency psychiatric screening, ex parte hearings that might result in the temporary removal of the child to a safe environment, supervised visitation with high security, and decisive use of court authority to prosecute, fine and imprison violators of custody and restraining orders.

Parents who have strong ties to their homeland in a foreign country need culturally sensitive counseling, emotional support and perhaps financial and legal assistance to help offset the anxiety, fear and loss they typically experience at the time of separation and divorce that might precipitate a child abduction. The separating partners might also need to take preventive precaution to avoid one of the other absconding with the child. Typical precautions are measures taken when there is any credible threat of abduction or actual prior abductions of a child (as described above).

Finally, affordable legal and mental health consultations and user-friendly court procedures with translation services are needed for parents who are economically indigent, poorly educated, victims of domestic violence, never-married, and/or members of ethnic-religious-cultural groups with views about childrearing that are contrary to prevailing custody laws. This is particularly so if these disenfranchised parents have extended family and social support networks in other geographical areas that might wittingly or unwittingly aid them in custody violations.

Why Not Traditional Mediation for Families At-Risk for Abduction?

Initially, mediation of custody disputes in family courts was proposed as an important method of preventing parental abductions (Bentsch, 1986; Finkelhor et al., 1990; Hegar, 1990). However, upon closer scrutiny we find that the traditional models of mediation are unsuitable or ineffective for the resolution of highly conflicted custody matters that are likely to be the precursors of an abduction incident.

Custody mediation, as it was originally conceived, referred to the use of a neutral third party in a confidential setting to help separating couples clearly define their disputed issues, generate options, order priorities, and then negotiate differences and alternatives about the custody and care of their children after divorce. There is a general consensus that mediation is distinct from therapy and from the practice of law (Folberg & Taylor, 1984; Girdner, 1986; Kelly, 1983). In the traditional or ideal model of mediation, the assumption is that the mediator can attend to power imbalances between the parents, contain and deflect the emotional conflicts of the divorcing couple, and help them to become more rational, focussed and goal oriented.

Children are not usually included in the actual mediation sessions, because it is believed that decision making is primarily the parents' responsibility and that parents themselves are best able to represent the needs of their children in the process (Gold, 1981; Mnookin & Kornhauser, 1979). This method of conflict resolution has been widely advocated as the forum of choice because it empowers parents to make their own decisions, avoids unnecessary state interference in family affairs, and increases satisfaction and compliance with agreements made (Depner & Cannata, 1994; Depner, Cannata, & Ricci, 1994, 1995; Duryee, 1991, 1992; Kelly & Gigy, 1989; Slater, Shaw & Duquesnel, 1992). It would follow, then, that mediation could be considered a primary preventive measure for child abduction.

However, the extant research shows that families at-risk for abduction share many of the same characteristics of dysfunctional families for whom it has been explicitly argued that mediation is inappropriate. These include cases where there has been domestic violence; serious allegations of child abuse, neglect and molestation; substance abuse; sociopathy and histories of law violation (Germane, Johnson & Lemon, 1985; Girdner, 1990; Lerman, 1984; Liss & Stahly, 1991; Pearson & Thoennes, 1980, 1982; Pennington, 1990; Preston & Helson, 1989; Walker & Edwall, 1987). Furthermore, mediation has been found to be ineffective for highly conflicted couples who are ambivalent about their separation and who have severe psychopathology or personality disorders (Ehrenberg & Hunter, 1994; Gabby, 1993; Hoppe & Kenney, 1994; Kressel et al, 1980; Pearson & Thoennes, 1980; Waldon et al., 1984; Walters, Lee & Olesen, 1995). Poor outcomes in mediation are also predicted for parents who have immutable, highly divergent perceptions of their children's needs which they tend

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to confuse with their own, and a pervasive distrust of each other's capacity to provide a secure environment (Depner, Cannata, & Simon, 1992; Johnston & Campbell, 1988; Maccoby & Mnookin, 1992).

In sum, high conflict divorcing families have largely been identified by their failure to make effective use of mediation methods that rely upon a rational decision making process. With the research on parents who abduct their children showing that they share many of the same characteristics as parents in highly-conflicted litigated custody disputes, the traditional model of mediation is not likely to be successful in helping parents at-risk for abduction to settle their differences and, hence, prevent custody violations.

### The Rationale for Therapeutic Mediation

It is evident that misplaced and escalating personal and spousal conflicts of divorcing couples, whether emanating from long-term difficulties or from separation-engendered turmoil, result in resistance to mediation, questionable negotiation strategies, unrealistic custody and access demands in repeated litigation, and, in the most serious cases, abduction of the children. From a therapeutic viewpoint, a more appropriate intervention than the traditional one begins with an understanding of why these parents are locked into chronic disputes. Based on such understanding, counselors can devise strategic, focused therapeutic interventions aimed at the impasse, which will help these parents to make decisions more rationally. Moreover, based upon an understanding of the developmental needs of the individual child, therapists can help parents focus on meeting the needs of their children, separate from their own psychological agendas. Early versions of this approach to custody disputes were espoused by Milne (1978) and by Waldron et al. (1984).

### Impasse-Directed Mediation

To date, the most thoroughly developed and clearly explicated version of this approach is now referred to as impasse-directed mediation, a service model specifically designed for high-conflict separating families, all of which are referred by local California family courts. In all cases, these families have failed to settle their differences in mandated mediation which involved a brief issue-focused (more traditional) mediation or following custody evaluations and judicial orders (Johnston & Campbell, 1988).

There are three important ways in which impasse-directed mediation differs from the traditional model described above. First, in a radical departure from what has been viewed as a necessary distinction between therapy and mediation, this approach brings these two interventions together. The rationale is that, until some of the underlying emotional factors which converge to create the impasse are dealt with, these parents cannot make rational, child-centered decisions. The diagnostic and counseling component is not provided in a

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separate setting, apart from the actual negotiations, because an understanding of the impasse, the parents' dynamics, and the children's needs gleaned during the counseling phase is invaluable in helping to choose negotiation strategies and in building psychologically sound agreements.

Second, this model is based upon a differential assessment of the divorce transition impasse and its effects on children -- both the immediate effects and the potentially skewed development that is likely to take place over time for youngsters living in these kinds of families. The assumption is that many parents in these embittered, intractable conflicts have little ability to protect their children from their own personal or spousal problems, nor can they separate their own needs from those of their children. Not only are parenting capacities diminished at the time of the separation or divorce, but there is also the risk that parenting will be chronically compromised by the parents' own personal problems or by the ongoing conflict. Hence, the goal is to educate, counsel and even advocate to these parents regarding the children's needs, and also, in many cases, to intervene directly with the children to help them cope with and manage their difficult family situations.

Third, the goals of impasse-directed mediation include not only developing psychologically sound and satisfying child access plans, but also helping the family through its divorce transition, and through its impasse to a structure that is more conducive to the parents' and children's continued growth and development. The completion of the access agreement is not an end in itself; rather, it is seen as secondary to and an outward symbol of the family's transition and restructuring.

Impasse-directed mediation as originally developed is a confidential service, provided outside of the court in a private setting. The parties must stipulate that the counselor will not be asked or subpoenaed to testify in court. The only information provided to the court is whether or not family members have participated in the program. The only non-confidential recommendation the counselor can give is whether the family should return to court to resolve a specific issue, if the process is unsuccessful in reaching a critical agreement. For the first part of the intervention, parents are seen separately for counseling, and then they are seen together for mediation, unless there is a threat of domestic violence. When seen separately, the parents do not have confidentiality between themselves; the counselor exercises his or her discretion to use any information provided by one parent in counseling or mediating with the other. Children, however, are assured confidentiality from their parents with the exception of mandated reporting of suspected child abuse.

In practice, most families enter into impasse-directed mediation because they have been ordered to do so by the court, under California statutes that allow the judge to order parenting counseling and mediation on behalf of the children. The parents may or may not be represented by attorneys. If they are, the role of the attorneys is to encourage their clients'

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participation and to draw up the stipulations that will protect the process. Collaboration between attorneys and the counselors during the process is limited, confined to procedural matters (e.g., clarifying the need for a financial issue to be settled before proceeding with a custody matter, or vice versa). The attorneys also enter agreements into the court record, and/or proceed to another dispute resolution forum with residual disputes. If one or both parents are not represented by counsel (known as *in pro per*, in California), they are responsible for entering their own agreements into the court records or they may receive the help of the family court services counselors to ensure that this is done.

### Outcome Studies of Impasse-Directed Mediation

Several variations of impasse-directed mediation have been developed and evaluated to date. In a study of 80 high conflict litigating families referred from the family courts in the San Francisco Bay Area, half were seen in an individual family model of service, comprising 25-35 sessions, and the other half were seen in small groups over a series of two months. More than four-fifths reached an agreement. A two-to-three-year follow-up indicated that two-thirds were able to keep or renegotiate their own agreements regarding custody/access and successfully stay out of court. Group and individual family methods were equally effective in achieving these agreement rates. However, the group method resulted in more cooperative and less conflictual coparenting relationships, whereas there was a tendency for the individual method to result in better parent-child relationships. The group method was 40% more cost-effective, because fewer counselor hours were needed (17 hours versus 27 hours) (Johnston & Campbell, 1988).

A second study of 91 litigating families, also referred from the family courts, who received one of three types of counseling service provided (parents only, parents and child, groups for parents and children), confirmed these overall findings. Moreover, a review of court filings showed they were reduced to one-sixth of their prior-to-intervention rates (Johnston, 1993). A third study of 32 litigating families seen in small groups was conducted in Toronto's Family Court Clinic and then compared with families that received custody evaluations. An important contribution from this team was the production of a parents' group manual (McDonough, Radovanovic, Stein, Sagar & Hodd, 1995). Outcome data are not yet available. A fourth study of an adaptation of the impasse model of group mediation to a court setting is currently being undertaken by the Alameda County Family Court Services in California (Johnston, 1996).

While the initial model of impasse-directed mediation (comprising 25-35 individual family sessions or seven to eight weekly group sessions for parents and for children with their peers of similar ages) was well within the range of what is considered brief therapy, it was generally viewed as prohibitive in cost for families with few resources and for court-connected services which are likely to be limited in the extent of help they can offer

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with public funds. For this reason, it was adapted to a *brief diagnostic impasse consultation* of three to five sessions for individual families. The first attempt to implement this model as a community adjunct to family court services, within Santa Cruz County, failed for logistical and administrative reasons resulting in too few referrals (Hoffman, 1992).

### Impasse-Directed Mediation for Families At-Risk for Abduction

To date, all of these models of therapeutic mediation have been used for families who are repeatedly litigating custody in family court. The goals have been to help the families redefine what they perceive to be a legal problem as a mental health issue, and to provide a therapeutic intervention that will resolve their difficulties and keep them out of court. The question is whether these models of service are appropriate for families at-risk for abduction. To the extent that our previous study (Chapter 4) indicates that the family and psychological dynamics in these two populations are similar (in terms of the extent of conflict, hostility, domestic violence, type of parental pathology), then the models should be suitable. Insofar as the populations differ (in that the abducting families are more likely to be economically and educationally disadvantaged, to have ties to other cultures, to have never married, and to find the courts and mental health services alien and not particularly helpful resources), then the models of therapeutic mediation need to be adapted to the at-risk families' special needs.

Specifically, a less costly service is needed, and one that emphasizes helping these troubled families bridge the cultural chasms to mental health and legal services in the community. In particular, they need information about abduction laws and the consequences of custody violations. Moreover, the intervention goal for families at-risk for abduction may well include getting them into court rather than helping them stay out (as it is for the chronic litigators).

For this study, two variations of impasse-directed mediation were adapted, implemented and evaluated with 50 families identified by the family courts as at-risk for abducting their children:

- a brief diagnostic model of three to five sessions with a maximum of 10 hours of direct and indirect service provided by a counselor, and
- a longer model of 25-35 sessions with a maximum of 40 hours of direct and indirect service provided by a counselor.

Each of these models of intervention is described in more detail in this chapter. (See Chapter 5 for further description of the qualifications, training and experience of the individual counselors, the general procedures for identifying families at-risk for abduction and methods of outreach.) This chapter also describes the evaluation study and its outcomes nine months later.

### The Brief (10-hour) Intervention

Essentially, this involves four brief phases: (a) a rapid assessment of the impasse, (b) a strategic reframing of the problem from the point of view of the child's needs, (c) the development of a plan or procedure for resolving the problem over time, and (d) referral to psychological or legal sources that will help implement these goals.

The *rapid assessment* of the family's impasse and its impact on the child is obtained from one session with each parent and either a child interview/observation, or telephone contacts with collaterals such as teachers, pediatricians, other family members, child care persons, etc. (three hours direct service). Each parent is provided with a flyer that contains a simple explanation of the laws pertaining to parental child stealing and custody violations, along with informed consent to the intervention and confidentiality stipulations which they are required to sign (see copies in the Appendix).

During the *reframing phase* (about two hours direct service), the counselor strategically presents the results of this assessment/formulation to the family in a manner the parents are likely to be able to absorb, using the parents' concerns about the child as leverage to shift their combative stance. This usually involves one session with both parents conjointly, or separately if domestic violence is a threat. Typically, during the reframing phase, the counselor tries to reconceptualize the way each parent sees the problem, away from a blaming mode (i.e., he is crazy, she is bad) to a consideration of the family environment (i.e., what parents are doing to the child and how each can do better); away from the parents' focus on their own "inalienable" rights, and perhaps high-handed presumptions, to a consideration of the real life effects of the parents' inability to cooperate and share the child. The counselor will try to construct a narrative or story of the parental struggle and what their fight is doing to the child. Metaphors, folktales, imagery, stories, and slogans are used to help parents cognitively hold onto this reorientation. The idea is to get the parents to have a shared understanding of the developmental risks to the child, highlighting their overlapping self-interests and their common goals with regard to the welfare of the child.

During the *restructuring and referral phase* (which involves either a joint or shuttle mediation session with the parents, two to three hours of direct service) the counselor will develop options and/or present recommendations which outline for the family a child-focused pathway out of their impasse. The goal is to help the parents agree on a procedure for resolving their impasse over time. Hopefully, this mediated agreement will contain the structure for a provisional resolution (which includes monitoring a series of temporary agreements, scheduling feedback sessions, setting up criteria for when new decisions should be made, initiating a custody evaluation) until a more lasting resolution can be achieved. Finally, referrals are made to services and resources in the community that will enable them to implement their plan over time (e.g., for supervised visitation or exchanges, parenting

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counseling, ongoing mediation, coparenting arbitration, treatment programs for substance abuse and domestic violence). In summary, in this brief intervention, the counselor undertakes the crucial beginning phase of the therapeutic mediation, but does not undertake the working-through and the follow-up, that is, he or she helps the family to underscore what must be done to resolve the impasse and then sets up the necessary support services for how and where it is to be done.

### The Longer (40-hour) Intervention

In this extended model of intervention, there are also four phases: (a) assessment, (b) pre-negotiation counseling; (c) negotiation of a plan, and (d) implementation.

During the *assessment phase* (about six hours of direct service), parents and children are interviewed separately, and the children are seen in individual play interviews. Then each parent is seen in a structured observation with the children. These clinical observations, together with a history of the dispute, a history of each parent, the marriage and its breakdown, and a developmental history of the child, are used to formulate a detailed assessment of the family impasse and its developmental effects on the child (see Appendix for guidelines to this assessment). In addition, extended family members, teachers, caregivers, attorneys and social services agencies involved with the family are contacted, where indicated and with the family's permission. At this time, as in the brief model, each parent is provided with a simple written explanation of the laws about parental child stealing and custody violations along with informed consent to the intervention and confidentiality stipulations, which they must sign (see copies in the Appendix).

During the *prenegotiation counseling phase* (16 hours of direct service), counselors prepare each parent in individual sessions, for the upcoming phase, by strategically intervening in the family impasse and focusing on the children's needs. The strategy here is two-pronged. On one hand, the counselor helps each parent develop some awareness or insight into the impasse. This might involve therapeutic work with a parent suffering from a traumatic separation experience, the reactivated trauma of an earlier loss, or the humiliation of the rejection inherent in the divorce; or efforts to extricate the custody dispute from conflicts with extended kin. If the parent is too emotionally or characterologically disturbed to benefit from insight, intervention is directed toward another approach to the impasse (via the parent's new spouse, new partner, or extended network). On the other hand, the counselor attempts to educate each parent as to the effects of their conflict or their parenting on their child, and the need for the child to have a good relationship with both parents. This ranges from asking questions that raise their consciousness about their child, to directly counseling them, and in the more extreme situations, to strongly advocating on their child's behalf. Insights gained by the counselors from seeing the children in their individual sessions, or



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from discussions with others such as teachers and caregivers, provide compelling authenticity to the counselor's interventions with parents.

It is hoped that this two-pronged strategy will shift the parents' perspectives enough that they become ready to mediate more rationally. If their stance is unyielding, the counselor, taking care not to offer legal advice or to impose cultural biases, then focuses on helping the parents identify and explore the realities of their position (e.g., information about the applicable laws, what is possible and not possible in court, what they can realistically expect from the ex-spouse, what their child is capable of handling). Under the shadow of these sobering realities, a realistic agenda for the actual mediation or negotiation session is prepared.

The *negotiation or conflict resolution phase* is when specific dispute issues are resolved and a set of access agreements developed. At this point, the divorcing couple are usually brought together for the first time. Alternatively, shuttle negotiation -- where the counselor sees first one and then the other parent -- is used where it is not wise or possible to bring parents together (e.g., where domestic violence is of concern). This is usually a fairly rapid phase (four to five hours of direct service) and proceeds according to more or less straightforward mediation techniques, except that there is considerable attention given to making the kind of agreements that will avoid activation of the impasse dynamics.

The *implementation phase* follows, during which time the counselor remains available by telephone to each family for emergency consultations (in the event of new or renewed conflict). During this phase, the counselor is also available to help parents interpret, monitor, and modify their agreement (about five hours of direct service).

### Strategies for Specific Kinds of Abduction Risk

Six profiles of abduction risk were used in the recruitment of families to this intervention project, as described in Chapter 5. Though either the brief or longer model of intervention as described above was employed for all of them, there were some particular strategies employed that were relevant to each type or profile of abduction risk. It is important to note that many families were identified by more than one criteria, which meant that a combination of approaches was sometimes used. These will be summarized in the balance of this chapter.

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### When there has been a prior threat of or actual abduction

When parents have made credible threats to abduct a child or have a history of hiding the child, withholding visitation, or snatching the child back and forth, there is obviously great distrust and a further risk of custody violation. This profile of abduction risk is usually combined with one or more of the other profiles, and in such instances other underlying psychological and social dynamics need to be understood and addressed. In any case, general indicators of imminent threat of fleeing with the child where other risk factors are also present are: (1) when a parent is unemployed, homeless and without emotional or financial ties to the area, and/or (2) when they have divulged plans to abduct and have the resources to survive in hiding or the support of extended kin and underground networks to keep themselves hidden.

There are a number of specific measures that can be taken when there is imminent threat or a history of prior abduction. Court orders need to be in place which specify who is assigned custody and which spell out the arrangements for contact with the other parent. These orders should designate which court has jurisdiction, and require the written consent of the other parent or the court before the child can be taken out of the area. If visitation is unsupervised, the access or visitation plan should be specific in denoting times, dates, place of exchange, holiday periods, etc., and the consequences for violating these orders. Parents should be encouraged to have a certified copy of the custody order available at all times.

The embassy or agency issuing passports and birth certificates can be alerted not to issue one for the child without the written, certified authorization of both parents, and the child's passport can be marked with a requirement that travel is not permitted without the same authorization. The child's and parent's passports may be held by a neutral third party. The court can require (or parents may stipulate) that a substantial bond will be posted by the departing parent, especially if leaving the country for vacation.

School authorities, daycare persons and medical personnel can be given explicit instructions not to release the child or any records of the child to the noncustodial parent. Relatives and others who might support a parent in hiding a child should clearly understand their criminal liability if they aid and abet a felon. Older children can be taught how to protect themselves against a parental abduction and how to find help if they are taken.

Supervised visitation, of course, is one fairly stringent method of prevention, which is typically used to prevent recidivism in serious cases of child stealing. However, high-security supervision is expensive and difficult to obtain. Furthermore, there are no guidelines for how long it should be implemented and when the situation no longer warrants it. Parents who have recovered their children after a traumatic experience of abduction have

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tremendous anxieties that cannot be allayed, and they often try to insist on supervised visits for years afterwards. It behooves the parent who has abducted in the past to take extra care to rebuild trust and even to submit to monitoring that they might feel is humiliating (like checking in regularly by telephone, allowing other people to be present during the visitation, or wearing a transmitter on an ankle bracelet).

### When a parent's suspicions of child endangerment have social support

Families that meet this criterion are characterized by one of the parents having a fixed belief that the other parent is dangerous to the child (either abusive, molesting or neglectful) without providing sufficient substantiating evidence for the court to take action on these allegations. Moreover, the parent is supported in these beliefs by an extended family or social network which can collude in a child abduction in order to "protect the child."

The first order of business in these cases is to ensure that a careful and thorough investigation of the allegations has been undertaken, or is in progress. Frantic parents are likely to become calmer and more rational if they feel their concerns are being taken seriously and not dismissed as simply being hysterical, vengeful, or malicious. Likewise, accused parents are more cooperative if approached with a respectful request to help the investigators get to the bottom of what might be inciting the suspicions of abuse. During this investigative stage, precautions need to be taken to ensure that there is no ongoing abuse, or, alternatively, to protect an innocent parent from further allegations. Such precautions may include supervised visitation, especially if the child is very young, clearly frightened, or distressed and symptomatic in response to visits.

The alleging parent is shown how to respond to the child and how to make accurate observations without confounding the evaluation process. So as not to encourage attention getting ploys, the parent is also counseled not to react visibly to the child's verbal statements and unusual behaviors (such as sexualized play). Whenever possible, the concerned extended kin and other social support persons are also involved in this intervention. Moreover, from the beginning, it is helpful if all relevant professionals involved with the family are authorized by the parents to talk with one another so that they can support the family cohesively during the evaluation process and not incite anxiety with discrepant, premature conclusions.

As the data about the allegations and the child's symptomatic behavior are assembled by the investigating professionals (preferably with expertise in both child abuse and the dynamics of highly conflictual divorcing families), there should be a careful sifting through of the evidence for a differential diagnosis and reasoned conclusions. These should be shared in a timely manner with both parents and important supportive others. In some rare cases, especially where there is severe psychopathology in both parents or their extended families,

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the child can be placed in the temporary care of a neutral third party with supervised visitation to both parents in order to sort out who or what is fueling the extremely troubling, persistent claims of abuse.

Unsubstantiated allegations of abuse are usually not equivalent to proof of innocence of the accused. Rather, a huge degree of mistrust and anger is often the legacy of unproven accusations, which can shadow the fragmented divorced family for years, putting the child at risk for continued emotional, if not physical, abuse. A structure for rebuilding trust between parents and ensuring protection of the child needs to be established for the long term benefit in these families (Hewitt, 1991). This structure includes one or more of the following: (1) mandated counseling for one or both parents to ensure appropriate parenting practices where there has been poor judgement or unclear boundaries on the part of a parent; (2) appointment of a special master to help parents communicate and reality-test their distrust of one another, to monitor the situation and make necessary decisions in an ongoing way; (3) provision of long-term therapy for the child which offers a safe place for the child to sort through their realistic fears and phobias and to disclose abuse should it occur or recur; and (4) appointment of a guardian ad litem to represent the child in any ongoing litigation.

### When a parent is paranoid or sociopathic

These two profiles of abduction-risk require similar kinds of response by the family courts. In the case of the paranoid profile (Profile B), parents hold markedly irrational or psychotic delusions that the other parent will definitely harm them and/or the child. Believing themselves to be betrayed and exploited by their ex-partner, these parents urgently take what they consider to be necessary measures to protect themselves/the child. It is important to understand that the child is not perceived as a separate, other person by psychotic parents; rather he or she is either experienced as fused with the self as a victim (in which case they take unilateral measures to rescue their offspring), or the child is viewed as part of the hated other (in which case the child can be precipitously abandoned or even destroyed). In general, the marital separation and the instigation of the custody dispute triggers an acute phase of danger, which can mount to the threat not only of abduction but also of murder/suicide.

In the case of the sociopathic parent (Profile E), he or she usually has a long history of flagrant violations of the law and contempt for any authority, including that of the legal system. Relationships with other people are self-serving, exploitive, and highly manipulative. These people are also likely to hold exaggerated beliefs about their own superiority and entitlement and are highly gratified by being able to exert unilateral power and control over others. As with the paranoid personality, they are unable to perceive their children as having separate needs or rights. As a result, their offspring are often used blatantly as instruments of revenge, punishment, or trophies in their fight with the ex-partner.

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Hence, the sociopathic parent believes that domestic violence and child abduction can be perpetrated with impunity.

To the extent that a parent meets either the criteria for paranoid psychosis or severe sociopathic personality disorder, confidential therapeutic mediation is an inappropriate and possibly dangerous intervention. It is inappropriate because its use rests on the capacity of the parent to make some kind of working therapeutic alliance with a counselor, which is not possible in this instance. It can be dangerous because these clients can hide behind the confidentiality of the program, and manipulate and control the parties, including the counselor, to achieve their own ends. Unless it suits their own purposes, agreements made in such a forum are unlikely to be accorded any respect. Obviously traditional mediation should be ruled out for the same reasons.

Rather than relying on counseling, the family court needs to have mechanisms and procedures to protect the child in cases where there is serious delusional thinking or dangerous sociopathy in one of the parents. If the disturbed person is the noncustodial parent, visitation needs to be supervised in a facility with high security, and the other parent needs to be counseled about how to devise a safety plan for themselves and the child for all other times. Visitation with the child may need to be suspended: if there are repeated violations of the visitation order, if the child is highly distressed by the contact, or if the parent uses his or her time with the child to denigrate the other parent, obtain information about the other parent's whereabouts, or transmit messages of physical harm, death threats or child abduction. Reinstatement of access to the child may be permitted after clear conditions are met by the offending parent, and upon careful evaluation and recommendation by a designated agency (child protective or family court services). If the evaluation determines that reinstatement of parent-child contact is appropriate, any "in person" contact should typically begin with supervised visitation, preferably in the presence of a mental health professional.

If the disturbed person is the custodial or primary care person for the child, extreme care needs to be taken to prevent the litigation and evaluation process from precipitating abduction or violence. The family court may need to obtain an emergency psychiatric screening and use emergency ex parte hearings, which might result in the temporary removal of the child from that parent to the other parent or to a third party, while a more comprehensive psychiatric and custody evaluation is being undertaken. In these emergency situations there needs to be some waiver of confidentiality permissible that will allow all relevant professionals to share information about the case with one another. The psychotic parent may need legal representation and an attorney for the child may also need to be appointed in any subsequent litigation.

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Where there is blatant disregard of custody orders and violations of restraining orders by a sociopathic parent, the court needs to prosecute, fine or impose jail time to send a clear message that it will not tolerate contempt of its authority. A coparenting coordinator with arbitration powers (as stipulated by parents and ordered by the court), who is prepared to testify in court, may be needed over the longer term to monitor the family situation for any further threat of abuse or abduction. Only when these control mechanisms are in place can it be expected that counseling and therapy for the child will be beneficial.

### When one or both parents are foreigners ending a mixed-culture marriage

Parents who are citizens of another country (or who have dual citizenship with the U.S.) and also have strong ties to their extended family in their country of origin have long been recognized as abduction risks. The risk is especially acute at the time of parental separation and divorce, when they feel cast adrift from a mixed-culture marriage and need to return to their ethnic or religious roots for emotional support and to reconstitute a shaken self-identity. Often in reaction to being rendered helpless or to the insult of feeling rejected and discarded by the ex-spouse, a parent may try to take unilateral action by returning with the child to their family of origin as a way of insisting that their cultural identity be given preeminent status in the child's upbringing.

Culturally-sensitive counseling that will discern and address these underlying psychological dynamics is needed to help these parents settle their internal conflicts. They also have to be reminded of the child's need for both parents, and how it is important to provide opportunities for the child to appreciate and integrate his or her mixed cultural and/or racial identities. Often the parents will have idealized their own culture, childhood and family of origin, and may need to be encouraged to adopt a more realistic perspective.

It may also be necessary to provide homesick parents with alternative emotional support and financial assistance to stay in the area; or to help them make a custody plan that allows for visiting their homeland with the child, with the approval of the other parent. If their country of origin is not a party to the Hague Convention on the Civil Aspects of International Child Abduction, the stakes are particularly high, as recovery can be difficult if not impossible. One possible solution is for the parents to file the same custody agreement (which also specifies jurisdictional authority) in both the appropriate court in the U.S. as well as in the country of origin, to help ensure that the order is enforced in both countries. A number of other instrumental controls can also be put in place as precautions (such as holding passports and posting bonds), as discussed further in Profile D.

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### When the parents are disenfranchised but have family/social support

Parents who have extended family or other social, emotional and economic support in another geographical community may be abduction risks under a number of conditions. These conditions include: parents being economically indigent and poorly educated so that they are ignorant about custody and abduction laws and cannot easily afford legal or psychological counseling; parents belonging to ethnic-religious-cultural groups with views about childrearing that are contrary to the prevailing custody laws which emphasize the rights of both parents regardless of gender; and parents having had a transient unmarried relationship, such that the child is believed to be the sole property of the mother.

Additionally, although fleeing to protect oneself and one's child from domestic violence is a legal defense against abduction charges under California law, victims of domestic abuse, especially those who are indigent or aliens in the U.S., often do not know how to defend themselves properly. Instead, they may be accused of abduction by their violent partners, who may then be successful in obscuring the facts about the abuse and in activating the abduction laws to regain control of their victims.

Of all the profiles of risk, these disenfranchised parents, especially mothers, have the best prognosis for an effective preventive intervention, limited only by the lack of resources in the community available to help them. First, they need legal counseling and advocacy, that is, access to information and education about custody and abduction laws, and about the rights of both parents even where there has been no marriage or sustained relationship between them. Especially if unable to afford representation in court, they need a user-friendly court system, a cooperative clerical staff, and support persons who will accompany them through the legal process and language translation services.

Second, they need access to affordable psychological counseling services for themselves and their children that will help them manage their emotional distress and vulnerability and strengthen their parenting capacities at the time of separation and divorce. Third, they need family advocates who can help them bridge the cultural, economic and logistical chasms to other community resources such as domestic violence services, substance abuse monitoring and counseling, training and employment opportunities, and mental health services. Finally, important members of their informal extended social networks may need to be included in any brief intervention in order to guide their efforts to support and protect the disenfranchised family, fractured by separation and divorce, over the long-term process of abduction prevention and family restructuring.

Illustrations of Interventions with Families At-Risk for Abduction

Suspicious-Distrustful Parent, with Social Support

The K-N Family with Jillian, aged 3-1/2 years.

This family was referred to the project because the mother, Ms. N, continued to insist that her daughter, Jillian, was being molested by the father, Mr. K, despite repeated investigations and negative findings by Child Protective Services and the child's therapist. She was supported in this belief by her extended family (her mother and brothers) with whom she was extremely enmeshed.

Ms. N and Mr. K met in a psychiatric rehabilitation facility where she was being treated for chronic depression that complicated her diagnosed borderline personality disorder. Mr. K was recovering from an acute psychotic episode of paranoid schizophrenia which was remitted when he took regular medication. The couple never married, and had lived with each other only briefly, when Mr. K moved into Ms. N's home about the time that Jillian was born. Ms. N's mother, a hostile, distrustful and domineering woman, took control of the new baby and her daughter. She took an abiding dislike to Mr. K, evicted him from her house and tried to keep the child from seeing him, alleging that he had molested the child. When the family court found the allegations could not be substantiated, it ordered weekly visits to the father. The maternal grandmother was enraged and was overheard making extremely negative comments about the father within the offices of the family court counseling staff and in the presence of the child, which she then blatantly denied. At this point in time, the case was referred to the project as an abduction risk, where it was randomly assigned to a 40-hour intervention.

In the weeks that followed, Jillian's behavior became increasingly disturbed and she began to make more and more bizarre allegations about Mr. K's sexual conduct with her within circumstances that were illogical and unfeasible. It could not be determined whether the maternal kin had been coaching her, but it was clear that Jillian secured the instant, undivided attention of her depressed mother and mentally disturbed grandmother whenever she made these preposterous claims. Not surprisingly, mother and grandmother became highly alarmed and solidified in their view that the child was in acute danger and needed to be rescued.

The project counselor determined that though the father was rather passive, affectively flat, and naive about child care, he was important as a parent to the little girl and he was quite educable about her needs. He was given very concrete, practical advice on how to care for her during their visits and how to protect himself from suspicion of any inappropriate behavior with her. Mr. K was also counseled to set up appropriate boundaries



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with Ms. N, who was actually extremely confused and ambivalent about him as a father: she wavered between supporting his rights to see the child, wanting to be reconciled with him, and submitting to the demands and views of her own mother that he was molesting Jillian. Because Ms. N was extremely dependent upon others to help her define her reality, the most useful intervention strategy was to provide an alternative, supportive presence for her and try to strengthen her reality testing. However, since the maternal grandmother and uncles refused to participate in the program, it was difficult for this dependent mother to sustain her emerging, more realistic views in the face of her family's opposition.

This therapeutic intervention strategy was reinforced by a vigorous court intervention that included the appointment of a guardian ad litem to represent the child's needs in court, the appointment of a co-parenting coordinator with arbitration powers to carefully monitor the case, and a psychologist at a child psychiatric facility who was to undertake a thorough evaluation of the child in the context of both extended families. Funds were leveraged from a special county fund to pay for these services because both parents were indigent and on permanent disability pensions. During this evaluation process, the project worker provided ego support to the mother by empathizing with her and by differentiating and validating her confused feelings. In this way, he helped to quiet her mounting fears and to accept the evaluator's recommendation. This recommendation, which was supported by all the professionals involved, was that the child should be temporarily placed in the care of paternal grandparents and given supervised visitation with both her mother and her father, while further evaluation was being undertaken. Interestingly, at the follow-up it was noted that the child's emotionally disturbed behavior and her allegations ceased fairly quickly after she was placed in this more neutral environment.

### Paranoid Parent

#### The P Family with Jonathon, aged 7 years.

The P family was referred from the family court when Mrs. P (the 34-year-old mother) refused to allow the divorced father to visit the child. During the nine months between the filing for the divorce and the final decree, she developed clearly paranoid delusions about the father, concluding that he emotionally abused the boy's mind, as he had abused hers during the marriage. In addition, she accused the father of poisoning the family cat, of tearing up the living room drapes with a screwdriver, of molesting her mother "in front of my eyes," and of sending his (nonexistent) girlfriend to the boy's school to harass and frighten the child.

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Mr. P (42 years) appeared to be a shy, quiet, little man who was completely unassertive. He was puzzled and obviously aggravated by his ex-wife's accusations about him and gave a thoroughly coherent account of himself, so that there was little doubt that Mrs. P's ideas were delusional. At the most, he appeared to be passively aggressive in response to her.

This couple had been married for 15 years. The marriage had deteriorated during the past four years, after Jonathon was diagnosed as having severe learning and behavioral problems. The separation was precipitated by financial problems culminating in bankruptcy. Within the family, there had always been a very clear division of roles along traditional lines. Mr. P worked long hours as an electrician (10-hour days, 6 days/week). He considered it his responsibility to bring home the paycheck and allowed the mother to run the home and care for the child in whatever way she chose. Mrs. P was particularly adept at finding community resources to help them. For example, she arranged special educational assessments and classes for her son, obtained free mental health counseling for his emotional problems and had him in speech therapy. She also obtained subsidized housing. Mr. P respected her intelligence and ability to cope; he barely understood what the boy's problems were, or what steps had been taken to remedy them.

After the parents separated, father's role with Jonathon became largely that of a playmate on Sundays, a role that the mother increasingly resented because she felt excluded and her authority undermined by the boy and his father "ganging up" on her. Finally, she refused him visits and sent him family photographs with his image cut out of the pictures. The mother fully shared with Jonathon her beliefs about how "dangerous," "sick," and "abusive" his father was, and the little boy largely adopted her views and acted upon them, for example, he threw rocks at the father. At the same time, in his therapy sessions, the boy was in an extremely conflicted state: he blamed the father for everything, but at the same time he pathetically longed to see his father. He was obviously very angry and disappointed about what he experienced as his father's abandonment of him to his mother.

The family court counselor who made the referral to the project was in a quandary: although Mrs. P was recognized as at-risk to abduct, she was also seen as the primary psychological parent of this child. For this reason, it was decided that the child should not be removed precipitously from the mother's care until a careful evaluation was undertaken. It was difficult to arrange this evaluation because the father and his attorney did not seem to appreciate the problem, and the mother was representing herself. Hence the case was referred to the project where it was randomly assigned to a brief (10-hour) intervention.

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After the brief assessment of the impasse wherein it was concluded that the divorce had precipitated a paranoid psychotic episode in the mother, the project counselor decided to reintroduce Jonathon to his father in therapeutic supervised visits, hoping to ensure father's contact with the child in an environment the mother would consider safe. However, Mrs. P became increasingly panicky and disorganized by these visits and paranoid about the project counselor's involvement. When the project counselor referred the matter back to the court to proceed with a formal evaluation of the entire family, Mrs. P's accusations became even more bizarre: she said the father was "an evil, dangerous man, extremely cunning, like Hitler, and like Salcido" (a recently convicted mass murderer who massacred his family). She then began to accuse him of molesting the child. Within the week, before the court could take any action, she had disappeared with the child. Father declined to pursue her. However, she surfaced about five months later: both mother and son had been admitted to a psychiatric hospital on the East Coast and this facility contacted the father. With the help of the D.A., the child was turned over to the full custody of the father and the mother was given supervised visits.

This case represents, by far, the most serious failure of the intervention. In retrospect, this kind of family situation is not a matter suited for confidential impasse-directed mediation. Rather, the family court needs to have mechanisms and procedures to protect the child in cases where there is serious delusional thinking or dangerous sociopathy in the custodial parent - these being at extremely high risk as abductors.

### Foreigner with Ties to Homeland

#### The A Family with Toby, aged 6 years.

This couple was referred from the family court because of fear that the father would abduct his child to Iran in the wake of the parents' turbulent separation. Mr. A (38 years) and Mrs. A (37 years) are college educated; they met as students at a midwestern university they were both attending and were married for about 8 years. Cultural differences certainly contributed to the failure of the marriage and to the impasse this couple was experiencing at the time of separation. Mr. A is from Iran, where members of his extended family continue to live a lifestyle that is alien to and depreciative of western culture. His background was traditionally Muslim, patriarchal and emotionally expressive. Physical aggression was an approved means of asserting male authority. Mrs. A came from a small town in the midwestern United States. Her upbringing was provincial and repressed; her religion was Protestant. This couple's relationship was and continues to be highly charged. Mr. A describes his wife as "controlling, insecure and paranoid," and Mrs. A. describes him as "a walking time-bomb, a mama's boy, and violent." There was likely some truth in each of these depictions. Her demands and control over the child's life humiliated and enraged him, leading to his increased rage and efforts to control her. In turn, she sought the help of police

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and the courts to restrain him and to restrict his relationship with the child, which he experienced as further belittlement. In addition, the parents fought over their parenting practices with 6-year-old Toby. Mrs. A was unable to set boundaries with her son, and Mr. A. was seen as being overly critical. When referred to the project, Toby was already in treatment. He received medication for Attention Deficit Disorder and was described by his therapist as "oppositional with violent fantasies." His attachment to both parents was described as "insecure-controlling"; specifically, he tended to be punitive with his mother and caretaking with his father.

The family was randomly assigned to receive the longer (40-hour) intervention, in which parents were seen separately because of their history of volatility. Counseling focused on the cultural issues and considerable progress was made in helping the father understand the differences in ways boys are raised in Iran and the U.S. Rather than demeaning him for his chauvinistic attitudes and explosive rages, the counselor helped him to realistically assess the legal implications for himself if he continued to act in these ways, and the implications for his son's peer relationships if he raised him in the Iranian model.

A co-parenting coordinator with arbitration authority was appointed to help with ongoing parenting decisionmaking. Visitation arrangements were made to ensure there would be no direct contact between parents. This reduced the hostility by preventing the ways in which their conflict was typically triggered and escalated. With feedback from the child's therapist, the counselor advised them on how the parental conflict was adversely affecting their child and gave explicit parenting suggestions. The effectiveness of all of this was limited by Mrs. A's high-handed insistence that the problems were entirely due to the father's violence. Additionally, at the end of the intervention, Mrs. A announced that she would likely remarry soon. This was painful news for Mr. A; he found it difficult to accept that another man would figure prominently in his child's life. Some intensive counseling was done around this issue, but because it arose so late in the intervention, it was anticipated that this family will continue to have difficult times ahead.

Interestingly, the threat of abduction in this case seemed to subside fairly quickly when the father was calmed by the respect accorded him by both the project counselor and by the co-parenting coordinator. Since he had considerable resources, posting a substantial bond will be the most likely preventive measure if he wishes to visit his home country with his son. The co-parenting coordinator holds the child's passport.

Threats of Abduction and Disenfranchised Parents

The F Family with Colin, aged 4 years.

This family was referred to the project from the family court when the mother threatened to take the child to Florida to live with her extended family during one of the couple's many tumultuous separations. Since Mrs. F was unemployed, had no income of any kind, had nowhere to live other than with Mr. F in his parents' home, and was overly dependent upon her son, flight with the child was seen as a real possibility. Although Mr. F had an attorney, Mrs. F was unrepresented in court.

Mr. F (46 years) and Mrs. F (43 years) had been living together off and on for the past sixteen years and were married for the last four. Mrs. F described their meeting and courtship as a "spiritual thing"; she was convinced that she was destined to marry her husband, and that they were "soulmates." Her romantic idealization endured despite early years of physical abuse by Mr. F, his blatant affairs with other women, his abandonment after Colin's birth, and his refusal to accept a second child which led to an abortion. The relationship was bound together with heavy drug and alcohol use and followed a classic cycle: drugs, abuse, separation and romantic reunion. Probably because of their substance abuse problems, neither parent had worked regularly for a number of years; they lived with his parents, sharing a small bedroom in his parents' home with their child.

Mr. F's attachment to the relationship was primarily centered around his devotion to Colin. He had realistic fears that his wife was still using drugs and alcohol, that she was unstable, and would flee with the child but would be unable to take care of him properly. Although Mr. F's physical and substance abuse had ceased for several years, he threatened to kill her if she dared leave with his son. On the other hand, he admitted that he was still in love with her and wanted their relationship to work out. Mrs. F remained economically and emotionally dependent upon her husband and her resentment of this was often acted out by her staying out all night, and by other somewhat adolescent behaviors, which kept Mr. F off-guard and infuriated at her. In sum, the impasse was that this couple was mutually dependent and unable to separate from one another even though there was continual conflict.

Colin, who was developmentally normal in terms of social skills, speech and movement, was insecure and overly dependent upon his mother (he had slept with her since birth and was inordinately anxious about her whereabouts). In turn, the boy was the center of the mother's emotional life. Colin was fairly secure and comfortable with his father, who assumed the role of protector and teacher and spent a lot of time with his son.

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The primary goal of this longer-term intervention was to help this couple break through their denial and magical thinking that their relationship was going to be as it was when they first met; and to help them confront the reality of themselves and their life together, so they could decide on a respectful, mutual course of action for the benefit of their son. Over a series of separate individual sessions with a supportive, empathic counselor, many issues were confronted: Mr. F's threats of violence, Mrs. F's continued alcohol abuse, the fact that neither worked at the professions for which they were trained, their substandard living conditions, and their ambivalence about staying together. The realities of the separation were also examined: the need for the mother to find work and a place to live, the need for the father to contribute financial support if the mother lived in the area, and the need for Colin to have contact with both his parents. By systematically reducing each parent's idealizations and desires to some basic criteria of what they would need from each other to stay in the relationship, and what they would need to leave, the impasse became such a blatant reality to this couple that they were initially furious at the counselor. Then they acknowledged their mutual dependence and inability to separate at that time, and terminated the counseling (after only half the allotted 40 hours of intervention time had been used).

Nevertheless, by the time of the nine-month follow-up, the couple had separated, leaving Colin in the home of the paternal grandparents with Mr. F. Mrs. F was living separately, working intermittently and visiting her son. However, there were squabbles about the timing and duration of the visits, which were being mediated in family court. Neither parent expressed further concern about abduction. It was difficult to assess whether this separation would likely be a permanent one, whether they had resolved some of their mutual dependency and could cooperate to some extent over the child, or whether it was yet another cycle in their ambivalent relationship.

Prior Abduction and Disenfranchised Parents

The V-G Family with Mary, aged 7 years, and Sally, aged 4 years.

This never-married couple was referred from the family court because of the mother's previous abduction of the children and an ongoing concern that both parents could either abduct or abandon the girls.

Mr. V (40 years) and Ms. G (30 years) were, upon initial contact, charming and somewhat eccentric. Mr. V was a flamboyant and charismatic African American, who spoke in dramatic metaphors. Ms. G was a petite, English-accented "earth mother," reminiscent of the hippie era. Their personal histories were turbulent. Mr. V's father had been an itinerant, evangelical preacher who abandoned his family several times, and his mother was extremely (criminally) neglectful; as a child, Mr. V was hospitalized, at one point, on the verge of starvation. Ms. G reported that her family was "strange" and that on more than one occasion her mother had chased her around the house with a butcher knife. She left England to escape her family.

This was a very poor family; both parents were gardeners and they lived a marginal economic existence. Ms. G claimed that Mr. V was "completely irresponsible, neglectful of the children, an alcoholic and a womanizer." Mr. V retorted that she was "a liar, has never assumed any responsibility" and was, in fact, "a demon." At one point, the mother abducted the children to England but brought them back at the request of the D.A. No charges were filed. When first seen by the project counselor, Mr. V had been ordered to supervised visits because Ms. G charged him with beating her up (which he vigorously denied.) Mr. V strenuously objected to the supervised visits, resenting any interference or rules placed on his "freedom" and insisting that he would rather not see the children at all, while at the same time stating he wanted more time with them.

The impasse in this case was complex and multi-layered. However, Mr. V's somewhat delusional, black-or-white thinking together with his alcoholism were the most prominent contributors. In addition, this couple's ambivalent separation contributed to the impasse: they had several passionate separations with equally passionate reunions three years and 18 months previously. Ms. G's feelings of near panic at the thought of assuming total responsibility for the children fueled some of her desire for these reconciliations. After their final separation, Ms. G allowed Mr. V to live in his car on her property as he had no place else to go.

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The legacy of these parents' ambivalent struggles with one another was their two somewhat immature little daughters, who were insecurely and ambivalently attached to both parents. The girls were observed to have a sad, wistful quality about them. Their father seduced them with his charm, but then was able to abandon them for long periods (months) at a time. (Whenever he was absent the children spent hours watching a videotape of him bungee jumping.) Their mother was both fearful and resentful of her responsibility for them, and probably felt more comfortable nurturing her plants than her children, as Mr. V had claimed.

This case was randomly assigned a brief intervention (10 hours) which focused on the children's need for regular, conflict-free access to their father. The parents completed an agreement whereby Mr. V would see the children every other weekend. They maintained this agreement until Ms. G developed a new relationship. Mr. V's narcissistic wounding was intense: he destroyed the mother's car and assaulted her, for which he spent four months in jail. The nine-month follow-up was undertaken at the time of Mr. V's release, which allowed for some additional brief counseling. Since the mother opposed the father's seeing the children unsupervised and the father refused supervised visits, a compromise was reached whereby a third party (a retired minister trusted by both) was engaged to accompany him when he saw the children.

Therapeutically, this follow-up seemed to be the most productive period. The mother was helped to separate out her own disappointment and anger at Mr. V and "to salvage for her daughters as much as she could of the good parts of the father," recognizing that he will probably continue to appear sporadically in the girls' lives. She understood that she needed to give the children the message that their father was basically a man with some good qualities who had some serious problems with drinking, and that it was not their fault when he could not visit. She appeared capable of understanding the significance of this for their self-esteem. The final poignant session with Mr. V evoked his memories of his own father's abandonment and his wish not to repeat that for his children. He was encouraged to protect himself from further involvement with the criminal justice system as a way of protecting the children from additional traumatic scenes of parental conflict. Unfortunately, the very brief time allotted here did not allow the working-through of these insights, and the parents did not have the resources to continue counseling elsewhere.



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**Part IV**  
**Conclusions and Recommendations**

## Chapter 7

### Families At-Risk are Families in Need

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Families At-Risk are Families in Need

Who Abducts and Why

The common wisdom, supported by surveys of left-behind parents, judges, and lawyers, has been that most abductors are motivated by revenge or spite toward the other parent. This study provides a closer look than previously undertaken at the psychological, legal, and socio-demographic characteristics of abductors and their families. It reveals a far more complex picture of abductors, including several profiles that can be used to identify those at risk for abducting and the interventions that can be used to protect the children from abduction. See Tables 1 and 2 for a brief description of risk profiles, behavioral indicators and preventive interventions.

Abducting families often have multiple problems prior to the abduction. The abduction is often an attempt by the abductor to “solve” the problem, as he or she perceives it. For abductions to be prevented, the problems faced by these families need to be understood and addressed within their communities. The nature of the problems faced by families who abduct or are at risk for abduction, and the interventions that could prevent an abduction, vary for each profile.

Using Risk Profiles Despite Research Limitations

Responsible researchers always caution the readers as to the limitations of the study and all studies have limitations. The major concerns are how reliable are the results in measuring what they were supposed to measure, how valid are the findings, and how generalizable are the results. Knowledge about parental abductions has grown dramatically in the last few years, largely as a result of research funding provided by the Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice. Although studies have focused on different aspects of the problem, certain findings appear consistently across studies. This reinforces that the findings are probably accurate. For example, the high rates of family violence and the lack of law enforcement response have been found in several studies. Differences between studies, especially relating to gender and race, are often a result of the criteria making up the sample and the definition of abduction used. Chapter 1 summarized some of these studies.

Another way in which research findings can be strengthened is through replication. Ideally studies are repeated to see if the same findings emerge. For example, if this study were done again in several other jurisdictions it would strengthen the validity of the results and make the findings more generalizable. However, it would be very costly and time-



consuming to redo this study in other locations. Policy and practice must continue to move forward to protect children from parental abductions based on the state of knowledge that now exists. Therefore, we need to explore to what extent one can generalize from the findings on abduction profiles, preventive interventions, and the criminal justice system response, based on California data, to other states, the nation, or even other countries.

Three common elements for all profiles are that abductors dismiss the value of the child's relationship with the other parent, the child is young or impressionable enough to be easily influenced, and abductors often have a network of kin or other supporters, who assist them in a myriad of ways and validate their actions. These findings are consistent with findings from several research projects on abductions in the U.S. and in Canada.

What is the evidence that each of the risk profiles defined in this study exist in other jurisdictions? In the California data, one profile was of the parent who was suspicious and distrustful that abuse had occurred and had social support for this belief. Abuse allegations have been reported in other studies, even by left-behind parents who were accused of the abuse. The concern that judges across the country have over assessing the veracity of abuse allegations in custody cases is evidenced by the proliferation of conference workshops, trainings, and literature on the topic. National organizations or networks, such as the women's underground and the Center for Protective Parents, have emerged to help parents who are believed to be rescuing their child from an abusive parent. Some of the dramatic stories have been covered by the news media. Clearly, this profile is not limited to California.

The frequency of the above-mentioned profile within a particular community may depend partly on the degree to which early interventions already are used in custody cases. In a community where abuse allegations in the context of custody disputes are promptly and thoroughly investigated by child protective services and the courts, a concerned parent who has suspicions that abuse has occurred might not become the distrustful entrenched parent who feels no choice but to "rescue" the child. However, if there is a widely held perception by the accusing parent and supportive others that the courts will not act to protect the child, then the stage may be set for an abduction.

Paranoid delusional parents and sociopathic parents are rare compared to the other risk profiles, but can present grave risk to the child. These types of psychopathology are certainly not limited to any part of the country, but the attention and responsiveness of the courts, social services, and law enforcement varies widely. A judicial system that routinely depends on custody investigations or "social studies" that include psychological assessments of both parents and the children, whether or not there are abuse allegations, may be able to

identify a paranoid delusional or sociopathic parent before the child becomes another abduction (or homicide) statistic. The sociopathic person is likely to have come to the attention of public agencies prior to abducting through various violations of laws and court orders and behavior otherwise contemptuous of authority.<sup>1</sup> The response by law enforcement and the courts to repeated violations can make a difference in whether an at risk parent becomes an abducting parent.

The lack of affordable legal representation was identified as a major problem nationwide in the Obstacles project. The profile of the disenfranchised parent emerged as the most commonly occurring one in California. Yet most other studies do not identify this set of socio-demographic characteristics as a major group of abductors. This population has been overlooked because many studies drew their samples from missing children's organizations that required the left-behind parent to have a custody order. Thus, parents (e.g. poor unwed African-American parents) who cannot afford legal representation to obtain an order or do not know that they need an order are excluded from the caseload of these organizations.

Furthermore, databases from states that exclude precustodial abductions from the definition of criminal custodial interference also underreport abductions from the disenfranchised population. The I-SEARCH database from Illinois which includes precustodial abductions revealed a significant number of African-American abductors, consistent with this study. Attorneys and judges do not recognize the disenfranchised profile as potential abductors because these parents often do not carry their disputes into court. Thus, this profile of abductor exists in any community with parents in conflict over their children who are disenfranchised, economically and socially, from the legal and social service systems. However, they remain invisible to the civil and criminal justice systems in many jurisdictions and the children live without protection from abduction. Poor parents in communities that provide strong pro bono programs or user-friendly assistance for pro se clients are less likely to feel disenfranchised.

Recent research on international child abduction indicates that the overwhelming majority of abductions from the U.S. to other countries are by naturalized citizens or resident aliens who want to return to their homeland after the breakup of their marriage or relationship. The National Center for Missing and Exploited Children and the U.S. Department of State Office of Children's Issues have caseloads of several hundred abductions to foreign countries each year. States and communities will vary in the extent to which they have naturalized citizens or illegal or resident aliens.<sup>2</sup> The states with the highest frequency of international abductions are California, New York, Florida, and Texas. These

## Identifying Risk Factors

are highly populated states with large ethnically diverse populations. Two border on Mexico and one on Canada. All have good flight connections to many major cities in the world.

The risk profiles are not limited to California, where the data for this study were collected. The frequency of different profiles may vary, based on the demographics of the population and the responsiveness of the community to the problems these families face.

### What At-Risk Children Deserve from their Communities

What can be done to help at-risk parents make better choices than abducting their children? What can the courts, public agencies, and private and nonprofit organizations do to reduce the risks of harm and of abduction to these children?

#### Increase Access to Legal Information and Representation

*Problem:* General lack of knowledge or access to legal information.

Most parents are not familiar with the laws relating to custody and visitation. Many do not know that moving to a new location without going to court to obtain a custody order or modify an existing order can be a crime when it violates the rights of the other parent. Unwed parents often do not know they should have a custody order. Grandparents, stepparents and others who support parents in abducting their children generally do not know that they too can be committing a felony by aiding and abetting the abductor.

*Recommendation:* Public education.

Public education campaigns, including public service announcements, should be developed to educate the public about custody and visitation laws and the crime of parental abduction. Through radio, television, the Internet, and printed materials, information should be provided that will increase public awareness. Brochures should be provided for parents through programs that target at-risk populations. For example, public welfare offices, child support enforcement offices, programs for unwed parents, organizations serving immigrant and ethnic communities, mental health agencies, the courts, and missing children's organizations and clearinghouses.

*Problem:* Lack of affordable legal representation.

Educating parents about the need for custody orders and how to prevent abductions does little good if parents are unable to access the legal system. Most low-income parents are unable to find affordable representation in custody and visitation cases. Legal Services

offices often do not represent parents in custody cases, unless the case fits under a separate priority set by the office, such as domestic violence. Unwed mothers seeking public assistance are required to cooperate with agencies in determining paternity and child support, but neither parent receives help in obtaining a court order specifying custody and visitation. Even many middle-class parents in the midst of divorce do not have the financial means to afford the costs of attorneys to resolve contested custody cases.

*Recommendation: Community-based programs increasing access to legal representation.*

More programs providing legal representation on a pro bono and sliding scale basis need to be developed. Some state and local bar associations have developed innovative programs that can serve as models for other communities, such as KidsCAP in Philadelphia (Bhambri, 1996).

Parents who do not have legal representation should still be able to obtain legal information and advice. The “unbundling” of legal services would allow parents to get the service they most need from attorneys. Courts should also be more user-friendly, with the offices of the clerks of the court assisting the expanding population of pro se parents.

In addition, streamlined procedures for obtaining custody and visitation orders should be made available for low-income unwed parents. Programs for parents, beginning with the birth of the child, should facilitate the clarification of custody rights and responsibilities. Parents should be able to obtain custody orders that can be readily enforced. Legal assistance to obtain child custody and visitation orders should be available when paternity and child support are being established.

*Problem: Enforcing custody orders is time-consuming and costly.*

When a child is abducted after a custody order is obtained, the left-behind parent often wonders whether the custody order was worth the paper it was written on. Often the parent faces the prospect of hiring two attorneys (one in each state), filing enforcement proceedings, and waiting for a court date. Meanwhile, the abducting parent may flee again with the child. Many left-behind parents know where their children are, but they are unable to recover them.

Recommendation: Pass state laws that mandate district attorneys to enforce custody orders.

California is the only state that currently has an expedited enforcement measure, mandating that the district attorney take whatever *civil*, as well as criminal, remedies are necessary to locate and recover children abducted by family members and to enforce child custody orders. In July 1997, the National Council of Commissioners of Uniform State Laws (NCCUSL) approved the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), which contains a similar provision. Each state legislature now needs to pass the UCCJEA, including this provision of it.

Prompt and Effective Responses to Allegations and Acts of Family Violence

Problem: Child abuse and neglect allegations that are not treated seriously or promptly.

Allegations of child abuse and neglect fuel many custody battles, whether or not they lead to abductions. When child protective services and the courts do not treat these concerns seriously or promptly, they exacerbate an already contentious environment. The child is at considerable risk, either from continued abuse or from the psychological damage caused by unfounded allegations.

Recommendation: Thorough and prompt child abuse investigations.

Sufficient funding must be available for child protective services and the courts to have the available trained staff to carry out thorough and prompt child abuse investigations. The more quickly these concerns are addressed the less likely the child will be harmed and the less likely parents will become entrenched in their positions. Coordination of professionals is critical to arriving at a sound conclusion.

Problem: Continued domestic violence after separation and divorce.

Many victims of domestic violence find that separation and divorce do not provide them with the safety they sought by leaving the abuser. Abused women are most likely to be seriously harmed or killed by their husbands during marital separation. Even after divorce, custody and visitation orders that do not address safety for the survivor and her children provide abusers with continued opportunities to harm them.

*Recommendation: Community-based responses to protect victims and make abusers responsible for actions.*

Domestic violence survivors who have left their abusers should be able to live in safety with their children without having to leave their communities. Judges, lawyers, mediators and custody evaluators need to know how to identify domestic violence and understand its impact on the victim and children. Custody and visitation orders need to be crafted with safety from physical and psychological abuse in mind. Supervised visitation centers should be established in communities, so that children can be safely dropped off and picked up and visitations can be properly supervised, when necessary.

Approaches to addressing custody disputes with high risk and high-conflict families

*Problem: The traditional processes of determining custody are not sufficient or appropriate for many high-conflict families.*

Custody mediation as usually practiced is not effective with these highly contentious families. They often return to court, relitigating custody and visitation issues, but not resolving parental conflicts. Adjudication can result in a well-crafted order, but high-conflict parents often do not carry out the terms of the order, including accessing services ordered to help them with various problems. Consequently, the children continue to be exposed to harmful and conflictual situations.

*Recommendation: Innovative approaches to addressing custody conflicts need to be available for high-risk and high-conflict families.*

Innovative approaches can include modifications to existing approaches that make them better suited to these families as well as new procedures and services.

Parent education, a popular innovation in many jurisdictions, needs to be adapted to meet the needs of multicultural families from different economic strata. Most parent education programs are aimed at the middle-class divorcing population and neglect the situations faced by unwed low-income parents. As this population cannot afford mental health professionals or attorneys, parent education may be the only context in which they will learn about the impact of their conflict on the children and about the laws pertaining to custody and visitation. If the seminars portray a lifestyle and circumstance that are not reflective of their own, the experience can further alienate them.

Custody mediation and custody evaluations need to demonstrate cultural sensitivity, particularly in mixed cultural marriages where there may be a risk of international child abduction.

Innovative adaptations of custody mediation have been developed for use with high-conflict and high-risk families. Impasse-directed therapeutic mediation or a briefer diagnostic and referral intervention, as utilized in this study, provide effective means of reducing conflicts and the possibility of abduction, particularly when paired with legal constraints (e.g., restraining orders) and needed services (e.g., legal advice or alcohol treatment).

Another adaptation of mediation is the use of impasse-directed mediation with groups. This intervention has been effective in reducing conflict and relitigation and is less costly than the individual family model (Johnston and Campbell, 1988, Johnston and Roseby, 1997).

Many high-risk and high-conflict families need ongoing oversight and monitoring. For the children's sake, there needs to be a means of checking whether parents are following through on the terms of the custody and visitation order. For example: Are parents going to court-ordered counseling or drug treatment? Have the child's special medical needs been attended to? Have court-ordered visitations been carried out without incident? Are there further allegations of abuse? Has supervised visitation been properly supervised? Have there been attempts or actual snatchings of the child? Do changes need to be made in the order to reflect the parent's new work hours or the child's summer schedule?

Programs that monitor visitation arrangements are one type of innovative approach, such as Expedited Visitation Services in Maricopa County, Arizona and the Access Assistance Project in Manitoba.

Using a coparenting arbitrator or coordinator is a new approach called by different names in various jurisdictions. The arbitrator is given the power to decide relating to the children either by stipulated agreement of the parents or by court order. In one model the coparenting arbitrator is involved only when parents are unable to agree, usually despite involvement of other professionals. In another model the coparenting arbitrator "acts as the parenting counselor, mediator, or child therapist in an ongoing way and exercises his or her right to arbitrate only when parents fail to agree on a specific matter" (Johnston and Roseby, 1997, pp. 243-244). In both models, the arbitrator develops trust with family members and a depth of understanding of the family dynamics.

In some jurisdictions a family court judge is responsible for ongoing case management in high-conflict custody cases. The judge can order periodic review of the case and can monitor adherence to the custody and visitation order. Although the discretion to undertake greater case management responsibilities has always been available to the courts, few courts have taken advantage of this power on a systematic basis with high-conflict families.

### Summary

Parental abductions can be reduced primarily by improving access to the legal system for divorcing parents, improving the legal system's response to child abuse and domestic violence allegations, and providing innovative services for high conflict divorcing couples. When communities address the needs of at-risk children and their parents in these ways, parents will be less likely to look outside of the law for solutions to their problems.



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Endnotes

1. Not everyone with a record of arrests or convictions or a pattern of controlling and threatening others would be a sociopath to the extent it is defined in DSM IV. These anti-social behaviors must also be part of a psychological profile characterized by self-serving, exploitive and self-aggrandizing attributes.

2. It is not known to what extent a foreign parent's ties to his or her ethnic community in the U.S. may facilitate or inhibit an abduction. On the one hand, active participation in one's ethnic community may provide the social and psychological support to heal the wounds of the divorce that otherwise may have resulted in a move back to one's homeland. On the other hand, members of one's ethnic community might support the abductor's decision and assist in the abduction.

## Appendices

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- Chapter 2: Parental Childstealing Code Form
- Chapter 3: Appendix 3A: Coding Instrument for Single Abduction Offenders  
Appendix 3B: Coding Instrument for Multiple Abduction Offenders  
Appendix 3C: Technical Discussion of Regression Models
- Chapter 4: Research Protocol and Assessment Measures used in Interview Study
- Chapter 6: Materials used in The Intervention Study

Appendix to Chapter 2

Parental Childstealing Code Form

Date of Coding: \_\_\_\_\_

Use 9 for missing or unknown; 99 for double codes

PARENTAL CHILDSTEALING CODE FORM

| VARIABLE  | VAR NAME | LINE # | COLUMN |
|---|----------|--------|--------|
| Study I.D.#<br>Starting with 001  | ID       | 1-3    | _____  |
| Line#, starting with 1  | LINE     | 4      | _____  |
| County<br>Santa Clara =1<br>Alameda =2  | COUNTY   | 5      | _____  |
| Office Investigation #  | OI       | 6-9    | _____  |
| District Attorney file #  | DA       | 10-16  | _____  |
| 1. Type of case:<br>Precustodial, 277 =1<br>Post-custodial, 278 =2<br>Dependent, 278 =3<br>Other =4 (Fill in on form)<br>236 alone =5<br>236 and 278.5 =6<br>236 and 278 =7 | TYPE     | 17     | _____  |
| 2. Complaint filed<br>Yes =1<br>No =2   | COMPLAIN | 18     | _____  |
| 3. Child located<br>Before Warrant =1<br>After Warrant =2<br>Not located =3   | CHILDLOC | 19     | _____  |
| 4. Abducting parent contacted<br>Yes =1<br>No =2  | CONTACT  | 20     | _____  |
| 5. Abducting parent returned child<br>Yes =1<br>No =2   | RETURN   | 21     | _____  |
| 6. Warrant issued<br>Misdemeanor warrant =1<br>Felony warrant =2<br>No warrant issued =3  | WARRANT  | 22     | _____  |

23 is blank

|     |  |          |    |       |
|-----|--|----------|----|-------|
| 7.  | Circumstances related to stealing<br>Before custody order =1<br>After custody order =2   | CIRCUM   | 24 | _____ |
| 8.  | If after custody order, was stealing<br>Violation of custody =1<br>Violation of visitation =2<br>Denial of visitation =3<br>Unfounded =4   | STEAL    | 25 | _____ |
| 9.  | If violation of visitation,<br>was stealing<br>Out of county =1<br>Out of state =2<br>Out of country =3<br>In county =4  | VISIT    | 26 | _____ |
| 10. | Who was the child stealer?<br>Father =1<br>Mother =2<br>Stepfather =3<br>Stepmother =4<br>Grandparents =5<br>Other relative =6<br>Friend =7<br>Other =8            Explain:  | STATUS   | 27 | _____ |
| 11. | Who was the complaining victim?<br>Father =1<br>Mother =2<br>Stepfather =3<br>Stepmother =4<br>Grandparents =5<br>Other relative =6<br>Friend =7<br>Other =8            Explain:   | COMPLANT | 28 | _____ |
| 12. | Custody status of child stealer?<br>(at the time of the stealing)<br>Joint physical and legal =1<br>Joint physical and sole legal =2<br>Joint legal and sole physical =3<br>Sole physical and legal custody =4<br>Other =5<br>Joint physical and no legal status =6<br>Joint legal and no physical status =7<br>No custody order in place =8 | CUSTODY  | 29 | _____ |

|   |          |       |       |
|---|----------|-------|-------|
| 13. Custody status of victim parent (person)? (at the time of the stealing) | VICTIM   | 30    | _____ |
| Joint physical and legal =1   |          |       |       |
| Joint physical and sole legal =2  |          |       |       |
| Joint legal and sole physical =3  |          |       |       |
| Sole physical and legal custody =4  |          |       |       |
| Other =5  |          |       |       |
| Joint physical and no legal status =6                                       |          |       |       |
| Joint legal and no physical status =7                                       |          |       |       |
| No custody order in place =8  |          |       |       |
| 14. Gender of Abducted Child (1)  | CHILDSEX | 31    | _____ |
| Male =1   |          |       |       |
| Female =2   |          |       |       |
| 15. Child (2)   | CHILD2   | 32    | _____ |
| Male =1   |          |       |       |
| Female =2   |          |       |       |
| 16. Child (3)   | CHILD3   | 33    | _____ |
| Male =1   |          |       |       |
| Female =2   |          |       |       |
| 17. Child (4)   | CHILD4   | 34    | _____ |
| Male =1   |          |       |       |
| Female =2   |          |       |       |
| 18. Age of Parent   | AGEABD   | 35-36 | _____ |
| 19. Age of Child1   | AGE1     | 37-38 | _____ |
| 20. Age Child2  | AGE2     | 39-40 | _____ |
| 21. Age Child3  | AGE3     | 41-42 | _____ |
| 22. Age Child4  | AGE4     | 43-44 | _____ |
| 23. Number of children abducted   | NUMBER   | 45    | _____ |
| 1 =1, etc.  |          |       |       |
| 24. Other children in family <u>not</u> abdcted                             | NOABD    | 46    | _____ |
| Yes =1  |          |       |       |
| No =2   |          |       |       |
| 25. Serial abductions in same family  | SERIAL   | 47    | _____ |
| Yes =1  |          |       |       |
| No =2   |          |       |       |
| 26. If serial, who took child first?  | SERIAL2  | 48    | _____ |
| Father =1   |          |       |       |
| Mother =2   |          |       |       |
| Other =3  |          |       |       |



27. If serial, did both parents steal child? BOTH 49 \_\_\_\_\_  
 Yes =1  
 No =2
28. Was whereabouts of child known to victim parent at time of abduction? WHERE 50 \_\_\_\_\_  
 Yes =1  
 No =2
29. Where did victim parent think child was held? HELD 51 \_\_\_\_\_  
 Same county =1  
 Same state (outside county) =2  
 Other state =3  
 Other country =4  
 Write in location \_\_\_\_\_
30. Where was child actually located (if found)? LOCATION 52 \_\_\_\_\_  
 Same county =1  
 Same state (outside county) =2  
 Other state =3  
 Other country =4  
 Write in location \_\_\_\_\_
31. Did abducting parent get new custody orders? NEWORDER 53 \_\_\_\_\_  
 Yes =1  
 No =2
32. If yes, where did he/she get order? ORDERLOC 54 \_\_\_\_\_  
 Same county =1  
 Other county, same state =2  
 Other state =3  
 Other country =4
33. Did victim parent acquire new custody order? VICORDER 55 \_\_\_\_\_  
 Yes =1  
 No =2
34. If yes, where did he/she get order? ORDLOC 56 \_\_\_\_\_  
 Same county =1  
 Other county, same state =2  
 Other state =3  
 Other country =4

35. Cooperation with police in other counties/state? COOP 57 \_\_\_\_\_  
 Yes =1  
 No =2
36. Was a UFAP warrant issued? UFAP 58 \_\_\_\_\_  
 (Unlawful flight from prosecution)  
 Yes =1  
 No =2
37. Was U.S. State Department contacted? STATE 59 \_\_\_\_\_  
 Yes =1  
 No =2
38. Was Calif. Atty General contacted? ATTORGEN 60 \_\_\_\_\_  
 Yes =1  
 No =2
39. Was the Hague treaty invoked? HAGUE 61 \_\_\_\_\_  
 Yes =1  
 No =2
- 62 leave blank
40. Was there an allegation of abuse from abducting parent? ABUSE 63 \_\_\_\_\_  
 Yes =1  
 No =2
41. If yes, was the allegation - ALLEGAT 64 \_\_\_\_\_  
 Physical child abuse =1  
 Sexual child abuse =2  
 Emotional child abuse =3  
 Spousal abuse =4 (battery/physical abuse/domestic violence)  
 Both child (any type) and spouse abuse =5  
 Any combination of child abuse types =6 (recode old form)  
 Threats of violence =7  
 Emotional spousal abuse =8  
 Explain \_\_\_\_\_
42. Was there an allegation of abuse from victim parent? VICABUSE 65 \_\_\_\_\_  
 Yes =1  
 No =2
43. If yes, was the allegation VICALLE 66 \_\_\_\_\_  
 Physical child abuse =1  
 Sexual child abuse =2  
 Emotional child abuse =3  
 Spousal abuse =4  
 Both child (any type) and spouse abuse =5

Any combination of child abuse types =6  
Threats of violence =7  
Emotional spousal abuse =8  
Explain \_\_\_\_\_

44. If abuse allegation from abductor, SUBSTABD 67 \_\_\_\_\_  
was it substantiated?  
Yes =1  
No =2

45. If abuse allegation from victim, SUBSTVIC 68 \_\_\_\_\_  
was it substantiated?  
Yes =1  
No =2

46. How were abuse allegations HOWSUBT 69 \_\_\_\_\_  
substantiated?  
Prior DA investigation =1  
Police investigation =2  
Social Services investigation =3  
Court investigations =4  
Combinations of above =5  
Other =6  
Explain \_\_\_\_\_

47. Did abducting parent have former PARARST 70 \_\_\_\_\_  
arrest record?  
Yes =1  
No =2  
If yes, explain type of record \_\_\_\_\_

48. Did victim parent have former VICARST 71 \_\_\_\_\_  
arrest record?  
Yes =1  
No =2  
If yes, explain type of record \_\_\_\_\_

49. Recovery of child RECOVER 72-73 \_\_\_\_\_  
During investigation =1  
After warrant was issued =2  
After abductor was captured =3  
Child not yet recovered =4

50. If recovered, how long was child gone? ABSENCE 74-75 \_\_\_\_\_  
 One day =1  
 Two-three days =2  
 One week =3  
 8 days-2 weeks =4  
 15 days-1 month =5  
 31 days-2 months =6  
 2-6 months =7  
 7-12 months =8  
 1 year-2 years =12  
 2-3 years/more =10  
 Unclear =11
51. Was abducting parent captured? CAPTURE 76 \_\_\_\_\_  
 (if warrant was issued)  
 Yes =1  
 No =2  
 Explain how \_\_\_\_\_

**START LINE 2**

- | VARIABLE   | VAR NAME  | LINE | COLUMN |
|--|-----------|------|--------|
| Study I.D.#  | ID        | 1-3  | _____  |
| Line # =2  | LINE      | 4    | _____  |
| 52. What happened to child after child was located?  | PLACEMENT | 5-6  | _____  |
| Turned over to victim parent =1<br>Remained with abduct. parent =2<br>Placed with relatives =4<br>Placed in children's shelter =5<br>Child returns on own to victim parent =6<br>Other-fill in codes as needed<br>Explain sequence of events _____ |           |      |        |
| 53. How long was child held with local authorities (any public agency) before being turned over to parents?  | LENGTH    | 7    | _____  |
| Less than a week =1<br>Less than a month =2<br>Less than half a year =3<br>More than half a year =4  |           |      |        |

54. Were local authorities cooperative in handing child over? COOPCH 8 \_\_\_\_\_  
Yes =1  
No =2  
Explain \_\_\_\_\_

54a. Were local authorities cooperative in handing abductor over? COOPATH 9 \_\_\_\_\_  
Yes =1  
No =2

55. Was a felony warrant issued for parent? to get a parent from a different state? FELWAR 10 \_\_\_\_\_  
Yes =1  
No =2

56. If out of state case, was abduct. parent extradited? EXTRAD 11 \_\_\_\_\_  
Yes =1  
No =2  
Explain circumstances \_\_\_\_\_

57. Was abduct. parent prosecuted? PROSECUT 12 \_\_\_\_\_  
Yes =1  
No =2

58. Type of disposition? DISPOSIT 13 \_\_\_\_\_  
Misdemeanor =1  
Felony =2  
Dismissed =3

59. Type of sentence? SENTENCE 14 \_\_\_\_\_  
Probation only =1  
Probation and jail =2  
Probation and prison =3  
Restitution =4  
Other =5  
Explain \_\_\_\_\_

15 leave blank

60. If incarcerated, length of time INCARCER 16-17 \_\_\_\_\_  
Less than a month =1  
One to three months =2  
Nine months to one year =3  
Eighteen months to two years =4  
Two years or more =5  
Other =6  
Explain \_\_\_\_\_

|   |          |       |       |
|---|----------|-------|-------|
| 61. Long-term effects on child<br>Psychological/emotional =1<br>Physical =2<br>Other =3<br>Combination physical and emotional =4<br>Explain _____ | EFFECTS  | 18    | _____ |
| 62. Child in therapy<br>Yes =1<br>No =2   | THERAPY  | 19    | _____ |
| 63. Victim parent in therapy<br>Yes =1<br>No =2   | VICTHER  | 20    | _____ |
| 64. Abduct. parent in therapy   | ABTHER   | 21    | _____ |
| 65. Dependency action filed<br>Yes =1<br>No =1<br>Explain _____   | DEPEND   | 22    | _____ |
| 66. Family or civil court action<br>Yes =1<br>No =2   | FAMCOURT | 23    | _____ |
| 67. If yes, what type of order?<br>New custody order =1<br>Divorce proceedings =2<br>Restraining orders =3<br>Combination =4                      | FAMORD   | 24    | _____ |
| 68. Child Protective Services involved?<br>Yes =1<br>No =2  | CPS      | 25    | _____ |
| 69. Is case closed?<br>Yes =1<br>No =2  | CLOSED   | 26    | _____ |
| 70. If yes, how long before case<br>closed? (code in months)<br>0-1 month (code as 1)   | MONTHS   | 27-28 | _____ |
| 71. Personal interviews with victim<br>parent (phone or face-to-face)<br>Yes =1<br>No =2  | INTERVIE | 29    | _____ |

72. Travel out-of-state (DA's office) TRAVEL 30 \_\_\_\_\_  
 Yes =1  
 No =2

31-39 leave blank

73. Race of abducting parent RACEAB 40 \_\_\_\_\_  
 White =1  
 Black =2  
 Hispanic =3  
 Asian =4  
 Other =5  
 Explain \_\_\_\_\_

41 leave blank

74. Race of victim parent RACEVIC 42 \_\_\_\_\_  
 White =1  
 Black =2  
 Hispanic =3  
 Asian =4  
 Other =5  
 Explain \_\_\_\_\_

75. Religion of abduct. parent RELABD 43 \_\_\_\_\_  
 Protestant =1  
 Catholic =2  
 Jewish =3  
 Muslim =4  
 Buddhist =5  
 Hindu =6  
 Other =7  
 Explain \_\_\_\_\_

76. Religion of victim parent RELVIC 44 \_\_\_\_\_  
 Protestant =1  
 Catholic =2  
 Jewish =3  
 Muslim =4  
 Buddhist =5  
 Hindu =6  
 Other =7  
 Explain \_\_\_\_\_

77. Occupation of abduct. parent OCCUABD 45 \_\_\_\_\_  
 Unskilled =1  
 Skilled =2  
 Professional =3  
 Retired =4  
 Housewife/homemaker =5  
 Give occupation \_\_\_\_\_

78. Occupation of victim parent OCCUVIC 46 \_\_\_\_\_  
 Unskilled =1  
 Skilled =2  
 Professional =3  
 Give occupation \_\_\_\_\_
79. Was abduct. parent employed? AEMPLOY 47 \_\_\_\_\_  
 Yes =1  
 No =2
80. Was victim parent employed? VEMPLOY 48 \_\_\_\_\_
81. Relationship between abductor REL 49 \_\_\_\_\_  
 and victim:  
 Married at the time of stealing =1  
 Separated =2  
 Divorced =3  
 Living together, not married =4  
 Other =5  
 Prior living together-not married =6  
 Never lived together =7  
 Stealing away from foster parent/legal guardian =8  
 Explain \_\_\_\_\_
82. How were children taken? TAKEN 50 \_\_\_\_\_  
 Forcefully =1  
 Deceiving/tricking children =2  
 Failed to return from visitation/vac. =3  
 Denied visitation =4  
 Flee =5  
 Unfounded accusation (child with custodial parent) =7  
 Other =8  
 Explain from file \_\_\_\_\_
83. Did anyone assist suspects in ASSIST 51 \_\_\_\_\_  
 taking the children?  
 Yes =1  
 No =2  
 Explain from file \_\_\_\_\_
84. What reason did victim give for REASON 52 \_\_\_\_\_  
 suspect's actions?  
 Suspect deems victim unfit to have custody/visit. =1  
 False charge of physical/sexual abuse (of child) =2  
 Domestic violence explanations =3  
 Intrafamily conflict (anger, spite, revenge, etc) =5  
 Other reasons given =6  
 Child support was an issue =7  
 Anger over custody order =8  
 Explain \_\_\_\_\_



85. Does victim have any physical DEFECTS 53 \_\_\_\_\_  
or mental defects?  
Yes =1  
No =2  
Describe from file \_\_\_\_\_

86. Has victim ever been charged with CRIME 54 \_\_\_\_\_  
any crimes against children?  
Yes =1  
No =2  
Explain from file \_\_\_\_\_

87. Were subpoenas served? SUBPOEN 55 \_\_\_\_\_  
Yes =1  
No =2

88. Search warrant? SEARCH 56 \_\_\_\_\_  
Phone =1  
Home =2  
Warrant in lieu of habeas corpus =3  
No warrant =4

(End of original coding sheet)

89. Has abductor ever been charged with CRIME2 57 \_\_\_\_\_  
any crimes against children?  
Yes =1  
No =2

From page 5, col. 70 (PARARST). Code the abductor's arrest record, if any. (Item #47).

90. If abductor was charged with a crimeFAMABUSE 58 \_\_\_\_\_  
against children, was the crime  
intra-family abuse and neglect?  
Yes =1  
No =2

91. Was the abductor ever charged with STRANGER 59 \_\_\_\_\_  
stranger molestation?  
Yes =1  
No =2

92. Has the abductor ever been charged STRANGAB 60 \_\_\_\_\_  
with stranger abduction?  
Yes =1  
No =2

93. Has the abductor ever been charged with domestic violence? DOMESTI 61 \_\_\_\_\_  
 Yes =1  
 No =2
94. Has the abductor ever been charged with other violent crimes? VIOL 62 \_\_\_\_\_  
 Yes =1  
 No =2
95. Has the abductor ever been charged with property crimes? PROPERTY 63 \_\_\_\_\_  
 Yes =1  
 No =2
96. Has the abductor ever been charged with drugs and alcohol offenses? DRUGS 64 \_\_\_\_\_  
 Yes =1  
 No =2
97. Was the abductor ever arrested for child stealing, custodial interference, etc., prior to this incident? PRIOR1 65 \_\_\_\_\_  
 Yes =1  
 No =2
98. Was the abductor ever charged with traffic violations? TRAFFIC 66 \_\_\_\_\_  
 Yes =1  
 No =2
99. Was the abductor ever arrested for welfare fraud? FRAUD1 67 \_\_\_\_\_  
 Yes =1  
 No =2
100. Was the abductor ever arrested for violating a court order? ORDER1 68 \_\_\_\_\_  
 Yes =1  
 No =2
101. Was the abductor ever arrested for prostitution? PROSTI2 69 \_\_\_\_\_  
 Yes =1  
 No =2
102. Was the abductor ever arrested for check fraud? CHECK1 70 \_\_\_\_\_  
 Yes =1  
 No =2
103. Was a restraining order or stay-away ABREST 71 \_\_\_\_\_

order ever filed against abductor?  
Yes =1  
No =2

104. Was abductor parent ever convicted CONVICT1 72 \_\_\_\_\_  
following any arrest for any crime  
(other than this incident)?  
Yes =1  
No =2

105. Did abductor parent receive a CONVICT2 73 \_\_\_\_\_  
sentence of jail or prison on the convictions?  
Yes =1  
No =2

**From page 6, col. 71 (VICARST). Code the victim's arrest  
record, if any. (Item #48).**

106. If victim was charged with a crime FAMAB 74 \_\_\_\_\_  
against children, was the crime  
intra-family abuse and neglect?  
Yes =1  
No =2

107. Was victim parent ever charged STRANG 75 \_\_\_\_\_  
with stranger molestation?  
Yes =1  
No =2

108. Was victim ever charged with STRANAB 76 \_\_\_\_\_  
stranger abduction?  
Yes =1  
No =2

109. Has the victim ever been charged DOM 77 \_\_\_\_\_  
with domestic violence?  
Yes =1  
No =2

110. Has the victim ever been charged VIOLE 78 \_\_\_\_\_  
with other violent crimes?  
Yes =1  
No =2

111. Has the victim ever been charged PROPER 79 \_\_\_\_\_  
with property crimes?  
Yes =1  
No =2

112. Has the victim ever been charged with drug and alcohol offenses? DRUG2 80 \_\_\_\_\_  
 Yes =1  
 No =2

START LINE 3

VARIABLE VAR NAME LINE COLUMN

Study I.D.# ID 1-3 \_\_\_\_\_  
 Line # =3 LINE 4 \_\_\_\_\_

113. Was the victim ever arrested for PRIOR2 5 \_\_\_\_\_  
 Yes =1  
 No =2

114. Was the victim ever charged with TRAFFIC2 6 \_\_\_\_\_  
 traffic violations?  
 Yes =1  
 No =2

115. Was the victim ever arrested for FRAUD2 7 \_\_\_\_\_  
 welfare fraud?  
 Yes =1  
 No =2

116. Was the victim ever arrested for ORDER2 8 \_\_\_\_\_  
 violating a court order?  
 Yes =1  
 No =2

117. Was the victim ever arrested for PROSTI3 9 \_\_\_\_\_  
 prostitution?  
 Yes =1  
 No =2

10 leave blank

118. Was the victim ever arrested for CHECK2 11 \_\_\_\_\_  
 check fraud?  
 Yes =1  
 No =2

119. Was a restraining order or stay-away ABREST1 12 \_\_\_\_\_  
 order ever filed against the victim?  
 Yes =1  
 No =2

120. Was victim parent ever convicted following any arrest for any crime? CONVICT3 13 \_\_\_\_\_  
 Yes =1  
 No =2
121. Did the victim parent receive a sentence of jail or prison on the convictions? CONVICT4 14 \_\_\_\_\_  
 Yes =1  
 No =2
122. Did the child run away to the other parent? RUN 15 \_\_\_\_\_  
 Yes =1  
 No =2
123. Was the original charge ever recharged? RECHARGE 16 \_\_\_\_\_  
 Yes =1  
 No =2
124. If yes, what was the final charge? FINAL 17 \_\_\_\_\_  
 277 =1  
 278.5 =2  
 278 =3  
 236 =5  
 236 and 278.5 =6  
 236 and 278 =7  
 Other =8
- If no on COOPCH, p. 6, last question**
125. Who were the local authorities that were uncooperative? NO 18 \_\_\_\_\_  
 CPS =1  
 Police =2  
 D.A. =3  
 Court (judges) =4  
 Any combination of above =5  
 Others =6
- If no on COOPATH, p. 7, first question**
126. Who were the local authorities that were uncooperative? NO2 19 \_\_\_\_\_  
 CPS =1  
 Police =2  
 D.A. =3  
 Court (judges) =4  
 Any combination of above =5  
 Others =6

If a charge was made, what type of incident was included?

|      |  |           |    |       |
|------|--|-----------|----|-------|
| 127. | Taking/Stealing<br>Yes =1<br>No =2   | TAKING    | 20 | _____ |
| 128. | Detaining<br>Yes =1<br>No =2   | DETAINING | 21 | _____ |
| 129. | Concealing<br>Yes =1<br>No =2  | CONCEAL   | 22 | _____ |
| 130. | Enticing<br>Yes =1<br>No =2  | ENTICE    | 23 | _____ |
| 131. | At the time of the incident, was<br>complaining witness/victim parent<br>supposed to receive child support<br>from the offender?<br>Yes =1<br>No =2      | SUPPORT   | 24 | _____ |
| 132. | At the time of the incident, was<br>complaining witness/victim parent<br>receiving child support?<br>Yes =1<br>No =2                                     | SUPPORT2  | 25 | _____ |
| 133. | At the time of the incident, was<br>witness/victim parent supposed to<br>pay child support to the offender?<br>Yes =1<br>No =2                           | SUPPORT3  | 26 | _____ |
| 134. | At the time of the incident, was<br>complaining witness/victim parent in<br>fact paying support to the offender?<br>Yes =1<br>No =2                      | SUPPORT4  | 27 | _____ |
| 135. | Prior to the incident, was victim<br>parent aware of any threats from the<br>offender to abduct, detain or conceal<br>the child(ren)?<br>Yes =1<br>No =2 | THREAT    | 28 | _____ |

136. Had the victim ever told anybody TOLD 29 \_\_\_\_\_  
 about these threats?  
 Yes =1  
 No =2
137. If yes to the above, whom had WHOM 30 \_\_\_\_\_  
 he/she told?  
 The police =1  
 D.A.'s office =2  
 Family Court Services =3  
 Social Worker =4  
 Own attorney =5  
 Relatives/Friends =6  
 Other =7
138. Had the offender previously violated VIOLATE 31 \_\_\_\_\_  
 a lawful custody order (e.g. offender  
 took/kept child(ren) without permission)  
 which was reported to criminal authorities?  
 Yes =1  
 No =2
139. Did the D.A.'s office take action CIVIL 32 \_\_\_\_\_  
 to locate/recover the child(ren)  
 pursuant to Civil Code Section 4604?  
 Yes =1  
 No =2
140. Did the police take a report of POLICE 33 \_\_\_\_\_  
 the incident?  
 Yes =1  
 No =2
141. Did the police prepare a missing NCIC 34 \_\_\_\_\_  
 person report from the incident  
 and enter the child(ren)'s name  
 into the NCIC?  
 Yes =1  
 No=2
142. If no court order was in place, ACCESS 35 \_\_\_\_\_  
 what access did the offender  
 have to the child?  
 No court order, equal access =1  
 No court order, occasional access =2  
 No court order, no access =3
143. Was extradition of the offender requested? 36 \_\_\_\_\_  
 Yes =1  
 No =2

(Whether extradition was granted. See p. 7)

144. Was P.C. 207 charged? (kidnapping) PC207 37 \_\_\_\_\_  
Yes =1  
No =2
145. Was P.C. 166.4 charged? PC166 38 \_\_\_\_\_  
(criminal contempt of court order)  
Yes =1  
No =2
- 39 leave blank
146. Was C.C. 1209.5 charged? CC1209 40 \_\_\_\_\_  
(civil contempt)  
Yes =1  
No =2
147. Were other offenses charged in OTHERS 41 \_\_\_\_\_  
connection with the child stealing  
incident?  
Yes =1  
No =2
148. Did the authorities place the PROTECT 42 \_\_\_\_\_  
child(ren) in protective custody  
following the incident?  
Yes =1  
No =2
149. What was the last criminal justice LAST 43 \_\_\_\_\_  
system action taken with the offender  
pertaining to the incident?  
Law enforcement dismissed =1  
Warrant still pending =2  
DA dropped case =3  
Criminal complaint filed/prosecution pending =4  
Prosecution deferred =5  
Adjudicated through plea bargain =6  
Adjudicated through jury trial =7  
Adjudicated through judge =8
150. Was the criminal case discontinued CIVIL2 44 \_\_\_\_\_  
and sent to civil court?  
Yes =1  
No =2
151. What was outcome of adjudication? OUTCOME 45 \_\_\_\_\_  
Acquittal on all child stealing counts =1  
Dismissal on all child stealing counts =2  
Conviction of some child stealing counts =3  
Other =4



152. Did sentence include community SERVICE 46 \_\_\_\_\_  
 service?  
 Yes =1  
 No =2
153. Length of probation, if any? PROB 47 \_\_\_\_\_  
 One year =1  
 Two years and so forth =2  
 Eight years or more =3
154. Was the offender ordered to pay COSTS 48 \_\_\_\_\_  
 the costs of recovering the  
 child(ren)?  
 Yes =1  
 No =2
155. How was child(ren) recovered? RECOVER 49 \_\_\_\_\_  
 Offender voluntarily returned child(ren) to victim =1  
 Victim visited/retrieved the cild(ren) =2  
 Child placed in CPS care by law enforcement personnel =3  
 Law enforcement recovered child(ren) =4  
 DA personnel recovered child(ren) =5  
 Other =6  
 Child(ren) not recovered =7
156. What was the final action taken FINAL 50 \_\_\_\_\_  
 by DA's office on this incident?  
 Took telephone call =1  
 Advised informally =2  
 Investigated incident =3  
 Referred to family or civil court =4  
 Arrested =5  
 Deferred prosecution =6  
 Prosecution =7  
 Other =8

**Did the complaining witnesses have the financial resources to do any of the following (and did in fact do so):**

157. Conduct own investigation to OWN 51 \_\_\_\_\_  
 recover child?  
 Yes =1  
 No =2
158. Hire private investigator? INVEST 52 \_\_\_\_\_  
 Yes =1  
 No =2
159. Hire private attorney? ATTORN 53 \_\_\_\_\_  
 Yes =1  
 No =2

160. Pay for travel to recover costs?      PAYTRAV      54      \_\_\_\_\_  
 Yes =1  
 No =2
161. Pay for court costs?      PAYCOURT      55      \_\_\_\_\_  
 Yes =1  
 No =2
162. Sue offender for civil damages?      SUE      56      \_\_\_\_\_  
 Yes =1  
 No =2
163. Was the incident report to MUPS?      MUPS      57      \_\_\_\_\_  
 (Missing and Unidentified Persons Number)  
 Yes =1  
 No =2
164. Was incident reported to BCS/CII?      BCS      58      \_\_\_\_\_  
 (Bureau of Criminal Statistics, California Ident.)  
 Yes =1  
 No =2
165. Was the incident report to CPLS?      CPLS      59      \_\_\_\_\_  
 (California Parent Locator Service)  
 Yes =1  
 No =2
166. Where are the children living now?      60      \_\_\_\_\_  
 With victim parent =1  
 With abductor =2  
 With other relative =3  
 With friends =4  
 With foster family =5  
 In temporary protective custody =6  
 Other =7

167. What were the main risk factors that seemed to lead up to this incident, as reported in the records?

- 1) \_\_\_\_\_      3) \_\_\_\_\_  
 2) \_\_\_\_\_      4) \_\_\_\_\_

Finally, give a brief description of the facts and main points in this case.

Case I.D. Number \_\_\_\_\_

Subject Names:

Victim Name and Address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Victim Telephone \_\_\_\_\_

Offender Name and Address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Offender Telephone \_\_\_\_\_

Child Victim(s) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Case Description**

### Appendices to Chapter 3

Appendix 3A: Coding Instrument for Single Abduction Offenders

Appendix 3B: Coding Instrument for Multiple Abduction Offenders

Appendix 3C: Technical Discussion of Regression Models

Appendix 3A: Coding Instrument for Single Abduction Offenders

**PARENTAL ABDUCTION CODE BOOK**  
**ONE TIME ABDUCTION INCIDENT/ARREST CASE**

| VARIABLE   | VAR NAME/VALUE | LINE# | COLUMN   |
|--|----------------|-------|----------|
| <b>FIRST LINE (80 COLUMNS)</b>   |                |       |          |
| 1) Study ID (write on first page of rap sheet/top middle numerical order starting with 001 for first coded case) | ID             |       | 1-3_____ |

|        |        |  |        |
|--------|--------|--|--------|
| LINE # | LINE=1 |  | 4_____ |
|--------|--------|--|--------|

|  |                               |  |        |
|--|-------------------------------|--|--------|
| 2) Total number* of different abduction incidents. | NUABINC<br>1-8**<br>9 missing |  | 5_____ |
|--|-------------------------------|--|--------|

(\*\*FOR USE WITH THIS CODE BOOK, VALUE =1)

(\*Number of incidents may not be the same as number of arrests; where multiple arrests are listed but are close in time, treat as relating to the same abduction incident unless from the surrounding information it appears the arrests pertain to different incidents.)

**OFFENDER CHARACTERISTICS**

|                                      |     |  |           |
|--------------------------------------|-----|--|-----------|
| 3) Date of Birth<br>(month/day/year) | DOB |  | 6-11_____ |
|--------------------------------------|-----|--|-----------|

|        |  |  |        |
|--------|--|--|--------|
| 4) Sex | SEX<br>1-male<br>2-female<br>9-missing |  | 12____ |
|--------|--|--|--------|

|         |  |  |        |
|---------|--|--|--------|
| 5) Race | RACE<br>1-caucasian<br>2-african american<br>3-hispanic<br>4-asian<br>5-american indian<br>9-missing |  | 13____ |
|---------|--|--|--------|

|               |  |  |        |
|---------------|--|--|--------|
| 6) Occupation | OCCUP<br>1-unskilled<br>2-skilled<br>3-professional<br>4-homemaker<br>5-student<br>9-missing |  | 14____ |
|---------------|--|--|--------|

write in occupation\_\_\_\_\_ 8-disabled

7) Place of Birth\*

BIRTHPL

15-16 \_\_\_\_\_

UNITED STATES

|                  |               |                |               |
|------------------|---------------|----------------|---------------|
| 01-CA            | 07-South      | 05 Midwest     | 09 Northeast  |
| 02-Pacific West  | Tex           | Wisconsin      | New York      |
| WA               | Ark           | Minnesota      | New Jersey    |
| OR               | Ok            | Illinois       | WA D.C.       |
| Idaho            | Missouri      | Indiana        | Pennsylvania  |
| Utah             | 08-Deep South | Ohio           | Maine         |
| Nevada           | Louisiana     | Michigan       | Massachusetts |
| Arizona          | Mississippi   | Iowa           | New Hampshire |
| 03-Alaska/Hawaii | Alabama       | 06-Southeast   | Vermont       |
| 04-West          | Georgia       | Florida        | Rhode Island  |
| Wyoming          | Tennessee     | North Carolina | Connecticut   |
| North Dakota     | Kentucky      | South Carolina | Delaware      |
| South Dakota     | West Virginia | Virginia       | Maryland      |
| Nebraska         |               |                |               |
| Kansas           | 99-missing    |                |               |
| Montana          |               |                |               |
| Colorado         |               |                |               |
| New Mexico       |               |                |               |

OTHER COUNTRY/REGION

|   |  |
|---|--|
| 11-Mexico                                 | 17-Southeast Asia (Vietnam, Korea<br>Thailand) |
| 12-Central American/<br>South America     | 18-New Zealand/Australia                       |
| 13-Western Europe                         | 19-Africa                                      |
| 14-Eastern Europe                         | 20-Middle East (Israel, Iraq, Iran<br>etc.)    |
| 15-Pacific Islands<br>(e.g., Philippines) |  |
| 16-Asia (China, Japan)                    |  |

\*See also Criminal History Users' Guide/Manual for assistance in looking up abbreviations listed on the rap sheet for the corresponding state or country of birth.

OFFENDER PRIOR CRIMINAL HISTORY

|  |             |          |
|--|-------------|----------|
| 8) Number of arrests<br>prior to abduction<br>arrest | PRIOARR     | 17 _____ |
|  | 0-none      |          |
|  | 1-1         |          |
|  | 2-2         |          |
|  | 3-3         |          |
|  | 4-4 or more |          |

IF NONE, ENTER "0" IN COLUMNS 18-21, 23-33, AND THEN GO TO QUESTION 14

IF 1 OR MORE PRIOR ARRESTS, CONTINUE WITH QUESTION 9

|   |                                    |          |
|---|------------------------------------|----------|
| 9) Received conviction<br>prior to abduction<br>arrest? | PRIOCON                            | 18 _____ |
|   | 0-not applicable (no prior arrest) |          |
|   | 1-no                               |          |
|   | 2-yes                              |          |
|   | 9-missing                          |          |

10) Received jail sentence prior to abduction arrest? PRIJAIL 19 \_\_\_\_\_  
0-not applicable (no prior conviction)  
1-no  
2-yes  
9-missing

11) Received prison sentence prior to abduction arrest? PRIPRIS 20 \_\_\_\_\_  
0-not applicable (no prior conviction)  
1-no  
2-yes  
9-missing

12) On probation at the time of the abduction arrest? ONPROB 21 \_\_\_\_\_  
0-not applicable (no prior conviction)  
1-no  
2-yes  
9-missing

BLANK

BLANK

COLUMN 22 BLANK

**TYPE OF PRIOR ARREST**

13a) Prior arrest for domestic violence? PRIODOM 23 \_\_\_\_\_  
1-no  
2-yes  
0-not applicable

13b) Prior arrest for nonsex offense against the person (include assault with weapon, kidnapping, false imprisonment)? PRIOPERS 24 \_\_\_\_\_  
1-no  
2-yes  
0-not applicable

13c) Prior arrest for sex offense with adult victim? PRIOSEX 25 \_\_\_\_\_  
1-no  
2-yes  
0-not applicable

13d) Prior arrest for sex offense involving child? PRIOCHSX 26 \_\_\_\_\_  
1-no  
2-yes  
0-not applicable

13e) Prior arrest for weapon offense (include assault with weapon)? PRIOWEAP 27 \_\_\_\_\_  
1-no  
2-yes  
0-not applicable



13f) Prior arrest for property offense (theft, forgery, break and enter)?      PRIOPROP      28 \_\_\_\_\_  
1-no  
2=yes  
0-not applicable

13g) Prior arrest for drug/alcohol offense (include driving under the influence)?      PRIODRG      29 \_\_\_\_\_  
1-no  
2=yes  
0-not applicable

13h) Prior arrest for traffic/vehicle offense (include hit and run, suspended license, driving under influence)?      PRIOTRVE      30 \_\_\_\_\_  
1-no  
2=yes  
0-not applicable

13i) Prior arrest for child abuse, neglect, cruelty, failure to provide?      PRIOCHAB      31 \_\_\_\_\_  
1-no  
2=yes  
0-not applicable

13j) Prior arrest for violation of court order?      PRIOCRT      32 \_\_\_\_\_  
1-no  
2=yes  
0-not applicable

13k) Prior arrest for other offense(s)?      PRIOOTH      33 \_\_\_\_\_  
1-no  
2=yes specify: \_\_\_\_\_  
0-not applicable

**ABDUCTION INCIDENT**

14) Total number of arrests for the same abduction incident      NUARRAB      34 \_\_\_\_\_  
1-8  
9-missing

15) Abduction Arrest Charge(s)      ABARRCH      35 \_\_\_\_\_  
1-277  
2-278  
3-278.5  
4-abduction charge combination (277/278/278.5)  
5-other (no 277 etc at arrest)  
9-missing

16) Number of abduction counts involved in the abduction incident\*      ABCOUNT      36 \_\_\_\_\_  
1-8  
9-missing

(\*If more than one abduction charge is listed--e.g., 277 and 278, include the total number of counts for all abduction charges; also if the arrest lists only one count for P.C. 277 but in the court action more than one count is listed, use the number of counts listed with court action for Question 16.)

BLANK      BLANK      COLUMN 37 BLANK

17) County location of arrest\*      ARRCNTY      38-39 \_\_\_\_\_

- |                 |                |                                      |
|-----------------|----------------|--------------------------------------|
| 01-Alameda      | 20-Madera      | 39-San Joaquin                       |
| 02-Alpine       | 21-Marin       | 40-San Luis Obispo                   |
| 03-Amador       | 22-Mariposa    | 41-San Mateo                         |
| 04-Butte        | 23-Mendocino   | 42-Santa Barbara                     |
| 05-Calaveras    | 24-Merced      | 43-Santa Clara                       |
| 06-Colusa       | 25-Modoc       | 44-Santa Cruz                        |
| 07-Contra Costa | 26-Mono        | 45-Shasta                            |
| 08-Del Norte    | 27-Monterey    | 46-Sierra                            |
| 09-El Dorado    | 28-Napa        | 47-Siskiyou                          |
| 10-Fresno       | 29-Nevada      | 48-Solano                            |
| 11-Glenn        | 30-Orange      | 49-Sonoma                            |
| 12-Humboldt     | 31-Placer      | 50-Stanislaus                        |
| 13-Imperial     | 32-Plumas      | 51-Sutter                            |
| 14-Inyo         | 33-Riverside   | 52-Tehama                            |
| 15-Kern         | 34-Sacramento  | 53-Trinity                           |
| 16-Kings        | 35-San Benito  | 54-Tulare                            |
| 17-Lake         | 36-San Bernard | 55-Tuolumine                         |
| 18-Lassen       | 37-San Diego   | 56-Ventura                           |
| 19-Los Angeles  | 38-San Francis | 57-Yolo      58-Yuba      99-missing |

\*For assistance, also see list of cities and their NCIC numbers; the first two digits of the NCIC number given for each city refers to the county.

18) Primary Arresting Agency      ARRAGCY      40 \_\_\_\_\_  
1-police department  
2-sheriff  
3-other (e.g. probation)  
9-missing

19) Was more than one arresting agency involved?      OTHRAGY      41 \_\_\_\_\_  
1-no  
2-yes  
9-missing

20) Was a warrant issued for the abduction offense or for other offenses related to the abduction?      WARRANT      42 \_\_\_\_\_  
1-no  
2-yes  
9-missing

21) Date of First arrest for abduction incident      ARRDAT  
(MONTH/DATE/YEAR)  
9-missing

43-48 \_\_\_\_\_

**ABDUCTION DISPOSITION**

22) Date of Disposition\* for abduction arrest      DISPDAT  
(month/date/year)  
(\*Disposition means 9-missing  
decision to dismiss, convict,  
find not guilty, plead guilty)

49-54 \_\_\_\_\_

23) Time lapse between date of arrest and date of disposition

LAPSE  
1-within 2 wks  
2-within 1 month  
3-within 1-3 months  
4-within 3-6 months  
5-within 6-9 months  
6-within 9-12 months  
7-within 12-24 months  
8-more than 24 months  
9-missing

55 \_\_\_\_\_

24) County Location of disposition      DISPLOC  
(use county list and  
values for Question 17)

56-57 \_\_\_\_\_

25) Disposition Agency

DISPAGY  
1-law enforcement  
2-prosecutor  
3-municipal court  
4-justice court  
5-superior court  
6-other \_\_\_\_\_  
9-missing

58 \_\_\_\_\_

26a) Type of disposition for abduction charge(s)

DISPAB      59 \_\_\_\_\_  
1-dismiss all  
2-convict/guilty plea all  
3-diversion all  
4-not guilty all  
5-dismiss some counts in exchange for  
plea/guilty to some counts  
6-not guilty some counts, guilty some  
counts  
7-probation revoked  
9-missing  
8-other specify: \_\_\_\_\_

26b) Penal Code Provision for abduction offense receiving disposition ABPCDISP 60 \_\_\_\_\_  
1-277  
2-278  
3-278.5  
4-combination  
8-other specify: \_\_\_\_\_  
9-missing

27) Level of conviction offense for abduction charge LEVELAB 61 \_\_\_\_\_  
0-not applicable (no conviction)  
1-misdemeanor  
2-felony  
9-missing

28a) Type of Sentence SENTENC 62 \_\_\_\_\_  
0-not applicable (no conviction)  
1-probation only  
2-jail only  
3-fine or restitution only  
4-jail plus other (probation, fine, restitution etc)  
5-combination with no jail (e.g., probation + fine, restitution) 6-prison  
7-diversion  
8-imposition of suspended sentence  
9-missing

28b) Was the imposition of sentence suspended? (Unless entry specifies sentence is suspended (indicated by SS), code as "1" (no)) SENTSUSP 63 \_\_\_\_\_  
1-no  
2-yes  
9-missing  
0-not applicable

29) Length of Incarceration (in months from 01-89/90-98) INCARCT 64-65 \_\_\_\_\_  
00-not applicable (no conviction/no incarceration as part of sentence)  
88-less than one month  
99-missing

30) Sentenced to Time Served (pre-trial custody--indicated by CTS) TIMESER 66 \_\_\_\_\_  
0-not applicable  
1-not part of sentence  
2-part of sentence  
9-missing

**OTHER OFFENSES AT ABDUCTION INCIDENT AND THEIR DISPOSITION**

31) Were there other offenses involved with the abduction arrest?                      OTHROFF                      67 \_\_\_\_\_  
1-no  
2-yes  
9-missing

**IF NO, RECORD "0" IN COLUMN 68-79; LEAVE COLUMN 80 BLANK; ON LINE 2, ENTER Study ID in COLUMNS 1-3, "2" IN COLUMN 4, "0" IN COLUMNS 5-14 AND THEN PROCEED WITH QUESTION 44a**

**IF 2 (YES), PROCEED WITH QUESTIONS 32a-43b**

32a) Domestic violence charge involved in abduction?                      DOMVIOL                      68 \_\_\_\_\_  
1-no  
2-yes  
0-not applicable  
9-missing

32b) Disposition of domestic violence charge?                      DISPODV                      69 \_\_\_\_\_  
1-dismiss  
2-convict/guilty plea  
3-divert  
4-not guilty  
5-other  
6-guilty combined with other counts  
9-missing  
0-not applicable

33a) Nonsex charge against the person (include assault with weapon, kidnapping, false imprisonment)?                      PERSOFF                      70 \_\_\_\_\_  
1-no  
2-yes  
0-not applicable  
9-missing

33b) Disposition of nonsex charge against person?                      DISPOPER                      71 \_\_\_\_\_  
1-dismiss  
2-convict  
3-divert  
4-not guilty  
5-other  
6-guilty combined with other counts  
9-missing  
0-not applicable

34a) Sex charge with adult victim?                      SEXOFF                      72 \_\_\_\_\_  
1-no  
2-yes  
0-not applicable  
9-missing

34b)Disposition of sex  
charge involving adult  
victim?

DISPOSEX 73 \_\_\_\_\_  
1-dismiss  
2-convict  
3-divert  
4-not guilty  
5-other  
6-guilty combined with other counts  
9-missing  
0-not applicable

35a)Sex charge  
involving a child?

CHILDSEX 74 \_\_\_\_\_  
1-no  
2-yes  
0-not applicable  
9-missing

35b)Disposition of sex  
charge involving child

DISPCHSX 75 \_\_\_\_\_  
1-dismiss  
2-convict  
3-divert  
4-not guilty  
5-other  
6-guilty combined with other counts  
9-missing  
0-not applicable

36a)Weapon charge  
(include assault  
with deadly weapon)?

WEAPOFF 76 \_\_\_\_\_  
1-no  
2-yes  
0-not applicable  
9-missing

36b) Disposition of  
weapons charge?

DISPWEAP 77 \_\_\_\_\_  
1-dismiss  
2-convict  
3-divert  
4-not guilty  
5-other  
6-guilty combined with other counts  
9-missing  
0-not applicable

37a)Property offense  
charge (theft, forgery  
break and enter, etc)

PROPOFF 78 \_\_\_\_\_  
1-no  
2-yes  
0-not applicable  
9-missing

37b)Disposition of property charge

DISPROP 79 \_\_\_\_\_  
1-dismiss  
2-convict  
3-divert  
4-not guilty  
5-other  
6-guilty combined with other counts  
9-missing  
0-not applicable

BLANK

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COLUMN 80 BLANK

**SECOND LINE (80 COLUMNS)**

38)Study ID (write on first page of rap sheet/top middle numerical order starting with 001 for first coded case)

ID 2/1-3 \_\_\_\_\_

LINE #

LINE=2 2/4 \_\_\_\_\_

39a)Drug/alcohol related charge (include driving under the influence, sale, possess

DRGALC 2/5 \_\_\_\_\_  
1-no  
2-yes  
0-not applicable  
9-missing

39b)Disposition of drug/alcohol charge

DISPODRG 2/6 \_\_\_\_\_  
1-dismiss  
2-convict  
3-divert  
4-not guilty  
5-other  
6-guilty combined with other counts  
9-missing  
0-not applicable

40a)Traffic/vehicle charge (include suspended license, hit and run, under influence)?

TRAFVEH 2/7 \_\_\_\_\_  
1-no  
2-yes  
0-not applicable  
9-missing

40b) Disposition of traf-  
fic/vehicle charge?

DISPTRAF 2/8 \_\_\_\_\_  
1-dismiss  
2-convict  
3-divert  
4-not guilty  
5-other  
6-guilty combined with other counts  
9-missing  
0-not applicable

41a) Child abuse,  
neglect, cruelty,  
failure to provide  
charge?

CHABUSE 2/9 \_\_\_\_\_  
1-no  
2-yes  
0-not applicable  
9-missing

41b) Disposition of child  
abuse charge?

DISPABUS 2/10 \_\_\_\_\_  
1-dismiss  
2-convict  
3-divert  
4-not guilty  
5-other  
6-guilty combined with other counts  
9-missing  
0-not applicable

42a) Charge of violation  
of court order (contempt  
probation violation)?

CRTVIOL 2/11 \_\_\_\_\_  
1-no  
2-yes  
0-not applicable  
9-missing

42b) Disposition of viol-  
ation of court order?

DISPCRT 2/12 \_\_\_\_\_  
1-dismiss  
2-convict  
3-divert  
4-not guilty  
5-other  
6-guilty combined with other counts  
9-missing  
0-not applicable

43a) Charge for other of-  
fense(s)?

OTHRCH 2/13 \_\_\_\_\_  
1-no  
2-yes specify \_\_\_\_\_  
9-missing



43b) Disposition for other  
offense(s)?

DISPOTH  
1-dismiss  
2-convcit  
3-divert  
4-not guilty  
5-other  
6-guilty combined with other counts  
9-missing  
0-not applicable

2/14 \_\_\_\_\_

**CRIMINAL HISTORY AFTER ABDUCTION**

44a) Was there one or more  
arrests for new criminal  
behavior after the abduction  
incident?

ARRAFAB  
1-no  
2-yes  
9-missing

2/15 \_\_\_\_\_

44b) Number of arrests for  
other crime incidents after  
the abduction incident

NUARAFAB  
0-none  
1-one  
2-two  
3-three  
4-four or more

2/16 \_\_\_\_\_

**IF NONE, ENTER "0" IN COLUMNS 17-26 AND THEN PROCEED TO QUESTION 46; IF  
YES ANSWER QUESTIONS 45a-45j**

45a) Was there a subsequent  
arrest for domestic violence?

SUBDOVI  
1-no  
2-yes  
9-missing  
0-not applicable

2/17 \_\_\_\_\_

45b) Was there a subsequent  
arrest for a nonsex crime  
against the person?

SUBPERS  
1-no  
2-yes  
9-missing  
0-not applicable

2/18 \_\_\_\_\_

45c) Was there a subsequent  
arrest for a sex crime with  
an adult victim?

SUBSEX  
1-no  
2-yes  
9-missing  
0-not applicable

2/19 \_\_\_\_\_

45d) Was there a subsequent  
arrest for a sex crime with  
child victim

SUBCHSEX  
1-no  
2-yes  
9-missing  
0-not applicable

2/20 \_\_\_\_\_

- 45e) Was there a subsequent arrest for a weapons offense? SUBWEAP 2/21 \_\_\_\_\_  
1-no  
2-yes  
9-missing  
0-not applicable
- 45f) Was there a subsequent arrest for a drug/alcohol offense? SUBDRAL 2/22 \_\_\_\_\_  
1-no  
2-yes  
9-missing  
0-not applicable
- 45g) Was there a subsequent arrest for a property offense? SUBPROP 2/23 \_\_\_\_\_  
1-no  
2-yes  
9-missing  
0-not applicable
- 45h) Was there a subsequent arrest for intrafamily child abuse, neglect, cruelty? SUBABUSE 2/24 \_\_\_\_\_  
1-no  
2-yes  
9-missing  
0-not applicable
- 45i) Was there a subsequent arrest for violating a court order (contempt of court, failure to appear, non-support) SUBCRTVI 2/25 \_\_\_\_\_  
1-no  
2-yes  
9-missing  
0-not applicable
- 45j) Was there a subsequent arrest for other offense(s)? SUBOTHR 2/26 \_\_\_\_\_  
1-no  
2-yes specify \_\_\_\_\_  
9-missing  
0-not applicable
- 46) Was abduction conviction set aside? SETASIDE 2/27 \_\_\_\_\_  
1-no  
2-yes  
9-missing
- 47) If received conviction for other offense at abduction incident, type of sentence given for other offense: SENTENCO 2/28 \_\_\_\_\_  
0-not applicable  
1-probation only  
2-jail only  
3-fine/restitution only  
4-jail plus other (probation, fine, restitution etc)  
5-combination/no jail  
6-prison 7-imposition of suspended sentence  
8-other \_\_\_\_\_ 9-missing
- 48) second series of case numbers(001-999) 2/29 2  
END OF CASE RECORD

Appendix 3B: Coding Instrument for Multiple Abduction Offenders

**PARENTAL ABDUCTION CODE BOOK  
MULTIPLE ABDUCTION INCIDENTS/ARRESTS CASE**

| VARIABLE   | VAR NAME/VALUE                 | LINE# | COLUMN    |
|--|--------------------------------|-------|-----------|
| <b>FIRST LINE (80 COLUMNS)</b>   |                                |       |           |
| 1) Study ID (write on first page of rap sheet/top middle numerical order starting with 001 for first coded case) | MID                            |       | 1-3 _____ |
| LINE #   | MLINE=1                        |       | 4 _____   |
| 2) Total number* of different abduction incidents.   | MNUABINC<br>1-8**<br>9 missing |       | 5 _____   |

(\*Number of incidents may not be the same as number of arrests; where multiple arrests are listed but are close in time, treat as relating to the same abduction incident unless from the surrounding information it appears the arrests pertain to different incidents.)

(\*\*FOR USE WITH THIS CODE BOOK, VALUE =2 OR MORE)

**OFFENDER CHARACTERISTICS**

|                                      |   |  |            |
|--------------------------------------|---|--|------------|
| 3) Date of Birth<br>(month/day/year) | MDOB  |  | 6-11 _____ |
| 4) Sex                               | MSEX<br>1-male<br>2-female<br>9-missing   |  | 12 _____   |
| 5) Race                              | MRACE<br>1-caucasian<br>2-african american<br>3-hispanic<br>4-asian<br>5-american indian<br>9-missing |  | 13 _____   |
| 6) Occupation                        | MOCCUP<br>1-unskilled<br>2-skilled<br>3-professional<br>4-homemaker/retired<br>5-student<br>9-missing |  | 14 _____   |

write in occupation \_\_\_\_\_

Guidelines for Coding occupation: **unskilled**-requires high school diploma or no formal education less; **skilled**- requires license or some specialized training; **professional**- requires a college degree

7) Place of Birth\*

MBIRTHPL

15-16 \_\_\_\_\_

UNITED STATES

|                  |               |                |               |
|------------------|---------------|----------------|---------------|
| 01-CA            | 07-South      | 05 Midwest     | 09 Northeast  |
| 02-Pacific West  | Tex           | Wisconsin      | New York      |
| WA               | Ark           | Minnesota      | New Jersey    |
| OR               | Ok            | Illinois       | WA D.C.       |
| Idaho            | Missouri      | Indiana        | Pennsylvania  |
| Utah             | 08-Deep South | Ohio           | Maine         |
| Nevada           | Louisiana     | Michigan       | Massachusetts |
| Arizona          | Mississippi   | Iowa           | New Hampshire |
| 03-Alaska/Hawaii | Alabama       | 06-Southeast   | Vermont       |
| 04-West          | Georgia       | Florida        | Rhode Island  |
| Wyoming          | Tennessee     | North Carolina | Connecticut   |
| North Dakota     | Kentucky      | South Carolina | Delaware      |
| South Dakota     | West Virginia | Virginia       | Maryland      |
| Nebraska         |               |                |               |
| Kansas           | 99-missing    |                |               |
| Montana          |               |                |               |
| Colorado         |               |                |               |
| New Mexico       |               |                |               |

OTHER COUNTRY/REGION

|  |  |
|--|--|
| 11-Mexico (MM)                                 | 17-Southeast Asia (Vietnam, Korea<br>Thailand) |
| 12-Central American/<br>South America (Guatam) | 18-New Zealand/Australia                       |
| 13-Western Europe                              | 19-Africa                                      |
| 14-Eastern Europe                              | 20-Middle East (Israel, Iraq, Iran<br>etc.)    |
| 15-Pacific Islands<br>(e.g., Philippines)      | 21-Canada                                      |
| 16-Asia (China, Japan)                         | 22-Puerto Rico                                 |
|  | 23-Cuba  |

\*See also Criminal History Users' Guide/Manual for assistance in looking up abbreviations listed on the rap sheet for the corresponding state or country.

OFFENDER PRIOR CRIMINAL HISTORY (Adult Criminal History)

8) Number of arrests  
prior to FIRST ABDUCTION  
arrest

MPRIOARR

17 \_\_\_\_\_

0-none  
1-1  
2-2  
3-3  
4-4 or more

IF NONE, ENTER "0" IN COLUMNS 18-21, 23-33, AND THEN GO TO QUESTION  
14  
IF 1 OR MORE PRIOR ARRESTS, CONTINUE WITH QUESTION 9

9) Received conviction  
prior to FIRST abduction

MPRIOCON 18 \_\_\_\_\_  
0-not applicable (no prior  
arrest)  
1-no  
2-yes  
9-missing  
3-forfeited bond (treat as  
  
8-other-diversion  
7-insane mental hospital

conviction for Question 10)

10) Received jail sen-  
tence prior to FIRST  
abduction arrest?

MPRIJAIL 19 \_\_\_\_\_  
0-not applicable (no prior  
conviction)  
1-no  
2-yes  
9-missing

11) Received prison sen-  
tence prior to FIRST  
abduction arrest?

MPRIPRIS 20 \_\_\_\_\_  
0-not applicable (no prior  
conviction)  
1-no  
2-yes  
9-missing

12) On probation or parole at  
time of the FIRST  
abduction arrest?

MONPROB 21 \_\_\_\_\_  
0-not applicable (no prior  
conviction)  
1-no  
2-yes  
9-missing

BLANK

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COLUMN 22 BLANK

**TYPE OF PRIOR ARREST**

**QUESTIONS 13a-13k REFER TO ARRESTS PRIOR TO FIRST ABDUCTION  
INCIDENT**

IF CAN'T FIND PROVISION IN THE 1994 CALIFORNIA CODES, ENTER "9"

13a) Prior arrest for  
domestic violence?

MPRIODOM 23 \_\_\_\_\_  
1-no  
2-yes  
0-not applicable

13b) Prior arrest for  
nonsex offense against  
the person (include  
assault with weapon,  
kidnapping, false  
imprisonment)?

MPRIOPER 24 \_\_\_\_\_  
1-no  
2-yes  
0-not applicable

13c) Prior arrest for sex offense with adult victim? MPRIOSEX 25 \_\_\_\_\_  
1-no  
2=yes  
0-not applicable

13d) Prior arrest for sex offense involving child? MPRICHSX 26 \_\_\_\_\_  
1-no  
2=yes  
0-not applicable

13e) Prior arrest for weapon offense (including assault with weapon, armed robbery)? (INCLUDE ADW/NOT FIREARM) MPRIWEAP 27 \_\_\_\_\_  
1-no  
2=yes  
0-not applicable

13f) Prior arrest for property offense (theft, forgery, break and enter)? MPRIPROP 28 \_\_\_\_\_  
1-no  
2=yes  
0-not applicable

13g) Prior arrest for drug/alcohol offense (including driving under the influence)? MPRIODRG 29 \_\_\_\_\_  
1-no  
2=yes  
0-not applicable

13h) Prior arrest for traffic/vehicle offense (include hit and run, suspended license, driving under influence)? MPRIOTRVE 30 \_\_\_\_\_  
1-no  
2=yes  
0-not applicable

13i) Prior arrest for child abuse, neglect, cruelty, failure to provide, contribute to the delinquency of a minor? MPRICHAB 31 \_\_\_\_\_  
1-no  
2=yes  
0-not applicable

13j) Prior arrest for violation of court order? (include warrant for probation violation; if probation revoked, code as violation of court order (yes)) MPRIOCRT 32 \_\_\_\_\_  
1-no  
2=yes  
0-not applicable

13k) Prior arrest for other offense(s)? MPRIOTHR 33 \_\_\_\_\_  
1-no  
2=yes specify: \_\_\_\_\_  
0-not applicable

**FIRST ABDUCTION INCIDENT**

14) Total number of arrests for the FIRST abduction incident MNUAR1AB 34 \_\_\_\_\_  
1-8  
9-missing

15) Abduction Arrest Charge(s) for FIRST abduction M1ABARCH 35 \_\_\_\_\_  
 1-277  
 2-278  
 3-278.5  
 4-abduction charge combination (277/278/278.5)  
 5-other (no 277 etc at arrest)  
 9-missing

If arrest lists one abduction PC but court action lists a combination of abduction PCs, then code "arrest" for arrest abduction PC and "court" for court abduction PC. If there is more than one arrest for PCS for the same incident and the arrest charges different sections of the PC, code as "combination" and code as number of counts listed in the arrest that has the largest number of PCS counts; if only 1 count is listed for each arrest, then code as "1 count". If there is more than one arrest for the same incident and each arrest involves the same number of courts (eg., 1 for each arrest), then base the number of counts on one arrest.

16) Number of abduction counts involved in the FIRST ABDUCTION INCIDENT M1ABCONT 36 \_\_\_\_\_  
 1-7  
 9-missing  
 8-no abduction PC listed at arrest but subsequent court action has abduction PC listed

(\*If more than one abduction charge is listed--e.g., 277 and 278, include the total number of counts for all abduction charges; also if the arrest lists only one count for P.C. 277 but in the court action more than one count is listed, use the number of counts listed with court action for Question 16.)

BLANK BLANK COLUMN 37 BLANK

17) County location of arrest on FIRST abduction\* M1ARCNTY 38-39 \_\_\_\_\_

- |                 |               |                    |
|-----------------|---------------|--------------------|
| 01-Alameda      | 20-Madera     | 39-San Joaquin     |
| 02-Alpine       | 21-Marin      | 40-San Luis Obispo |
| 03-Amador       | 22-Mariposa   | 41-San Mateo       |
| 04-Butte        | 23-Mendocino  | 42-Santa Barbara   |
| 05-Calaveras    | 24-Merced     | 43-Santa Clara     |
| 06-Colusa       | 25-Modoc      | 44-Santa Cruz      |
| 07-Contra Costa | 26-Mono       | 45-Shasta          |
| 08-Del Norte    | 27-Monterey   | 46-Sierra          |
| 09-El Dorado    | 28-Napa       | 47-Siskiyou        |
| 10-Fresno       | 29-Nevada     | 48-Solano          |
| 11-Glenn        | 30-Orange     | 49-Sonoma          |
| 12-Humboldt     | 31-Placer     | 50-Stanislaus      |
| 13-Imperial     | 32-Plumas     | 51-Sutter          |
| 14-Inyo         | 33-Riverside  | 52-Tehama          |
| 15-Kern         | 34-Sacramento | 53-Trinity         |
| 16-Kings        | 35-San Benito | 54-Tulare          |





23) Time lapse between date of FIRST arrest and date of disposition for FIRST abduction

M1LAPSE 55 \_\_\_\_\_  
1-within 2 wks  
2-within 1 month  
3-within 1-3 months  
4-within 3-6 months  
5-within 6-9 months  
6-within 9-12-months  
7-within 12-24 months  
8-more than 24 months  
9-missing

24) County Location of disposition for FIRST abduction

M1DSPLOC 56-57 \_\_\_\_\_  
(use county list and values for Question 17)

25) Disposition Agency for FIRST abduction

M1DSPAGY 58 \_\_\_\_\_  
1-law enforcement  
2-prosecutor  
3-municipal court  
4-justice court  
5-superior court  
6-other \_\_\_\_\_  
9-missing

If the disposition is that it is dismissed per motion of the prosecution, but this information is listed under "court action," then code disposition action under type of court.

26a) Type of disposition for FIRST abduction charge(s)

M1DISPAB 59 \_\_\_\_\_  
1-dismiss all/reject  
2-convict/guilty plea all  
3-diversion all  
4-not guilty all  
5-dismiss some abduction charges/counts, but plea/guilty to other counts/charges (including other offenses charged at the time of the abduction)  
6-conviction on abduction counts, but dismiss on other counts  
7-probation revoked or some action with probation (modification, termination, reinstatement)  
9-missing  
8-other specify: \_\_\_\_\_

If rap sheet has information on probation only and no info on arrest date/court disposition, code 14-23, 25-26a as "missing" (9). If info on arrest but no info on disposition, code as missing. If there is one arrest and disposition information, and then there is another arrest several months or years later with disposition info, treat as two separate incidents.

26b) Penal Code Provision for FIRST abduction offense\* receiving disposition M1PCDSP 60 \_\_\_\_\_  
1-277  
2-278  
3-278.5  
4-combination  
8-other P.C.section specify: \_\_\_\_\_  
9-missing

\*Select the abduction PC provision for which there is a conviction, or if no conviction, the PC provision listed for dismissal, etc.

27) Level of conviction offense for FIRST abduction M1LEVEL 61 \_\_\_\_\_  
0-not applicable (no conviction)  
1-misdemeanor  
2-felony  
9-missing  
8-dismiss on abduction but conviction on other

If the abduction PC charge is dismissed but there is a conviction on another offense, code as "8".

28a) Type of Sentence\* for FIRST abduction M1SENTNC 62 \_\_\_\_\_  
0-not applicable (no conviction)  
1-probation only  
2-jail only  
3-fine or restitution only  
4-jail plus other (probation, fine, restitution etc)  
5-combination with no jail (e.g., probation + fine, restitution)  
6-prison  
7-diversion  
8-imposition of suspended sentence  
9-missing

\*When the abduction incident involves charges for other offenses and the offender receives a sentence relating to these other offenses, code 28a for that sentence.

If prison suspended sentence and jail/prbiation listed as sentence, code for prison, prison time, and suspended sentence.

28b) Was the imposition of some or all of the sentence suspended for the FIRST abduction conviction? Unless entry specifies sentence was suspended indicated by "SS"), code as "1" (no). M1SENTSS 63 \_\_\_\_\_  
1-no  
2-yes  
0-not applicable  
9-missing

29)Length of Incarceration M1INCARC 64-65 \_\_\_\_\_  
for FIRST ABDUCTION in months 00-not applicable (no conviction/no  
incarceration as part of sentence)  
88-less than one month  
99-missing

30)Sentenced to Time Served M1TIMSER 66 \_\_\_\_\_  
for FIRST abduction--(in- 0-not applicable  
dicated by CTS) 1-not part of sentence  
2-part of sentence  
9-missing

**OTHER OFFENSES AT FIRST ABDUCTION INCIDENT AND THEIR DISPOSITION**

31)Were there other M1OTHROF 67 \_\_\_\_\_  
offenses involved with 1-no  
the FIRST abduction arrest? 2-yes  
9-missing

**IF NO, RECORD "0" IN COLUMN 68-79; LEAVE COLUMN 80 BLANK; ON LINE  
2 WRITE IN Study ID in COLUMNS 1-3, "2" IN COLUMN 4, "0" IN COLUMNS  
5-14, AND THEN PROCEED WITH QUESTION 44**

**IF 2 (YES), PROCEED WITH QUESTIONS 32a-43b**

32a)Domestic violence M1DMVIOL 68 \_\_\_\_\_  
charge involved in FIRST ab- 1-no  
duction? (include cruelty 2-yes  
to elder/dependent) 0-not applicable  
9-missing

32b)Disposition of do- M1DSPDV 69 \_\_\_\_\_  
mestic violence charge? 1-dismiss  
2-convict/guilty plea  
3-divert  
4-not guilty  
5-dismiss, guilty on other count  
6-guilty combined in other counts  
9-missing  
0-not applicable

33a)Nonsex charge against M1PERSOF 70 \_\_\_\_\_  
the person (include assault 1-no  
with weapon, kidnapping, 2-yes  
false imprisonment) involved 0-not applicable  
in FIRST abduction? 9-missing

33b) Disposition of non-sex charge against person?

M1DSPPER 71 \_\_\_\_\_  
1-dismiss  
2-convict  
3-divert  
4-not guilty  
5-other  
6-guilty combined in other counts  
9-missing  
0-not applicable

34a) Sex charge against adult victim involved in FIRST abduction?

M1SEXOFF 72 \_\_\_\_\_  
1-no  
2-yes  
0-not applicable  
9-missing

34b) Disposition of sex charge involving adult victim?

M1DSPSEX 73 \_\_\_\_\_  
1-dismiss  
2-convict  
3-divert  
4-not guilty  
5-dismiss, guilty on other offenses  
6-guilty combined in other counts  
9-missing  
0-not applicable

35a) Sex charge involving a child in FIRST abduction?

M1CHLDSX 74 \_\_\_\_\_  
1-no  
2-yes  
0-not applicable  
9-missing

35b) Disposition of sex charge involving child?

M1DSCHSX 75 \_\_\_\_\_  
1-dismiss  
2-convict  
3-divert  
4-not guilty  
5-dismiss, guilty on other offenses  
6-guilty combined in other counts  
9-missing  
0-not applicable

36a) Weapon charge (include assault with deadly weapon) involved in FIRST abduction?

M1WEAPOF 76 \_\_\_\_\_  
1-no  
2-yes  
0-not applicable  
9-missing

36b) Disposition of  
weapons charge?

M1DSPWEP  
1-dismiss  
2-convict  
3-divert  
4-not guilty  
5-dismiss, guilty on other offenses  
6-guilty combined in other counts  
9-missing  
0-not applicable

77 \_\_\_\_\_

37a) Property offense  
charge (theft, forgery  
break and enter, etc) in-  
volved in FIRST abduc-  
tion? (include extortion)

M1PROPOF  
1-no  
2-yes  
0-not applicable  
9-missing

78 \_\_\_\_\_

37b) Disposition of prop-  
erty charge?

M1DSPROP  
1-dismiss  
2-convict  
3-divert  
4-not guilty  
5-dismiss, guilty on other offenses  
6-guilty combined in other counts  
9-missing  
0-not applicable

79 \_\_\_\_\_

BLANK

BLANK

COLUMN 80 BLANK

**SECOND LINE (80 COLUMNS)**

38) Study ID (write on first  
page of rap sheet/top middle  
numerical order starting with  
001 for first coded case)

MID

2/1-3 \_\_\_\_\_

LINE #

LINE=2

2/4 \_\_\_\_\_

39a) Drug/alcohol re-  
lated charge (include  
driving under the  
influence, sale, possess)  
involved in FIRST  
abduction?

M1DRGALC  
1-no  
2-yes  
0-not applicable  
9-missing

2/5 \_\_\_\_\_

|   |   |           |
|---|---|-----------|
| 39b)Disposition of drug/<br>alcohol charge?   | M1DSPDRG<br>1-dismiss<br>2-convict<br>3-divert<br>4-not guilty<br>5-dismiss, guilty on other offenses<br>9-missing<br>0-not applicable  | 2/6_____  |
| 40a)Traffic/vehicle<br>charge (include suspend-<br>ed license, hit and<br>run, under influence) involved<br>in FIRST abduction?                       | M1TRFVEH<br>1-no<br>2-yes<br>0-not applicable<br>9-missing  | 2/7_____  |
| 40b)Disposition of traf-<br>fic/vehicle charge?   | M1DSPTRF<br>1-dismiss<br>2-convict<br>3-divert<br>4-not guilty<br>5-dismiss, guilty on other<br>offenses<br>6-guilty combined in other<br>counts<br>9-missing<br>0-not applicable | 2/8_____  |
| 41a)Child abuse,<br>neglect, cruelty,<br>failure to provide<br>charge involved in FIRST<br>abduction? (include contribute to<br>delinquency of minor) | M1CHABUS<br>1-no<br>2-yes<br>0-not applicable<br>9-missing  | 2/9_____  |
| 41b)Disposition of child<br>abuse charge?   | M1DSPABU<br>1-dismiss<br>2-convict<br>3-divert<br>4-not guilty<br>5-dismiss, guilty on other<br>offenses<br>6-guilty combined in other<br>counts<br>9-missing<br>0-not applicable | 2/10_____ |
| 42a)Charge of violation<br>of court order (contempt<br>probation violation) involved<br>in FIRST abduction?   | M1CRTVIO<br>1-no<br>2-yes<br>0-not applicable<br>9-missing  | 2/11_____ |

42b) Disposition of violation of court order? M1DSPCRT 2/12 \_\_\_\_\_  
1-dismiss  
2-convict  
3-divert  
4-not guilty  
5-dismiss, guilty on other offenses  
6-guilty combined in other counts  
9-missing  
0-not applicable

43a) Charge for other offense(s) involved in FIRST abduction? M1OTHRC 2/13 \_\_\_\_\_  
1-no  
2-yes  
0-not applicable  
9-missing

43b) Disposition of other offense(s)? M1DSPOTH 2/14 \_\_\_\_\_  
1-dismiss  
2-convict  
3-divert  
4-not guilty  
5-dismiss, guilty on other offenses  
6-guilty combined in other counts  
9-missing  
0-not applicable

**ARREST HISTORY BETWEEN FIRST ABDUCTION AND SECOND ABDUCTION**

44) Number of arrests for other crime incidents between the FIRST abduction arrest and the SECOND abduction? MNUAFAB1 2/15 \_\_\_\_\_  
0-none  
1-one  
2-two  
3-three  
4-four or more  
0-not applicable

**IF NONE, CODE "0" IN COLUMNS 16-29; PROCEED TO QUESTION 49  
IF ONE OR MORE, ANSWER QUESTIONS 45a-48**

45a) Arrest for domestic violence between 1st and 2nd abduction? MDVP2 2/16 \_\_\_\_\_  
1-no  
2-yes

45b) Arrest for nonsex offense against the person (include assault with weapon, kidnapping, false imprisonment) between 1st and second abduction? MPERP2 2/17 \_\_\_\_\_  
1-no  
2-yes  
0-not applicable



|  |  |            |
|--|--|------------|
| 45c) Arrest for sex offense against adult victim between 1st and 2nd abduction?  | MSEXP2<br>1-no<br>2-yes<br>0-not applicable  | 2/18 _____ |
| 45d) Arrest for sex offense involving child victim between 1st and 2nd abduction?  | MCHSXP2<br>1-no<br>2-yes<br>0-not applicable   | 2/19 _____ |
| 45e) Arrest for weapon offense between 1st and 2nd abduction (including assault with weapon)?  | MWEAPP2<br>1-no<br>2-yes<br>0-not applicable   | 2/20 _____ |
| 45f) Arrest for property offense between 1st and 2nd abduction? (include forgery, theft, break and enter)                                | MPROPP2<br>1-no<br>2-yes<br>0-not applicable   | 2/21 _____ |
| 45g) Arrest for drug/alcohol offense between 1st and 2nd abduction? (including driving under the influence)                              | MDRGP2<br>1-no<br>2-yes<br>0-not applicable  | 2/22 _____ |
| 45h) Arrest for traffic/vehicle offense between 1st and 2nd abduction? (include hit and run, suspended license, driving under influence) | MTRVEP2<br>1-no<br>2-yes<br>0-not applicable   | 2/23 _____ |
| 45i) Arrest for child abuse, child abuse, neglect, cruelty, failure to provide between 1st and 2nd abduction?                            | MCHABP2<br>1-no<br>2-yes<br>0-not applicable   | 2/24 _____ |
| 45j) Arrest for violation of court order between 1st and 2nd abduction?  | MCRTTP2<br>1-no<br>2-yes<br>0-not applicable   | 2/25 _____ |
| 45k) Arrest for other offense(s) between 1st and 2nd abduction?  | MOTHRP2<br>1-no<br>2-yes specify: _____<br>0-not applicable                                    | 2/26 _____ |
| 46) Received conviction for offense after 1st abduction and before 2nd abduction?  | MCONP2<br>1-no<br>2-yes<br>9-missing<br>0-not applicable<br>7-diversion<br>8-probation revoked | 2/27 _____ |

47) Received jail sentence for offense after 1st abduction and before 2nd abduction?

MJAILP2  
1-no  
2-yes  
9-missing  
0-not applicable

2/28 \_\_\_\_\_

(If no conviction, answer not applicable)

48) Received prison sentence for offense after 1st abduction and before 2nd abduction?

MPRISP2  
1-no  
2-yes  
9-missing  
0-not applicable  
8-return to prison for parole or probation violation

2/29 \_\_\_\_\_

#### SECOND ABDUCTION INCIDENT

49) On Probation at time of SECOND abduction arrest?

MONPROB2  
1-no  
2-yes  
9-missing  
0-not applicable  
7-not receive disposition on first abduction before second abduction  
8-convicted but not receive sentence yet prior to second abduction

2/30 \_\_\_\_\_

If arrested but had no conviction prior to second abduction, code "0"/not applicable.

50) Arrest charge for SECOND abduction arrest?

MABARR2  
1-277  
2-278  
3-278.5  
4-abduction charge combination (277/278/278.5)  
5-other (no 277 etc at arrest)  
9-missing

2/31 \_\_\_\_\_

If there is more than one arrest/arresting agency for the same incident, and the abduction PC codes charged are different, select the abduction PC involved in the first arrest.

51) Number of abduction counts involved in the SECOND abduction arrest?

MNUCONT2  
1-8  
9-missing

2/32 \_\_\_\_\_

52) County location of  
SECOND abduction arrest?

MAR2CNTY 2/33-34 \_\_\_\_\_  
(Same values as Question 12)

53) Primary Arresting  
agency for SECOND  
abduction?

MAR2AGCY 2/35 \_\_\_\_\_  
1-police department  
2-sheriff  
3-other (eg probation)  
9-missing

54) Was more than one  
arresting agency involved  
in the SECOND abduction  
arrest?

MOTHR2AGY 2/36 \_\_\_\_\_  
1-no  
2-yes

55) Was a warrant issued  
for the SECOND abduction/  
for other offenses  
related to the abduction?

MWARANT2 2/37 \_\_\_\_\_  
1-no  
2-yes

56) Date of First arrest  
for SECOND ABDUCTION?

MAR2DATE 2/38-43 \_\_\_\_\_  
(MONTH/DATE/YEAR)  
9-missing

57) Time lapse between dis-  
position on FIRST abduction  
and arrest for SECOND abduc-  
tion?

MLAPS12 2/44 \_\_\_\_\_  
1-within one year  
2-between one and two years  
3-between two and three years  
4-between three and four years  
5-more than four years  
8-dispo for first incident not  
received yet before second  
incident/arrest occurred  
9-missing

**SECOND ABDUCTION DISPOSITION**

58) Date of Disposition\*  
for SECOND ABDUCTION  
(\*Disposition means  
decision to dismiss, convict,  
find not guilty, plead guilty)?

M2DSPDAT 2/45-50 \_\_\_\_\_  
(month/date/year)  
9-missing

59) Time lapse between date of arrest for SECOND abduction and Disposition for SECOND abduction?

MLAPSE2            2/51 \_\_\_\_\_  
1-within 2 wks  
2-within 1 month  
3-within 1-3 months  
4-within 3-6 months  
5-within 6-9 months  
6-within 9-12 months  
7-within 12-24 months  
8-more than 24 months  
9-missing

If different abduction charges are field and some are dismissed and some carry convictions and the disposition have different dates, code for the date/disposition involving the conviction for the abduction offense.

60) County Location of disposition for SECOND abduction?

MDSP2LOC            2/52-53 \_\_\_\_\_  
(use county list and values for Question 17)

61) Disposition Agency for SECOND abduction?

MDSP2AGY            2/54 \_\_\_\_\_  
1-law enforcement  
2-prosecutor  
3-municipal court  
4-justice court  
5-superior court  
6-other \_\_\_\_\_  
9-missing

If probation violation/revocation, list agency as original court that ordered probation.

62a) Disposition on SECOND abduction charges

MDSPAB2            2/55 \_\_\_\_\_  
1-dismiss all  
2-convict/guilty plea all  
3-diversion all  
4-not guilty all  
5-dismiss abduction counts, guilty on other counts  
6-guilty on abduction but dismiss on other counts  
7-probation status changed--revoked, terminated, modified  
9-missing  
8-other specify: \_\_\_\_\_  
(eg, insance, not guilty)

First code for abduction offense, 62a-66. If abduction dismissed, enter "5" (if conviction on other) and then code sentence information for abduciton based on the sentence for the offense with guilty plea.

62b) Penal Code Provision  
for SECOND abduction dispo-  
sition

MPC2DISP 2/56 \_\_\_\_\_  
1-277  
2-278  
3-278.5  
4-combination  
8-other specify: \_\_\_\_\_  
9-missing

If there is more than one arrest offense and there is more than one court action , and the abduction arrest received a conviction at one court date and the other offense receives a dismiss at another court date, code abduction as conviction, and code other as dismiss.

63) Level of conviction  
offense for SECOND abduction

MLEVEL2 2/57 \_\_\_\_\_  
0-not applicable (no conviction)  
1-misdemeanor  
2-felony  
8-no conviction on abduction  
charge but conviction on other  
charge  
9-missing

64a) Type of Sentence  
for SECOND abduction

M2SENTNC 2/58-59 \_\_\_\_\_  
00-not applicable (no  
conviction)  
01-probation only  
02-jail only  
03-fine or restitution only  
04-jail plus other (probation,  
fine, restitution etc)  
05-combination with no jail  
(e.g., probation + fine,  
restitution) 06-prison  
07-probation status changed  
(revocation, termination,  
modification)  
08-imposition of suspended  
sentence  
10-other \_\_\_\_\_  
(e.g., probation revocation and  
terms and conditions extended  
with additional jail time)  
99-missing

64b) Was the imposition of  
sentence suspended for the  
SECOND abduction conviction?  
[Unless entry specifies sen-  
tence was suspended (indicated  
by "SS"), code as "1" (no)]

M2SENTSS 2/60 \_\_\_\_\_  
1-no  
2-yes  
9-missing  
0-not applicable

65) Length of Incarceration  
for SECOND ABDUCTION  
conviction/no in months

M2INCARC            2/61-62 \_\_\_\_\_  
00-not applicable (no  
incarceration as part of  
sentence)  
88-less than one month  
99-missing

66) Sentenced to Time Served  
for SECOND abduction--(in-  
dicated by CTS)

M2TIMSER            2/63 \_\_\_\_\_  
0-not applicable  
1-not part of sentence  
2-part of sentence  
9-missing

**OTHER OFFENSES AT SECOND ABDUCTION INCIDENT AND THEIR DISPOSITION**

If disposition for abduction is missing and no subsequent  
information on later crimes, treat 67 as "no".

67) Were there other  
offenses involved with  
the SECOND abduction arrest?

M2OTHROF            2/64 \_\_\_\_\_  
1-no  
2-yes  
9-missing

**IF NO, RECORD "0" IN COLUMN 65-80; ON LINE 3 ENTER STUDY ID IN  
COLUMNS 1-3; ENTER "3" IN COLUMN 4; "0" IN COLUMNS 5-10 AND THEN GO  
TO QUESTION 80  
IF 2 (YES), PROCEED WITH QUESTIONS 68a-79b**

68a) Domestic violence  
charge involved in SECOND ab-  
duction?

MDOMVIL2            2/65 \_\_\_\_\_  
1-no  
2-yes  
0-not applicable  
9-missing

68b) Disposition of do-  
mestic violence charge?

MDSPODV2            2/66 \_\_\_\_\_  
1-dismiss  
2-convict/guilty plea  
3-divert  
4-not guilty  
5-other  
6-guilty combined in other  
counts  
7-probation revocation and  
status changed  
9-missing  
0-not applicable

69a) Nonsex charge against the  
person (include assault with  
weapon, kidnapping, false  
imprisonment) involved in  
SECOND abduction?

M2PERSONF            2/67 \_\_\_\_\_  
1-no  
2-yes  
0-not applicable  
9-missing

69b)Disposition of non-sex charge against person?

M2DISPPER 2/68 \_\_\_\_\_  
1-dismiss  
2-convict  
3-divert  
4-not guilty  
5-other  
6-guilty combined in other counts  
7-probation revocation and status changed  
9-missing  
0-not applicable

70a)Sex charge against adult victim involved in SECOND abduction?

M2SEXOFF 2/69 \_\_\_\_\_  
1-no  
2-yes  
0-not applicable  
9-missing

70b)Disposition of sex charge involving adult victim?

M2DSPSEX 2/70 \_\_\_\_\_  
1-dismiss  
2-convict  
3-divert  
4-not guilty  
5-other  
6-guilty combined in other counts  
7-probation revocation and status changed  
9-missing  
0-not applicable

71a)Sex charge involving a child in SECOND abduction?

M2CHLDSEX 2/71 \_\_\_\_\_  
1-no  
2-yes  
0-not applicable  
9-missing

71b)Disposition of sex charge involving child?

M2DSCHSX 2/72 \_\_\_\_\_  
1-dismiss  
2-convict  
3-divert  
4-not guilty  
5-other  
6-guilty combined in other counts  
7-probation revocation and status changed  
9-missing  
0-not applicable

72a) Weapon charge  
(include assault  
with deadly weapon) in-  
volved in SECOND abduc-  
tion?

M2WEAPOF  
1-no  
2-yes  
0-not applicable  
9-missing

2/73 \_\_\_\_\_

72b) Disposition of  
weapons charge?

M2DSPWEP  
1-dismiss  
2-convict  
3-divert  
4-not guilty  
5-other  
6-guilty combined in other  
counts  
7-probation revocation and  
status changed  
9-missing  
0-not applicable

2/74 \_\_\_\_\_

73a) Property offense  
charge (theft, forgery  
break and enter, welfare fraud etc)  
involved in SECOND abduc-  
tion?

M2PROPOF  
1-no  
2-yes  
0-not applicable  
9-missing

2/75 \_\_\_\_\_

73b) Disposition of prop-  
erty charge?

M2DSPROP  
1-dismiss  
2-convict  
3-divert  
4-not guilty  
5-other  
6-guilty combined in other  
counts  
7-probation revocation and  
status changed  
9-missing  
0-not applicable

2/76 \_\_\_\_\_

74a) Drug/alcohol re-  
lated charge (include  
driving under the  
influence, sale, possess)  
involved in SECOND abduction?

M2DRGALC  
1-no  
2-yes  
0-not applicable  
9-missing

2/77 \_\_\_\_\_

74b) Disposition of drug/  
alcohol charge?

M2DSPDRG  
1-dismiss  
2-convict  
3-divert  
4-not guilty  
5-other

2/78 \_\_\_\_\_



6-guilty combined in other counts  
7-probation revocation and status changed  
9-missing  
0-not applicable

75a)Traffic/vehicle charge (include suspended license, hit and run, under influence) involved in SECOND abduction?

M2TRAFVH 2/79\_\_\_\_\_  
1-no  
2-yes  
0-not applicable  
9-missing

75b)Disposition of traffic/vehicle charge?

M2DSPTRF 2/80\_\_\_\_\_  
1-dismiss/prosecutor release/lack of probable cause  
2-convict  
3-divert  
4-not guilty  
5-other  
6-guilty combined in other counts  
7-probation revocation and status changed  
9-missing  
0-not applicable

**THIRD LINE (80 COLUMNS)**

76)Study Id

MID 3/1-3\_\_\_\_

Line 3

Line=3 3/4\_\_\_\_

77a)Child abuse, neglect, cruelty, failure to provide, contribute to delinquency of minor charge involved in SECOND abduction?

M2CHABUS 3/5\_\_\_\_\_  
1-no  
2-yes  
0-not applicable  
9-missing

77b)Disposition of child abuse charge?

M2DSPABU 3/6\_\_\_\_\_  
1-dismiss  
2-convict  
3-divert  
4-not guilty  
5-other  
6-guilty combined in other counts  
7-probation revocation and status changed  
9-missing  
0-not applicable

78a) Charge of violation  
of court order (contempt  
probation violation) involved  
in SECOND abduction?

M2CRTVIO  
1-no  
2-yes  
0-not applicable  
9-missing

3/7 \_\_\_\_\_

78b) Disposition of viol-  
ation of court order?

M2DSPCRT  
1-dismiss  
2-convict  
3-divert  
4-not guilty  
5-other  
6-guilty combined in other  
counts  
7-probation revocation and  
status changed  
9-missing  
0-not applicable

3/8 \_\_\_\_\_

79a) Charge for other offense(s)  
involved in SECOND abduction?

M2OTHRCH  
1-no  
2-yes  
9-missing  
0-not applicable

3/9 \_\_\_\_\_

79b) Disposition of other of-  
fense(s)?

M2DSOTHR  
1-dismiss  
2-convict  
3-divert  
4-not guilty  
5-other  
6-guilty combined in other  
counts  
7-probation revocation and  
status changed  
9-missing  
0-not applicable

3/10 \_\_\_\_\_

**ARREST HISTORY AFTER SECOND ABDUCTION**

80) Number of arrests for other  
crime incidents after the SECOND  
ABDUCTION?

MNUAFAB2  
0-none  
1-one  
2-two  
3-three  
4-four or more  
0-not applicable

3/11 \_\_\_\_\_

**IF NONE, CODE "0" IN COLUMNS 12-26/END OF CODING FOR THIS CASE  
RECORD**

**IF YES, ANSWER QUESTIONS 81a-84**

|   |  |            |
|---|--|------------|
| 81a) Arrest for domestic violence after SECOND abduction?   | MDVA2<br>1-no<br>2-yes<br>0-not applicable   | 3/12 _____ |
| 81b) Arrest for nonsex offense against the person (include assault with weapon, kidnap, false imprisonment) after SECOND abduction? | MPERA2<br>1-no<br>2-yes<br>0-not applicable  | 3/13 _____ |
| 81c) Arrest for sex offense against adult victim after SECOND abduction?  | MSEXA2<br>1-no<br>2-yes<br>0-not applicable  | 3/14 _____ |
| 81d) Arrest for sex offense involving child victim after SECOND abduction?  | MCHSXA2<br>1-no<br>2-yes<br>0-not applicable | 3/15 _____ |
| 81e) Arrest for weapon offense after SECOND abduction (including assault with weapon)?  | MWEAPA2<br>1-no<br>2-yes<br>0-not applicable | 3/16 _____ |
| 81f) Arrest for property offense after SECOND abduction (include forgery, theft, break and enter, nonsufficient funds)              | MPROPA2<br>1-no<br>2-yes<br>0-not applicable | 3/17 _____ |
| 81g) Arrest for drug/alcohol offense after SECOND abduction (including driving under the influence)                                 | MDRGA2<br>1-no<br>2-yes<br>0-not applicable  | 3/18 _____ |
| 81h) Arrest for traffic/vehicle offense after SECOND abduction (include hit and run, suspended license, driving under influence)    | MTRVEA2<br>1-no<br>2-yes<br>0-not applicable | 3/19 _____ |
| 81i) Arrest for child abuse, child abuse, neglect, cruelty, failure to provide, contribute to delinquency after SECOND abduction?   | MCHABA2<br>1-no<br>2-yes<br>0-not applicable | 3/20 _____ |
| 81j) Arrest for violation of court order after SECOND abduction?  | MCRTA2<br>1-no<br>2-yes<br>0-not applicable  | 3/21 _____ |

81k) Arrest for parental child  
stealing/abduction after SECOND  
abduction?

MCHSA2  
1-no  
2-yes  
0-not applicable

3/22 \_\_\_\_\_

81l) Arrest for other offense(s)  
after SECOND abduction?

MOTHRA2  
1-no  
2-yes specify: \_\_\_\_\_  
0-not applicable

3/23 \_\_\_\_\_

82) Received conviction for  
offense after SECOND abduction

MCONA2  
1-no  
2-yes  
7-probation status changed  
(revoked, modified, revoked,  
reinstated)  
8-other-- diagnostic commitment  
to CDC  
9-missing  
0-not applicable

3/24 \_\_\_\_\_

83) Received jail sentence  
for offense after SECOND  
abduction?

MJAILA2  
1-no  
2-yes  
9-missing  
0-not applicable

3/25 \_\_\_\_\_

84) Received prison sentence  
for offense after SECOND abduc-  
tion

MPRISA2  
1-no  
2-yes  
7-other insane, state mental  
hospital  
9-missing  
0-not applicable

3/25 \_\_\_\_\_

END OF CODING FOR MULTIPLE ABDUCTION

CODE NO. \_\_\_\_\_

CONFIDENTIAL

INTAKE

Date of Application \_\_\_\_\_

| <u>CHILDREN:</u> |     |           | Primary   |        |         |
|------------------|-----|-----------|-----------|--------|---------|
| Name             | Sex | Birthdate | Residence | School | Teacher |
| 1. _____         |     |           |           |        |         |
| 2. _____         |     |           |           |        |         |
| 3. _____         |     |           |           |        |         |
| 4. _____         |     |           |           |        |         |

NAME OF PARENT COMPLETING FORM:

\_\_\_\_\_ Father Mother

Birthdate: \_\_\_\_\_

Address: \_\_\_\_\_ Home Ph. \_\_\_\_\_

Occupation: \_\_\_\_\_ Part-time \_\_\_\_\_ Hrs per wk Full-time

Employer: \_\_\_\_\_ Work Phone No. \_\_\_\_\_

Last grade achieved in school: \_\_\_\_\_

Religious Preference: \_\_\_\_\_ Racial-Ethnic Origin: \_\_\_\_\_

Date of Marriage: \_\_\_\_\_ Separation: \_\_\_\_\_

Date Filed for Divorce: \_\_\_\_\_ Date Divorced: \_\_\_\_\_

Date of Remarriage (if applicable): \_\_\_\_\_

Stepparent (or significant other living in home):

Name: \_\_\_\_\_ Age: \_\_\_\_\_

Religion: \_\_\_\_\_ Race: \_\_\_\_\_

Occupation: \_\_\_\_\_ Education: \_\_\_\_\_

Stepsiblings (and others living in home):

Name \_\_\_\_\_ Sex \_\_\_\_\_ Age \_\_\_\_\_

1. \_\_\_\_\_

2. \_\_\_\_\_

Attorney: \_\_\_\_\_ Phone: \_\_\_\_\_

Name of Court Counselor: \_\_\_\_\_

Do you have any problem at present you want help with? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please list agencies that have counseled child(ren), adults, or family:

| <u>Name</u> | <u>Address</u> | <u>Dates of Contact</u> |
|-------------|----------------|-------------------------|
|             |                |                         |
|             |                |                         |
|             |                |                         |

| <u>Name of Child's Pediatrician</u> | <u>Phone No.</u> |
|-------------------------------------|------------------|
|                                     |                  |

Financial Information:

1. What is the total income you live on at the present time? (Include all income received from spouse, OR subtract income paid to spouse (e.g., mortgage payments, child and spousal support)).

- \_\_\_\_\_ Under \$5,000/yr
- \_\_\_\_\_ \$ 5,000-10,000/yr
- \_\_\_\_\_ \$10,000-18,000/yr
- \_\_\_\_\_ \$18,000-25,000/yr
- \_\_\_\_\_ \$25,000-50,000/yr
- \_\_\_\_\_ Over \$50,000/yr

2. How much do you pay/receive in spousal support per month? \_\_\_\_\_  
(circle one)

3. How much do you pay/receive in child support per month? \_\_\_\_\_  
(circle one)

4. Within the past two months, how regularly has this been paid/received?  
\_\_\_\_\_ 0%    \_\_\_\_\_ 25%    \_\_\_\_\_ 50%    \_\_\_\_\_ 75%    \_\_\_\_\_ 100%

5. What do you pay for child care per month? \_\_\_\_\_

6. What is your rent or mortgage payment per month? \_\_\_\_\_

7. Do you have insurance that includes mental health benefits?  
Yes \_\_\_\_\_ No \_\_\_\_\_ Don't know \_\_\_\_\_

Legal Information:

1. How often did you speak to your attorney during the last year? (approximate number of times) \_\_\_\_\_
2. When did you first go to court to settle your disagreements with your ex-spouse over the care and custody of the children?  
(approximate date) \_\_\_\_\_
3. How many times have you been to see a court mediator to settle disagreements over the children? \_\_\_\_\_
4. How many times have you appeared before a judge to settle disagreements over the children? \_\_\_\_\_
5. Do you have a restraining order preventing your ex-spouse from coming near you?  
Yes \_\_\_\_\_ No \_\_\_\_\_
6. How many times have you asked the police to enforce the restraining order? \_\_\_\_\_
7. Have you ever filed charges against your ex-spouse for physical abuse?  
Yes \_\_\_\_\_ No \_\_\_\_\_ Not applicable \_\_\_\_\_  
If you have filed charges, what was the outcome? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Medical Information:

1. As a result of any physical violence between your ex-spouse and yourself, have you ever suffered the following:
 

|                         | <u>Never</u> | <u>Once</u> | <u>2-3 times</u> | <u>4-5 times</u> | <u>6+ times</u> |
|-------------------------|--------------|-------------|------------------|------------------|-----------------|
| Bruises . . . . .       | _____        | _____       | _____            | _____            | _____           |
| Cuts. . . . .           | _____        | _____       | _____            | _____            | _____           |
| Broken bones. . . . .   | _____        | _____       | _____            | _____            | _____           |
| Concussion. . . . .     | _____        | _____       | _____            | _____            | _____           |
| Threat to pregnancy . . | _____        | _____       | _____            | _____            | _____           |
2. How often have you sought medical help for injuries sustained from physical violence? \_\_\_\_\_

Custody and Visitation Information:

Please describe the existing custody and visitation arrangements for your child(ren).

1. Who presently has legal custody of the child(ren)?

Father \_\_\_\_\_ Mother \_\_\_\_\_ Joint \_\_\_\_\_ No arrangement \_\_\_\_\_

2. Who presently has physical custody of the child(ren)?

Father \_\_\_\_\_ Mother \_\_\_\_\_ Joint \_\_\_\_\_ No arrangement \_\_\_\_\_

If there are different custody arrangements for each child, please specify:

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3. How was this custody arrangement made?

- a) Was it a mutual decision made by you and your ex-spouse together? Yes No
- b) Did you make it with the help of a counselor or mediator? Yes No
- c) Was it a decision made for you by the judge or an arbitrator? Yes No

4. Is this custody arrangement a legally ordered or stipulated agreement? Yes No

5. Is custody an issue presently under dispute? Yes No

6. How satisfied are you with the arrangements for custody? (check X on the scale below)

Very dissatisfied \_\_\_\_\_: \_\_\_\_\_: \_\_\_\_\_: \_\_\_\_\_: \_\_\_\_\_: \_\_\_\_\_: \_\_\_\_\_: \_\_\_\_\_ Very satisfied

Comments: \_\_\_\_\_

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7. What are the present arrangements for your child(ren) to have access (or visit) the other parent? (If you have joint custody, what are the arrangements for the child(ren) to live in both homes?) Specify times.

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8. How were these visiting or access arrangements made?

- a) Was it a mutual decision made by you and your ex-spouse together? Yes No
- b) Did you make it with the help of a counselor or mediator? Yes No
- c) Was it a decision made for you by the judge or an arbitrator? Yes No

9. Is this access or visiting arrangement a legally ordered or stipulated agreement? Yes No



10. Are access or visitation arrangements an issue currently under dispute?      Yes      No  
If so, what access/visitation arrangements would you like to have?

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11. How satisfied are you with the arrangements for access/visitation?

(check X on the scale below)

Very dissatisfied    \_\_\_: \_\_\_: \_\_\_: \_\_\_: \_\_\_: \_\_\_: \_\_\_: \_\_\_    Very satisfied

Comments: \_\_\_\_\_

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Within the last two months, how frequently have the visiting/access arrangements been followed:

\_\_\_ 0%      \_\_\_ 25%      \_\_\_ 50%      \_\_\_ 75%      \_\_\_ 100%

During and after divorce, there are times when parents disagree on decisions, get annoyed about something the other parent does, or have spats or fights because they are in a bad mood, or tired, or for some other reason. They also use many different ways of trying to settle their differences. The following is a list of some things that you and your ex-spouse might have done when you had a dispute. Please circle, for each of the items, how often it occurred during the past year.

|  | How often did you? |      |           |           |            |             | How often did your ex-spouse? |       |      |           |           |            | Did you or your ex-spouse EVER? |                  | Was (were) your child(ren) present? |    |        |           |            |   |   |   |   |
|--|--------------------|------|-----------|-----------|------------|-------------|-------------------------------|-------|------|-----------|-----------|------------|---------------------------------|------------------|-------------------------------------|----|--------|-----------|------------|---|---|---|---|
|  | never              | once | 2-3 times | 4-5 times | 6-10 times | 11-20 times | 20 or more times              | never | once | 2-3 times | 4-5 times | 6-10 times | 11-20 times                     | 20 or more times | yes                                 | no | others | sometimes | don't know |   |   |   |   |
| a. Discuss the issue calmly                                  | 0                  | 1    | 2         | 3         | 4          | 5           | 6                             | X     | 0    | 1         | 2         | 3          | 4                               | 5                | 6                                   | X  | 1      | 2         | X          | 0 | 1 | 2 | X |
| b. Get information to back up your/ their side of things.    | 0                  | 1    | 2         | 3         | 4          | 5           | 6                             | X     | 0    | 1         | 2         | 3          | 4                               | 5                | 6                                   | X  | 1      | 2         | X          | 0 | 1 | 2 | X |
| c. Bring in or try to bring in someone to help settle things | 0                  | 1    | 2         | 3         | 4          | 5           | 6                             | X     | 0    | 1         | 2         | 3          | 4                               | 5                | 6                                   | X  | 1      | 2         | X          | 0 | 1 | 2 | X |
| d. Insult or swear at the other one                          | 0                  | 1    | 2         | 3         | 4          | 5           | 6                             | X     | 0    | 1         | 2         | 3          | 4                               | 5                | 6                                   | X  | 1      | 2         | X          | 0 | 1 | 2 | X |
| e. Sulk and/or refuse to talk about it                       | 0                  | 1    | 2         | 3         | 4          | 5           | 6                             | X     | 0    | 1         | 2         | 3          | 4                               | 5                | 6                                   | X  | 1      | 2         | X          | 0 | 1 | 2 | X |
| f. Stomp out of the room or house (or yard)                  | 0                  | 1    | 2         | 3         | 4          | 5           | 6                             | X     | 0    | 1         | 2         | 3          | 4                               | 5                | 6                                   | X  | 1      | 2         | X          | 0 | 1 | 2 | X |
| g. Cry   | 0                  | 1    | 2         | 3         | 4          | 5           | 6                             | X     | 0    | 1         | 2         | 3          | 4                               | 5                | 6                                   | X  | 1      | 2         | X          | 0 | 1 | 2 | X |
| h. Do or say something to spite the other one                | 0                  | 1    | 2         | 3         | 4          | 5           | 6                             | X     | 0    | 1         | 2         | 3          | 4                               | 5                | 6                                   | X  | 1      | 2         | X          | 0 | 1 | 2 | X |
| i. Threaten to hit or throw something at the other one       | 0                  | 1    | 2         | 3         | 4          | 5           | 6                             | X     | 0    | 1         | 2         | 3          | 4                               | 5                | 6                                   | X  | 1      | 2         | X          | 0 | 1 | 2 | X |
| j. Throw or smash or hit or kick something                   | 0                  | 1    | 2         | 3         | 4          | 5           | 6                             | X     | 0    | 1         | 2         | 3          | 4                               | 5                | 6                                   | X  | 1      | 2         | X          | 0 | 1 | 2 | X |
| k. Throw something at the other one                          | 0                  | 1    | 2         | 3         | 4          | 5           | 6                             | X     | 0    | 1         | 2         | 3          | 4                               | 5                | 6                                   | X  | 1      | 2         | X          | 0 | 1 | 2 | X |
| l. Push, grab, or shove the other one                        | 0                  | 1    | 2         | 3         | 4          | 5           | 6                             | X     | 0    | 1         | 2         | 3          | 4                               | 5                | 6                                   | X  | 1      | 2         | X          | 0 | 1 | 2 | X |
| m. Slap the other one  | 0                  | 1    | 2         | 3         | 4          | 5           | 6                             | X     | 0    | 1         | 2         | 3          | 4                               | 5                | 6                                   | X  | 1      | 2         | X          | 0 | 1 | 2 | X |
| n. Kick, bite, or hit with a fist                            | 0                  | 1    | 2         | 3         | 4          | 5           | 6                             | X     | 0    | 1         | 2         | 3          | 4                               | 5                | 6                                   | X  | 1      | 2         | X          | 0 | 1 | 2 | X |
| o. Hit or try to hit with something                          | 0                  | 1    | 2         | 3         | 4          | 5           | 6                             | X     | 0    | 1         | 2         | 3          | 4                               | 5                | 6                                   | X  | 1      | 2         | X          | 0 | 1 | 2 | X |
| p. Beat up the other one                                     | 0                  | 1    | 2         | 3         | 4          | 5           | 6                             | X     | 0    | 1         | 2         | 3          | 4                               | 5                | 6                                   | X  | 1      | 2         | X          | 0 | 1 | 2 | X |
| q. Threaten with a knife or gun                              | 0                  | 1    | 2         | 3         | 4          | 5           | 6                             | X     | 0    | 1         | 2         | 3          | 4                               | 5                | 6                                   | X  | 1      | 2         | X          | 0 | 1 | 2 | X |
| r. Use a knife or gun  | 0                  | 1    | 2         | 3         | 4          | 5           | 6                             | X     | 0    | 1         | 2         | 3          | 4                               | 5                | 6                                   | X  | 1      | 2         | X          | 0 | 1 | 2 | X |
| s. Other: _____  | 0                  | 1    | 2         | 3         | 4          | 5           | 6                             | X     | 0    | 1         | 2         | 3          | 4                               | 5                | 6                                   | X  | 1      | 2         | X          | 0 | 1 | 2 | X |

AHRONS COMMUNICATIONS FORM

CODE NO. \_\_\_\_\_ MO FA

Are the following now shared between you and your ex-spouse:

|   | <u>Always</u> | <u>Usually</u> | <u>Some-<br/>times</u> | <u>Rarely</u> | <u>Never</u> | <u>Unk.</u> |      |
|---|---------------|----------------|------------------------|---------------|--------------|-------------|------|
| Making major decisions regarding your children's lives                | 5             | 4              | 3                      | 2             | 1            | -9          | AH1  |
| Making day-to-day decisions about your children's lives               | 5             | 4              | 3                      | 2             | 1            | -9          | AH2  |
| Discussing personal problems your children may be having              | 5             | 4              | 3                      | 2             | 1            | -9          | AH3  |
| Discussing school and/or medical problems                             | 5             | 4              | 3                      | 2             | 1            | -9          | AH4  |
| Planning special events in your children's lives                      | 5             | 4              | 3                      | 2             | 1            | -9          | AH5  |
| Talking about your children's accomplishments and progress            | 5             | 4              | 3                      | 2             | 1            | -9          | AH6  |
| Talking about problems you are having in raising the children         | 5             | 4              | 3                      | 2             | 1            | -9          | AH7  |
| Discussing how the children are adjusting to the divorce              | 5             | 4              | 3                      | 2             | 1            | -9          | AH8  |
| Discussing problems you are having with the co-parenting relationship | 5             | 4              | 3                      | 2             | 1            | -9          | AH9  |
| Discussing finances in regard to your children                        | 5             | 4              | 3                      | 2             | 1            | -9          | AH10 |

Satisfaction with amount of sharing with ex-spouse in relation to the children:

|   |    |      |
|---|----|------|
| Very satisfied                            | 5  | AH11 |
| Somewhat satisfied                        | 4  |      |
| Mixed--neither satisfied nor dissatisfied | 3  |      |
| Somewhat dissatisfied                     | 2  |      |
| Very dissatisfied                         | 1  |      |
| Unknown                                   | -9 |      |

NAME \_\_\_\_\_

DATE \_\_\_\_\_

RECENT LIFE EVENTS

This checklist consists of events which are sometimes important experiences. Please read down the list until you find events that have happened to you personally. Put a check in the time box which indicates how long ago the event happened.

Please check each event as many times as it happened. For events which continued for a long period of time, such as pregnancy, check the beginning date and the ending date for the event and draw a line between them. If you can't remember the exact times, then just be as accurate as you can. There are extra spaces at the end of each section for events which you feel should be added to the list.

|  | Within the last month  | More than 1 mo. but less than 6 mos. | More than 6 mos. but less than 1 year | More than 1 yr. but less than 2 years | More than 2 years ago |
|--|--|--------------------------------------|---------------------------------------|---------------------------------------|-----------------------|
| <b>EVENTS CONCERNING YOUR RELATIONSHIP WITH YOUR PARTNER</b> |  |                                      |                                       |                                       |                       |
| 1  | Getting married/Beginning to live together   |                                      |                                       |                                       |                       |
| 2  | Divorce (your own)   |                                      |                                       |                                       |                       |
| 3  | Separation from partner  |                                      |                                       |                                       |                       |
| 4  | Unwanted pregnancy   |                                      |                                       |                                       |                       |
| 5  | Miscarriage or abortion (yours or partner's)   |                                      |                                       |                                       |                       |
| 6  | Other friend or relative moved into household  |                                      |                                       |                                       |                       |
| 7  | Arguments with partner   |                                      |                                       |                                       |                       |
| 8  | Sexual problems, difficulties  |                                      |                                       |                                       |                       |
| 9  | Getting back together with partner after separation                                    |                                      |                                       |                                       |                       |
| 10   | Own serious illness, injury or operation   |                                      |                                       |                                       |                       |
| 11   | Partner's serious illness, injury or operation   |                                      |                                       |                                       |                       |
| 12   | Birth of a child   |                                      |                                       |                                       |                       |
| 13   | Other events concerning relationship (Describe below)                                  |                                      |                                       |                                       |                       |
| <b>EVENTS CONCERNING FRIENDSHIP</b>                          |  |                                      |                                       |                                       |                       |
| 14   | Loss of a close friend by death  |                                      |                                       |                                       |                       |
| 15   | A change in your social relationships  |                                      |                                       |                                       |                       |
| 16   | A change in the number of your social activities                                       |                                      |                                       |                                       |                       |
| 17   | Separation from a close friend   |                                      |                                       |                                       |                       |
| 18   | A "falling out" with a close friend  |                                      |                                       |                                       |                       |
| 19   | Other events concerning friendship (Describe below)                                    |                                      |                                       |                                       |                       |
| <b>EVENTS CONCERNING FINANCES</b>                            |  |                                      |                                       |                                       |                       |
| 20   | Income increased substantially   |                                      |                                       |                                       |                       |
| 21   | Income decreased substantially   |                                      |                                       |                                       |                       |
| 22   | Went deeply into debt  |                                      |                                       |                                       |                       |
| 23   | Purchase over \$10,000 (e.g. new home)   |                                      |                                       |                                       |                       |
| 24   | Other events concerning finances (Describe below)                                      |                                      |                                       |                                       |                       |
| <b>EVENTS CONCERNING YOUR HOME</b>                           |  |                                      |                                       |                                       |                       |
| 25   | A move to another town, city, state, country   |                                      |                                       |                                       |                       |
| 26   | A move within the same town or city  |                                      |                                       |                                       |                       |
| 27   | A major change in living conditions-(home improvements, decline in home, neighborhood) |                                      |                                       |                                       |                       |
| 28   | Other events concerning home (Describe below)  |                                      |                                       |                                       |                       |

|  | Within the last month                                     | More than 1 mo. but less than 6 mos. | More than 6 mos. but less than 1 year | More than 1 yr. but less than 2 years | More than 2 years ago |
|--|---|--------------------------------------|---------------------------------------|---------------------------------------|-----------------------|
| <b>EVENTS CONCERNING YOUR JOB</b>        |   |                                      |                                       |                                       |                       |
| 29                                       | Began new job   |                                      |                                       |                                       |                       |
|  | Changes at work:  |                                      |                                       |                                       |                       |
| 30                                       | Demotion  |                                      |                                       |                                       |                       |
| 31                                       | Promotion   |                                      |                                       |                                       |                       |
| 32                                       | Increase in responsibilities & duties                     |                                      |                                       |                                       |                       |
| 33                                       | Decrease in responsibilities & duties                     |                                      |                                       |                                       |                       |
| 34                                       | Transfer  |                                      |                                       |                                       |                       |
| 35                                       | Change in number of hours worked                          |                                      |                                       |                                       |                       |
| 36                                       | Trouble with superiors at work                            |                                      |                                       |                                       |                       |
| 37                                       | Trouble with coworkers                                    |                                      |                                       |                                       |                       |
| 38                                       | Fired, laid off, quit job                                 |                                      |                                       |                                       |                       |
| 39                                       | Problem getting new job                                   |                                      |                                       |                                       |                       |
| 40                                       | Business reorganized                                      |                                      |                                       |                                       |                       |
| 41                                       | Business failing  |                                      |                                       |                                       |                       |
| 42                                       | Other events concerning job (Describe below)              |                                      |                                       |                                       |                       |
| <b>EVENTS CONCERNING SCHOOLING</b>       |   |                                      |                                       |                                       |                       |
| 43                                       | Entered new school  |                                      |                                       |                                       |                       |
| 44                                       | Great deal of academic pressure                           |                                      |                                       |                                       |                       |
| 45                                       | Failing an important exam                                 |                                      |                                       |                                       |                       |
| 46                                       | Having to quit school before you want to                  |                                      |                                       |                                       |                       |
| 47                                       | Reentering school after a period of absence               |                                      |                                       |                                       |                       |
| 48                                       | Trouble with teachers                                     |                                      |                                       |                                       |                       |
| 49                                       | Graduation  |                                      |                                       |                                       |                       |
| 50                                       | Other events concerning schooling (Describe below)        |                                      |                                       |                                       |                       |
| <b>EVENTS CONCERNING EXTENDED FAMILY</b> |   |                                      |                                       |                                       |                       |
| 51                                       | Death of close relative                                   |                                      |                                       |                                       |                       |
|  | Change in status of parents                               |                                      |                                       |                                       |                       |
| 52                                       | Divorce of parents  |                                      |                                       |                                       |                       |
| 53                                       | Remarriage of mother or father                            |                                      |                                       |                                       |                       |
| 54                                       | Death of mother or father                                 |                                      |                                       |                                       |                       |
| 55                                       | Illness of parents or in-laws                             |                                      |                                       |                                       |                       |
| 56                                       | Difficulties in relationship with parents                 |                                      |                                       |                                       |                       |
| 57                                       | Difficulties in relationship with in-laws                 |                                      |                                       |                                       |                       |
| 58                                       | Difficulties in relationship with brother(s) or sister(s) |                                      |                                       |                                       |                       |
| 59                                       | Other events concerning family (Describe below)           |                                      |                                       |                                       |                       |
| <b>OTHER IMPORTANT EVENTS</b>            |   |                                      |                                       |                                       |                       |
| 60                                       | Legal problems  |                                      |                                       |                                       |                       |
| 61                                       | Alcohol or drug problems                                  |                                      |                                       |                                       |                       |
| 62                                       | An accident (auto, at work, at home)                      |                                      |                                       |                                       |                       |
| 63                                       | A burglary  |                                      |                                       |                                       |                       |
| 64                                       | An outstanding personal achievement                       |                                      |                                       |                                       |                       |
| 65                                       | Other important events (Describe below)                   |                                      |                                       |                                       |                       |



Appendix 3C: Technical Discussion of Regression Models

## Construction of Regressions Models<sup>1</sup>

Model 2 was computed in order to determine if differences in the criminal justice system response distinguish between offenders committing subsequent abductions and those committing only one abduction. Model 3 was computed separately because the addition of violence at the abduction resulted in the violation of the proportional odds assumption. Model 4 is the full model and includes all of the variables.

For all of the regression models, the 2 log likelihood ratios testing the current models against the null models were statistically significant below the  $p < .05$  level. For the ordinal logistic regression models, the addition of the "multiple incidents" and "violence at abduction" variables significantly improves the model, as indicated by the change in the log-likelihood ratios: 1) Model 1 compared with Model 2,  $X = 3.99$  with 1 DF ( $p < .05$ ); 2) Model 1 compared with Model 3,  $X = 19.332$  with 1 DF ( $p < .001$ ); 3) Model 1 compared with Model 4,  $X = 21.719$  with 2 DF ( $p < .001$ ). The Rao score tests for the proportional odds assumptions for each model are: 1) Model 1,  $X = 10.5769$  with 8 DF ( $p = 0.2268$ ); 2) Model 2,  $X = 10.7044$  with 9 DF ( $p = 0.2965$ ); 3) Model 3,  $X = 23.4230$  with 9 DF ( $p = 0.0053$ ); and 4) Model 4,  $X = 23.3051$  with 10 DF ( $p = 0.0097$ ).

For the dichotomous cumulative logit models for no conviction compared with convictions (no incarceration/incarceration), the change in the log likelihood ratio was statistically significant (below .05) with the addition of "violence at abduction" (Model 3) and "multiple incidents" and "violence at abduction" (Model 4): 1) Model 1 compared with Model 2,  $X = 3.416$  with 1 DF ( $p < .1$ ); 2) Model 1 compared with Model 3,  $X = 31.501$  with 1 DF ( $p < .001$ ); and 3) Model 1 compared with Model 4,  $X = 33.149$  with 2 DF ( $p < .001$ ).

For no conviction compared with convictions (no incarceration/incarceration), however, only the changes in the log likelihood ratio with the addition of "violence at abduction" were statistically significant (below .05): 1) Model 1 compared with Model 2,  $X = 1.804$  with 1 DF ( $p < .2$ ); 2) Model 1 compared with Model 3,  $X = 4.136$  with 1 DF ( $p < .05$ ); and 3) Model 1 compared with Model 4,  $X = 5.452$  with 2 DF ( $p < .1$ ).

The changes in the log likelihood ratios, discussed above, indicate that, for the dichotomous cumulative logit models, although the addition of "multiple incidents" and

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<sup>1</sup>Clogg and Shihadeh (1994) present five different approaches for ordinal logistic regressions. They recommend the use of either the cumulative logits or the adjacent category contrasts and models. The approach using the cumulative logit is referred to as the "ordinal logit model" and is the approach used in this analysis (Clogg & Shihadeh 1994).



"violence at abduction" improves the fit of the models with CJRESPON1 (no conviction and conviction/no incarceration), and incarceration) as the outcome variable, this is not true for the models with CJRESPON2 (no conviction/convictions (no incarceration), and incarceration) as the outcome. This would suggest that these variables are more relevant in predicting the criminal justice response for abductors who were not convicted, compared to those who were convicted (whether no incarceration or incarceration) than for those abductors who were not incarcerated (no conviction and conviction), compared with those who were. Thus, although the Rao score test for the proportional odds assumption was not significant for the ordinal logistic regressions, perhaps the assumption of parallel regression lines for level of the criminal justice response is not appropriate.

Furthermore, as illustrated in Tables 20a through 20c, the analogous coefficients of the separate dichotomous cumulative logit models are different from those of the parallel logit models. This is particularly noticeable for the comparison between the k=2 (CJRESPON2) separate model and the parallel logit model. The only coefficients that are statistically significant in the parallel model for Model 1 (Table 20a) are those for the charge of 278.5 and having been incarcerated for priors. For the separate model with CJRESPON1 as the outcome (Table 20a, k=1), the charge of 278.5 and having been arrested for priors are statistically significant; however for the separate model with CJRESPON2, ethnicity (black, other minorities), the charge of 278.5, and having been incarcerated for priors are all statistically significant. Thus, when the cumulative logits are considered separately, the ethnicity of the offender is an important factor in determining the criminal justice response, along with the charge and the previous criminal history of the abductor.

For Model 2 (Table 20a), again the statistically significant coefficients in the parallel model include the charge of 278.5, and having a prior incarceration; the coefficient for multiple incidents is statistically significant as well. For the separate model with CJRESPON1 as the outcome (Table 20a k=1), the charge of 278.5 only is significant; however, for the separate models with CJRESPON2, ethnicity (black, other minorities), the charge of 278.5, and having prior arrests are all statistically significant. As with Model 1, with the addition of multiple abduction incidents in Model 2 when the cumulative logits are considered separately, the ethnicity of the offender is an important factor in determining the criminal justice response, as are the charge and the previous criminal history of the abductor.

With the addition of "violence at the abduction" in Model 3 (Table 20), the statistically significant coefficients in the parallel model are found for ethnicity (other ethnic minorities), a charge of 278.5, and prior arrests but no prior convictions; the coefficient for violence at the abduction is statistically significant as well. For the separate model with CJRESPON1 as the outcome (Table 20a, k=1), a charge of 278.5, prior arrests but no prior convictions, and violence at the abduction are statistically significant; however, for the separate model with CJRESPON2, ethnicity (black, other minorities), charge of 278.5, and having a prior incarceration are all statistically significant, but violence at the abduction is not. Thus, with the addition of violence at the abduction in Model 3, when the cumulative logits are considered separately, the ethnicity

of the offender is an important factor in determining the criminal justice response, along with the charge and previous criminal history of the abductor. For the comparison of those abductors who are not convicted with those convicted (separate model,  $k=1$ ), a violence charge at the abduction incident is also an important predictor of the criminal justice response.

The inclusion of "multiple incidents" and "violence at abduction" in Model 4 (Table 20c) produced virtually the same results as Model 3. Statistically significant coefficients in the parallel lines model are found for ethnicity (other ethnic minorities), a charge of 278.5, prior arrests but no prior convictions, and violence at the abduction. For the separate model with CJRESPON1 as the outcome ( $k=1$ ), the charge of 278.5, prior arrests (but no prior conviction), and violence at the abduction only are statistically significant; however, for the separate model with CJRESPON2, ethnicity (black, other minorities), charge of 278.5, and a prior incarceration are all statistically significant, but violence at the abduction is not.

With the addition of violence at the abduction in Model 3, when the cumulative logits are considered separately, the ethnicity of the offender is an important factor in determining the criminal justice response, along with the charge and previous criminal history of the abductor. For the comparison of those abductors who are not convicted with those who are convicted (separate model,  $k=1$ ), a violence charge at the abduction incident is also an important predictor of the criminal justice response.

However, it should be noted that in Model 4, the full model, (which includes the independent variables of sex, ethnicity, prior criminal history, abduction charge, number of incidents, and violence at the abduction), the assumption that the regression slopes of the three system responses of arrest (but dismissed), convicted (but no sentence of incarceration), and incarceration are parallel appears not to be valid. For the comparison models, although the assumption is not violated (statistically), there is reason to believe that the regression slopes cannot be assumed to be parallel. Specifically, the regression coefficients produced by the parallel logit models are not very similar to those produced by the separate cumulative logit models. The assumption of parallel slopes should lead to similar results when these two methods of calculating the regression are used.

TABLE 20a Cumulative logit regression, Model 2.

| Predictor              | Parallel Logits   | Separate Models |                   |
|------------------------|-------------------|-----------------|-------------------|
|                        | Parameter         | k = 1           | k = 2             |
| Intercept 1            | -1.629*<br>(.315) | -.516<br>(.356) |                   |
| Intercept 2            | -.425<br>(.309)   |                 | -1.407*<br>(.355) |
| Female                 | .155<br>(.145)    | .256<br>(.161)  | .023<br>(.169)    |
| Black                  | -.358<br>(.191)   | -.199<br>(.206) | -.534*<br>(.232)  |
| Other minority         | -.332<br>(.186)   | -.228<br>(.201) | -.545*<br>(.229)  |
| Charge 278             | .028<br>(.173)    | .086<br>(.184)  | .080<br>(.207)    |
| Charge 278.5           | .564*<br>(.173)   | .658*<br>(.192) | .461*<br>(.203)   |
| Arrest                 | -.338<br>(.211)   | -.430<br>(.224) | -.111<br>(.253)   |
| Convict                | .114<br>(.270)    | -.011<br>(.300) | .131<br>(.317)    |
| Incarcerate            | .338*<br>(.162)   | .199<br>(.179)  | .479*<br>(.187)   |
| Multiple<br>abductions | .495*<br>(.252)   | .537<br>(.298)  | .384<br>(.283)    |

TABLE 20b Cumulative logit regression, Model 3.

| Predictor             | Parallel Logits | Separate Models |         |
|-----------------------|-----------------|-----------------|---------|
|                       | Parameter       | k = 1           | k = 2   |
| Intercept 1           | -1.204*         | -.086           |         |
|                       | (.172)          | (.179)          |         |
| Intercept 2           | .012            |                 | -1.056* |
|                       | (.166)          |                 | (.196)  |
| Female                | .161            | .276            | .037    |
|                       | (.146)          | (.164)          | (.169)  |
| Black                 | -.351           | -.164           | -.530*  |
|                       | (.192)          | (.210)          | (.232)  |
| Other minority        | -.375*          | -.267           | -.565*  |
|                       | (.187)          | (.205)          | (.229)  |
| Charge 278            | -.088           | -.103           | .022    |
|                       | (.176)          | (.192)          | (.211)  |
| Charge 278.5          | .567*           | .681*           | .477*   |
|                       | (.174)          | (.195)          | (.203)  |
| Arrest                | -.447*          | -.577*          | -.148   |
|                       | (.214)          | (.230)          | (.255)  |
| Convict               | .087            | -.060           | .159    |
|                       | (.269)          | (.304)          | (.314)  |
| Incarcerate           | .310            | .134            | .481*   |
|                       | (.163)          | (.182)          | (.188)  |
| Violence at abduction | .645*           | 1.028*          | .309    |
|                       | (.162)          | (.192)          | (.185)  |

TABLE 20c Cumulative logit regression, Model 4.

| Predictor                | Parallel Logits   | Separate Models  |                   |
|--------------------------|-------------------|------------------|-------------------|
|                          | Parameter         | k = 1            | k = 2             |
| Intercept 1              | -1.607*<br>(.316) | -.485<br>(.364)  |                   |
| Intercept 2              | -.388<br>(.311)   |                  | -1.397*<br>(.355) |
| Female                   | .157<br>(.146)    | .273<br>(.164)   | .033<br>(.169)    |
| Black                    | -.368<br>(.193)   | -.171<br>(.211)  | -.540*<br>(.233)  |
| Other minority           | -.372*<br>(.187)  | -.266<br>(.205)  | -.563*<br>(.230)  |
| Charge 278               | -.093<br>(.177)   | -.105<br>(.192)  | .021<br>(.211)    |
| Charge 278.5             | .559*<br>(.174)   | .672*<br>(.195)  | .469*<br>(.204)   |
| Arrest                   | -.437*<br>(.214)  | -.570*<br>(.230) | -.143<br>(.255)   |
| Convict                  | .043<br>(.272)    | -.109<br>(.308)  | .109<br>(.318)    |
| Incarcerate              | .307<br>(.163)    | .130<br>(.182)   | .477*<br>(.188)   |
| Multiple<br>abductions   | .388<br>(.255)    | .387<br>(.306)   | .330<br>(.285)    |
| Violence at<br>abduction | .619*<br>(.163)   | 1.005*<br>(.193) | .330<br>(.285)    |

## Appendices to Chapter 4

### Research Protocol and Assessment Measures used in Interview Study

## Research Protocol and Assessment Measures

1. Strategy for Identifying Clinical Interview Sample and Protocol for Contacting Parents and Inviting their Participation
  - (a) Letter of invitation to participate
2. Informed Consent
  - (a) Informed Consent to Participate
  - (b) Consent to Confidentiality
  - (c) Authorization for Release of Information
  - (d) Participants' Bill of Rights
3. Adults
  - (a) Guidelines for initial assessment of high-conflict separating and abducting parents.
  - (b) Clinical Interview Coding
  - (c) Intake Questionnaire  
(demographics, family & legal information)
  - (d) Straus Conflict Tactics Scale (Straus, 1979)
  - (e) Ahrons Coparental Decision-Making Scale (Ahrons, 1981)
  - (f) Recent Life Events (adapted from Horowitz et al. and Abiden et al.)
  - (g) Use of Alcohol and Drugs Questionnaire
  - (h) Brief Symptom Inventory (BSI)  
(Derogatis & Spencer, 1982)
  - (i) Narcissistic Personality Inventory (NPI)  
(Raskin & Terry, 1988)
  - (j) Abduction Risk Questionnaire (ARQ)
  - (k) Global Assessment Scale (Spitzer et al., 1977)
4. Parent-Child Relationship
  - (a) Parent-Child Questionnaire (P-C) (Furman, 1989)
5. Child
  - (a) Guidelines for Child Assessment
  - (b) Child Behavior Problems Checklist  
(Achenbach & Edelbrock, 1983)
6. Family Court
  - (a) Coding Form

Revised 12/31/92

## Strategy for Identifying Clinical Interview Sample

Minimum Sample Size = 30 families. If resources allow, the target sample will be increased to 40 families.

The sample will be selected from the D.A.'s files of parental abduction cases in Santa Clara and Alameda Counties, using the 1990 records. (See attached letters from the D.A.s giving permission). This year was chosen because it encompasses the same period during which the comparison sample of non-abducting families was chosen. It also means that most cases will have had ample time to be resolved in one way or another. Note that the clinical interview sample is a subset of the larger document study of all cases during that period.

A total in excess of 200 cases are expected to be available, according to preliminary estimates, and will be fairly evenly divided between the two counties. Initially, every 5th case will be selected from the D.A.'s files, to be screened for eligibility (using the criteria below). If the 5th case does not meet eligibility criteria, the next consecutive case will be chosen.

### Criteria for Eligibility

1. At least one parent (either the victim or the abducting parent<sup>1</sup>) will reside in Alameda, Santa Clara or adjoining counties, and the other parent anywhere within the U.S.A. This will ensure that at least one of the parents are potentially available to be seen in face-to-face contact. However it will exclude cases where one parent now lives in another country, because of the cost of interviewing them. Hence international abductions will not be well represented in this part of the study. (A subanalysis of this group can be done later using the documentary data.)
  2. At least one child(ren) in the family was 12 years old or less at the time of the abduction. This will make the abduction group comparable to the high-conflict non-abduction sample which included only families where a child(ren) was 12 years or less. This age restriction also helps screen out runaway teenagers who are reported as having been abducted by a parent.
  3. California must have had jurisdiction at the time of the abduction. Hence cases where other states have used the D.A.'s services to recover children will be excluded. This ensures that the laws that govern the sample will be uniform across cases.
  4. The child(ren) was allegedly abducted by a parent, or family member, while in the care of another parent, or family member. Hence wards of the juvenile court who are living with foster parents or in a state institution are excluded. This means
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that we are not dealing with cases where parents tried to recover a child who had been taken away by the court because of abuse or neglect.

5. Cases must be currently closed or not currently using the D.A.'s services. This provision is to ensure that the study does not disrupt any ongoing investigation or court action undertaken by the D.A.'s office. (The D.A. will be consulted if there is any ambiguity about this with any case). This may mean that the most difficult, and long term cases where the child has not been recovered will be excluded. (A subanalysis of this group can be done later using the documentary data.

#### Protocol for Contacting Parents and Inviting their Participation

In all eligible cases, both the abducting and victim parent will be simultaneously sent a letter inviting them to participate in the study (see specimen attached) at their last known address. After 10 days (which should allow undeliverable mail to be returned to the sender), a research clinician will telephone both parties to invite them to participate (See protocol for telephone contact).

It is expected that there will be a high rate of mobility among this population, many changes in phone numbers, and frequently phone numbers will be unlisted. Before mailing letters, the relevant telephone directories will be checked to update addresses and phone numbers if possible. In each of the D.A.'s files, there are other names, phone numbers and addresses of relatives and friends of the parties that may know the whereabouts of the parent. The same letter of invitation could be sent c/o these other persons, with a request (on the outside of the envelope) to forward the letter on.

It is the goal of the clinical study to interview both parties if at all possible. Hence, when one parent is located and agrees to participate, he or she will be encouraged to provide information as to where the other parent can be located.

If neither party in a case can be contacted, OR if both parties refuse to participate, the next consecutive eligible case will be chosen. (Sub-analyses of those who cannot be located and those where both parties refuse to participate can be done later using the documentary data).

- a) Initially, at the beginning of the interview study period, only cases where both parents agree to be interviewed will be included in the study. (These parents will also be invited but not required to make their child(ren) available for interview as a criteria for participation).
  - b) The characteristics of those cases where at least one parent has refused to participate will be examined using the court record data from the D.A.'s files to try to determine how they are different from those who do agree to participate.
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c) If they are found to be different in important demographic and legal characteristics, or if more cases are needed to complete the sample size, then all available parents will be interviewed, regardless of whether their ex-partner has agreed to participate. A check will be made to ensure that an approximately equal number of abducting and victim parents who are not former couples will be included in this subsample.

#### Protocol for Telephone Contact with Parents

"Hello, my name is \_\_\_\_\_ from the Center for the Family in Transition. We sent you a letter about 10 days ago telling you about a special study of high conflict divorce (and permanent separations where a couple have had children together but have not been married to one another).

"It is believed that children and parents can be very stressed by a difficult separation (and divorce), especially when there are disputes over custody and visitation of the children. It is important to hear directly from parents what it is like to be in one of these situations - to get their opinions about the legal system, the laws of the land, the kind of experiences they have had, their concerns about their children, their ideas about how things can be done better.

"The purpose of this study is to help professionals in the system - like judges, attorneys, mediators, therapists, police - learn from your experience and provide better services in the future.

"Your name was obtained from the District Attorney records in \_\_\_\_\_ County. These records suggest that you and your children were involved in one of these very difficult high conflict situations during 1990. (The research clinician may opt to provide several individualized remarks about the case at this point in an empathic and concerned manner.)

(If asked, the clinician should state that the D.A. has given permission for us to examine these files, providing that all the information is kept strictly confidential.)

"We are calling now to ask if you could help us with this study. It would involve about 1 - 1 1/2 hours of personal interview (by telephone if long distance) at a place that is convenient for you and where you can talk privately (this could be your home, office, a quiet restaurant, public park etc.). You would also need to complete some forms (which would take about another couple of hours of your time). We can pay you \$50 as soon as both the interview and the forms are completed.

(IT IS IMPORTANT TO EMPHASIZE THAT THE INTERVIEWS ARE COMPLETELY CONFIDENTIAL, AND THAT THE INFORMATION GIVEN US WILL NOT BE SHARED WITH ANYONE. Most especially, none of the following will have access to anything that is said or written - the legal system, the

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district attorney, the other parent. All identifying information is removed from the records which are coded only by number. Everyone signs a confidentiality agreement before the study begins).

"You need to know that your ex-husband/the child's father/the other parent is also being contacted and asked to participate in this study at the same time. It is very important that we hear both points of view. (At this point the parent may express concern about a misleading impression or story that the other parent will convey. If so, the research clinician should say: "this kind of information is exactly what we need to hear. If we don't know your views, we might be lead to think his/her view is the correct one". The parent may need to be reassured that no information, including phone numbers or addresses will be furnished to the other parent by us.)

Assure them that there are no joint interviews with the other parent. If the other parent cannot be contacted for any reason, ask the willing parent if they would be prepared to provide that parent's address or phone number so that we can send them a letter of invitation. Alternatively, ask if the parent is willing to forward on a letter on our behalf.

"All of the interviewers are trained professional counselors who are experienced with parental separation and divorce matters and are especially sensitive to the impact this is likely to have on children. In addition to interviewing you, we would like your permission to have a play-interview with your child." (Note this is not required as criteria for the parent's participation in the study. If the parents have joint legal custody, both parents need to agree for the child to be interviewed by signing the informed consent. It is also important to discuss here if the child is in therapy with anyone, and to be sure that the therapist also gives permission for the child to be interviewed. Reassure parents that all court orders will be strictly complied with when interviewing children, as detailed in parental consent to child's participation.)

Explain that you will be sending them the forms so they can fill them in ahead of time. In that way, we can pay them \$50 at the conclusion of our interview with them. If interviewing by telephone, explain that as soon as the forms are returned by mail and after the interview is complete, we will mail them \$50. Go ahead and set up an appointment.

Confirm addresses, phone numbers, and best times to call.

Special Note: If the parent asks, explain that the study is being funded by the Office of Juvenile Justice and Delinquency Prevention, a federal government agency.

If the parent talks freely about the child abduction, the research clinician can use this terminology, and confirm that one of the

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purposes of the study is to identify risk factors in parental kidnapping and how to prevent this from happening. If the parent does not view the situation as involving child abduction, the research clinician should not use this terminology. However, in the interviews, the clinician should be frank in talking about the concrete details of the abduction incident while taking a history of the parental dispute. IT IS IMPORTANT FOR THE PARENT TO DEFINE THE SITUATION FROM THEIR OWN PERSPECTIVE.

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<sup>1</sup>"Parent" includes any family member who claims to have rights to the child, and who has been involved in the D.A's actions.

# Center for the Family in Transition

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The Center for the Family in Transition was formed over a decade ago in part to better understand the effects of divorce on children and to assist parents in helping their children during these difficult periods.

We have just begun a special study of high conflict divorces (as well as permanent separations where the parents have not been married). These would be family situations where there has been much anger and distrust between parents and disputes over custody and visitation.

You - or the other parent - may feel misunderstood and poorly treated and believe you are the victim of an angry, vindictive ex-partner or ex-spouse. Parents might have become very frustrated with the legal system, finding it does not adequately protect them or their children. Sometimes parents refuse to go along with custody or visitation orders or even hide the child from the other parent.

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*Executive Director*  
Janet R. Johnston, Ph.D.  
*Director of Research*  
Cheryl VanderWaal, M.S.W.  
*Associate Director*

It is very important that we hear directly from parents who have been through this experience. The purpose of this study is to help professionals in the system - judges, attorneys, mediators and therapists - learn from your experience and to provide better services in the future.

Your name was obtained from county records (from the District Attorney's Office) which suggest that your child(ren) was involved in one of these difficult high conflict situations. We would like to interview you so you can express your feelings and opinions and to have you fill out some forms. We will pay you \$50 for your assistance. The interviews are COMPLETELY CONFIDENTIAL and the information you give us will not be shared with anyone.

One of our staff will be calling you within the next ten days to ask if you wish to participate and begin the process. If your telephone number has changed within the last two years, or if this letter finds you at a different address than the one above, we would appreciate your calling us at (415) 366 3234. You may reverse the charges. If you do not wish to be contacted, leave a message indicating you do not wish to be interviewed at (415) 924 5750.

Yours sincerely,

Janet R. Johnston Ph.D.  
Protecting Children after Divorce Project.

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## INFORMED CONSENT - ADULT

I, \_\_\_\_\_, mother/father of

minor child(ren) \_\_\_\_\_, consent to participate in a program called Protecting Children After Divorce. The purpose of the program is to undertake a study of families experiencing divorce (particularly when there has been any of the following: high conflict or violence between parents, noncompliance with custody and visitation arrangements, or parental abduction of a child). Research will also be conducted to develop information about how custody and visitation plans work for different children and parents, and to assess the need for special services for these divorcing families.

I understand that I am consenting to participate in this program because of my concern for children of divorce. My consent does not mean that I consider myself or my child(ren) to have psychological problems.

I agree to participate voluntarily in the following procedures:

1. Filling out personal data, questionnaires and checklists regarding thoughts and feelings about the divorce, family relationships, and my child(ren)'s reactions.
2. An interview with a counselor regarding circumstances, attitudes and feelings about divorce, conflict or violence in the family, compliance with the custody and visitation plans for the children, and any experience with parental abduction of a child.

I understand that the Protecting Children After Divorce Project will need to ask my child(ren)'s teacher to complete a questionnaire about my child(ren)'s academic and social performance in the school setting.

I understand there is a possibility that discussion of family relationships and the circumstances of divorce, conflict, violence, or parental abduction may result in my experiencing, at times, some form of psychological discomfort such as anxiety, anger, or depression.

I understand that should I feel the need for further or more intensive counseling as the result of psychological distress which may arise during the course of my participation in this program, I will be provided with the appropriate referrals.

I understand that the potential benefits of participating in this program may include:

- a) An opportunity to express my feelings and ideas about the separation/divorce and the custody and visitation arrangements.
- b) An opportunity to help others in similar situations by recounting my experience, offering my opinions and suggestions for reform of the system.

I understand that if I have any questions or concerns about this program, these can be discussed with the Project staff during the course of the Project. Dr. Janet R. Johnston, Project Director, may be contacted between 9 a.m. and 5 p.m. weekdays at (415) 924-5750.

I may withdraw from any part of all of this agreement in any way or at any time without consequence or prejudice to me.

I have read this Informed Consent form and understand the contents thereof and I have been given the opportunity to ask questions regarding the consent and the Protecting Children After Divorce Project, and have had them answered to my satisfaction. I freely, voluntarily, and with understanding agree to be a participant in the Project.

Mother: \_\_\_\_\_

Father: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_



# Center for the Family in Transition

5725 PARADISE DRIVE, BLDG. B, SUITE 300, CORTE MADERA, CA 94925  
(415) 924-5750

## CONSENT TO CONFIDENTIALITY

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Director of Research
- Cheryl VanderWaal, MSW  
Associate Director

We understand and agree that all communications, observations, and opinions derived from this program shall be considered confidential between us and the staff of the Protecting Children After Divorce project. We agree that no one of us nor anyone representing any of us, in any capacity, or acting as an agent for any of us, shall call upon any staff person in the Project or any person involved in this program during or at any time subsequent to it to provide either written reports or oral testimony at any deposition, court hearing, or trial on any issue related to or arising out of the dissolution of the marriage of

\_\_\_\_\_ (names of parents)  
nor the resulting child custody or visitation arrangements. We further agree not to subpoena any records of the Protecting Children After Divorce project for any purpose including, but not limited to, use as evidence at any court or other proceedings.

Therefore, we each waive any right which any of us may have to call any person or subpoena any record in any dissolution or child custody or visitation action which is or may be filed.

Each of us acknowledges receiving a thorough explanation of this program and of our rights as participants. We each agree to participate in the program of our own free will and acknowledge that none of us has been coerced or unduly influenced to participate. Each of us by signing below indicates that each has read, understood, and agrees to the above and each of us agrees to participate in the program.

Date: \_\_\_\_\_ Date: \_\_\_\_\_

Mother: \_\_\_\_\_ Father: \_\_\_\_\_

Date: \_\_\_\_\_ Date: \_\_\_\_\_

Witness: \_\_\_\_\_ Witness: \_\_\_\_\_

Attorney: \_\_\_\_\_ Attorney: \_\_\_\_\_  
(optional) (optional)

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*Associate Director*

## AUTHORIZATION FOR RELEASE OF INFORMATION - PARENTS

1. By signing this form, I agree, and give my consent on behalf of my child(ren) that the Center may disclose any and all information, communications, observations, and opinions derived from my participation in the Center's program in any books, scholarly papers, magazines or journal articles or other publications prepared by or in association with members of the Center's professional staff. However, this agreement and consent shall not authorize the disclosure by the Center of any information that might make it possible for members of the public at large to identify me or members of my family. Such "identifying information" includes references to names, employers, places, careers, memberships in voluntary organizations, and the like. If the Center publishes any information, communications, observations, and opinions derived from my participation in its program, the Center agrees to disguise the source of such information by changing such "identifying information" so that members of the public will be unable to identify me as the source of such information.

2. I further agree, and give my consent on behalf of my child(ren), that as long as "identifying information" (as defined above) is not published or disclosed in violation of this Authorization, I will not make any claim against the Center, or its professional staff or other personnel or any of their licensees, successors, or assigns that publication or disclosure of such material violates my right of privacy (of that of my child(ren)), defames me (or my child(ren)), violates any doctor-patient or psychotherapist-patient privilege, constitutes a breach of any "Consent of Confidentiality" or "Informed Consent" agreement that I have previously signed with respect to my use of the Center's services. I understand that this Authorization modifies any prior "Consent to Confidentiality" or "Informed Consent" agreements that I previously signed. (A copy of each such agreement is attached to this Authorization.)

3. I also understand that, as a consideration for the use of material covered by this Authorization, I will be furnished, upon request to the Center, a copy of any books or magazine articles written by any member of the Center's staff that are based in whole or in part on the Center's research and the experiences of families undergoing divorce. Any publication covered by this paragraph shall be furnished to me at the Center's cost.

4. I further agree that the Center and its professional personnel and staff shall have no obligation to publish or disclose any information, communications, observations, and opinions covered by this Authorization.

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Signed:

Signed:

\_\_\_\_\_

Mother

\_\_\_\_\_

Father

## PARTICIPANT'S BILL OF RIGHTS

California law requires that any person asked to take part in a program involving evaluation procedures, or any person asked to consent to such participation on behalf of another, is entitled to receive the following list of rights written in a language in which the person is fluent. This list includes the right to:

- 1) Be informed of the nature and purpose of the program.
- 2) Be given an explanation of the procedures to be followed in the program and any drug or device to be utilized, if applicable.
- 3) Be given a description of any attendant discomforts and risks reasonably to be expected from the program.
- 4) Be given an explanation of any benefits to the participant reasonably to be expected from the program.
- 5) Be given a disclosure of any appropriate alternative procedures that might be advantageous to the participant and their relative risks and benefits.
- 6) Be informed of the avenues of treatment available to the participant after the program if the need should arise.
- 7) Be given an opportunity to ask any questions concerning the program or the procedures involved.
- 8) Be instructed that consent to participate in the program may be withdrawn at any time and the participant may discontinue participation in the program without prejudice.
- 9) Be given a copy of the signed and dated written consent form.
- 10) Be given the opportunity to decide to consent or not to consent to a program without the intervention of any element of force, fraud, deceit, duress, coercion, or undue influence on the participant's decision.

GUIDELINES FOR INITIAL ASSESSMENT OF  
HIGH CONFLICT SEPARATING AND ABDUCTING PARENTS

I. General Impressions

Appearance, behavior, ways of relating to interviewer; major concern in coming into the Project. In recording interviews, use the client's own words and describe non-verbal behavior as much as possible.

II. Dispute-Specific Assessment of Family and  
Description of Abduction

- A. Describe issues between parents under dispute, length of dispute, precipitating factors and attempts at solution. Include the stage of property and financial settlement. Describe events leading up to the child abduction, warnings given, the circumstances of the taking and concealment.
- B. Describe role of stepparent (and significant others including extended kin, friends, therapists, attorneys) in agitating, moderating, or resolving interparental disputes. What was their role in the abduction or concealment of the child?
- C. Describe role of child in the interparental disputes. Include child's reactions to witnessing conflict/violence, child's reaction to the abduction, child's understanding of content of conflict, child's involvement in conflict or attempts at resolution. How central is this child in the parental disputes?
- D. If relevant, describe the first, worst, and last incidents of physical violence between parents. Note precipitating factors (if any); who initiated first act of violence; response of the partner; escalation (if any); presence of third party (especially children); physical and emotional consequences; calls for help and response of third party. Note especially involvement of drugs and alcohol by either party to the violence.
- E. Describe the involvement of officials and professionals (police, district attorney, attorneys, mediators, missing children's organizations, judges, private detectives) as well as other relatives and friends in the search for and recovery of the child. Include parents perceptions of their helpfulness and satisfaction with their efforts.
- F. Describe the recovery of the child: the circumstances, each parent's and the child's reactions, and the reunion.

### III. Historical Material

- Socioeconomic status and background; occupational and economic history
- Ethnic background of parents
- Maternal and paternal history:
  - Family constellation with sibling series and position; significant losses and separations; grandparents' marital history
  - How parent sees own childhood; the best and most difficult times; significant relations with siblings; major pertinent events and illnesses; note especially any history of violence between parents and history of child abuse; any history of child abductions
  - School and social adjustment, extracurricular activities, friendships, dating
  - Work history
  - Psychiatric history, therapy, hospitalizations, etc.; any evidence of longstanding psychological illness or acute exacerbation of symptoms immediately prior to or since separation
- Marital history:
  - Previous marriages or extended liaisons
  - Premarital or extramarital pregnancies
  - Courtship: how parents met, length of courtship, reasons for marriage and expectations
  - Age of each parent at marriage; at birth of first child
  - Course of marriage; sexual adjustment; separations; sources of conflict and of gratifications; major events and stresses including work history and any significant shifts

### IV. Separation/Divorce History

- Events leading to marital/relationship failure; when and why did marriage/relationship begin to fail? Was there a third party? Intensity of conflicts; how much physical violence?
- Emotional response - parents and children, any significant others; how and what children were told; how spouses prepared each other for separation; circumstance of separation; child's understanding of situation
- Parents' central affective response to the divorce experience; psychological consequences of separation
- Major defenses and coping mechanisms mobilized by each parent (separately or in alignment with one or more children)
- Who actually made the decision to separate; who filed the petition of dissolution

### V. Description of Child and Child History

- Pregnancy:
  - Attitudes to becoming pregnant; history of miscarriages, etc.
  - Parental reactions and neonatal history; child's early temperament

- Parental practices - recreations, leisure, disciplines, closeness, etc. General parenting role - who did what; was there a primary parent?
- Special stresses - birth or death or separation (prior to this separation) from a parent, grandparent or sibling; moving
- History of illnesses and accidents:
  - Hospitalizations and/or surgery: age, how long in hospital, reaction to the hospital experience
  - Congenital conditions, medication
- School history:
  - Age began kindergarten
  - Reactions to leaving home, any school phobia
  - Grades skipped or repeated
  - Academic performance - special learning difficulties
  - Adjustment to teacher, peers, group (especially reactions to conflict situations)
  - Ability to work independently
  - Special behavior problems, acting out, truancy
  - Difficulty doing homework and how handled
  - Extracurricular activities
- Changes since separation/divorce/abduction:
  - What behavioral changes have occurred?
  - What attitudinal changes have occurred?
  - What emotional/psychological changes have occurred?

VI. Assessment of Parenting Ability

(Attempt to assess pre-abduction and post-abduction parenting)

- What is parent's attitude/feelings for child (e.g., guilt, resentment)? Any particular psychological meaning of child to parent?
- What is the style of the overt relationship with the child? e.g., conflict-laden; cooperative; distant; warm
- What is the quality of the more unconscious relationship; e.g., identification with child; needs child for scapegoat, for nurturance
- To what degree does parent cognitively understand child's needs? Comment on perceived and real understanding
- To what extent is parent sensitive to child's needs? e.g., intuitive understanding, actual awareness of needs, real and perceived
- What is parent's ability to cope with child's needs, real and perceived?
- What is parent's usual style of coping with child's demands? e.g., avoid, deflect, ignore, punish, impatience, desperation
- Overall estimate of parenting - characterize type/style of parenting, e.g., benign neglect, over-protective, "good enough," very competent, loving, etc.
- Critical incidents - Note reported or suspected child abuse: physical, psychological, sexual, incest, etc.

VII. Assessment of Parent-Parent Relationship

(Attempt to assess pre-abduction and post-abduction relationship)

- What are the feelings of each parent for the other? e.g., bitterness, rage, mixed
- How intense are these feelings?
- Amount of parental friction/fighting/hostility/conflict
- Resolution of the divorce/disputes:
  - To what extent does parent still think about/obsess about the marriage/divorce/spouse? How much yearning for past?
  - Estimate of how resolved feelings are for spouse
  - To what extent does parent yearn to be married; to remarry?
  - To what extent has parent established a separate life? e.g., new friends, new relationships, job, education, hobbies, etc.
- Estimate of amount of contact/communication between parents
- What is the content of this communication? e.g., child issues only; child issues/ex-spouse's family/discuss their feelings for each other; whether they have sexual relations
- Critical incidents - Note any present actual or threatened physical violence; instances of abuse, etc.

VIII. Current Environment and Family Situation

- Composition of immediate and extended family - who is living with whom and where
- Work situation; financial situation
- Physical setting - home and neighborhood - note changes and social mobility
- Sleeping arrangements
- Custody and visitation arrangements:
  - How were these arrived at?
  - Child's reactions to going to and returning from each parent's home
  - Visiting and its ambience, routines, disciplines, etc.
- Sibling relationships
- Family activities:
  - As a family
  - Degree of social isolation or contact with the community
- Extent of external supports - extended families; social contacts, etc., for parents and children



FORMULATION OF THE IMPASSE AND THE IMPACT  
OF THE ABDUCTION ON THE CHILD

- I. What prevented the family from settling the dispute through conventional means?
- Components:
- A. External - e.g., extended family, significant other, and legal provocation of the dispute; economic hardship or socio-cultural factors which help lock the impasse.
  - B. Interactional - e.g., polarized, negative images of the ex-spouse; ambivalence about separation; special psychological significance of child; adaptive and defensive use of each other which creates the impasse.
  - C. Individual - e.g., intrapsychic conflicts and needs of the individual members, psychopathology; or special needs of the child (such as illness or disability).
- II. What is the impact of the impasse and the parental abduction on the child?
- Evaluate to what extent the dispute/impasse/parental abduction are related to child's symptomatology; assess the potential longer-term effects on the child's development.
- III. What are the strengths and resources available within the family and their social system to help resolve the dilemma?
- e.g., relevant parenting capacities, availability of others, capacities of the child, etc., and the possibility of mobilizing these.

INTERVIEW CODING: ABDUCTION PROJECT

CASE: \_\_\_\_\_ WHO WAS ABDUCTOR: Mother 1  
 (as defined by DA) Father 2 CASE  
 Other 3 ABDUCTOR  
 No one 4

ABDUCTION CASE:..... YES NO NA  
 1 0 -9 ABCASE

I. ALLEGATIONS AND SUBSTANTIATIONS:

A. Child neglect alleged agst mother..... 1 0 -9 IC 1  
     agst father..... 1 0 -9 IC 2  
     cited as reason for abduct/litig..... 1 0 -9 IC 3  
     subst. evidence agst mother..... 1 0 -9 IC 4  
     subst. evidence agst father..... 1 0 -9 IC 5

B. Child physical abuse alleged agst mother..... 1 0 -9 IC 6  
     agst father..... 1 0 -9 IC 7  
     cited as reason for abduct/litig..... 1 0 -9 IC 8  
     subst. evidence agst mother..... 1 0 -9 IC 9  
     subst. evidence agst father..... 1 0 -9 IC10

C. Child sexual abuse alleged agst mother..... 1 0 -9 IC11  
     agst father..... 1 0 -9 IC12  
     cited as reason for abduct/litig..... 1 0 -9 IC13  
     subst. evidence agst mother..... 1 0 -9 IC14  
     subst. evidence agst mother..... 1 0 -9 IC15

D. Alcohol abuse alleged agst mother..... 1 0 -9 IC16  
     agst father..... 1 0 -9 IC17  
     cited as reason for abduct/litig..... 1 0 -9 IC18  
     subst. evidence agst mother..... 1 0 -9 IC19  
     subst. evidence agst father..... 1 0 -9 IC20

E. Drug abuse alleged against mother..... 1 0 -9 IC21  
     against father..... 1 0 -9 IC22  
     cited as reason for abduct/litig..... 1 0 -9 IC23  
     subst. evidence agst mother..... 1 0 -9 IC24  
     subst. evidence agst father..... 1 0 -9 IC25

F. Domestic violence alleged agst mother..... 1 0 -9 IC26  
     agst father..... 1 0 -9 IC27  
     cited as reason for abduct/litig..... 1 0 -9 IC28  
     subst. evidence agst mother..... 1 0 -9 IC29  
     subst. evidence agst mother..... 1 0 -9 IC30

|   | YES | NO | NA |      |
|---|-----|----|----|------|
| G. Prior child steal alleged agst mother.....     | 1   | 0  | -9 | IC31 |
| agst father.....                                  | 1   | 0  | -9 | IC32 |
| cited as reason for abduct/litig.....             | 1   | 0  | -9 | IC33 |
| subst. evidence agst mother.....                  | 1   | 0  | -9 | IC34 |
| subst. evidence agst father.....                  | 1   | 0  | -9 | IC35 |
| H. Other criminal activity alleg agst mother..... | 1   | 0  | -9 | IC36 |
| agst father.....                                  | 1   | 0  | -9 | IC37 |
| cited as reason for abduct/litig.....             | 1   | 0  | -9 | IC38 |
| subst. evidence agst mother.....                  | 1   | 0  | -9 | IC39 |
| subst. evidence agst father.....                  | 1   | 0  | -9 | IC40 |

II. PRIOR TO ABDUCTION/LITIGATION, WERE  
THERE ATTEMPTS TO GET HELP/INTERVENE:

|                                      |   |   |    |      |
|--------------------------------------|---|---|----|------|
| a) by police.....                    | 1 | 0 | -9 | IC41 |
| b) Child Protective Services.....    | 1 | 0 | -9 | IC42 |
| c) attorneys.....                    | 1 | 0 | -9 | IC43 |
| d) battered women's advocates.....   | 1 | 0 | -9 | IC44 |
| e) therapist/counselors.....         | 1 | 0 | -9 | IC45 |
| f) family members.....               | 1 | 0 | -9 | IC46 |
| g) neighbors/friends/colleagues..... | 1 | 0 | -9 | IC47 |
| h) others (specify)_____.....        | 1 | 0 | -9 | IC48 |

III. THERE ARE REPORTS IN THE INTERVIEW  
MATERIAL THAT THIS CASE WAS INVOLVED IN:

|                        |   |   |    |      |
|------------------------|---|---|----|------|
| a) family court.....   | 1 | 0 | -9 | IC49 |
| b) juvenile court..... | 1 | 0 | -9 | IC50 |
| c) criminal court..... | 1 | 0 | -9 | IC51 |

IV. ECONOMIC FACTORS (at time of abduct/litig):

|   |   |   |    |      |
|---|---|---|----|------|
| A. Mother was unemployed.....   | 1 | 0 | -9 | IC52 |
| Father was unemployed.....  | 1 | 0 | -9 | IC53 |
| B. Child was main source of economic support for mother (i) AFDC..... | 1 | 0 | -9 | IC54 |
| (ii) child support.....   | 1 | 0 | -9 | IC55 |
| Child was main source of economic support for father (i) AFDC.....    | 1 | 0 | -9 | IC56 |
| (ii) child support.....   | 1 | 0 | -9 | IC57 |
| C. Mother is living in family owned home during litigation.....       | 1 | 0 | -9 | IC58 |
| Father is living in family owned home during litigation.....          | 1 | 0 | -9 | IC59 |

|  | YES | NO | NA |      |
|--|-----|----|----|------|
| <b>V. <u>FAMILY AND CULTURAL FACTORS:</u></b>  |     |    |    |      |
| A. MOTHER has network of family/friends/<br>support in another community.....  | 1   | 0  | -9 | IC60 |
| FATHER has network of family/friends/<br>support in another community.....   | 1   | 0  | -9 | IC61 |
| B. MOTHER has ethnic/cultural background<br>with custody norms contrary to prevailing<br>California legal standards..... | 1   | 0  | -9 | IC62 |
| FATHER has ethnic/cultural background<br>with custody norms contrary to prevailing<br>California legal standards.....    | 1   | 0  | -9 | IC63 |
| C. Parents never married <u>nor</u> had any<br>workable coparenting relationship.....                                    | 1   | 0  | -9 | IC64 |
| D. Parent married but report no workable<br>relationship from the start.....   | 1   | 0  | -9 | IC65 |
| E. Family/friends gave MOTHER assistance<br>in executing abduction/litigation.....                                       | 1   | 0  | -9 | IC66 |
| Family/friends gave FATHER assistance<br>in executing abduction/litigation.....  | 1   | 0  | -9 | IC67 |
| <b>VI. <u>PRIOR LOSSES/PRIOR TRAUMA:</u></b>   |     |    |    |      |
| A. Divorce of parents as a child (i) mother.....   | 1   | 0  | -9 | IC68 |
| (ii) father.....   | 1   | 0  | -9 | IC69 |
| B. Child abuse or domestic violence<br>in family of origin (i) mother.....   | 1   | 0  | -9 | IC70 |
| (ii) father.....   | 1   | 0  | -9 | IC71 |
| C. Sexual molestation as a child (i) mother.....   | 1   | 0  | -9 | IC72 |
| (ii) father.....   | 1   | 0  | -9 | IC73 |
| D. Death of parents as a child (i) mother.....   | 1   | 0  | -9 | IC74 |
| (ii) father.....   | 1   | 0  | -9 | IC75 |
| E. Other sep. from parent as a child<br>(i) mother.....  | 1   | 0  | -9 | IC76 |
| (ii) father.....   | 1   | 0  | -9 | IC77 |
| F. Prior loss of a child (death, custody,<br>abduction, state removal) (i) mother.....                                   | 1   | 0  | -9 | IC78 |
| (ii) father.....   | 1   | 0  | -9 | IC79 |

|   | YES | NO | NA |      |
|---|-----|----|----|------|
| G. Prior divorce(s)   |     |    |    |      |
| (i) mother.....   | 1   | 0  | -9 | IC80 |
| (ii) father.....  | 1   | 0  | -9 | IC81 |
| H. Parents broke up following MOTHER'S<br>affair with another person..... | 1   | 0  | -9 | IC82 |
| Parents broke up following FATHER'S<br>affair with another person.....    | 1   | 0  | -9 | IC83 |

VII. PERCEIVED POWER DIFFERENTIAL BETWEEN  
PARENTS (WHO FELT LESS POWERFUL/MORE  
DEPENDENT IN THE FOLLOWING DOMAINS):

Mother = 1  
Father = 2  
Neither = 3  
N/A = -9

|  |       |  |  |      |
|--|-------|--|--|------|
| A. Emotional (initiator felt more emotionally<br>dependent)..... | _____ |  |  | IC84 |
| B. Physical (initiator felt physically<br>coerced).....          | _____ |  |  | IC85 |
| C. Economic (initiator felt more financially<br>dependent).....  | _____ |  |  | IC86 |
| D. Social (initiator felt less support from<br>network).....     | _____ |  |  | IC87 |

VIII. TRIGGERS TO THE ABDUCTION/LITIGATION:

|  |   |   |    |      |
|--|---|---|----|------|
| a) parents' separation.....  | 1 | 0 | -9 | IC88 |
| b) request for child support.....  | 1 | 0 | -9 | IC89 |
| c) refusal of visitation by one party.....   | 1 | 0 | -9 | IC90 |
| d) new job opportunity in another location....   | 1 | 0 | -9 | IC91 |
| e) remarr. or new rel'ship of one party.....   | 1 | 0 | -9 | IC92 |
| f) unfavorable outcome in custody/visit.<br>arrangements <u>expected</u> .....                     | 1 | 0 | -9 | IC93 |
| g) sense of great injustice by authorities/<br>legal institutions in <u>decision outcome</u> ..... | 1 | 0 | -9 | IC94 |
| h) other change of circumstance<br>specify _____.....  | 1 | 0 | -9 | IC95 |

IX. DEFINITION OF ABDUCTION:

|  |   |   |    |      |
|--|---|---|----|------|
| A. Prior to abduction, MOTHER perceived<br>abduction as illegal act..... | 1 | 0 | -9 | IC96 |
| Prior to abduction, FATHER perceived<br>abduction as illegal act.....    | 1 | 0 | -9 | IC97 |

|  | YES | NO | NA |       |
|--|-----|----|----|-------|
| B. MOTHER currently perceives the abduction incident as an illegal act.....                                | 1   | 0  | -9 | IC98  |
| FATHER currently perceives the abduction incident as an illegal act.....                                   | 1   | 0  | -9 | IC99  |
| C. Since 1990 abduction incident, child has been reabducted (i.e. secreted, withheld from one parent)..... | 1   | 0  | -9 | IC100 |
| D. As defined by NISMART, could any actions by either parent be interpreted as:                            |     |    |    |       |
| a) a broad scope abduction.....  | 1   | 0  | -9 | IC101 |
| b) a policy focal abduction.....   | 1   | 0  | -9 | IC102 |

X. FOR ABDUCTION CASES ONLY:

- A. Make a brief assessment of the core components of the "impasse" that led to the abduction.
- B. If the abductor did take appropriate legal steps, why were these not a solution?
- C. If no legal action taken, why did the abductor not take more appropriate legal steps?
- D. What would have helped prevent this abduction?

CODE NUMBER \_\_\_\_\_ MO FA

CONFIDENTIAL QUESTIONNAIRE

USE OF ALCOHOL AND DRUGS - SELF

1. In the last 12 months, about how often did you drink any kind of alcoholic beverage?

- Every day..... 7
- 3 or 4 times a week..... 6
- About once a week..... 5
- About once a month..... 4
- Less than once a month..... 3
- Not during those 12 months..... 2 }} PAST DRINKER
- Never..... 1 }} NEVER DRINKER

SU1

2. When you drink wine, beer, or hard liquor, how many drinks do you usually have at one time?

\_\_\_\_\_ drinks

|           |                        |
|-----------|------------------------|
| 1 drink = | 1 can of beer          |
|           | 4 oz. glass of wine    |
|           | 1.5 oz. shot of liquor |

SU2

3. Did your drinking ever cause you difficulties with the following:

|   | <u>Yes</u> | <u>No</u> |     |
|---|------------|-----------|-----|
| Personal relationships.....                             | 1          | 0         | SU3 |
| Your work.....  | 1          | 0         | SU4 |
| The police or other authorities.....                    | 1          | 0         | SU5 |
| Your physical health.....                               | 1          | 0         | SU6 |
| Your psychological health or<br>mental well-being.....  | 1          | 0         | SU7 |
| Your marriage(s) or marriage-like<br>relationships..... | 1          | 0         | SU8 |

SU3

SU4

SU5

SU6

SU7

SU8





4. CURRENT AND PAST DRINKERS ONLY:

A. In your own opinion, which one of the following statements best describes your drinking:

- An alcoholic or recovering alcoholic..... 1
- A problem drinker..... 2
- An occasional problem with drinking but not a problem drinker. 3
- A social drinker, no problems..... 4
- A non-drinker, although I used to drink..... 5
- A non-drinker and have never been one..... 6

SU9

B. Have you ever been an alcoholic or a problem drinker?

- Yes..... 1
- No..... 0

SU10

5. CURRENT AND PAST DRINKERS ONLY: Here is a list of things people say happen to them when they drink. How often does each happen to you when you drink?

| <u>When I drink I . . .</u>                           | <u>Never</u> | <u>Sometimes</u> | <u>Often</u> | <u>Always</u> |      |
|---|--------------|------------------|--------------|---------------|------|
| lose my inhibitions.....                              | 1            | 2                | 3            | 4             | SU11 |
| feel sick.....  | 1            | 2                | 3            | 4             | SU12 |
| do things I would otherwise not do.....               | 1            | 2                | 3            | 4             | SU13 |
| <hr/>   |              |                  |              |               |      |
| feel sad or depressed.....                            | 1            | 2                | 3            | 4             | SU14 |
| take more risks.....                                  | 1            | 2                | 3            | 4             | SU15 |
| lose my self-control.....                             | 1            | 2                | 3            | 4             | SU16 |
| <hr/>   |              |                  |              |               |      |
| feel sleepy.....                                      | 1            | 2                | 3            | 4             | SU17 |
| am a better lover.....                                | 1            | 2                | 3            | 4             | SU18 |
| become a different person altogether.....             | 1            | 2                | 3            | 4             | SU19 |
| <hr/>   |              |                  |              |               |      |
| don't care what anyone thinks about<br>what I do..... | 1            | 2                | 3            | 4             | SU20 |
| want sex more.....                                    | 1            | 2                | 3            | 4             | SU21 |
| enjoy sex more.....                                   | 1            | 2                | 3            | 4             | SU22 |

| <u>When I drink I . . .</u>  | <u>Never</u> | <u>Sometimes</u> | <u>Often</u> | <u>Always</u> |      |
|--|--------------|------------------|--------------|---------------|------|
| am more aggressive.....  | 1            | 2                | 3            | 4             | SU23 |
| do things I regret later.....  | 1            | 2                | 3            | 4             | SU24 |
| am more sexually forward.....  | 1            | 2                | 3            | 4             | SU25 |
| get loud, boisterous, or noisy.....                                  | 1            | 2                | 3            | 4             | SU26 |
| am more likely to do things that are sexually risky.....             | 1            | 2                | 3            | 4             | SU27 |
| am less nervous about sex.....                                       | 1            | 2                | 3            | 4             | SU28 |
| am less likely to use protection or contraception if I have sex..... | 1            | 2                | 3            | 4             | SU29 |
| am more likely to do things I wouldn't do when sober.....            | 1            | 2                | 3            | 4             | SU30 |

6. How often have you used the following drugs in the last 12 months?

|   | <u>Not<br/>At<br/>All</u> | <u>Less<br/>Than<br/>Once/<br/>Month</u> | <u>Once/<br/>Month<br/>or<br/>More</u> | <u>Once/<br/>Week<br/>or<br/>More</u> |      |
|---|---------------------------|--|--|---------------------------------------|------|
| Crank (methamphetamine).....  | 1                         | 2  | 3                                      | 4                                     | SU31 |
| Other types of speed or amphetamines (bennies, black beauties, whites, diet pills, dex, etc.).....                    | 1                         | 2  | 3                                      | 4                                     | SU32 |
| Crack or cocaine in other forms.....  | 1                         | 2  | 3                                      | 4                                     | SU33 |
| Sedatives, mild tranquilizers, barbiturates, qualudes, librium, valium..  | 1                         | 2  | 3                                      | 4                                     | SU34 |
| Heroin.....   | 1                         | 2  | 3                                      | 4                                     | SU35 |
| Methadone.....  | 1                         | 2  | 3                                      | 4                                     | SU36 |
| Other opiates or codeine (including opium, morphine, demerol, fentanyl, china white, dilaudid, darvon, percodan)..... | 1                         | 2  | 3                                      | 4                                     | SU37 |
| PCP (angel dust), LSD, mescaline, psilocybin mushrooms.....   | 1                         | 2  | 3                                      | 4                                     | SU38 |
| Marijuana, hash, or THC.....  | 1                         | 2  | 3                                      | 4                                     | SU39 |
| Other drugs (Specify:_____)..   | 1                         | 2  | 3                                      | 4                                     | SU40 |

**INSTRUCTIONS:**

Below is a list of problems people sometimes have. Please read each one carefully, and circle the number to the right that best describes HOW MUCH THAT PROBLEM HAS DISTRESSED OR BOTHERED YOU DURING THE PAST 7 DAYS INCLUDING TODAY. Circle only one number for each problem and do not skip any items. If you change your mind, erase your first mark carefully. Read the example below before beginning, and if you have any questions please ask about them.

SEX

MALE

FEMALE

NAME: \_\_\_\_\_

LOCATION: \_\_\_\_\_

EDUCATION: \_\_\_\_\_

MARITAL STATUS: MAR. \_\_\_ SEP. \_\_\_ DIV. \_\_\_ WID. \_\_\_ SING. \_\_\_

| DATE |     |      |
|------|-----|------|
| MO   | DAY | YEAR |
|      |     |      |

| ID. NUMBER |
|------------|
|            |

| AGE |
|-----|
|     |

VISIT NUMBER: \_\_\_\_\_

**EXAMPLE**

HOW MUCH WERE YOU DISTRESSED BY:

NOT AT ALL  
A LITTLE BIT  
MODERATELY  
QUITE A BIT  
EXTREMELY

|              |   |   |   |   |   |
|--------------|---|---|---|---|---|
| 1. Bodyaches | 0 | 1 | 2 | 3 | 4 |
|--------------|---|---|---|---|---|

HOW MUCH WERE YOU DISTRESSED BY:

NOT AT ALL  
A LITTLE BIT  
MODERATELY  
QUITE A BIT  
EXTREMELY

|   |    |   |   |   |   |   |
|---|----|---|---|---|---|---|
| 1. Nervousness or shakiness inside  | 1  | 0 | 1 | 2 | 3 | 4 |
| 2. Faintness or dizziness   | 2  | 0 | 1 | 2 | 3 | 4 |
| 3. The idea that someone else can control your thoughts                             | 3  | 0 | 1 | 2 | 3 | 4 |
| 4. Feeling others are to blame for most of your troubles                            | 4  | 0 | 1 | 2 | 3 | 4 |
| 5. Trouble remembering things   | 5  | 0 | 1 | 2 | 3 | 4 |
| 6. Feeling easily annoyed or irritated  | 6  | 0 | 1 | 2 | 3 | 4 |
| 7. Pains in heart or chest  | 7  | 0 | 1 | 2 | 3 | 4 |
| 8. Feeling afraid in open spaces  | 8  | 0 | 1 | 2 | 3 | 4 |
| 9. Thoughts of ending your life   | 9  | 0 | 1 | 2 | 3 | 4 |
| 10. Feeling that most people cannot be trusted                                      | 10 | 0 | 1 | 2 | 3 | 4 |
| 11. Poor appetite   | 11 | 0 | 1 | 2 | 3 | 4 |
| 12. Suddenly scared for no reason   | 12 | 0 | 1 | 2 | 3 | 4 |
| 13. Temper outbursts that you could not control                                     | 13 | 0 | 1 | 2 | 3 | 4 |
| 14. Feeling lonely even when you are with people                                    | 14 | 0 | 1 | 2 | 3 | 4 |
| 15. Feeling blocked in getting things done  | 15 | 0 | 1 | 2 | 3 | 4 |
| 16. Feeling lonely  | 16 | 0 | 1 | 2 | 3 | 4 |
| 17. Feeling blue  | 17 | 0 | 1 | 2 | 3 | 4 |
| 18. Feeling no interest in things   | 18 | 0 | 1 | 2 | 3 | 4 |
| 19. Feeling fearful   | 19 | 0 | 1 | 2 | 3 | 4 |
| 20. Your feelings being easily hurt   | 20 | 0 | 1 | 2 | 3 | 4 |
| 21. Feeling that people are unfriendly or dislike you                               | 21 | 0 | 1 | 2 | 3 | 4 |
| 22. Feeling inferior to others  | 22 | 0 | 1 | 2 | 3 | 4 |
| 23. Nausea or upset stomach   | 23 | 0 | 1 | 2 | 3 | 4 |
| 24. Feeling that you are watched or talked about by others                          | 24 | 0 | 1 | 2 | 3 | 4 |
| 25. Trouble falling asleep  | 25 | 0 | 1 | 2 | 3 | 4 |
| 26. Having to check and double check what you do                                    | 26 | 0 | 1 | 2 | 3 | 4 |
| 27. Difficulty making decisions   | 27 | 0 | 1 | 2 | 3 | 4 |
| 28. Feeling afraid to travel on buses, subways, or trains                           | 28 | 0 | 1 | 2 | 3 | 4 |
| 29. Trouble getting your breath   | 29 | 0 | 1 | 2 | 3 | 4 |
| 30. Hot or cold spells  | 30 | 0 | 1 | 2 | 3 | 4 |
| 31. Having to avoid certain things, places, or activities because they frighten you | 31 | 0 | 1 | 2 | 3 | 4 |
| 32. Your mind going blank   | 32 | 0 | 1 | 2 | 3 | 4 |
| 33. Numbness or tingling in parts of your body                                      | 33 | 0 | 1 | 2 | 3 | 4 |
| 34. The idea that you should be punished for your sins                              | 34 | 0 | 1 | 2 | 3 | 4 |
| 35. Feeling hopeless about the future   | 35 | 0 | 1 | 2 | 3 | 4 |

HOW MUCH WERE YOU DISTRESSED BY:

|  | NOT AT ALL | A LITTLE BIT | MODERATELY | QUITE A BIT | EXTREMELY |   |
|--|------------|--------------|------------|-------------|-----------|---|
| 36. Trouble concentrating  | 36         | 0            | 1          | 2           | 3         | 4 |
| 37. Feeling weak in parts of your body                             | 37         | 0            | 1          | 2           | 3         | 4 |
| 38. Feeling tense or keyed up                                      | 38         | 0            | 1          | 2           | 3         | 4 |
| 39. Thoughts of death or dying                                     | 39         | 0            | 1          | 2           | 3         | 4 |
| 40. Having urges to beat, injure, or harm someone                  | 40         | 0            | 1          | 2           | 3         | 4 |
| 41. Having urges to break or smash things                          | 41         | 0            | 1          | 2           | 3         | 4 |
| 42. Feeling very self-conscious with others                        | 42         | 0            | 1          | 2           | 3         | 4 |
| 43. Feeling uneasy in crowds                                       | 43         | 0            | 1          | 2           | 3         | 4 |
| 44. Never feeling close to another person                          | 44         | 0            | 1          | 2           | 3         | 4 |
| 45. Spells of terror or panic                                      | 45         | 0            | 1          | 2           | 3         | 4 |
| 46. Getting into frequent arguments                                | 46         | 0            | 1          | 2           | 3         | 4 |
| 47. Feeling nervous when you are left alone                        | 47         | 0            | 1          | 2           | 3         | 4 |
| 48. Others not giving you proper credit for your achievements      | 48         | 0            | 1          | 2           | 3         | 4 |
| 49. Feeling so restless you couldn't sit still                     | 49         | 0            | 1          | 2           | 3         | 4 |
| 50. Feelings of worthlessness                                      | 50         | 0            | 1          | 2           | 3         | 4 |
| 51. Feeling that people will take advantage of you if you let them | 51         | 0            | 1          | 2           | 3         | 4 |
| 52. Feelings of guilt  | 52         | 0            | 1          | 2           | 3         | 4 |
| 53. The idea that something is wrong with your mind                | 53         | 0            | 1          | 2           | 3         | 4 |

NPI

Please complete the following checklist indicating whether each statement is more true (T) or more false (F) for you.

1. I rarely depend on anyone else to get things done..... T F
2. I am apt to show off if I get a chance ..... T F
3. I can read other people like a book ..... T F
4. I will never be satisfied until I get all I deserve ... T F
5. I like to take responsibility for decisions ..... T F
6. Modesty doesn't become me ..... T F
7. I can make anybody believe anything I want them to .... T F
8. I expect a great deal from other people ..... T F
9. I am more capable than other people ..... T F
10. I get upset when people don't notice how I look when  
I go out in public ..... T F
11. I find it easy to manipulate people ..... T F
12. I want to amount to something in the eyes of the world. T F
13. I can live my life in any way I want to ..... T F
14. I like to be the center of attention ..... T F
15. I can usually talk my way out of anything ..... T F
16. I have a strong will to power ..... T F
17. I always know what I am doing ..... T F
18. I would do almost anything on a dare ..... T F
19. Everybody likes to hear my stories ..... T F
20. I insist on getting the respect that is due to me ..... T F
21. I am going to be a great person ..... T F

Most people who are separating/divorcing go through different stages. At times they feel more negative or worse about their situation, and at other times they feel more positive or better about their situation.

Think back several years, especially during the months \_\_\_\_\_. Try to remember what was going on for you then, and how you were feeling about your separation/divorce. Complete the following questions by circling the number that indicates the extent each statement was true for you DURING THAT TIME.

|  | Not At |   |   |   |   |   |   |   |   |      |  | Very |
|--|--------|---|---|---|---|---|---|---|---|------|--|------|
|  | All    | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | True |  | True |
| 1. I felt under intolerable stress and pressure:                                       | 0      | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |  |      |
| 2. I wished that my ex-spouse/ex-partner would disappear:                              | 0      | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |  |      |
| 3. I doubted that my child(ren) was safe when with my ex-spouse/ex-partner:            | 0      | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |  |      |
| 4. I felt that family law attorneys are of little help:                                | 0      | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |  |      |
| 5. I was physically afraid of my ex-spouse/ex-partner:                                 | 0      | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |  |      |
| 6. I had financial pressures:  | 0      | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |  |      |
| 7. I was unhappy with the custody arrangements for my child(ren):                      | 0      | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |  |      |
| 8. My child(ren) was upset by things my ex-spouse/ex-partner said or did:              | 0      | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |  |      |
| 9. I felt depressed about the separation/divorce situation:                            | 0      | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |  |      |
| 10. I wished I would never have to deal with my ex-spouse/ex-partner again:            | 0      | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |  |      |
| 11. I felt frustrated with the services of the family court:                           | 0      | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |  |      |
| 12. I believed my child(ren) was being turned against me by my ex-spouse/ex-partner:   | 0      | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |  |      |
| 13. I felt I needed to take some decisive action to get control of my life:            | 0      | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |  |      |
| 14. I did see value in my child(ren) maintaining contact with my ex-spouse/ex-partner: | 0      | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |  |      |

|  | Not At<br>All True | 1 | 2 | 3 | 4 | 5 | 6 | 7 | Very<br>True |
|--|--------------------|---|---|---|---|---|---|---|--------------|
| 15. I felt like quitting my job:   | 0                  | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8            |
| 16. I felt that my ex-spouse/ex-partner was trying to control me:  | 0                  | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8            |
| 17. I believed that mothers tend to be favored in court compared to fathers when it comes to custody of children:        | 0                  | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8            |
| 18. I knew that when I was upset I didn't always think straight:   | 0                  | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8            |
| 19. I was unhappy with the visitation arrangements with my child(ren):   | 0                  | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8            |
| 20. My ex-spouse/ex-partner was spiteful and vindictive to me:   | 0                  | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8            |
| 21. I felt angry at my ex-spouse/ex-partner:   | 0                  | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8            |
| 22. I doubted I would get a fair hearing if I went before a judge in court:  | 0                  | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8            |
| 23. I felt that therapists/counselors are of little help:  | 0                  | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8            |
| 24. I had no stable place to live:   | 0                  | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8            |
| 25. I did not trust that my ex-spouse/ex-partner would take care of the emotional needs of my child(ren):                | 0                  | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8            |
| 26. I believed my ex-spouse/ex-partner would never leave me alone:   | 0                  | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8            |
| 27. I believed that men can exert more power and influence in court than women can when it comes to custody of children: | 0                  | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8            |
| 28. I believed my ex-spouse/ex-partner was trying to cut me out of my child(ren)'s life:                                 | 0                  | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8            |
| 29. My job was giving me trouble <u>OR</u> getting employment was a problem:   | 0                  | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8            |
| 30. I felt I was losing my relationship with my children:  | 0                  | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8            |

|   | Not At |   |   |   |   |   |   |   |   | Very |
|---|--------|---|---|---|---|---|---|---|---|------|
|   | All    | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | True |
| 31. I had hope that things would get better eventually and the bad times would pass:  | 0      | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |
| 32. I believed the only way things change is if you depend on your own resources:   | 0      | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |
| 33. I did not believe there was any way my ex-spouse/ex-partner and I could share parenting of my child(ren):                   | 0      | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |
| 34. I thought that sometimes a person has to take action to protect themselves or their children even if it is against the law: | 0      | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |
| 35. I felt the only people I could depend on were members of my own family (my mother/my father):                               | 0      | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |
| 36. I feared my ex-spouse/ex-partner would take my child(ren) and leave the area:   | 0      | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |
| 37. I felt that I (more than anyone else) know what is best for my child(ren):  | 0      | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |
| 38. I felt that the amount of money and/or property I had to give my ex-spouse/ex-partner was unfair:                           | 0      | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |
| 39. I wished my ex-spouse/ex-partner could feel as much pain as I did:  | 0      | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |
| 40. My ex-spouse/ex-partner was abusive or neglectful to my child(ren):   | 0      | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |
| 41. I felt that the police were of little help:   | 0      | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |



Most people who are separating/divorcing go through different stages. At times they feel more negative or worse about their situation, and at other times they feel more positive or better about their situation.

Think back several years, especially during the months \_\_\_\_\_. Try to remember what was going on for you then, and how you were feeling about your separation/divorce. Complete the following questions by circling the number that indicates the extent each statement was true for you DURING THAT TIME.

|  | Not At |   |   |   |   |   |   |   |   |      |  | Very |
|--|--------|---|---|---|---|---|---|---|---|------|--|------|
|  | All    | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | True |  | True |
| 1. I felt under intolerable stress and pressure:                                       | 0      | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |  |      |
| 2. I wished that my ex-spouse/ex-partner would disappear:                              | 0      | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |  |      |
| 3. I doubted that my child(ren) was safe when with my ex-spouse/ex-partner:            | 0      | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |  |      |
| 4. I felt that family law attorneys are of little help:                                | 0      | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |  |      |
| 5. I was physically afraid of my ex-spouse/ex-partner:                                 | 0      | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |  |      |
| 6. I had financial pressures:  | 0      | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |  |      |
| 7. I was unhappy with the custody arrangements for my child(ren):                      | 0      | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |  |      |
| 8. My child(ren) was upset by things my ex-spouse/ex-partner said or did:              | 0      | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |  |      |
| 9. I felt depressed about the separation/divorce situation:                            | 0      | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |  |      |
| 10. I wished I would never have to deal with my ex-spouse/ex-partner again:            | 0      | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |  |      |
| 11. I felt frustrated with the services of the family court:                           | 0      | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |  |      |
| 12. I believed my child(ren) was being turned against me by my ex-spouse/ex-partner:   | 0      | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |  |      |
| 13. I felt I needed to take some decisive action to get control of my life:            | 0      | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |  |      |
| 14. I did see value in my child(ren) maintaining contact with my ex-spouse/ex-partner: | 0      | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |  |      |

|  | Not At<br>All True | 1 | 2 | 3 | 4 | 5 | 6 | 7 | Very<br>True |
|--|--------------------|---|---|---|---|---|---|---|--------------|
| 15. I felt like quitting my job:   | 0                  | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8            |
| 16. I felt that my ex-spouse/ex-partner was trying to control me:  | 0                  | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8            |
| 17. I believed that mothers tend to be favored in court compared to fathers when it comes to custody of children:        | 0                  | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8            |
| 18. I knew that when I was upset I didn't always think straight:   | 0                  | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8            |
| 19. I was unhappy with the visitation arrangements with my child(ren):   | 0                  | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8            |
| 20. My ex-spouse/ex-partner was spiteful and vindictive to me:   | 0                  | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8            |
| 21. I felt angry at my ex-spouse/ex-partner:   | 0                  | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8            |
| 22. I doubted I would get a fair hearing if I went before a judge in court:  | 0                  | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8            |
| 23. I felt that therapists/counselors are of little help:  | 0                  | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8            |
| 24. I had no stable place to live:   | 0                  | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8            |
| 25. I did not trust that my ex-spouse/ex-partner would take care of the emotional needs of my child(ren):                | 0                  | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8            |
| 26. I believed my ex-spouse/ex-partner would never leave me alone:   | 0                  | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8            |
| 27. I believed that men can exert more power and influence in court than women can when it comes to custody of children: | 0                  | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8            |
| 28. I believed my ex-spouse/ex-partner was trying to cut me out of my child(ren)'s life:                                 | 0                  | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8            |
| 29. My job was giving me trouble OR getting employment was a problem:  | 0                  | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8            |
| 30. I felt I was losing my relationship with my children:  | 0                  | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8            |

|   | Not At   |   |   |   |   |   |   |   |   | Very |
|---|----------|---|---|---|---|---|---|---|---|------|
|   | All True | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | True |
| 31. I had hope that things would get better eventually and the bad times would pass:  | 0        | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |
| 32. I believed the only way things change is if you depend on your own resources:   | 0        | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |
| 33. I did not believe there was any way my ex-spouse/ex-partner and I could share parenting of my child(ren):                   | 0        | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |
| 34. I thought that sometimes a person has to take action to protect themselves or their children even if it is against the law: | 0        | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |
| 35. I felt the only people I could depend on were members of my own family (my mother/my father):                               | 0        | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |
| 36. I feared my ex-spouse/ex-partner would take my child(ren) and leave the area:   | 0        | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |
| 37. I felt that I (more than anyone else) know what is best for my child(ren):  | 0        | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |
| 38. I felt that the amount of money and/or property I had to give my ex-spouse/ex-partner was unfair:                           | 0        | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |
| 39. I wished my ex-spouse/ex-partner could feel as much pain as I did:  | 0        | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |
| 40. My ex-spouse/ex-partner was abusive or neglectful to my child(ren):   | 0        | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |
| 41. I felt that the police were of little help:   | 0        | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |

CASE NO. \_\_\_\_\_

Rating Given: \_\_\_\_\_ MO \_\_\_\_\_ FA Rating Given After: \_\_\_\_\_ Initial \_\_\_\_\_ Final

Rate the client's lowest level of functioning in the last week that describes his/her functioning on a hypothetical continuum of mental health/illness. Rate actual functioning independently of whether client is receiving and may be helped by medication or some other form of treatment. (For example, a person whose "behavior is considerably influenced by delusions" (range 21-30) should be given a rating in that range even though he/she has "major impairment in several areas" (range 31-40). Use intermediary level (e.g., 35, 58, 63) by examining the two adjacent ranges to determine whether the client is closer to one or the other.

- 
- 01-10 Needs constant supervision for several days to prevent hurting self or others, or makes no attempt to maintain minimal personal hygiene.
- 11-20 Needs some supervision to prevent hurting self or others, or to maintain minimal personal hygiene (e.g., repeated suicide attempts, frequently violent, manic excitement, smears (feces), OR gross impairment of communication (e.g., largely incoherent or mute).
- 21-30 Unable to function in almost all areas (e.g., stays in bed all day) OR behavior is considerably influenced by either delusions or hallucinations OR serious impairment in communication (e.g., sometimes incoherent or unresponsive) or judgment (e.g., acts grossly inappropriately).
- 31-40 Major impairment in several areas, such as work, family relations, judgment, thinking or mood (e.g., depressed woman avoids friends, neglects family, unable to do housework), OR some impairment in reality testing or communication (e.g., speech is at times obscure, illogical or irrelevant), OR single serious suicide attempt).
- 41-50 Any serious symptomatology or impairment in functioning that most clinicians would think obviously requires treatment or attention (e.g., suicidal preoccupation or gesture, severe obsessional rituals, frequent anxiety attacks, serious antisocial behavior, compulsive drinking).
- 51-60 Moderate symptoms or generally functioning with some difficulty (e.g., new friends and flattened affect, depressed mood and pathological self-doubt, euphoric mood and pressure of speech, moderately severe antisocial behavior).
- 61-70 Some mild symptoms (e.g., depressive mood and mild insomnia) OR some difficulty in several areas of functioning, but generally functioning pretty well, has some meaningful interpersonal relationships and most untrained people would not consider this person "sick."
- 71-80 Minimal symptoms may be present but no more than slight impairment of functioning, varying degrees of "everyday" worries and problems that sometimes get out of hand.
- 81-90 Transient symptoms may occur, but good functioning in all areas, interested and involved in a wide range of activities, socially effective, generally satisfied with life, "everyday" worries that occasionally get out of hand.
- 91-100 No symptoms, superior functioning in a wide range of activities, life's problems never seem to get out of hand, is sought by others because of his/her warmth and integrity.

CODE NO. \_\_\_\_\_

P-C QUESTIONNAIRE - REVISED (PARENT)

This questionnaire was completed by MOTHER FATHER (circle one)

My child's name is \_\_\_\_\_

---

1. Some parents want their children to spend most of their time with them, while other parents want their children to spend just some of the time with them. How much do you want to spend most of your time with this child?

[ ] Hardly at all  
[ ] Not too much  
[ ] Somewhat  
[ ] Very much  
[ ] EXTREMELY much

---

2. How much do you not let this child go places because you are afraid something will happen to him or her?

[ ] Hardly at all  
[ ] Not too much  
[ ] Somewhat  
[ ] Very much  
[ ] EXTREMELY much

---

3. How much do you and this child care about each other?

[ ] Hardly at all  
[ ] Not too much  
[ ] Somewhat  
[ ] Very much  
[ ] EXTREMELY much

---

4. How much do you and this child disagree and quarrel with each other?

[ ] Hardly at all  
[ ] Not too much  
[ ] Somewhat  
[ ] Very much  
[ ] EXTREMELY much

---

5. How much do you and this child do nice things for each other?

[ ] Hardly at all  
[ ] Not too much  
[ ] Somewhat  
[ ] Very much  
[ ] EXTREMELY much

---

6. How much do you and this child like the same things?

[ ] Hardly at all  
[ ] Not too much  
[ ] Somewhat  
[ ] Very much  
[ ] EXTREMELY much

---

7. Some parents praise and compliment their children a lot, while other parents hardly ever praise and compliment their children. How much do you praise and compliment this child?

[ ] Hardly at all  
[ ] Not too much  
[ ] Somewhat  
[ ] Very much  
[ ] EXTREMELY much

---

- 
8. How much do you order this child around?  Hardly at all  
 Not too much  
 Somewhat  
 Very much  
 EXTREMELY much
- 
9. How much do you and this child tell each other everything?  Hardly at all  
 Not too much  
 Somewhat  
 Very much  
 EXTREMELY much
- 
10. How much do you spank this child when he or she misbehaves?  Hardly at all  
 Not too much  
 Somewhat  
 Very much  
 EXTREMELY much
- 
11. How much do you admire and respect this child?  Hardly at all  
 Not too much  
 Somewhat  
 Very much  
 EXTREMELY much
- 
12. How much does this child admire and respect you?  Hardly at all  
 Not too much  
 Somewhat  
 Very much  
 EXTREMELY much
- 
13. Some parents take away privileges a lot when their children misbehave, while other parents hardly ever take away privileges. How much do you take away this child's privileges when he/she misbehaves?  Hardly at all  
 Not too much  
 Somewhat  
 Very much  
 EXTREMELY much
- 
14. How much do you show this child how to do things that he or she doesn't know how to do?  Hardly at all  
 Not too much  
 Somewhat  
 Very much  
 EXTREMELY much
- 
15. How much do you yell at this child for being bad?  Hardly at all  
 Not too much  
 Somewhat  
 Very much  
 EXTREMELY much
-

- 
16. How much do you ask this child for his or her opinion on things?  Hardly at all  
 Not too much  
 Somewhat  
 Very much  
 EXTREMELY much
- 
17. How much do you and this child go places and do things together?  Hardly at all  
 Not too much  
 Somewhat  
 Very much  
 EXTREMELY much
- 
18. How much do you make this child feel ashamed or guilty for not doing what he or she is supposed to do?  Hardly at all  
 Not too much  
 Somewhat  
 Very much  
 EXTREMELY much
- 
19. Some parents talk to their children a lot about why they're being punished, while other parents do this a little. How much do you talk to this child about why he or she is being punished or not allowed to do something?  Hardly at all  
 Not too much  
 Somewhat  
 Very much  
 Extremely much
- 
20. How much do you want this child to do things with you rather than with other people?  Hardly at all  
 Not too much  
 Somewhat  
 Very much  
 EXTREMELY much
- 
21. How much do you not let this child do something he or she wants to do because you are afraid he or she might get hurt?  Hardly at all  
 Not too much  
 Somewhat  
 Very much  
 EXTREMELY much
- 
22. How much do you and this child love each other?  Hardly at all  
 Not too much  
 Somewhat  
 Very much  
 EXTREMELY much
- 
23. How much do you and this child get mad at and get in arguments with each other?  Hardly at all  
 Not too much  
 Somewhat  
 Very much  
 EXTREMELY much
-

- 
24. How much do you and this child give each other a hand at things?
- Hardly at all  
 Not too much  
 Somewhat  
 Very much  
 EXTREMELY much
- 
25. Some parents and children have a lot of things in common, while other parents and children have a little in common. How much do you and this child have things in common?
- Hardly at all  
 Not too much  
 Somewhat  
 Very much  
 EXTREMELY much
- 
26. How much do you tell this child that he or she did a good job?
- Hardly at all  
 Not too much  
 Somewhat  
 Very much  
 EXTREMELY much
- 
27. How much do you tell this child what to do?
- Hardly at all  
 Not too much  
 Somewhat  
 Very much  
 EXTREMELY much
- 
28. How much do you and this child share secrets and private feelings with each other?
- Hardly at all  
 Not too much  
 Somewhat  
 Very much  
 EXTREMELY much
- 
29. How much do you hit this child when he or she has been bad?
- Hardly at all  
 Not too much  
 Somewhat  
 Very much  
 EXTREMELY much
- 
30. How much do you feel proud of this child?
- Hardly at all  
 Not too much  
 Somewhat  
 Very much  
 EXTREMELY much
- 
31. Some children feel really proud of their parents, while other children don't feel very proud of their parents. How much does this child feel proud of you?
- Hardly at all  
 Not too much  
 Somewhat  
 Very much  
 EXTREMELY much
- 
32. How much do you forbid this child to do something he or she really likes to do when he or she has been bad?
- Hardly at all  
 Not too much  
 Somewhat  
 Very much  
 EXTREMELY much
-



- 
33. How much do you help this child with things he or she can't do by him or herself?  Hardly at all  
 Not too much  
 Somewhat  
 Very much  
 EXTREMELY much
- 
34. How much do you nag or bug this child to do things?  Hardly at all  
 Not too much  
 Somewhat  
 Very much  
 EXTREMELY much
- 
35. How much do you listen to this child's ideas before making a decision?  Hardly at all  
 Not too much  
 Somewhat  
 Very much  
 EXTREMELY much
- 
36. How much do you play around and have fun with this child?  Hardly at all  
 Not too much  
 Somewhat  
 Very much  
 EXTREMELY much
- 
37. Some parents make their children feel bad about themselves a lot when they misbehave, while other parents do this a little. How much do you make this child feel bad about him/herself when he or she misbehaves?  Hardly at all  
 Not too much  
 Somewhat  
 Very much  
 EXTREMELY much
- 
38. How much do you give this child reasons for rules you make for him or her to follow?  Hardly at all  
 Not too much  
 Somewhat  
 Very much  
 EXTREMELY much
- 
39. How much do you want this child to be around you all of the time?  Hardly at all  
 Not too much  
 Somewhat  
 Very much  
 EXTREMELY much
- 
40. How much do you worry about this child when he or she is not at home?  Hardly at all  
 Not too much  
 Somewhat  
 Very much  
 EXTREMELY much
- 

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GUIDELINES FOR CHILD ASSESSMENT

I. General Impressions

Appearance, behavior, ways of relating to interviewer, child's understanding of reasons for the interview.

II. Development of Interview

- General topics discussed
- Affect expression and control during interview
- Subjective response to child
- What did the child talk about?
- What did the child play with (e.g., draw, then played with dolls)?
- What was the content of the child's play or fantasy expression? (e.g., Created family of four with dolls and had them go through a normal day with little girl doll getting into trouble and getting punished by mother doll, with father doll disagreeing but doing nothing; or, drew pictures of brightly colored butterflies, etc.)
- What was the central fantasy theme and/or preoccupation of the play or of what child talked about?
- What was the style of the play or verbal communication? (e.g., Obsessive, repetitious, scattered, intense/concentrated, joyous, etc.)
- Three wishes: What did child say, do, and how reacted?
- What was the child's predominate mood in the session? (e.g., Unhappy, needy, wistful, anxious)
- What affect was expressed/observed in the session, and how intense was it? (e.g., Anger, fear, worry, love)
- How was the affect expressed or reflected? (e.g., Child threw animal; or in the drawings; or little girl doll expressed verbally, etc.)
- To what or whom was the affect directed?
- How much control does the child show/feel re expression of affect? (e.g., Out of control, wild, desperate; anger is tightly controlled; child in control of affect; uses to manipulate parent, etc.)
- Conscious awareness of loneliness, pain, anxiety in self, siblings, and parent

III. Specific Reactions to the Divorce/Parental Disputes/Abduction

- Child's response to and experience with the separation/divorce/abduction (from child's viewpoint):
  - Affective response; thoughts, fantasies, and behavioral responses
- Child's understanding of the separation/divorce; how child understands the various or conflicting explanations; private ideas regarding divorce/abduction
- Child's perception of marriage; relationship to parents over course of time prior to separation

- Guilt or fantasied responsibility regarding causing divorce/parental disputes/abduction; degree of relief or anguish over separation from and reunion with parent; any fantasies or statements indicating physical or sexual abuse prior to or subsequent to parental separation/abduction
- Child's response to conflict and violence:
  - Child's understanding of parents' disputes and memory of violent incidents
  - Emotional and behavioral responses to discussing parental discord/violence (amount of denial, avoidance, anxiety, anger; assignment of blame; use of fantasy)

IV. Child's Relationship with Parents and Others

- Quality of attachment to both parents:
  - Specific material regarding loyalty conflicts/temporary or ongoing allegiances; avoidance of preferences
  - Current relationships with each parent, siblings; any unusual alignments or special conflicts
- Empathy for parent; to what extent does this child feel parented?
- Child's response to parent's distress or psychopathology
- Supportive figures and activities currently available and used; degree to which child has turned for support to extra-familial figures, particularly teachers and peers; relationships with grandparents and other extended family members

V. Child's Reactions to Current Visiting/Custody Arrangements

- Visitation or custody patterns as perceived by the child; child's desires regarding custody and visitation
- Ambience of the home (or homes) as perceived by the child; response to custodial parent working outside the home; availability of the parent(s) psychologically; which parent child perceives as supportive; reversal of roles with parent

VI. Coping and Symptomatology

- Defensive and adaptive resources employed to deal with stress; coping strategies
- Changes or presence of acute symptomatology; exacerbation or return of chronic symptoms; evidence of regression
- Premature sexual activity; pseudomaturity; drug/alcohol use; delinquent behavior

VII. Child's Attitudes and Participation at School, with Peers, and in Extracurricular Activities

- From child's perspective, how well he/she gets on with peers; how many friends; pride in school/sports achievements and pleasure from participation

# CHILD BEHAVIOR CHECKLIST FOR AGES 4-16

For office use only  
ID # \_\_\_\_\_

|   |  |   |  |                              |  |
|---|--|---|--|------------------------------|--|
| CHILD'S NAME _____  |  |   | PARENTS' USUAL TYPE OF WORK, even if not working now. (Please be specific—for example, auto mechanic, high school teacher, homemaker, laborer, lathe operator, shoe salesman, army sergeant.)<br>_____ |                              |  |
| SEX<br><input type="checkbox"/> Boy <input type="checkbox"/> Girl | AGE<br>_____   | ETHNIC GROUP OR RACE<br>_____                       | FATHER'S TYPE OF WORK: _____   |                              |  |
| TODAY'S DATE<br>Mo. _____ Date _____ Yr. _____                    |  | CHILD'S BIRTHDATE<br>Mo. _____ Date _____ Yr. _____ |  | MOTHER'S TYPE OF WORK: _____ |  |
| GRADE IN SCHOOL<br>_____  | Please fill out this form to reflect <i>your</i> view of the child's behavior even if other people might not agree. Feel free to write additional comments beside each item and in the space provided on page 2. |   |  |                              | THIS FORM FILLED OUT BY:<br><input type="checkbox"/> Mother (name): _____<br><input type="checkbox"/> Father (name): _____<br><input type="checkbox"/> Other—name & relationship to child: _____ |
| NOT ATTENDING SCHOOL <input type="checkbox"/>                     |  |   |  |                              |  |

|   |   |   |
|---|---|---|
| <b>I. Please list the sports your child most likes to take part in.</b> For example: swimming, baseball, skating, skate boarding, bike riding, fishing, etc.<br><input type="checkbox"/> None | <b>Compared to other children of the same age, about how much time does he/she spend in each?</b>   | <b>Compared to other children of the same age, how well does he/she do each one?</b>                |
|   | Don't Know    Less Than Average    Average    More Than Average                                     | Don't Know    Below Average    Average    Above Average   |
| a. _____  | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |
| b. _____  | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |
| c. _____  | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |

|   |   |   |
|---|---|---|
| <b>II. Please list your child's favorite hobbies, activities, and games, other than sports.</b> For example: stamps, dolls, books, piano, crafts, singing, etc. (Do not include listening to radio or TV.)<br><input type="checkbox"/> None | <b>Compared to other children of the same age, about how much time does he/she spend in each?</b>   | <b>Compared to other children of the same age, how well does he/she do each one?</b>                |
|   | Don't Know    Less Than Average    Average    More Than Average                                     | Don't Know    Below Average    Average    Above Average   |
| a. _____  | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |
| b. _____  | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |
| c. _____  | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |

|  |   |  |
|--|---|--|
| <b>III. Please list any organizations, clubs, teams, or groups your child belongs to.</b><br><input type="checkbox"/> None | <b>Compared to other children of the same age, how active is he/she in each?</b>                    |  |
|  | Don't Know    Less Active    Average    More Active   |  |
| a. _____   | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |  |
| b. _____   | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |  |
| c. _____   | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |  |

|  |   |  |
|--|---|--|
| <b>IV. Please list any jobs or chores your child has.</b> For example: paper route, babysitting, making bed, etc. (Include both paid and unpaid jobs and chores.)<br><input type="checkbox"/> None | <b>Compared to other children of the same age, how well does he/she carry them out?</b>             |  |
|  | Don't Know    Below Average    Average    Above Average   |  |
| a. _____   | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |  |
| b. _____   | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |  |
| c. _____   | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |  |

- V. 1. About how many close friends does your child have?  None  1  2 or 3  4 or more  
 (Do not include brothers & sisters)
2. About how many times a week does your child do things with friends outside of regular school hours?  
 (Do not include brothers & sisters)  Less than 1  1 or 2  3 or more

- VI. Compared to other children of his/her age, how well does your child:
- |   | Worse                    | About Average            | Better                   |   |
|---|--------------------------|--------------------------|--------------------------|---|
| a. Get along with his/her brothers & sisters? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Has no brothers or sisters |
| b. Get along with other children?             | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |   |
| c. Behave with his/her parents?               | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |   |
| d. Play and work by himself/herself?          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |   |

- VII. 1. For ages 6 and older—performance in academic subjects: (If child is not being taught, please give reason)
- |   | Failing                  | Below average            | Average                  | Above average            |
|---|--------------------------|--------------------------|--------------------------|--------------------------|
| a. Reading, English, or Language Arts   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. History or Social Studies  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Arithmetic or Math   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Science  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Other academic subjects—for example: computer courses, foreign language, business. Do not include gym, shop, driver's ed., etc. |                          |                          |                          |                          |
| e. _____  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f. _____  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| g. _____  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

2. Is your child in a special class or special school?  No  Yes—what kind of class or school?

3. Has your child repeated a grade?  No  Yes—grade and reason

4. Has your child had any academic or other problems in school?  No  Yes—please describe

When did these problems start?

Have these problems ended?  No  Yes—when?

Does your child have any illness, physical disability, or mental handicap?  No  Yes—please describe

What concerns you most about your child?

Please describe the best things about your child:

Below is a list of items that describe children. For each item that describes your child now or within the past 6 months, please circle the 2 if the item is **very true** or **often true** of your child. Circle the 1 if the item is **somewhat** or **sometimes true** of your child. If the item is **not true** of your child, circle the 0. Please answer all items as well as you can, even if some do not seem to apply to your child.

0 = Not True (as far as you know)    1 = Somewhat or Sometimes True    2 = Very True or Often True

- |   |   |   |     |   |   |   |   |     |  |
|---|---|---|-----|---|---|---|---|-----|--|
| 0 | 1 | 2 | 1.  | Acts too young for his/her age  | 0 | 1 | 2 | 31. | Fears he/she might think or do something bad               |
| 0 | 1 | 2 | 2.  | Allergy (describe): _____   |   |   |   |     |  |
|   |   |   |     | _____   | 0 | 1 | 2 | 32. | Feels he/she has to be perfect                             |
|   |   |   |     |   | 0 | 1 | 2 | 33. | Feels or complains that no one loves him/h                 |
| 0 | 1 | 2 | 3.  | Argues a lot  | 0 | 1 | 2 | 34. | Feels others are out to get him/her                        |
| 0 | 1 | 2 | 4.  | Asthma  | 0 | 1 | 2 | 35. | Feels worthless or inferior                                |
| 0 | 1 | 2 | 5.  | Behaves like opposite sex   | 0 | 1 | 2 | 36. | Gets hurt a lot, accident-prone                            |
| 0 | 1 | 2 | 6.  | Bowel movements outside toilet  | 0 | 1 | 2 | 37. | Gets in many fights  |
| 0 | 1 | 2 | 7.  | Bragging, boasting  | 0 | 1 | 2 | 38. | Gets teased a lot  |
| 0 | 1 | 2 | 8.  | Can't concentrate, can't pay attention for long                                   | 0 | 1 | 2 | 39. | Hangs around with children who get in trouble              |
| 0 | 1 | 2 | 9.  | Can't get his/her mind off certain thoughts; obsessions (describe): _____         | 0 | 1 | 2 | 40. | Hears sounds or voices that aren't there (describe): _____ |
|   |   |   |     | _____   |   |   |   |     |  |
| 0 | 1 | 2 | 10. | Can't sit still, restless, or hyperactive   | 0 | 1 | 2 | 41. | Impulsive or acts without thinking                         |
| 0 | 1 | 2 | 11. | Clings to adults or too dependent   | 0 | 1 | 2 | 42. | Likes to be alone  |
| 0 | 1 | 2 | 12. | Complains of loneliness   | 0 | 1 | 2 | 43. | Lying or cheating  |
| 0 | 1 | 2 | 13. | Confused or seems to be in a fog  | 0 | 1 | 2 | 44. | Bites fingernails  |
| 0 | 1 | 2 | 14. | Cries a lot   | 0 | 1 | 2 | 45. | Nervous, highstrung, or tense                              |
| 0 | 1 | 2 | 15. | Cruel to animals  | 0 | 1 | 2 | 46. | Nervous movements or twitching (describe) _____            |
| 0 | 1 | 2 | 16. | Cruelty, bullying, or meanness to others  |   |   |   |     |  |
| 0 | 1 | 2 | 17. | Day-dreams or gets lost in his/her thoughts                                       | 0 | 1 | 2 | 47. | Nightmares   |
| 0 | 1 | 2 | 18. | Deliberately harms self or attempts suicide                                       | 0 | 1 | 2 | 48. | Not liked by other children                                |
| 0 | 1 | 2 | 19. | Demands a lot of attention  | 0 | 1 | 2 | 49. | Constipated, doesn't move bowels                           |
| 0 | 1 | 2 | 20. | Destroys his/her own things   | 0 | 1 | 2 | 50. | Too fearful or anxious                                     |
| 0 | 1 | 2 | 21. | Destroys things belonging to his/her family or other children                     | 0 | 1 | 2 | 51. | Feels dizzy  |
| 0 | 1 | 2 | 22. | Disobedient at home   | 0 | 1 | 2 | 52. | Feels too guilty   |
| 0 | 1 | 2 | 23. | Disobedient at school   | 0 | 1 | 2 | 53. | Overeating   |
| 0 | 1 | 2 | 24. | Doesn't eat well  | 0 | 1 | 2 | 54. | Overtired  |
| 0 | 1 | 2 | 25. | Doesn't get along with other children   | 0 | 1 | 2 | 55. | Overweight   |
| 0 | 1 | 2 | 26. | Doesn't seem to feel guilty after misbehaving                                     |   |   |   | 56. | Physical problems without known medical cause:             |
| 0 | 1 | 2 | 27. | Easily jealous  | 0 | 1 | 2 | a.  | Aches or pains   |
| 0 | 1 | 2 | 28. | Eats or drinks things that are not food – don't include sweets (describe): _____  | 0 | 1 | 2 | b.  | Headaches  |
|   |   |   |     | _____   | 0 | 1 | 2 | c.  | Nausea, feels sick   |
|   |   |   |     |   | 0 | 1 | 2 | d.  | Problems with eyes (describe): _____                       |
| 0 | 1 | 2 | 29. | Fears certain animals, situations, or places, other than school (describe): _____ | 0 | 1 | 2 | e.  | Rashes or other skin problems                              |
|   |   |   |     | _____   | 0 | 1 | 2 | f.  | Stomachaches or cramps                                     |
|   |   |   |     |   | 0 | 1 | 2 | g.  | Vomiting, throwing up                                      |
| 0 | 1 | 2 | 30. | Fears going to school   | 0 | 1 | 2 | h.  | Other (describe): _____                                    |
|   |   |   |     |   |   |   |   |     |  |

0 = Not True (as far as you know)

1 = Somewhat or Sometimes True

2 = Very True or Often True

|   | 0 | 1   | 2  |  | 0 | 1 | 2 |  |
|---|---|-----|--|--|---|---|---|--|
| 1 | 2 | 57. | Physically attacks people  |  | 0 | 1 | 2 | 84. Strange behavior (describe): _____                               |
| 1 | 2 | 58. | Picks nose, skin, or other parts of body (describe): _____               |  |   |   |   | _____  |
|   |   |     |  |  | 0 | 1 | 2 | 85. Strange ideas (describe): _____                                  |
| 1 | 2 | 59. | Plays with own sex parts in public                                       |  |   |   |   |  |
| 1 | 2 | 60. | Plays with own sex parts too much  |  | 0 | 1 | 2 | 86. Stubborn, sullen, or irritable                                   |
| 1 | 2 | 61. | Poor school work   |  | 0 | 1 | 2 | 87. Sudden changes in mood or feelings                               |
| 1 | 2 | 62. | Poorly coordinated or clumsy   |  | 0 | 1 | 2 | 88. Sulks a lot  |
| 1 | 2 | 63. | Prefers playing with older children                                      |  | 0 | 1 | 2 | 89. Suspicious   |
| 1 | 2 | 64. | Prefers playing with younger children                                    |  | 0 | 1 | 2 | 90. Swearing or obscene language                                     |
| 1 | 2 | 65. | Refuses to talk  |  | 0 | 1 | 2 | 91. Talks about killing self   |
| 1 | 2 | 66. | Repeats certain acts over and over; compulsions (describe): _____        |  | 0 | 1 | 2 | 92. Talks or walks in sleep (describe): _____                        |
|   |   |     |  |  | 0 | 1 | 2 | 93. Talks too much   |
| 1 | 2 | 67. | Runs away from home  |  | 0 | 1 | 2 | 94. Teases a lot   |
| 1 | 2 | 68. | Screams a lot  |  |   |   |   |  |
|   |   |     |  |  | 0 | 1 | 2 | 95. Temper tantrums or hot temper                                    |
| 1 | 2 | 69. | Secretive, keeps things to self  |  | 0 | 1 | 2 | 96. Thinks about sex too much  |
| 1 | 2 | 70. | Sees things that aren't there (describe): _____                          |  | 0 | 1 | 2 | 97. Threatens people   |
|   |   |     |  |  | 0 | 1 | 2 | 98. Thumb-sucking  |
|   |   |     |  |  | 0 | 1 | 2 | 99. Too concerned with neatness or cleanliness                       |
|   |   |     |  |  | 0 | 1 | 2 | 100. Trouble sleeping (describe): _____                              |
| 1 | 2 | 71. | Self-conscious or easily embarrassed                                     |  |   |   |   |  |
| 1 | 2 | 72. | Sets fires   |  |   |   |   |  |
| 1 | 2 | 73. | Sexual problems (describe): _____  |  | 0 | 1 | 2 | 101. Truancy, skips school   |
|   |   |     |  |  | 0 | 1 | 2 | 102. Underactive, slow moving, or lacks energy                       |
|   |   |     |  |  | 0 | 1 | 2 | 103. Unhappy, sad, or depressed                                      |
|   |   |     |  |  | 0 | 1 | 2 | 104. Unusually loud  |
| 1 | 2 | 74. | Showing off or clowning  |  | 0 | 1 | 2 | 105. Uses alcohol or drugs for nonmedical purposes (describe): _____ |
| 1 | 2 | 75. | Shy or timid   |  |   |   |   |  |
| 1 | 2 | 76. | Sleeps less than most children   |  | 0 | 1 | 2 | 106. Vandalism   |
| 1 | 2 | 77. | Sleeps more than most children during day and/or night (describe): _____ |  | 0 | 1 | 2 | 107. Wets self during the day  |
|   |   |     |  |  | 0 | 1 | 2 | 108. Wets the bed  |
|   |   |     |  |  | 0 | 1 | 2 | 109. Whining   |
| 1 | 2 | 78. | Smears or plays with bowel movements                                     |  | 0 | 1 | 2 | 110. Wishes to be of opposite sex                                    |
| 1 | 2 | 79. | Speech problem (describe): _____   |  | 0 | 1 | 2 | 111. Withdrawn, doesn't get involved with othe                       |
|   |   |     |  |  | 0 | 1 | 2 | 112. Worrying  |
| 1 | 2 | 80. | Stares blankly   |  |   |   |   | 113. Please write in any problems your child h                       |
|   |   |     |  |  |   |   |   | that were not listed above:  |
| 1 | 2 | 81. | Steals at home   |  | 0 | 1 | 2 | _____  |
| 1 | 2 | 82. | Steals outside the home  |  |   |   |   |  |
| 1 | 2 | 83. | Stores up things he/she doesn't need (describe): _____                   |  | 0 | 1 | 2 | _____  |
|   |   |     |  |  | 0 | 1 | 2 | _____  |

Research Case Number: \_\_\_\_\_ Abduction Case: 1. Yes CASE  
0. No

Date of Abduction: \_\_\_\_\_ ABDUC  
(obtain from D.A.'s files)

Who abducted Child: 1. Mo 2. Fa 3. other 4. not relevant ABDUC  
The following are legal actions taken during the time period:  
1. Before any abduction 2. After abduction TIME

Date of Separation: \_\_\_\_\_  
Date of First Filing: \_\_\_\_\_ Who filed: 1. Mo 2. Fa FILER  
(petitioner)

Type of filing: 1. separation TYPFI  
2. divorce  
3. uniform child custody  
3. paternity action  
4. other  
(specify)

Date of Final Decree: \_\_\_\_\_ Months sep to filing \_\_\_\_\_ SEPFIL  
Months filing to decree \_\_\_\_\_ FILDEK  
Months sep to abduct \_\_\_\_\_ SEPABI  
Months filing to abduct \_\_\_\_\_ FILABI  
Months filing to followup \_\_\_\_\_ FILFUI

Type of Decree: 1. separation TYPDEC  
2. divorce  
3. other (specify)

First Custody/Visitation Order : Date \_\_\_\_\_  
(for target child).  
1. Joint legal custody/joint physical custody  
2. Joint legal custody - sole phys. mother  
3. Joint legal custody - sole phys. father: CUSI  
4. Sole legal/sole physical mother  
5. Sole legal/sole physical father.  
6. Other (specify c/v for other child[ren] here)

Visitation Schedule (see code sheet) \_\_\_\_\_ SCHEDI

Specificity of Visitation:  
1. Very Vague (e.g. reasonable access) SPECI  
2. Moderate clear - (few dates/times; alt wkends, 1/2 hols)  
3. Specific (most dates/times stated, some not.)  
4. Highly Specific - (all dates and times specified)

Other Provisions in First Order:  
A. child support Amount \_\_\_\_\_ to mother CHSUPN  
Amount \_\_\_\_\_ to father CHSUPE  
B. spousal support Amount \_\_\_\_\_ to mother SPSUPN  
Amount \_\_\_\_\_ to father SPSUPE



|   |                |        |                |
|---|----------------|--------|----------------|
| C. restraining order (physical proximity)   |                |        |                |
|   | Against mother | 1. yes | 0. no          |
|   | Against father | 1. yes | 0. no          |
| D. therapy  | 1. yes         | 0. no  |                |
| E. supervised visitation  | 1. yes         | 0. no  |                |
| F. sanctions specified re custody/visit violations  | 1. yes         | 0. no  |                |
| G. provision preventing parent taking child out of area/state without other parent's permission | 1. yes         | 0. no  |                |
| H. other conditions (e.g. no drinking when visiting) specify                                    |                |        | total no _____ |

This custody/visit order is

|                              |        |
|------------------------------|--------|
| 1. a temporary one           | TYPCUS |
| 2. a final one               |        |
| 3. a modification of a final |        |

|   |        |        |        |
|---|--------|--------|--------|
| Legal Representation - Mother - first order | 1. Yes | 0. No  | LREPMI |
| Legal Representation - Father - first order | 1. Yes | 0. No  | LREPMI |
| Legal Representation - Child - first order  | 1. Yes | 0. No. | LREPMI |

List Types of all New Filings (including First)

A. Number of requests re custody

|                    |                    |        |
|--------------------|--------------------|--------|
| a) by mother _____ | b) by father _____ | FILCUS |
| dates _____        | _____              | FILCUS |
| _____              | _____              |        |
| _____              | _____              |        |

B. Number of requests re visitation

|                    |                    |        |
|--------------------|--------------------|--------|
| a) by mother _____ | b) by father _____ | FILVIS |
| dates _____        | _____              | FILVIS |
| _____              | _____              |        |
| _____              | _____              |        |

C. Number of requests re child support

|                    |                    |        |
|--------------------|--------------------|--------|
| a) by mother _____ | b) by father _____ | FILCSM |
| dates _____        | _____              | FILCSM |
| _____              | _____              |        |
| _____              | _____              |        |

D. Number of requests re spousal support/property

|                    |                    |        |
|--------------------|--------------------|--------|
| a) by mother _____ | b) by father _____ | FILSPM |
| dates _____        | _____              | FILSPM |
| _____              | _____              |        |
| _____              | _____              |        |

E. Number of requests re restraining orders (physical)

|                    |                    |        |
|--------------------|--------------------|--------|
| a) by mother _____ | b) by father _____ | FILRE: |
| dates _____        | _____              | FILRE: |
| _____              | _____              |        |

(Note any dates on which parent was not successfully served)

|                    |                    |        |
|--------------------|--------------------|--------|
| Total mother _____ | Total father _____ | NOSER' |
|                    |                    | NOSER' |

F. Other: (e.g. specify)  
 a) by mother \_\_\_\_\_ b) by father \_\_\_\_\_  
 type dates \_\_\_\_\_ type dates \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

FILCM  
FILOF

Evidence of domestic violence in file:

- a) police reports 1. yes 0. no
- b) medical reports 1. yes 0. no
- c) eye witness testimony 1. yes 0. no
- d) self report 1. yes 0. no
- e) other (specify) 1. yes 0. no

DVPCL  
DVMED  
DVEW  
DVSR  
DVC

Contempt Actions: (include D.A.'s actions to recover support or child)

- A. violations of visit/custody
  - a) against mother \_\_\_\_\_ b) against father \_\_\_\_\_
  - dates \_\_\_\_\_
- B. violations of support/property against
  - a) against mother \_\_\_\_\_ b) against father \_\_\_\_\_
  - dates \_\_\_\_\_
- C. violations of restraining orders (physical)
  - a) against mother \_\_\_\_\_ b) against father \_\_\_\_\_
  - dates \_\_\_\_\_
- D. Other (specify against who and what)
  - type dates a) against mother \_\_\_\_\_ b) against father \_\_\_\_\_
  - \_\_\_\_\_
  - \_\_\_\_\_

VIOLC  
VIOLC

VIOLSP  
VIOLSP

VIOLRI  
VIOLRI

VIOLC

Ex-Parte Orders re custody/visits For mother 1. yes 0. no  
 For father 1. yes 0. no  
 Ex-Parte Orders re support/property For mother 1. yes 0. no  
 For father 1. yes 0. no

EXPCVM  
EXPCVE  
EXPSPE  
EXPSPE

Involvement of Family Court Services: 1. Yes 0. No  
 a) mediation 1. yes 0. no  
 b) recommendation 1. yes 0. no  
 c) evaluation 1. yes 0. no

FCS  
MED  
REC  
EVAL

Involvement of Child Protective Services: 1. Yes 0. No CPS

a) allegations agst mother 1. physical abuse of child ABM  
2. sex abuse SEXM  
3. neglect NEGM

b) allegation agst father 1. physical abuse of child ABF  
2. sex abuse SEXF  
3. neglect NEGF

c) other (specify) 1. yes 0. no CALLE

Was Petition filed by Child Protective Services 1. Yes 0. No PETCP

Was Child made a dependent of Juvenile Court 1. Yes 0. No DEPJC  
If Yes, 1. Child left with Parent (family maintenance) ACTJC  
2. Child removed from parent 1. Yes 0. No.

Attachment of Wages: Mother's 1. yes 0. no AWAGE  
Father's 1. yes 0. no AWAGE

Involvement of D.A. (re child support): 1. Yes 0. No DACS

Involvement of D.A. (re custody/visits): 1. Yes 0. No DACV

Involvement of Criminal Court:

Re domestic violence by Mother 1. Yes 0. No CCDVM  
Re domestic violence by Father 1. Yes 0. No CCDVF  
Re child abduction by Mother 1. Yes 0. No CCCAM  
Re child abduction by Father 1. Yes 0. No CCCAF  
Re child abuse/molest by mo 1. Yes 0. No CCABM  
Re child abuse/molest by fa 1. Yes 0. No CCABF  
Re Other by mother (specify) 1. Yes 0. No CCOM  
Re other by faher (specify) 1. Yes 0. No CCOF

Custody/Visitation Order (operant at Divorce Decree) Date \_\_\_\_\_

1. Joint legal custody/joint physical custody  
2. Joint legal custody/sole phys. mother  
3. Joint legal custody/sole phys. father CUSF  
4. Sole legal/sole physical mother  
5. Sole legal/sole physical father  
6. Other (specify other child[ren]'s c/v here)

Visitation Schedule at Divorce Decree (see code sheet) \_\_\_\_\_ SCHEI

Specificity of Visitation:

1. Very vague (e.g. reasonable access) SPECI  
2. Moderate clear (some dates/times, alt wkends, 1/2 hols)  
3. Specific (most dates, times stated, some not)  
4. Highly specific (all dates, times specified).

Other Provisions in Order (at time of divorce decree)

|   |              |                    |       |
|---|--------------|--------------------|-------|
| A. child support  | Amount _____ | to mother          | CHSUF |
|   | Amount _____ | to father          | CHSUF |
| B. spousal support  | Amount _____ | to mother          | SPSUF |
|   | Amount _____ | to father          | SPSUF |
| C. restraining orders (physical proximity)  |              |                    | RESMF |
| Against mother  | 1. yes       | 0. no              | RESFF |
| Against father  | 1. yes       | 0. no              |       |
| D. therapy  | 1. yes       | 0. no              | RXF   |
| E. supervised visitation  | 1. yes       | 0. no              | SUPVI |
| F. sanctions specified re custody/visit violations  | 1. yes       | 0. no              | SANVI |
| G. provision preventing parent taking child out of area/state without other parent's permission | 1. yes       | 0. no              | STOPE |
| H. Other (specify e.g. refrain from drinking during visits etc.)                                |              | Total Number _____ | NOPE  |

This custody/visitation order is

|                            |       |
|----------------------------|-------|
| 1. a temporary one         | TYPCC |
| 2. a final one             |       |
| 3. modification of a final |       |

|  |        |       |       |
|--|--------|-------|-------|
| Legal Representation - mother - final decree | 1. Yes | 0. No | LREPM |
| Legal Representation - father - final decree | 1. Yes | 0. No | LREPF |
| Legal Representation - child - final decree  | 1. Yes | 0. No | LREPC |

New (Most Recent) Custody Order (re target child) Date \_\_\_\_\_  
 (if not coded above under final order)

|  |      |
|--|------|
| 1. Joint legal/joint physical custody          |      |
| 2. Joint legal/sole phys. custody to mother    |      |
| 3. Joint legal/sole phys. custody to father    | CUSR |
| 4. Sole legal/ sole phys. custody mother       |      |
| 5. Sole legal/sole phys. custody father        |      |
| 6. other (specify other child[ren]'s c/v here) |      |

New (Most Recent) Visitation Schedule (see code sheet) \_\_\_\_\_

Specificity of Visitation.

|   |       |
|---|-------|
| 1. Vague (e.g. reasonable access)                         |       |
| 2. Moderate clear (few dates/times, alt wkends, 1/2 hols) |       |
| 3. Specific (most dates, times stated, some not)          | SPECR |
| 4. Highly specific (all dates and times specified)        |       |

Other Provisions in New (Most Recent) Order:

|                    |              |           |       |
|--------------------|--------------|-----------|-------|
| A. child support   | Amount _____ | to mother | CHSUP |
|                    | Amount _____ | to father | CHSUP |
| B. spousal support | Amount _____ | to mother | SPSUP |
|                    | Amount _____ | to father | SPSUP |

|   |        |                    |
|---|--------|--------------------|
| C. restraining orders (Physical proximity)  |        |                    |
| Against Mother  | 1. yes | 0. no              |
| Against Father  | 1. yes | 0. no              |
| D. therapy  | 1. yes | 0. no              |
| E. supervised visitation  | 1. yes | 0. no              |
| F. sanctions specified re cust/visit violations   | 1. yes | 0. no              |
| G. provision preventing parent taking child out of area/state without other parent's permission | 1. yes | 0. no              |
| H. Other (specify e.g. refrain from drinking during visits etc.)                                |        |                    |
|   |        | Total Number _____ |

This custody/visitation order is

|                              |       |
|------------------------------|-------|
| 1. a temporary one           | TYPCT |
| 2. a final one               |       |
| 3. a modification of a final |       |

|  |        |       |      |
|--|--------|-------|------|
| Legal Representation for mother (most recent order): | 1. yes | 0. no | LRPM |
| Legal Representation for father (most recent order): | 1. yes | 0. no | LRPF |
| Legal Representation for child (most recent order):  | 1. yes | 0. no | LRPC |

Total Number of Custody/Visitation Orders on File: \_\_\_\_\_

(include stipulations here) \_\_\_\_\_

dates \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

|   |       |       |
|---|-------|-------|
| How many custody/visitation orders were stipulations: | _____ | TOTCS |
| How many custody/visitation orders were judgments:    | _____ | TOTCJ |

Number of Hearings before a Judge or court commissioner \_\_\_\_\_

dates \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Number of Settlement Conferences: \_\_\_\_\_

dates \_\_\_\_\_

\_\_\_\_\_

## Appendix to Chapter 6

### Materials used in The Intervention Study

# Protecting Children from Conflict

THIS PROGRAM offers free confidential consultation and counseling services to children and their parents experiencing separation and divorce (particularly where there has been high conflict or violence between parents, noncompliance with custody and visitation arrangements, the threat of abduction of a child, or a high level of distrust of the other parent's capacity to care for the children).

## AIMS

- \* to help parents understand how separation, divorce, and conflict are affecting their children
- \* to help parents improve or protect good relationships with their children, especially after separation and divorce
- \* to advise on and help implement suitable visitation and custody plans
- \* to help children cope with the stress of parental separation, the conflict between their parents, and their fears and anxieties about the visiting arrangements

## ELIGIBILITY

- \* Referrals are accepted only from Family Court and are subject to predetermined criteria (e.g. income level).
- \* Parents must agree to participate and allow their child(ren) to participate in completing questionnaires that aim to study the impact of visiting/custody on children and the effectiveness of the counseling program.

## THE COUNSELING STAFF

are specially trained and knowledgeable about the effects of conflict, loss, and divorce on children and their parents.

Program Director: Janet R. Johnston, Ph.D.

Consultant: Judith S. Wallerstein, Ph.D.

## LOCATIONS

Counselors are available in or near seven Bay Area counties:

Alameda, Contra Costa, Marin, San Francisco,  
San Mateo, Santa Clara, Sonoma

Central Office: CENTER FOR THE FAMILY IN TRANSITION  
5725 Paradise Drive, Bldg. B, #300  
Corte Madera, CA 94925  
Phone: (415) 924-5750

## FOR MORE INFORMATION CALL

Dr. Johnston, Program Director, at (415) 924-5750 or 366-3234

**"PROTECTING CHILDREN FROM CONFLICT" COUNSELING PROGRAM**  
**REFERRAL FORM**

DATE: \_\_\_\_\_

|  |   |
|--|---|
| <p><b><u>AGENCY:</u></b> CENTER FOR THE FAMILY IN TRANSITION<br/>5725 Paradise Dr., Bldg. B, #300<br/>Corte Madera, CA 94925<br/>Phone: (415) 924-5750</p> | <p>FAMILY SERVICE OF MID-PENINSULA<br/>375 Cambridge Avenue<br/>Palo Alto, CA 94306<br/>Phone: (415) 326-6576</p> |
| <p><u>Attn: Janet R. Johnston, Ph.D.</u></p>   |   |

**REFERRAL AGENT:**

\_\_\_\_\_ Judge \_\_\_\_\_  
\_\_\_\_\_ Domestic Relations Family Court Services  
Counselor's Name \_\_\_\_\_

**MOTHER'S NAME:** \_\_\_\_\_

Telephone: (Home) \_\_\_\_\_ (Work) \_\_\_\_\_  
Attorney: \_\_\_\_\_ Phone: \_\_\_\_\_

**FATHER'S NAME:** \_\_\_\_\_

Telephone: (Home) \_\_\_\_\_ (Work) \_\_\_\_\_  
Attorney: \_\_\_\_\_ Phone: \_\_\_\_\_

**CHILDREN:**

| NAME AND ADDRESS | DATE OF BIRTH | SEX | SCHOOL |
|------------------|---------------|-----|--------|
|                  |               |     |        |

Present custody and visitation arrangements: \_\_\_\_\_

Point in legal process: \_\_\_\_\_

(Further referral information can be provided on reverse side.)



# Center for the Family in Transition

5725 PARADISE DRIVE, BLDG. B, SUITE 300, CORTE MADERA, CA 94925  
(415) 924-5750

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Judith S. Wallerstein, Ph.D.  
*Executive Director*

Janet R. Johnston, Ph.D.  
*Director of Research*

Cheryl VanderWaal, M.S.W.  
*Associate Director*

I, \_\_\_\_\_, mother/father of minor child(ren) \_\_\_\_\_ consent for myself and my child(ren) to participate in a program called Protecting Children From Conflict. The purpose of the program is to provide consultation for families experiencing separation and divorce (particularly when there has been any of the following: high conflict or violence between parents, noncompliance with custody and visitation arrangements, or threat of parental abduction of a child). Research will also be conducted to develop information about how custody and visitation plans work for different children and parents, and to assess the need for special services for these families.

I understand that I am consenting to participate in this program because of my concern for my child(ren). My consent does not mean that I consider myself or my child(ren) to have psychological problems.

I agree to participate voluntarily and give my consent for my child(ren) to participate in the following procedures:

1. Filling out personal data, questionnaires and checklists regarding thoughts and feelings about the divorce, family relationships, and my child(ren)'s reactions.
2. Several interviews with a counselor regarding circumstances, attitudes, and feelings about divorce, conflict, or violence in the family, and custody and visitation plans for the children.
3. Joint sessions with my child(ren) during which we will play and work on tasks together.

I understand that the Protecting Children From Conflict project may need to contact my child(ren)'s teacher about my child(ren)'s academic and social performance in the school setting and, if necessary and with my specific signed consent, will contact any other agencies and/or professionals with whom my family has had contact.

I understand there is a possibility that discussion of family relationships and the circumstances of divorce, conflict, violence, or fear of parental abduction may result in one or members of my family experiencing, at times, some form of psychological discomfort such as anxiety, anger, or depression.

I understand that should I or any of my children feel the need for further or more intensive counseling as the result of psychological distress which may arise during the course of our participation in this program, we will be provided with the appropriate referrals.

I understand that the potential benefits of participating in this program may include:

1. For myself:

- a) a reduction in emotional stress associated with child-rearing after separation;
- b) an enhanced understanding of my child(ren)'s reactions to the divorce and their need for appropriate custody and visitation arrangements;
- c) more information about community resources that could help my child(ren) and myself.

2. For my child(ren): an opportunity to express their feelings and ideas about the divorce and potential custody and visitation arrangements.

I understand that this is a program which offers special services related to divorce and custody as described herein. There are other services available in the San Francisco Bay Area for divorced families as well as agencies that provide more general psychological services to adults and children.

I understand that if it is determined during the course of the services that in the counselor's opinion the family or any member is inappropriate for the project, the family will be asked to withdraw from the project and will be provided with an appropriate referral.

I understand that if I or any of my children have any questions or concerns about this program, these can be discussed with the project staff during the course of the project. Dr. Janet R. Johnston, Project Director, may be contacted between 9 a.m. and 5 p.m. weekdays at (415) 924-5750.

I may withdraw from any part or all of this agreement in any way or at any time without consequence or prejudice to me.

I have read this Informed Consent form and understand the contents thereof and I have been given the opportunity to ask questions regarding my consent and the Protecting Children From Conflict project and have had them answered to my satisfaction. I freely, voluntarily, and with understanding agree to be a participant in the project.

Date: \_\_\_\_\_ Date: \_\_\_\_\_

Mother: \_\_\_\_\_ Father: \_\_\_\_\_

# Center for the Family in Transition

5725 PARADISE DRIVE, BLDG. B, SUITE 300, CORTE MADERA, CA 94925  
(415) 924-5750

## CONSENT TO CONFIDENTIALITY

### BOARD OF DIRECTORS

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- Alexis Fischer, M.A.
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- Jan Sherwood
- Hon. Joseph G. Wilson

We understand and agree that all communications, observations, and opinions derived from this program shall be considered confidential between us and the staff of the Protecting Children From Conflict project. We agree that no one of us nor anyone representing any of us, in any capacity, or acting as an agent for any of us, shall call upon any staff person in the Project or any person involved in this program during or at any time subsequent to it to provide either written reports or oral testimony at any deposition, court hearing, or trial on any issue related to or arising out of the dissolution of the marriage of

\_\_\_\_\_ (names of parents)

### PROFESSIONAL ADVISORY BOARD

- Joseph Berger, Ph.D.  
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*The Menninger Foundation*
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*University of California, San Francisco*
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*Yale University*
- Guy E. Swanson, Ph.D.  
*University of California, Berkeley*

nor the resulting child custody or visitation arrangements. We further agree not to subpoena any records of the Protecting Children From Conflict project for any purpose including, but not limited to, use as evidence at any court or other proceedings. We understand that the only information provided to the Court by the Project is a Status Checklist, a copy of which is attached herewith. (However, it is also understood that counselors are required by law to report suspicion of child abuse to Child Protective Services.)

Therefore, we each waive any right which any of us may have to call any person or subpoena any record in any dissolution or child custody or visitation action which is or may be filed.

Each of us acknowledges receiving a thorough explanation of this program and of our rights as participants. We each agree to participate in the program of our own free will and acknowledge that none of us has been coerced or unduly influenced to participate. Each of us by signing below indicates that each has read, understood, and agrees to the above and each of us agrees to participate in the program.

Date: \_\_\_\_\_ Date: \_\_\_\_\_

### STAFF

- Judith S. Wallerstein, Ph.D.  
*Executive Director*
- Janet R. Johnston, Ph.D.  
*Director of Research*
- Cheryl VanderWaal, M.S.W.  
*Associate Director*

Mother: \_\_\_\_\_ Father: \_\_\_\_\_

Date: \_\_\_\_\_ Date: \_\_\_\_\_

Witness: \_\_\_\_\_ Witness: \_\_\_\_\_

Attorney: \_\_\_\_\_ Attorney: \_\_\_\_\_

"PROTECTING CHILDREN FROM CONFLICT" COUNSELING PROGRAM

STATUS CHECKLIST

NAME: Petitioner: \_\_\_\_\_

Respondent: \_\_\_\_\_

DATE: \_\_\_\_\_

FAMILY COURT COUNSELOR: \_\_\_\_\_

STATUS:

- \_\_\_\_\_ Parties unable to be contacted
  - \_\_\_\_\_ Parties refused counseling
  - \_\_\_\_\_ Counseling just begun
  - \_\_\_\_\_ Counseling in progress
  - \_\_\_\_\_ All parties are being seen and cooperative
  - \_\_\_\_\_ One party has withdrawn from counseling
  - \_\_\_\_\_ Counseling terminated
  - \_\_\_\_\_ Counseling nearing completion
  - \_\_\_\_\_ Counseling completed
- (Service is available for follow-up and emergency consultations)

REQUESTS FOR PARTIES TO INITIATE COURT ACTION:\*

\_\_\_\_\_ Return to court/mediation for resolution of issues (specify)

\_\_\_\_\_

\_\_\_\_\_

\*This does not imply counseling has terminated.

Counselor: \_\_\_\_\_

CC Attorneys \_\_\_\_\_

\_\_\_\_\_

# Center for the Family in Transition

5725 PARADISE DRIVE, BLDG. B, SUITE 300, CORTE MADERA, CA 94925

(415) 924-5750

## RELEASE OF INFORMATION - SCHOOL

### BOARD OF DIRECTORS

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Dean Ann Hartman  
*Smith College*  
Neil Kalter, Ph.D.  
*University of Michigan*  
Justice Donald B. King  
*State of California  
Court of Appeal*  
W. Walter Menninger, M.D.  
*The Menninger Foundation*  
Irving Phillips, M.D.  
*University of California,  
San Francisco*  
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*Yale University*  
Guy E. Swanson, Ph.D.  
*University of California, Berkeley*

### STAFF

Judith S. Wallerstein, Ph.D.  
*Executive Director*  
Janet R. Johnston, Ph.D.  
*Director of Research*  
Cheryl VanderWaal, M.S.W.  
*Associate Director*

I, \_\_\_\_\_, parent/legal guardian of  
minor child \_\_\_\_\_, hereby authorize

\_\_\_\_\_ (name of school) at  
\_\_\_\_\_ (address of school)

to release all information including, but not limited to, written  
documents and reports and oral statements from teachers and  
administrators regarding this child to the Center for the Family  
in Transition, 5725 Paradise Drive, Corte Madera, CA 94925.

I also authorize the Center for the Family in Transition to  
send a questionnaire which requests information about school-  
related behavior of this child to appropriate school personnel,  
and authorize such personnel to complete the questionnaire and  
return it to the Center.

The purpose for the release of information is to provide  
school-related information which will aid my child and my family  
at the Center for the Family in Transition. The information will  
be used for this purpose only.

This authorization is valid for three years from this date  
unless a written revocation is submitted to the school by me.

\_\_\_\_\_  
Parent/Legal Guardian

\_\_\_\_\_  
Witness authorized by the Center for the Family in Transition

Date: \_\_\_\_\_

## PARTICIPANT'S BILL OF RIGHTS

California law requires that any person asked to take part in a program involving evaluation procedures, or any person asked to consent to such participation on behalf of another, is entitled to receive the following list of rights written in a language in which the person is fluent. This list includes the right to:

- 1) Be informed of the nature and purpose of the program.
- 2) Be given an explanation of the procedures to be followed in the program and any drug or device to be utilized, if applicable.
- 3) Be given a description of any attendant discomforts and risks reasonably to be expected from the program.
- 4) Be given an explanation of any benefits to the participant reasonably to be expected from the program.
- 5) Be given a disclosure of any appropriate alternative procedures that might be advantageous to the participant and their relative risks and benefits.
- 6) Be informed of the avenues of treatment available to the participant after the program if the need should arise.
- 7) Be given an opportunity to ask any questions concerning the program or the procedures involved.
- 8) Be instructed that consent to participate in the program may be withdrawn at any time and the participant may discontinue participation in the program without prejudice.
- 9) Be given a copy of the signed and dated written consent form.
- 10) Be given the opportunity to decide to consent or not to consent to a program without the intervention of any element of force, fraud, deceit, duress, coercion, or undue influence on the participant's decision.

ID NO. \_\_\_\_\_

CONFIDENTIAL

INTAKE  
(Rev.)

Date of Application \_\_\_\_\_

| CHILDREN: | Name | Sex | Birthdate | Primary Residence | School | Teacher |
|-----------|------|-----|-----------|-------------------|--------|---------|
| 1.        |      |     |           |                   |        |         |
| 2.        |      |     |           |                   |        |         |
| 3.        |      |     |           |                   |        |         |
| 4.        |      |     |           |                   |        |         |

NAME OF PARENT COMPLETING FORM:

\_\_\_\_\_ Father Mother Birthdate: \_\_\_\_\_

Address: \_\_\_\_\_ Home Ph. \_\_\_\_\_

Occupation: \_\_\_\_\_ Part-Time \_\_\_ hrs per wk Full-Time \_\_\_

Employer: \_\_\_\_\_ Work Ph. \_\_\_\_\_

Last grade achieved in school: \_\_\_\_\_ Racial-Ethnic Origin: \_\_\_\_\_

Please give name and phone number of someone who will know how to contact you:

Name: \_\_\_\_\_ Relationship to you: \_\_\_\_\_ Ph. \_\_\_\_\_

List following dates (if applicable): Married: \_\_\_\_\_ Separated: \_\_\_\_\_

Divorced: \_\_\_\_\_ Remarried: \_\_\_\_\_

Which of the following categories best describes your relationship with the child(ren)'s other parent:

- \_\_\_\_\_ Never married, never lived together
- \_\_\_\_\_ Never married, used to live together
- \_\_\_\_\_ Divorcing/separating but still living together
- \_\_\_\_\_ Divorcing/living apart
- \_\_\_\_\_ Already divorced
- \_\_\_\_\_ Other (specify) \_\_\_\_\_

Stepparent (or significant other) living in home? \_\_\_ Yes \_\_\_ No

Name: \_\_\_\_\_ Age: \_\_\_\_\_

Stepsiblings (and others living in home):

| Name     | Sex   | Age   |
|----------|-------|-------|
| 1. _____ | _____ | _____ |
| 2. _____ | _____ | _____ |
| 3. _____ | _____ | _____ |

Please list names of agencies or counselors that have counseled child(ren), adults, or family: Approx. Dates of Contact:

|       |       |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

Who are your three most important sources of social support? Rank them in order of importance (1 = Most Important):

New partner\_\_\_ Friends\_\_\_ Family\_\_\_ Neighbors\_\_\_ Work associates\_\_\_

Does your most important source of social support (i.e. #1) live nearby \_\_\_\_, or in a different county\_\_\_, state\_\_\_, or country\_\_\_?

Financial Information:

1. What is the total income you live on at the present time? (Include all income received from spouse, OR subtract income paid to spouse, e.g., child and spousal support).

- \_\_\_\_\_ Under \$5,000/yr
- \_\_\_\_\_ \$ 5,000-10,000/yr
- \_\_\_\_\_ \$10,000-18,000/yr
- \_\_\_\_\_ \$18,000-25,000/yr
- \_\_\_\_\_ \$25,000-50,000/yr
- \_\_\_\_\_ \$50,000-75,000/yr
- \_\_\_\_\_ Over \$75,000 yr

Do you receive AFDC? \_\_\_Yes \_\_\_No

2. How much do you pay/receive in spousal support per month? \_\_\_\_\_  
(circle one)

3. How much do you pay/receive in child support per month? \_\_\_\_\_  
(circle one)

4. Within the past two months, how regularly has this been paid/received?  
 \_\_\_ 0% \_\_\_ 25% \_\_\_ 50% \_\_\_ 75% \_\_\_ 100%



Legal Information:

1. Do you have an attorney? Yes \_\_\_\_\_ No \_\_\_\_\_
2. How often did you speak to your attorney during the last year?  
(approximate number of times) \_\_\_\_\_
3. When did you first go to court to settle your disagreements with your ex-spouse/ex-partner over the care and custody of the children?  
(approximate date) \_\_\_\_\_
4. How many times have you appeared before a judge to settle disagreements over the children? \_\_\_\_\_
5. Do you have a restraining order preventing your ex-spouse/ex-partner from coming near you? Yes \_\_\_\_\_ No \_\_\_\_\_
6. How many times have you asked police to enforce restraining order? \_\_\_\_\_
7. Have you ever filed charges against your ex-spouse for physical abuse?  
Yes \_\_\_\_\_ No \_\_\_\_\_ Not applicable \_\_\_\_\_

Your Relationship with Your Ex-Spouse/Ex-Partner

1. How would you describe your current relationship with your ex-spouse/ex-partner?  
(circle one)
  1. Cooperation is impossible
  2. Cooperation is almost impossible
  3. We do not cooperate well
  4. We cooperate well some of the time
  5. We cooperate well
2. How would you describe the level of violence in your past relationship with your ex-spouse/ex-partner?
  - \_\_\_\_\_ 1. No violence
  - \_\_\_\_\_ 2. Single or isolated violent episodes
  - \_\_\_\_\_ 3. Multiple or several violent episodes
  - \_\_\_\_\_ 4. Frequent or a lot of violent episodes
3. Has there been any violence between you and your ex-spouse/ex-partner within the past year? \_\_\_\_\_ Yes \_\_\_\_\_ No
4. As a result of any physical violence between your ex-spouse/ex-partner and yourself, have you ever suffered the following:

|                              | <u>Never</u> | <u>Once</u> | <u>2-3 times</u> | <u>4-5 times</u> | <u>6+ times</u> |
|------------------------------|--------------|-------------|------------------|------------------|-----------------|
| Bruises . . . . .            | _____        | _____       | _____            | _____            | _____           |
| Cuts . . . . .               | _____        | _____       | _____            | _____            | _____           |
| Broken bones . . . . .       | _____        | _____       | _____            | _____            | _____           |
| Concussion . . . . .         | _____        | _____       | _____            | _____            | _____           |
| Threat to pregnancy. . . . . | _____        | _____       | _____            | _____            | _____           |

Custody and Visitation Information:

Please describe the existing custody and visitation arrangements for your child(ren).

1. Who presently has legal custody of the child(ren)?  
 Father\_\_\_\_ Mother\_\_\_\_ Joint\_\_\_\_ No arrangement\_\_\_\_

2. Who presently has physical custody of the child(ren)?  
 Father\_\_\_\_ Mother\_\_\_\_ Joint\_\_\_\_ No arrangement\_\_\_\_

If there are different custody arrangements for each child, please specify:

---



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3. Is this custody arrangement a legally ordered or stipulated agreement? \_\_Yes \_\_No

4. How satisfied are you with the arrangements for custody? (check X on scale below)

Very dissatisfied\_\_\_: \_\_\_: \_\_\_: \_\_\_: \_\_\_: \_\_\_: \_\_\_: \_\_\_ Very satisfied

Comments: \_\_\_\_\_

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5. What are the present arrangements for your child(ren) to have access (or visit) the other parent? (If you have joint custody, what are the arrangements for the child(ren) to live in both homes?) Specify times.

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6. Is this access or visiting arrangement a legally ordered or stipulated agreement? \_\_Yes \_\_No

7. How satisfied are you with the access/visiting arrangements? (check X on scale)

Very dissatisfied \_\_\_: \_\_\_: \_\_\_: \_\_\_: \_\_\_: \_\_\_: \_\_\_: \_\_\_ Very satisfied

Comments: \_\_\_\_\_

---



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Within the last two months, how frequently have the access/visiting arrangements been followed: \_\_\_0% \_\_\_25% \_\_\_50% \_\_\_75% \_\_\_100%

8. How were these custody and visitation arrangements made? (circle one)
- a) Did you make these arrangements by yourself? . . . . . Yes No
  - b) Was it a mutual decision made by you and your ex-spouse together?. . Yes No
  - c) Did you make it with the help of a counselor or mediator?. . . . . Yes No
  - d) Was it a decision made for you by the judge or an arbitrator?. . . . Yes No

9. When the children are with the other parent, how often are you worried about someone in that household doing the following? (circle one number for each item)

|  | <u>Never</u> | <u>Rarely</u> | <u>Sometimes</u> | <u>Always</u> |
|--|--------------|---------------|------------------|---------------|
| a) Drinking excessively                                    | 1            | 2             | 3                | 4             |
| b) Using drugs   | 1            | 2             | 3                | 4             |
| c) Potentially physically abusing the children             | 1            | 2             | 3                | 4             |
| d) Potentially sexually abusing the children               | 1            | 2             | 3                | 4             |
| e) Failing to feed/clothe/protect the children             | 1            | 2             | 3                | 4             |
| f) Ignoring the child(ren)                                 | 1            | 2             | 3                | 4             |
| g) Not driving safely while the children are<br>in the car | 1            | 2             | 3                | 4             |
| h) Other: _____  | 1            | 2             | 3                | 4             |

CIS (Rev.)

ID No. \_\_\_\_\_

There are times when parents disagree on decisions, get annoyed about something the other parent does, or have spats or fights because they are in a bad mood, or tired, or for some other reason. Please circle below to indicate whether you or your ex-spouse/ex-partner ever did the following:

|   | <u>Did you EVER?</u> |           |                   | <u>Did your ex-spouse/<br/>ex-partner EVER?</u> |           |                   | <u>Was (were) your<br/>child(ren) present?</u> |                  |              |                   |
|---|----------------------|-----------|-------------------|---|-----------|-------------------|--|------------------|--------------|-------------------|
|   | <u>YES</u>           | <u>NO</u> | <u>DON'T KNOW</u> | <u>YES</u>                                      | <u>NO</u> | <u>DON'T KNOW</u> | <u>OFTEN</u>                                   | <u>SOMETIMES</u> | <u>NEVER</u> | <u>DON'T KNOW</u> |
| a) Insult or swear at the other one. . . . .                    | 1                    | 2         | X                 | 1   | 2         | X                 | 0  | 1                | 2            | X                 |
| b) Sulk and/or refuse to talk about it. . . . .                 | 1                    | 2         | X                 | 1   | 2         | X                 | 0  | 1                | 2            | X                 |
| c) Stomp out of the room or house (or yard) . . . . .           | 1                    | 2         | X                 | 1   | 2         | X                 | 0  | 1                | 2            | X                 |
| d) Cry. . . . .   | 1                    | 2         | X                 | 1   | 2         | X                 | 0  | 1                | 2            | X                 |
| e) Do or say something to spite the other one. . . . .          | 1                    | 2         | X                 | 1   | 2         | X                 | 0  | 1                | 2            | X                 |
| f) Threaten to hit or throw something at the other one. . . . . | 1                    | 2         | X                 | 1   | 2         | X                 | 0  | 1                | 2            | X                 |
| g) Throw or smash or hit or kick something. . . . .             | 1                    | 2         | X                 | 1   | 2         | X                 | 0  | 1                | 2            | X                 |
| h) Throw something at the other one . . . . .                   | 1                    | 2         | X                 | 1   | 2         | X                 | 0  | 1                | 2            | X                 |
| i) Push, grab, or shove the other one . . . . .                 | 1                    | 2         | X                 | 1   | 2         | X                 | 0  | 1                | 2            | X                 |
| j) Slap the other one. . . . .                                  | 1                    | 2         | X                 | 1   | 2         | X                 | 0  | 1                | 2            | X                 |
| k) Kick, bite, or hit with a fist. . . . .                      | 1                    | 2         | X                 | 1   | 2         | X                 | 0  | 1                | 2            | X                 |
| l) Hit or try to hit with something . . . . .                   | 1                    | 2         | X                 | 1   | 2         | X                 | 0  | 1                | 2            | X                 |
| m) Beat up the other one . . . . .                              | 1                    | 2         | X                 | 1   | 2         | X                 | 0  | 1                | 2            | X                 |
| n) Threaten with a knife or gun . . . . .                       | 1                    | 2         | X                 | 1   | 2         | X                 | 0  | 1                | 2            | X                 |
| o) Use a knife or gun. . . . .                                  | 1                    | 2         | X                 | 1   | 2         | X                 | 0  | 1                | 2            | X                 |
| p) Other: _____   | 1                    | 2         | X                 | 1   | 2         | X                 | 0  | 1                | 2            | X                 |

ID No. \_\_\_\_\_

CCC

Please examine the checklist below and indicate to what extent you consider each statement true or false.

(circle one number for each statement)

|   | False | Somewhat<br>False | Neutral | Somewhat<br>True | True |
|---|-------|-------------------|---------|------------------|------|
| The other parent & I agree about the custody arrangement for the child(ren).  | 1     | 2                 | 3       | 4                | 5    |
| The other parent & I have disagreements about arrangements for picking up and dropping off the child(ren) (keeping to schedule, being punctual, agreeing on time, place, etc.). | 1     | 2                 | 3       | 4                | 5    |
| The other parent and I mostly share the same attitude towards discipline of the child(ren).   | 1     | 2                 | 3       | 4                | 5    |
| I do not approve of the other's parent's lifestyle and believe it is a harmful example to my child(ren).  | 1     | 2                 | 3       | 4                | 5    |
| I trust the other parent to look out for the physical safety and welfare of the child(ren) when with him/her.   | 1     | 2                 | 3       | 4                | 5    |
| The other parent and I often disagree over the everyday care of the child(ren) (e.g. bedtimes, TV, diet, curfew, manners).  | 1     | 2                 | 3       | 4                | 5    |
| The other parent makes negative comments about me and my life in front of the child(ren).   | 1     | 2                 | 3       | 4                | 5    |
| I don't trust the other parent to be responsive to the emotional needs of the child(ren).   | 1     | 2                 | 3       | 4                | 5    |
| The other parent I agree over child support.  | 1     | 2                 | 3       | 4                | 5    |
| Disagreements arise because child support is generally not paid regularly.  | 1     | 2                 | 3       | 4                | 5    |

|   | Somewhat<br>False |   | Neutral | Somewhat<br>True |   |
|---|-------------------|---|---------|------------------|---|
|   | 1                 | 2 | 3       | 4                | 5 |
| The other parent's relatives, friends,<br>and/or new partner interfere with<br>the child(ren).  | 1                 | 2 | 3       | 4                | 5 |
| The other parent threatens or actually<br>cuts off child(ren)'s visits because of<br>disputes over money OR cuts off money<br>because of our dispute over visits. | 1                 | 2 | 3       | 4                | 5 |
| The other parent doesn't listen to what<br>I have to say about the child(ren) or<br>will not discuss arrangements with<br>regard to the child(ren).               | 1                 | 2 | 3       | 4                | 5 |
| The other parent is trying to cut me<br>out from the child(ren)'s life.   | 1                 | 2 | 3       | 4                | 5 |
| The other parent does not take enough<br>interest in the child(ren)'s affairs.  | 1                 | 2 | 3       | 4                | 5 |
| The other parent and I agree with whom<br>the child(ren) spend special occasions<br>(e.g. holidays, birthdays, etc.)  | 1                 | 2 | 3       | 4                | 5 |
| I think it would be better for the<br>child(ren) to see the other parent<br>a lot less.   | 1                 | 2 | 3       | 4                | 5 |

**INSTRUCTIONS:**

Below is a list of problems people sometimes have. Please read each one carefully, and circle the number to the right that best describes HOW MUCH THAT PROBLEM HAS DISTRESSED OR BOTHERED YOU DURING THE PAST 7 DAYS INCLUDING TODAY. Circle only one number for each problem and do not skip any items. If you change your mind, erase your first mark carefully. Read the example below before beginning, and if you have any questions please ask about them.

**SEX**

MALE

FEMALE

NAME: \_\_\_\_\_

LOCATION: \_\_\_\_\_

EDUCATION: \_\_\_\_\_

MARITAL STATUS: MAR. \_\_\_ SEP. \_\_\_ DIV. \_\_\_ WID. \_\_\_ SING. \_\_\_

| DATE |     |      |
|------|-----|------|
| MO   | DAY | YEAR |
|      |     |      |

| ID.<br>NUMBER |
|---------------|
|               |

| AGE |
|-----|
|     |

VISIT NUMBER: \_\_\_\_\_

**EXAMPLE**

HOW MUCH WERE YOU DISTRESSED BY:

1. Bodyaches

| NOT AT ALL | A LITTLE BIT | MODERATELY | QUITE A BIT | EXTREMELY |
|------------|--------------|------------|-------------|-----------|
| 0          | 1            | 2          | 3           | 4         |

**HOW MUCH WERE YOU DISTRESSED BY:**

|   | NOT AT ALL | A LITTLE BIT | MODERATELY | QUITE A BIT | EXTREMELY |   |
|---|------------|--------------|------------|-------------|-----------|---|
| 1. Nervousness or shakiness inside  | 1          | 0            | 1          | 2           | 3         | 4 |
| 2. Faintness or dizziness   | 2          | 0            | 1          | 2           | 3         | 4 |
| 3. The idea that someone else can control your thoughts                             | 3          | 0            | 1          | 2           | 3         | 4 |
| 4. Feeling others are to blame for most of your troubles                            | 4          | 0            | 1          | 2           | 3         | 4 |
| 5. Trouble remembering things   | 5          | 0            | 1          | 2           | 3         | 4 |
| 6. Feeling easily annoyed or irritated  | 6          | 0            | 1          | 2           | 3         | 4 |
| 7. Pains in heart or chest  | 7          | 0            | 1          | 2           | 3         | 4 |
| 8. Feeling afraid in open spaces  | 8          | 0            | 1          | 2           | 3         | 4 |
| 9. Thoughts of ending your life   | 9          | 0            | 1          | 2           | 3         | 4 |
| 10. Feeling that most people cannot be trusted                                      | 10         | 0            | 1          | 2           | 3         | 4 |
| 11. Poor appetite   | 11         | 0            | 1          | 2           | 3         | 4 |
| 12. Suddenly scared for no reason   | 12         | 0            | 1          | 2           | 3         | 4 |
| 13. Temper outbursts that you could not control                                     | 13         | 0            | 1          | 2           | 3         | 4 |
| 14. Feeling lonely even when you are with people                                    | 14         | 0            | 1          | 2           | 3         | 4 |
| 15. Feeling blocked in getting things done  | 15         | 0            | 1          | 2           | 3         | 4 |
| 16. Feeling lonely  | 16         | 0            | 1          | 2           | 3         | 4 |
| 17. Feeling blue  | 17         | 0            | 1          | 2           | 3         | 4 |
| 18. Feeling no interest in things   | 18         | 0            | 1          | 2           | 3         | 4 |
| 19. Feeling fearful   | 19         | 0            | 1          | 2           | 3         | 4 |
| 20. Your feelings being easily hurt   | 20         | 0            | 1          | 2           | 3         | 4 |
| 21. Feeling that people are unfriendly or dislike you                               | 21         | 0            | 1          | 2           | 3         | 4 |
| 22. Feeling inferior to others  | 22         | 0            | 1          | 2           | 3         | 4 |
| 23. Nausea or upset stomach   | 23         | 0            | 1          | 2           | 3         | 4 |
| 24. Feeling that you are watched or talked about by others                          | 24         | 0            | 1          | 2           | 3         | 4 |
| 25. Trouble falling asleep  | 25         | 0            | 1          | 2           | 3         | 4 |
| 26. Having to check and double check what you do                                    | 26         | 0            | 1          | 2           | 3         | 4 |
| 27. Difficulty making decisions   | 27         | 0            | 1          | 2           | 3         | 4 |
| 28. Feeling afraid to travel on buses, subways, or trains                           | 28         | 0            | 1          | 2           | 3         | 4 |
| 29. Trouble getting your breath   | 29         | 0            | 1          | 2           | 3         | 4 |
| 30. Hot or cold spells  | 30         | 0            | 1          | 2           | 3         | 4 |
| 31. Having to avoid certain things, places, or activities because they frighten you | 31         | 0            | 1          | 2           | 3         | 4 |
| 32. Your mind going blank   | 32         | 0            | 1          | 2           | 3         | 4 |
| 33. Numbness or tingling in parts of your body                                      | 33         | 0            | 1          | 2           | 3         | 4 |
| 34. The idea that you should be punished for your sins                              | 34         | 0            | 1          | 2           | 3         | 4 |
| 35. Feeling hopeless about the future   | 35         | 0            | 1          | 2           | 3         | 4 |

HOW MUCH WERE YOU DISTRESSED BY:

|  | NOT AT ALL | A LITTLE BIT | MODERATELY | QUITE A BIT | EXTREMELY |
|--|------------|--------------|------------|-------------|-----------|
| 36. Trouble concentrating  | 0          | 1            | 2          | 3           | 4         |
| 37. Feeling weak in parts of your body                             | 0          | 1            | 2          | 3           | 4         |
| 38. Feeling tense or keyed up                                      | 0          | 1            | 2          | 3           | 4         |
| 39. Thoughts of death or dying                                     | 0          | 1            | 2          | 3           | 4         |
| 40. Having urges to beat, injure, or harm someone                  | 0          | 1            | 2          | 3           | 4         |
| 41. Having urges to break or smash things                          | 0          | 1            | 2          | 3           | 4         |
| 42. Feeling very self-conscious with others                        | 0          | 1            | 2          | 3           | 4         |
| 43. Feeling uneasy in crowds                                       | 0          | 1            | 2          | 3           | 4         |
| 44. Never feeling close to another person                          | 0          | 1            | 2          | 3           | 4         |
| 45. Spells of terror or panic                                      | 0          | 1            | 2          | 3           | 4         |
| 46. Getting into frequent arguments                                | 0          | 1            | 2          | 3           | 4         |
| 47. Feeling nervous when you are left alone                        | 0          | 1            | 2          | 3           | 4         |
| 48. Others not giving you proper credit for your achievements      | 0          | 1            | 2          | 3           | 4         |
| 49. Feeling so restless you couldn't sit still                     | 0          | 1            | 2          | 3           | 4         |
| 50. Feelings of worthlessness                                      | 0          | 1            | 2          | 3           | 4         |
| 51. Feeling that people will take advantage of you if you let them | 0          | 1            | 2          | 3           | 4         |
| 52. Feelings of guilt  | 0          | 1            | 2          | 3           | 4         |
| 53. The idea that something is wrong with your mind                | 0          | 1            | 2          | 3           | 4         |



ID NO. \_\_\_\_\_

Please complete the following questions by circling the number that indicates the extent each statement was true for you THE PAST THREE MONTHS.

|   | Not At   |   |   |   |   |   |   |   |   | Very |
|---|----------|---|---|---|---|---|---|---|---|------|
|   | All True | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | True |
| 1. I felt under intolerable stress and pressure:  | 0        | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |
| 2. I wished that my ex-spouse/ex-partner would disappear:   | 0        | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |
| 3. I doubted that my child(ren) was safe when with my ex-spouse/ex-partner:                                       | 0        | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |
| 4. I felt that family law attorneys are of little help:   | 0        | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |
| 5. I was physically afraid of my ex-spouse/ex-partner:  | 0        | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |
| 6. I had financial pressures:   | 0        | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |
| 7. My child(ren) was upset by things my ex-spouse/ex-partner said or did:   | 0        | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |
| 8. I felt depressed about the separation/divorce situation:   | 0        | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |
| 9. I felt frustrated with the services of the family court:   | 0        | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |
| 10. I believed my child(ren) was being turned against me by my ex-spouse/ex-partner:                              | 0        | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |
| 11. I felt I needed to take some decisive action to get control of my life:                                       | 0        | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |
| 12. I did see value in my child(ren) maintaining contact with my ex-spouse/ex-partner:                            | 0        | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |
| 13. I felt that my ex-spouse/ex-partner was trying to control me:   | 0        | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |
| 14. I believed that mothers tend to be favored in court compared to fathers when it comes to custody of children: | 0        | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |

|   | Not At   |   |   |   |   |   |   |   |   |      | Very |
|---|----------|---|---|---|---|---|---|---|---|------|------|
|   | All True | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | True |      |
| 15. I knew that when I was upset I didn't always think straight:  | 0        | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |      |
| 16. My ex-spouse/ex-partner was spiteful and vindictive to me:  | 0        | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |      |
| 17. I doubted I would get a fair hearing if I went before a judge in court:   | 0        | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |      |
| 18. I felt that therapists/counselors are of little help:   | 0        | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |      |
| 19. I had no stable place to live:  | 0        | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |      |
| 20. I believed my ex-spouse/ex-partner would never leave me alone:  | 0        | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |      |
| 21. I believed that men can exert more power and influence in court than women can when it comes to custody of children:        | 0        | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |      |
| 22. I believed my ex-spouse/ex-partner was trying to cut me out of my child(ren)'s life:  | 0        | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |      |
| 23. My job was giving me trouble <u>OR</u> getting employment was a problem:  | 0        | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |      |
| 24. I had hope that things would get better eventually and the bad times would pass:  | 0        | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |      |
| 25. I believed the only way things change is if you depend on your own resources:   | 0        | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |      |
| 26. I did not believe there was any way my ex-spouse/ex-partner and I could share parenting of my child(ren):                   | 0        | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |      |
| 27. I thought that sometimes a person has to take action to protect themselves or their children even if it is against the law: | 0        | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |      |
| 28. I felt the only people I could depend on were members of my own family (my mother/my father):                               | 0        | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |      |

STAGE II

FOLLOW-UP

ID No. \_\_\_\_\_

CCC

Please examine the checklist below and indicate to what extent you consider each statement true or false.

(circle one number for each statement)

|   | Somewhat |       | Somewhat |      |      |
|---|----------|-------|----------|------|------|
|   | False    | False | Neutral  | True | True |
| The other parent & I agree about the custody arrangement for the child(ren).  | 1        | 2     | 3        | 4    | 5    |
| The other parent & I have disagreements about arrangements for picking up and dropping off the child(ren) (keeping to schedule, being punctual, agreeing on time, place, etc.). | 1        | 2     | 3        | 4    | 5    |
| The other parent and I mostly share the same attitude towards discipline of the child(ren).   | 1        | 2     | 3        | 4    | 5    |
| I do not approve of the other's parent's lifestyle and believe it is a harmful example to my child(ren).  | 1        | 2     | 3        | 4    | 5    |
| I trust the other parent to look out for the physical safety and welfare of the child(ren) when with him/her.   | 1        | 2     | 3        | 4    | 5    |
| The other parent and I often disagree over the everyday care of the child(ren) (e.g. bedtimes, TV, diet, curfew, manners).  | 1        | 2     | 3        | 4    | 5    |
| The other parent makes negative comments about me and my life in front of the child(ren).   | 1        | 2     | 3        | 4    | 5    |
| I don't trust the other parent to be responsive to the emotional needs of the child(ren).   | 1        | 2     | 3        | 4    | 5    |
| The other parent I agree over child support.  | 1        | 2     | 3        | 4    | 5    |
| Disagreements arise because child support is generally not paid regularly.  | 1        | 2     | 3        | 4    | 5    |

## STAGE II

## FOLLOW-UP

|   | False | Somewhat<br>False | Neutral | Somewhat<br>True | True |
|---|-------|-------------------|---------|------------------|------|
| The other parent's relatives, friends,<br>and/or new partner interfere with<br>the child(ren).  | 1     | 2                 | 3       | 4                | 5    |
| The other parent threatens or actually<br>cuts off child(ren)'s visits because of<br>disputes over money OR cuts off money<br>because of our dispute over visits. | 1     | 2                 | 3       | 4                | 5    |
| The other parent doesn't listen to what<br>I have to say about the child(ren) or<br>will not discuss arrangements with<br>regard to the child(ren).               | 1     | 2                 | 3       | 4                | 5    |
| The other parent is trying to cut me<br>out from the child(ren)'s life.   | 1     | 2                 | 3       | 4                | 5    |
| The other parent does not take enough<br>interest in the child(ren)'s affairs.  | 1     | 2                 | 3       | 4                | 5    |
| The other parent and I agree with whom<br>the child(ren) spend special occasions<br>(e.g. holidays, birthdays, etc.)  | 1     | 2                 | 3       | 4                | 5    |
| I think it would be better for the<br>child(ren) to see the other parent<br>a lot less.   | 1     | 2                 | 3       | 4                | 5    |



|   | Not At   |   |   |   |   |   |   |   |   | Very |
|---|----------|---|---|---|---|---|---|---|---|------|
|   | All True | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | True |
| 29. I feared my ex-spouse/ex-partner would take my child(ren) and leave the area:                     | 0        | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |
| 30. I felt that I (more than anyone else) know what is best for my child(ren):                        | 0        | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |
| 31. I felt that the amount of money and/or property I had to give my ex-spouse/ex-partner was unfair: | 0        | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |
| 32. I wished my ex-spouse/ex-partner could feel as much pain as I did:                                | 0        | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |
| 33. My ex-spouse/ex-partner was abusive or neglectful to my child(ren):                               | 0        | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |
| 34. I felt that the police were of little help:   | 0        | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |

Teacher-Child Rating Scale (T-CRS)

Child's Name \_\_\_\_\_ Date \_\_\_\_\_ Initial \_\_\_\_\_ Final \_\_\_\_\_  
 (Last) (First) (circle one)  
 Student's School ID# \_\_\_\_\_ Teacher \_\_\_\_\_ School \_\_\_\_\_

- I. Please rate this child on the following items by circling the number which corresponds to this scale:
- |  | Not a Problem | Mild | Moderate | Serious | Very Serious Problem |
|--|---------------|------|----------|---------|----------------------|
| 1. Disruptive in class- - - - -                | 1             | 2    | 3        | 4       | 5                    |
| 2. Withdrawn- - - - -                          | 1             | 2    | 3        | 4       | 5                    |
| 3. Underachieving (not working to ability)- -  | 1             | 2    | 3        | 4       | 5                    |
| 4. Fidgety, difficulty sitting still- - - - -  | 1             | 2    | 3        | 4       | 5                    |
| 5. Shy, timid - - - - -                        | 1             | 2    | 3        | 4       | 5                    |
| 6. Poor work habits - - - - -                  | 1             | 2    | 3        | 4       | 5                    |
| 7. Disturbs others while they are working - -  | 1             | 2    | 3        | 4       | 5                    |
| 8. Anxious, worried - - - - -                  | 1             | 2    | 3        | 4       | 5                    |
| 9. Poor concentration, limited attention span  | 1             | 2    | 3        | 4       | 5                    |
| 10. Constantly seeks attention - - - - -       | 1             | 2    | 3        | 4       | 5                    |
| 11. Nervous, frightened, tense - - - - -       | 1             | 2    | 3        | 4       | 5                    |
| 12. Difficulty following directions- - - - -   | 1             | 2    | 3        | 4       | 5                    |
| 13. Overly aggressive to peers (fights)- - - - | 1             | 2    | 3        | 4       | 5                    |
| 14. Does not express feelings- - - - -         | 1             | 2    | 3        | 4       | 5                    |
| 15. Poorly motivated to achieve- - - - -       | 1             | 2    | 3        | 4       | 5                    |
| 16. Defiant, obstinate, stubborn - - - - -     | 1             | 2    | 3        | 4       | 5                    |
| 17. Unhappy, sad - - - - -                     | 1             | 2    | 3        | 4       | 5                    |
| 18. Learning academic subjects - - - - -       | 1             | 2    | 3        | 4       | 5                    |

|               |         |         |        |
|---------------|---------|---------|--------|
| Problem Scale | Act-Out | Shy-Anx | Learn. |
| Raw Score     |         |         |        |

- II. Please rate the following items according to how well they describe the child:
- |  | Not at All | A Little | Moderately Well | Very Well |   |
|--|------------|----------|-----------------|-----------|---|
| 1. Accepts things not going his/her way - - -  | 1          | 2        | 3               | 4         | 5 |
| 2. Defends own views under group pressure - -  | 1          | 2        | 3               | 4         | 5 |
| 3. Completes work - - - - -                    | 1          | 2        | 3               | 4         | 5 |
| 4. Has many friends - - - - -                  | 1          | 2        | 3               | 4         | 5 |
| 5. Ignores teasing- - - - -                    | 1          | 2        | 3               | 4         | 5 |
| 6. Comfortable as a leader- - - - -            | 1          | 2        | 3               | 4         | 5 |
| 7. Well organized - - - - -                    | 1          | 2        | 3               | 4         | 5 |
| 8. Is friendly toward peers - - - - -          | 1          | 2        | 3               | 4         | 5 |
| 9. Accepts imposed limits - - - - -            | 1          | 2        | 3               | 4         | 5 |
| 10. Participates in class discussions- - - -   | 1          | 2        | 3               | 4         | 5 |
| 11. Functions well even with distractions- - - | 1          | 2        | 3               | 4         | 5 |
| 12. Makes friends easily - - - - -             | 1          | 2        | 3               | 4         | 5 |
| 13. Copes well with failure- - - - -           | 1          | 2        | 3               | 4         | 5 |
| 14. Expresses ideas willingly- - - - -         | 1          | 2        | 3               | 4         | 5 |
| 15. Works well without adult support - - - -   | 1          | 2        | 3               | 4         | 5 |
| 16. Classmates wish to sit near this child - - | 1          | 2        | 3               | 4         | 5 |
| 17. Tolerates frustration- - - - -             | 1          | 2        | 3               | 4         | 5 |
| 18. Questions rules that seem unfair/unclear - | 1          | 2        | 3               | 4         | 5 |
| 19. A self-starter - - - - -                   | 1          | 2        | 3               | 4         | 5 |
| 20. Well liked by classmates - - - - -         | 1          | 2        | 3               | 4         | 5 |

|                  |        |         |         |           |
|------------------|--------|---------|---------|-----------|
| Competence Scale | Frust. | Assert. | Task O. | Peer Soc. |
| Raw Score        |        |         |         |           |

ID NO. \_\_\_\_\_

CONFIDENTIAL

FOLLOW-UP  
STAGE II

DATE OF FOLLOW-UP \_\_\_\_\_

NAME OF PARENT COMPLETING FORM:

\_\_\_\_\_ Father Mother

Please list names of agencies or counselors that have counseled child(ren), adults, or family during the past six months:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Legal Information:

During the past six months:

1. Did you have an attorney? Yes \_\_\_\_\_ No \_\_\_\_\_
2. How often did you speak to your attorney?(approximate number of times) \_\_\_\_\_

Your Relationship with Your Ex-Spouse/Ex-Partner:

1. How would you describe your current relationship with your ex-spouse/ex-partner?
  - \_\_\_ 1. Cooperation is impossible
  - \_\_\_ 2. Cooperation is almost impossible
  - \_\_\_ 3. We do not cooperate well
  - \_\_\_ 4. We cooperate well some of the time
  - \_\_\_ 5. We cooperate well
  
2. How would you describe the level of physical violence in your relationship with your ex-spouse/ex-partner during the past six months?
  - \_\_\_ 1. No violence
  - \_\_\_ 2. Single or isolated violent episodes
  - \_\_\_ 3. Multiple or several violent episodes
  - \_\_\_ 4. Frequent or a lot of violent episodes



ID NO. \_\_\_\_\_

Please complete the following questions by circling the number that indicates the extent each statement was true for you THE PAST THREE MONTHS.

|   | Not At   |   |   |   |   |   |   |   |   | Very |
|---|----------|---|---|---|---|---|---|---|---|------|
|   | All True | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | True |
| 1. I felt under intolerable stress and pressure:  | 0        | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |
| 2. I wished that my ex-spouse/ex-partner would disappear:   | 0        | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |
| 3. I doubted that my child(ren) was safe when with my ex-spouse/ex-partner:                                       | 0        | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |
| 4. I felt that family law attorneys are of little help:   | 0        | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |
| 5. I was physically afraid of my ex-spouse/ex-partner:  | 0        | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |
| 6. I had financial pressures:   | 0        | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |
| 7. My child(ren) was upset by things my ex-spouse/ex-partner said or did:   | 0        | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |
| 8. I felt depressed about the separation/divorce situation:   | 0        | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |
| 9. I felt frustrated with the services of the family court:   | 0        | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |
| 10. I believed my child(ren) was being turned against me by my ex-spouse/ex-partner:                              | 0        | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |
| 11. I felt I needed to take some decisive action to get control of my life:                                       | 0        | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |
| 12. I did see value in my child(ren) maintaining contact with my ex-spouse/ex-partner:                            | 0        | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |
| 13. I felt that my ex-spouse/ex-partner was trying to control me:   | 0        | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |
| 14. I believed that mothers tend to be favored in court compared to fathers when it comes to custody of children: | 0        | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |      |



ID No. \_\_\_\_\_

## NPI

Please complete the following checklist indicating whether each statement is more true (T) or more false (F) for you.

1. I rarely depend on anyone else to get things done..... T F
2. I am apt to show off if I get a chance..... T F
3. I can read other people like a book..... T F
4. I will never be satisfied until I get all I deserve.... T F
5. I like to take responsibility for decisions..... T F
6. Modesty doesn't become me..... T F
7. I can make anybody believe anything I want them to..... T F
8. I expect a great deal from other people..... T F
9. I am more capable than other people..... T F
10. I get upset when people don't notice how I look when  
I go out in public..... T F
11. I find it easy to manipulate people..... T F
12. I want to amount to something in the eyes of the world. T F
13. I can live my life in any way I want to..... T F
14. I like to be the center of attention..... T F
15. I can usually talk my way out of anything..... T F
16. I have a strong will to power..... T F
17. I always know what I am doing..... T F
18. I would do almost anything on a dare..... T F
19. Everybody likes to hear my stories..... T F
20. I insist on getting the respect that is due to me..... T F
21. I am going to be a great person..... T F



|   | Not At   |   |   |   |   |   |   |   | Very |
|---|----------|---|---|---|---|---|---|---|------|
|   | All True | 1 | 2 | 3 | 4 | 5 | 6 | 7 | True |
| 29. I feared my ex-spouse/ex-partner would take my child(ren) and leave the area:                     | 0        | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8    |
| 30. I felt that I (more than anyone else) know what is best for my child(ren):                        | 0        | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8    |
| 31. I felt that the amount of money and/or property I had to give my ex-spouse/ex-partner was unfair: | 0        | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8    |
| 32. I wished my ex-spouse/ex-partner could feel as much pain as I did:                                | 0        | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8    |
| 33. My ex-spouse/ex-partner was abusive or neglectful to my child(ren):                               | 0        | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8    |
| 34. I felt that the police were of little help:   | 0        | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8    |

FOLLOW-UP STAGE II COUNSELOR'S REPORT  
PROTECTING CHILDREN FROM CONFLICT PROJECT (PCFC)

Legal Information:

1. How many times has this family returned to Family Court Services/Court to resolve disputes over their child(ren) since this case was referred to the PCFC Project:  
to mediator or family court counselor \_\_\_\_\_ times  
to judge \_\_\_\_\_ times
  
2. Did this family undergo a custody evaluation?  
prior to PCFC involvement Yes No  
since PCFC involvement Yes No
  
3. Is there a child's attorney involved? Yes No
  
4. Is there a special master involved: Yes No

Custody and Visitation Information:

Please describe the existing custody and visitation arrangements for the child(ren).

1. Who presently has legal custody of the child(ren)?  
Father\_\_\_\_\_ Mother\_\_\_\_\_ Joint\_\_\_\_\_ No arrangement\_\_\_\_\_
  
2. Who presently has physical custody of the child(ren)?  
Father\_\_\_\_\_ Mother\_\_\_\_\_ Joint\_\_\_\_\_ No arrangement\_\_\_\_\_

If there are different custody arrangements for each child, please specify:

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3. Is this custody arrangement a legally ordered or stipulated agreement? \_\_\_\_Yes \_\_\_\_No

4. What are the present arrangements for the child(ren) to have access (or visit) the other parent? (If parents have joint custody, what are the arrangements for the child(ren) to live in both homes?) Specify times.

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5. Is this access or visiting arrangement a legally ordered or stipulated agreement?  Yes  No

6. Within the last two months, how frequently have the access/visiting arrangements been followed:

0%  25%  50%  75%  100%

7. Are there requirements for visitation or exchange to be supervised?

|                           |     |    |
|---------------------------|-----|----|
| prior to PCFC involvement | Yes | No |
| since PCFC involvement    | Yes | No |

8. How were these custody and visitation arrangements made?

|  |     |    |
|--|-----|----|
| a) decided by only one parent? . . . . .   | Yes | No |
| b) mutual decision made by both parents together?                                | Yes | No |
| c) made with the help of a counselor or mediator?                                | Yes | No |
| d) decision made by a judge or an arbitrator<br>(e.g. special master)? . . . . . | Yes | No |

9. Were there any incidents that could be legally defined as parental or family abductions (defined as "taking, concealing, withholding or enticing away a child from a parent who has right to custody/visitation")?

- a) prior to PCFC involvement. . . . . Yes No  
     If Yes, who?. . . Mother Yes No  
                                     Father Yes No  
     Other (specify)\_\_\_\_\_ Yes No
- b) since PCFC involvement . . . . . Yes No  
     If Yes, who?. . . Mother Yes No  
                                     Father Yes No  
     Other (specify)\_\_\_\_\_ Yes No

10. In your role as counselor to this family, to what extent did you do the following:

|  | <u>None</u> | <u>Little</u> | <u>Moderate</u> | <u>Much</u> |
|--|-------------|---------------|-----------------|-------------|
| Counseling parents re dynamics of their impasse                | 0           | 1             | 2               | 3           |
| Parenting counseling re children                               | 0           | 1             | 2               | 3           |
| Case management/coordination among professionals               | 0           | 1             | 2               | 3           |
| Mediation of parenting agreements                              |             |               |                 |             |
| partial. . . . .   | 0           | 1             | 2               | 3           |
| complete. . . . .  | 0           | 1             | 2               | 3           |
| Confidential assessment and investigation of parents' concerns | 0           | 1             | 2               | 3           |
| Located resources/made referrals for community services        | 0           | 1             | 2               | 3           |
| Provided information about family court processes              | 0           | 1             | 2               | 3           |

11. Make an overall rating of the degree of resolution of issues under dispute in this family since PCFC involvement:

| 1          | 2     | 3              | 4        | 5             |
|------------|-------|----------------|----------|---------------|
| much worse | worse | about the same | improved | much improved |



12. Briefly summarize:

a) The status of the issues under dispute:

b) Your assessment of what helped and what did not help this family during and since PCFC involvement:

c) What could have been done by PCFC and what would help this family now:

d) Comment on the time constraints of the PCFC intervention and how it affected what you were able to accomplish.

GUIDELINES FOR INITIAL ASSESSMENT  
OF HIGH CONFLICT DIVORCING PARENTS

I. General Impressions

Appearance, behavior, ways of relating to interviewer; who referred here; major concern in coming to the Project. In recording interviews, use the client's own words and describe non-verbal behavior as much as possible.

II. Dispute-Specific Assessment of Family

- (a) Describe issues between parents under dispute, length of dispute, precipitating factors and attempts at solution. Include the stage of property and financial settlement.
- (b) Describe role of stepparent (and significant others including extended kin, friends, therapists, attorneys) in agitating, moderating, or resolving interparental disputes.
- (c) Describe role of child in the interparental disputes. Include child's reactions to witnessing conflict/violence, child's understanding of content of conflict, child's involvement in conflict or attempts at resolution. How central is this child in the parental disputes?
- (d) If relevant, describe a typical incident of physical violence between parents. Note precipitating factors (if any); who initiated first act of violence; response of the partner; escalation (if any); presence of third party (especially children); physical and emotional consequences; calls for help and response of third party. Note especially involvement of drugs and alcohol by either party to the violence.

III. Historical Material

- Socioeconomic status and background; occupational and economic history
- Ethnic background of parents
- Maternal and paternal history
  - Family constellation with sibling series and position; significant losses; grandparents' marital history
  - How parent sees own childhood; the best and most difficult times; significant relations with siblings; major pertinent events and illnesses; note especially any history of violence between parents and history of child abuse
  - School and social adjustment, extracurricular activities, friendships, dating

- Work history
- Psychiatric history, therapy, hospitalizations, etc., any evidence of longstanding psychological illness or acute exacerbation of symptoms immediately prior to or since separation
- Marital history
  - Previous marriages or extended liaisons
  - Premarital or extramarital pregnancies
  - Courtship: how parents met, length of courtship, reasons for marriage and expectations
  - Age of each parent at marriage; at birth of first child
  - Course of marriage; sexual adjustment ; separations; sources of conflict and of gratification; major events and stresses including work history and any significant shifts

IV. Divorce History

- Events leading to marital failure; when and why did marriage begin to fail? Was there a third party? Intensity of conflicts; how much physical violence?
- Emotional response - parents and children, any significant others; how and what children were told; how spouses prepared each other for separation; circumstance of separation; child's understanding of situation
- Parents central affective response to the divorce experience; psychological consequences of separation
- Major defenses and coping mechanisms mobilized by each parent (separately or in alignment with one or more children)
- Who actually made the decision to separate; who filed the petition of dissolution

V. Description of Child and Child History

- Pregnancy
  - Attitudes to becoming pregnant, history of miscarriages, etc.
  - Parental reactions and neonatal history; child's early temperament
- Parental practices - recreations, leisure, disciplines, closeness, etc. General parenting role - who did what; was there a primary parent?
- Special stresses - birth or death or separation (prior to this separation) from a parent, grandparent or sibling; moving.
- History of illnesses and accidents
  - Hospitalizations and/or surgery: age, how long in hospital, reaction to the hospital experience
  - Congenital conditions, medication
- School history
  - Age began kindergarten
  - Reactions to leaving home, any school phobia
  - Grades skipped or repeated
  - Academic performance - special learning difficulties
  - Adjustment to teacher, peers, group (especially reactions to conflict situations)

- Ability to work independently
- Special behavior problems, acting out, truancy
- Difficulty doing homework and how handled
- Extracurricular activities
- Changes since separation/divorce
  - What behavioral changes have occurred?
  - What attitudinal changes have occurred?
  - What emotional/psychological changes have occurred?

VI. Assessment of Parenting Ability

- What is parent's attitude/feelings for child (e.g., guilt, resentment)? Any particular psychological meaning of child to parent?
- What is the style of the overt relationship with the child? e.g., conflict-laden; cooperative; distant; warm
- What is the quality of the more unconscious relationship? e.g., identification with child; needs child for scapegoat, for nurturance
- To what degree does parent cognitively understand child's needs? Comment on perceived and real understanding
- To what extent is parent sensitive to child's needs? e.g., intuitive understanding, actual awareness of needs, real and perceived
- What is parent's ability to cope with child's needs, real and perceived?
- What is parent's usual style of coping with child's demands? e.g., avoid, deflect, ignore, punish, impatience, desperation
- Overall estimate of parenting - Characterize type/style of parenting, e.g., benign neglect, over-protective, "good enough," very competent, loving, etc.
- Critical incidents - Please note reported or suspected child abuse, physical, psychological, sexual, incest, etc.

VII. Assessment of Parent-Parent Relationship

- What are the feelings of each parent for the other? e.g., bitterness, rage, mixed
- How intense are these feelings?
- Amount of parental friction/fighting/hostility/conflict
- Resolution of the divorce/disputes
  - To what extent does parent still think about/obsess about the marriage/divorce/spouse? How much yearning for past?
  - Estimate of how resolved feelings are for spouse
  - To what extent does parent yearn to be married; to remarry?
  - To what extent has parent established a separate life? e.g., new friends, new relationships, job, education, hobbies, etc.
- Estimate of amount of contact/communication between parents
- What is the content of this communication? e.g., child issues only; child issues/ex-spouse's family/ discuss their feelings for each other; whether they have sexual relations
- Critical incidents - Please note any present actual or threatened physical violence; instances of abuse, etc.

VIII. Current Environment and Family Situation

- Composition of immediate and extended family - who is living with whom and where
- Work situation; financial situation
- Physical setting - home and neighborhood - note changes and social mobility
- Sleeping arrangements
- Custody and visitation arrangements
  - how were these arrived at
  - child's reactions to going to and returning from each parent's home
  - visiting and its ambience, routines, discipline, etc.
- Sibling relationships
- Family activities
  - as a family
  - degree of social isolation or contact with the community
- Extent of external supports - extended families; social contacts, etc., for parents and children

AP-II/3-94

### INTRODUCING OURSELVES AND OUR PROJECT TO THE CHILDREN

(This is just a sketch. Please adapt to suit your style, the individual nature of the case, and the developmental level and mental status of the child.)

"Hi. I'm \_\_\_\_\_. And you're \_\_\_\_\_? Is that what you'd like me to call you, or do you have a nickname or other name you'd rather be called? I'm a person who talks with children and their families about divorce. I've talked to your mom and dad, and they told me that they're (divorced/separated/not living together and [if applicable] arguing/fighting/not talking to one another, etc.). What did you mom and dad tell you about why you're here? What other ideas do you have about why you're here? What questions do you have for me?"

(Provide your explanation for the visit, specifying concerns the parents have raised (as appropriate and correcting any misimpressions the child may have.)

"I want to make sure you understand that you're not here because you've done anything wrong. It's just that you've been in a situation that's difficult for a lot of kids. I'm interested in finding out how you feel about things, and what your point of view is about what's been happening with your family--what you like/don't like, what's good/bad, happy/sad, what helps/doesn't help, etc."

(Describe your role--to help parents reach an agreement to provide therapy for child. Be careful not to raise unrealistic hopes--to reunite parents to to make them like each other, or even to stop the fights. Say, "I will try to.... I can't promise to...." Explain in simple language what will happen if you can't help. Say, if appropriate:

"Before we get started, one thing I want to let you know is that what we talk about in our meetings is confidential. That's kind of a big word. Do you know what it means? It means that I won't tell anybody else what you say or do in our meetings, unless you want me to. You can tell whoever you want, you tell a million people if you want to, but I won't tell anybody--not your mother, father, brother, sister, teacher, the judge, lawyers, etc. The only time I would tell somebody is if I think you or somebody else is in real danger of getting hurt. Then, I'd talk to whomever I had to, to try to make sure everybody stayed safe." (As the interview unfolds, you may want to clarify to the child that you may sometimes tell him/her what his/her parents, teacher, etc., say, but not vice versa.)

### Introducing the Sand Play

"As you know, you're here because your parents \_\_\_\_\_. It can be difficult on kids, and kids figure out ways to handle it. Here's our sand tray and a box of toys. I'd like you to tell me a story using these."

Prompts. After a story/scene has been developed by the child, there are three levels of prompts which can be used to introduce conflict. If the child has not done so on his/her own.

1. Take a character in the scene (an adult person or animal) and suggest that he/she has a difference of opinion about what's going on. For example, "The horse doesn't want to stay in the pen."
2. Have a character make an aggressive comment. For example, the horse might say, "I'm angry about this."
3. Introduce physical pushing, shoving, etc., into the scene.

Pay careful attention to the child's response to the prompts. Especially note the level of stress these prompts (particularly the third one) induce in the child, and try to avoid overstressing the child.

The Open-Ended Interview should always follow the structured sand play. The other measures can be given at any time that is convenient. Older children can fill them out alone in another room, providing a parent is not present.

During the open-ended interview, the child is asked directly about their present living and visiting arrangements. Who lives where and when do they see their other parent, and how do they feel about this? They can then be asked how they see their parents getting along with one another now; was it always like this; what changed, and when? The clinician can comment that it's often hard for kids when the parents don't get along/don't talk/fight -- how is it for them? If the child is very constricted, he/she can be offered a roster of feelings and coping responses that children have had and asked which is most like him/her.

As a lead-in to talking about critical events the clinician can ask: "What are the most important things that ever happened with you since your parents split up? What was the worst time/the best time?" Note what the child says. The clinician can later ask specifically about the concrete events by saying, "You mom/dad told me that once \_\_\_\_\_ happened. Do you remember that? What did you think?" This can be a lead-in to exploring the child's ideas and fantasies about the critical event, which should elicit more details about the child's attitudes and relationships with both parents.

If there is evidence that the child has been greatly traumatized by critical events (e.g., an abduction or as witness to violence), the counselor should pursue the interview technique described by Pynoos and Eth (1986),

"Witness to Violence: The Child Interview," Journal of American Academy of Child Psychiatry, 25(3), 306-319.

The interview should always end on a positive note, talking about what the child likes best (friends, school, fun and games). Good coping responses can be affirmed. The child can then be asked as an "expert" what advice he/she would like to give to other kids going through the same experience. Children need to be admired and commended for their honest answers, their thoughtful ideas, and for their willingness to share their experiences so we can help other kids like them.

If there is any concern that the child may be distressed and decompensating during the interviews in approaching any of these subjects, the clinician should not proceed, but instead, help the child reestablish equilibrium and control in a soothing, quiet, and playful atmosphere (e.g., play a board game or have the child give you a tour of their room, if interviewing them at home).

#### Parent-Child Drawing Structured Observation

Each parent is seen separately with the child (or children as a group if there are more than one) for about one-half hour. They are given a large piece of white paper and a set of magic markers and asked to "draw a family." No further specific directions are given. If they ask, simply say, "Do it in whatever way you want, it's up to you... Just draw a family." Ask the parent to keep track of the time and to complete the task within 15 minutes. The clinician sits to the side and takes process notes of the verbal and nonverbal interaction (e.g., who sits next to whom, who talks to whom, the affective tone, who organizes whom, the degree of cooperation and collaboration, the amount of support and criticism, the ability of the parent to manage the situation, etc.).

#### Clinical Rating of Parent-Child Attachment

For children between the ages of about 2 and 6 years, the clinician can see the child alone for the individual interview for about 45-60 minutes, and then after this length of separation from the parent, invite the parent to join the child in the interview room in order to do the parent-child drawing described above. Without intervening in any way, observe the child's and parent's behavior carefully during the first few minutes when the parent enters the room, and try to rate the behavior according to the following four classifications: insecure-avoidant, secure, insecure-ambivalent, insecure-controlling (see accompanying definitions).

REMEMBER THIS IS ONLY A CLINICAL ASSESSMENT TOOL TO BE USED IN CONJUNCTION WITH ALL OF THE OTHER INFORMATION OBTAINED FROM THE FAMILY. ITS VALIDITY AS A SINGLE INDICATOR OF THE QUALITY OF ONGOING ATTACHMENT BETWEEN PARENT AND CHILD IS NOT KNOWN.



CODE NO. \_\_\_\_\_

PARENT: MO FA

PROPOSAL FOR CLINICAL RATING OF PARENT-CHILD ATTACHMENT  
FROM SEPARATION-REUNION BEHAVIOR.  
(Especially for 4-7-year-olds, but try to rate older children).

Check which of the following is most appropriate classification.

1. Insecure-avoidant      Minimizes and restricts opportunities for interaction with parent on reunion, looking and speaking only briefly and minimally as required and remaining occupied with toys or activities. At extremes, moves away but subtly, with rationale such as retrieving a toy.
2. Secure                      Initiates conversation and pleasant interaction with the parent on reunion or is highly responsive to parent's own initiations. May subtly move into proximity or physical contact with parent, usually with rationale such as seeking a toy. Remains calm throughout episode.
3. Insecure-ambivalent      In movements, posture, and tones of voice child appears to attempt to exaggerate intimacy with the parent as well as dependency on the parent. May seek proximity or contact, but shows some resistance or ambivalence (e.g., lying on parent's lap while wriggling uncomfortably). Moderately avoidant, subtle signs of hostility are sometimes present.
4. Insecure-controlling      Seems partially to assume a parental role toward parent. Attempts to control and direct the parent's behavior, either through (a) punitive behavior (directing, embarrassing, or humiliating the parent), or (b) through overbright/caregiving behavior (exhibiting extreme enthusiasm for reunion, solicitous behavior to parent, or careful attempts to guide and direct parent). Discriminate between (a) and (b).

PROPOSAL FOR SCORING PARENT-CHILD INTERACTIVE DRAWING

CASE NO. \_\_\_\_\_ PARENT: MO FA  
 CHILD: 03 04 05 06  
 SEX: M F AGE: \_\_\_\_\_

|  | PARENT |     |      | CHILD |     |      |      |
|--|--------|-----|------|-------|-----|------|------|
|  | LOW    | MED | HIGH | LOW   | MED | HIGH |      |
| <u>Task Management</u>                             |        |     |      |       |     |      |      |
| 1. Initiates activity                              | 1      | 2   | 3    | 1     | 2   | 3    | XG1  |
| 2. Asks for direction                              | 1      | 2   | 3    | 1     | 2   | 3    | XG2  |
| 3. Gives approval for performance                  | 1      | 2   | 3    | 1     | 2   | 3    | XG3  |
| 4. Gives criticism for performance                 | 1      | 2   | 3    | 1     | 2   | 3    | XG4  |
| 5. Exercises control, directives                   | 1      | 2   | 3    | 1     | 2   | 3    | XG5  |
| 6. Facilitates other's performance                 | 1      | 2   | 3    | 1     | 2   | 3    | XG6  |
| 7. Performs task activity                          | 1      | 2   | 3    | 1     | 2   | 3    | XG7  |
| <u>Collective Orientation</u>                      |        |     |      |       |     |      |      |
| 8. Non-contingent/dissociated activity             | 1      | 2   | 3    | 1     | 2   | 3    | XG8  |
| 9. Parallel activity                               | 1      | 2   | 3    | 1     | 2   | 3    | XG9  |
| 10. Collaborative activity                         | 1      | 2   | 3    | 1     | 2   | 3    | XG10 |
| 11. Acts secretly/privately from other participant | 1      | 2   | 3    | 1     | 2   | 3    | XG11 |
| 12. Acts secretly/privately from observer          | 1      | 2   | 3    | 1     | 2   | 3    | XG12 |

Parent-Child Interactive Drawing  
Page 2

CASE NO. \_\_\_\_\_ PARENT: MO FA  
CHILD: 03 04 05 06  
SEX: M F AGE: \_\_\_\_\_

|  | PARENT |     |      | CHILD |     |      |      |
|--|--------|-----|------|-------|-----|------|------|
|  | LOW    | MED | HIGH | LOW   | MED | HIGH |      |
| <u>Socio-Emotional Expression</u>                              |        |     |      |       |     |      |      |
| 13. Provokes/challenges  | 1      | 2   | 3    | 1     | 2   | 3    | XG13 |
| 14. Seductive/teasing  | 1      | 2   | 3    | 1     | 2   | 3    | XG14 |
| 15. Soothes/reassures/placates                                 | 1      | 2   | 3    | 1     | 2   | 3    | XG15 |
| 16. Humor as tension release                                   | 1      | 2   | 3    | 1     | 2   | 3    | XG16 |
| 17. Humor as playfulness                                       | 1      | 2   | 3    | 1     | 2   | 3    | XG17 |
| 18. Expresses negative affect:<br>annoyance, anger, coldness   | 1      | 2   | 3    | 1     | 2   | 3    | XG18 |
| 19. Expresses positive affect:<br>pleasure, warmth             | 1      | 2   | 3    | 1     | 2   | 3    | XG19 |
| 20. Expresses range of/differences<br>in affect                | 1      | 2   | 3    | 1     | 2   | 3    | XG20 |
| <u>Interpersonal Strategy</u>                                  |        |     |      |       |     |      |      |
| 21. Accommodates to other's<br>viewpoint/ideas                 | 1      | 2   | 3    | 1     | 2   | 3    | XG21 |
| 22. Assimilates other's viewpoint<br>and ideas into own        | 1      | 2   | 3    | 1     | 2   | 3    | XG22 |
| 23. Negotiates actively own and<br>other's separate viewpoints | 1      | 2   | 3    | 1     | 2   | 3    | XG23 |
| 24. Avoids, ignores, or deflects<br>other's viewpoint          | 1      | 2   | 3    | 1     | 2   | 3    | XG24 |
| 25. Denies, vetoes, or refuses<br>other's viewpoint            | 1      | 2   | 3    | 1     | 2   | 3    | XG25 |

BOBBY STORY COMPLETION (MODIFIED)

Date: \_\_\_\_\_

Case Number: \_\_\_\_\_

Bobby is \_\_\_\_\_ years old. He lived with his mother and father in a nice house. Bobby went to school every day. He had some friends and they played together a lot. Things were o.k. Then, Bobby's parents decided to get a divorce. They told Bobby they were getting a divorce because \_\_\_\_\_

\_\_\_\_\_.

Bobby didn't understand. Things were very upset and confused.

Bobby felt \_\_\_\_\_.

Now Bobby's father lives in one place and Bobby's mother lives in another place. Bobby lives mostly with \_\_\_\_\_.

Bobby sees his other parent \_\_\_\_\_.

Bobby told his mother \_\_\_\_\_

\_\_\_\_\_.

Bobby told his father \_\_\_\_\_

\_\_\_\_\_.

Bobby's mother has changed. Now all she does is \_\_\_\_\_  
\_\_\_\_\_.

Bobby's father has changed too. Now all he does is \_\_\_\_\_  
\_\_\_\_\_.

Sometimes Bobby's parents fight about \_\_\_\_\_.

They also fight about \_\_\_\_\_.

Bobby's mother thinks \_\_\_\_\_.

Bobby's father thinks \_\_\_\_\_.

When they fight, Bobby's father does \_\_\_\_\_.

When they fight, Bobby's mother does \_\_\_\_\_.

When they fight, Bobby \_\_\_\_\_.

Bobby hopes that \_\_\_\_\_  
\_\_\_\_\_.

In school, Bobby's teacher asked everyone to write down what they  
wanted to do when they grew up. Bobby wrote \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

KAREN STORY COMPLETION (MODIFIED)

Date: \_\_\_\_\_

Case Number: \_\_\_\_\_

Karen is \_\_\_\_\_ years old. She lived with her mother and father in a nice house. Karen went to school every day. She had some friends and they played together a lot. Things were o.k. Then, Karen's parents decided to get a divorce. They told Karen they were getting a divorce because \_\_\_\_\_

\_\_\_\_\_.

Karen didn't understand. Things were very upset and confused.

Karen felt \_\_\_\_\_.

Now Karen's father lives in one place and Karen's mother lives in another place. Karen lives mostly with \_\_\_\_\_.

Karen sees her other parent \_\_\_\_\_.

Karen told her mother \_\_\_\_\_

\_\_\_\_\_.

Karen told her father \_\_\_\_\_

\_\_\_\_\_.

Karen's mother has changed. Now all she does is \_\_\_\_\_  
\_\_\_\_\_.

Karen's father has changed too. Now all he does is \_\_\_\_\_  
\_\_\_\_\_.

Sometimes Karen's parents fight about \_\_\_\_\_.

They also fight about \_\_\_\_\_.

Karen's mother thinks \_\_\_\_\_.

Karen's father thinks \_\_\_\_\_.

When they fight, Karen's father does \_\_\_\_\_.

When they fight, Karen's mother does \_\_\_\_\_.

When they fight, Karen \_\_\_\_\_.

Karen hopes that \_\_\_\_\_  
\_\_\_\_\_.

In school, Karen's teacher asked every one to write down what they  
wanted to do when they grew up. Karen wrote \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

## **Is it possible to STEAL Your Own Child?**

**Yes,**

**and it's AGAINST THE LAW!**

### *The Law on Child-Stealing in California.*

Have you ever been afraid that your child will be kidnapped by a stranger? Do you know that it's much more common for a child to be taken away by a parent or another family member. Some people think that you can't steal something that's already yours, but when it comes to children that's not true. Children are not like a piece of property. It hurts them when they are uprooted and kept from other people they care about.

It's a crime for a parent, relative, or any other person to take away, hide, or keep a child from the other parent or a person who has rights in the child. It is a crime to take away, hide, or keep a child from a child's foster parent or other legal guardian.

Child-stealing is a serious (felony) crime even when it is a family member who steals the child, which is called criminal custodial interference. Mothers, fathers, grandparents, and others with rights to the child who are convicted of stealing a child can be sent to prison for up to three years and fined up to \$10,000.

Fathers and mothers who have lost or never claimed their legal rights as parents, as well as other relatives, stepparents, boyfriends and girlfriends without rights in the child also can be charged with child-stealing. Or, they might be charged with kidnapping. Anyone convicted of kidnapping can be sent to prison for up to eight years.

Some people think they can avoid California law by taking their child to another state or country, but the district attorney's office will send investigators anywhere to bring them back, just like they do in other crimes.

### *How to Protect Against Child-Stealing and Avoid Being Accused of Stealing Your Child.*

Get a child custody order from the court and follow it. A custody order is a legal paper with a decision by a judge saying when the children are supposed to be with each parent (physical custody and visitation), and who makes the decisions about the children's health, education, and wellbeing (legal custody). Your order should also say if your child can be taken out of town or out of state for vacations, for example.

To get a child custody order from the court, contact an attorney or legal clinic for assistance in filing a petition, which is a request for custody from the court. You also can get help in working out the arrangements of a custody order with the other parent by going to a mediator at Family Court Services in your county. A mediator is a person who works with both parents to help them come up with their own agreement that the judge can make into a court order. Private mediators are also available in many areas.

Give a copy of the child custody order to your child's school and keep an extra certified copy of the order at home. "Certified" means that the copy has a signature or seal on it from the court to show that it is a true official copy. Certified copies usually cost extra, but are very important to have.

If the other parent lives in a different county or state, send a certified copy of the order to the clerk of the court there, so that the order will be kept in their file.

Do not prevent the other parent from seeing your child. It is best if you have times you have agreed to, or that are spelled out in a court order. If not, make sure that there are some times when you each see the child. Otherwise, the other parent can say that you are interfering with their right by taking, hiding, or keeping the child from them. This can happen even if there is no court order.

If you have your child for visitation or you have custody part of the time, return the child to the other parent on time. If you are late, you could be accused of the crime of child-stealing.



If you are an unwed parent and you keep the child from the other parent, you also could be accused of child-stealing. If you are an unwed father who has not legally claimed paternity you could be charged with kidnapping if you take the child. If you are an unwed mother, you still need to get a child custody order from the court, even if the child has always been with you.

If you already have a custody order, but you want to move to another area or state, or make some other change, first go back to court and have your order changed. If moving with the child means that the other parent's contact with the child is changed, and you did not have the court order changed, you could be accused of child-stealing.

***What to do when you feel you must protect yourself or your child from the other parent.***

If you or your child is not safe where you live, go to a safe place (friends, family, or a shelter). Find out from a shelter or family violence hotline how to stay safe.

If you keep your child away from the other parent, because you feel that parent is harmful to the child or to you, then you should call or visit the local district attorney's office right away. Tell them where the child and you are and why you took or kept the child from the other parent. Then follow their advice. If you do not call the district attorney's office, if you do not follow up on their advice, or if you didn't really have a good reason for taking or keeping the child, you could face charges of child-stealing.

***Make sure that family and friends know that they are doing wrong if they help steal a child or help a parent who has stolen a child.***

Sometimes family and friends think they are helping by keeping a child away from the other parent or by helping a parent run away and hide with a child. They often don't know that by helping a parent steal a child, lending money, keeping the location secret, or other activities, they too can end up in prison or face a large fine. Or they can be sued by the left-

behind parent for damages and have to pay them money. Family and friends need to know that their well-meaning actions can get them into trouble.

***What should you do if your child is stolen by another parent or relative?***

- Call your local law enforcement agency (police or sheriff's department) and make a crime report. Ask the law enforcement officer to enter your child as missing in the NCIC, the nationwide computer crime file.
- Call or visit the local district attorney's office right away to begin a child abduction investigation. Give the district attorney a description and recent photo of the child along with addresses and telephone numbers of anyone whom the child-stealer might go to or call for help.
- If you have a child custody order, or visitation order, give a certified copy of the most recent order to the law enforcement agency. If there is no court order, contact a lawyer or legal clinic right away for help in getting a custody order from the court.
- Call missing children's organizations for assistance in locating your child. (See below for two examples.)

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If you have questions about child-stealing, call your local district attorney's office, the Vanished Children's Alliance at (408) 971-4822, or the National Center for Missing and Exploited Children, NCMEC, at (800) 843-5678.

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