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Policy Responses to Couple Conflict and Domestic Violence: A Framework for Discussion

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Until about 3 decades ago, conflict between couples—even when it involved violence—was considered essentially a private matter, beyond the scope of government intervention. In this chapter I sketch the broad outlines of the landscape of the current policy response to different types of couple conflict, and to the separate but related issue of domestic violence. I then raise a few of the questions and issues that I believe need to be addressed in the future.

Couple conflict has several different meanings and outcomes. Dictionary definitions usually distinguish between conflict as a prolonged battle, struggle, or clash between at least two parties, and conflict as a controversy, difference, or disagreement.

In the latter sense of difference and disagreement, some degree of conflict is woven into the fabric of every relationship between two intimately involved individuals. Indeed, in many contemporary marriages, opportunities for conflict have increased because there are no longer any clear gender rules to follow and couples need to negotiate with each other constantly to decide who does what, when, and how. Furthermore, many couples today jointly make decisions that in earlier generations were typically made by one party.

However, it is not the existence of disagreement and conflict between couples but how they are expressed and resolved that brings couple conflict to the attention of public officials. Some couples handle differences and conflicts constructively, by either negotiating an agreement or agreeing to differ. In the course of the argument they may have expressed a lot of anger, but they will clear the air afterward by apologizing. With other couples, differences remain unresolved and act as continual irritants, the conflicts recycle and escalate, and eventually lead to an atmosphere of constant tension. In such cases a conflict is being used in the sense of prolonged struggle or a fight (battle) between two parties. This may cause one or other partner to periodically explode with hostile anger, or to increasingly withdraw from the relationship. Both responses are very destructive to the future of the relationship and may threaten the continuance of the marriage and lead to divorce. Public officials are becoming increasingly interested in finding ways to reduce the divorce rate.

Many high-conflict marriages, however, do not end in divorce, and many divorces are not the result of conflict. One recent longitudinal study found that in only one third of divorces with children were the couples in a high-conflict relationship (Amato & Booth, 1997).

Couple conflict can also include serious verbal abuse and intimidation, and acts of physical violence ranging from, pushing, slapping, and shoving to hitting with objects and weapons, which may result in physical injury and sometimes death. However, these kinds of violent couple interactions need to be carefully distinguished from domestic violence, because they require different kinds of interventions. Michael Johnson, in an article in 1995, explained why these are, in his view, two essentially quite different forms of couple violence (see also Johnson, chap.7, this volume; Johnson & Ferraro, 2000).

Johnson called the type of violence involved in domestic violence *patriarchal terrorism*, and it is “a product of patriarchal traditions of men’s right to control ‘their’ women. . . that involves the systematic use of not only violence, but economic subordination, threats, isolation and other control tactics.” In these cases, the woman is always the victim and never the perpetrator of the violence. The second form of couple violence Johnson called *common couple violence*, and is a product of less gendered and more interactive causal processes. “The dynamic is one in which conflict occasionally ‘gets out of hand’, leading usually to ‘minor’ forms of violence, and more rarely escalating into serious, sometimes even life-threatening, forms of violence” (Johnson, 1995, pp. 284-285). In these situations, as the family violence surveys show, women as well as men can be the perpetrators of acts of violence.

Johnson maintained that the failure to acknowledge that they are talking about basically different phenomena explains some of the rancorous debates between family violence researchers on the one hand and feminist researchers connected to the domestic violence community on the other (1995). (It also undoubtedly explains some of the confusions that arise among nonexperts and the media.) He noted that family violence researchers typically rely on survey research methodology, incorporating measures such as the well known conflict-tactics scale, whereas the feminists researchers typically conduct qualitative research with shelter populations and use criminal justice and court data.

Policy officials and advocates have paid most attention and allocated the most funds to the domestic violence type of couple violence. But there is beginning to be some interest among public officials and community leaders in supporting approaches that deal with couple conflict in general. These include couples and marriage education programs that teach engaged and married couples communication and conflict-resolution skills in order to strengthen their relationship, avoid destructive forms of conflict that may lead to divorce, and encourage less acrimonious coparenting after divorce. I group these policy and program responses into three broad categories:

Domestic violence programs and policies—these are currently receiving even

more attention in the policy community as a result of the new requirements of welfare reform and tightening of child support enforcement.

Divorce mediation, and divorce and coparenting education—these are alternative, nonadversarial approaches to resolving disagreements and conflict between divorced and divorcing parents over child support, custody, visitation, and so forth.

Couples and marriage education, enrichment, and divorce prevention programs that aim to teach couples constructive ways of resolving their differences and conflicts.

Note that in this chapter I do not discuss couples counseling and marital therapy and whether they are included as covered services by medical insurance. They typically are not covered services.

These three programs' arenas exist somewhat separately from each other. They have different origins, funding sources, and underlying federal or state legislation; separate advocacy organizations, resource centers and clearinghouses; set apart membership, professional associations, and conferences; and so on. They draw on different research disciplines (or at least subdisciplines) and theoretical frameworks. In my cursory review of the literature prior to this symposium, I was struck by how little overlap there was among these arenas, and how little contact there is between the people working in each. I now take a closer look at each.

DOMESTIC VIOLENCE PROGRAMS

Violence against women is primarily partner violence. As reported in a recent national survey, 76% of the women (compared to 18% of the men) who were raped or otherwise physically assaulted (or both) since age 18 said the perpetrator was a current or former spouse, a cohabiting partner, or a date. According to survey estimates, approximately 1,500,000 women and 834,700 men are projected to be raped or physically assaulted by an intimate partner annually in the United States (as reported in Gladstone, 1999).

Spouse or partner abuse is defined somewhat differently in different studies, but measures—such as the often-used, Conflict Tactics Scale—typically include asking respondents to report on whether they have experienced any occasion in which one partner physically attacked the other, or, in the case of emotional abuse, used verbal intimidation or control to cause fear in the other partner. As noted earlier, domestic violence is a term used to identify intimate relationships when the male partner exercises control, domination, and intimidation over the woman in many spheres of her life, which typically includes but is not limited to physical abuse as measured in the surveys.

Although there were concerns expressed about wife beating by the Women's Christian Temperance Union and others decades earlier, it was the feminist revolution of the 1960s and 1970s that greatly increased public awareness of spouse/partner abuse and shifted public opinion to mobilize against it. Services for vic-

tims of domestic violence first began to appear in the mid-1970s and 1980s largely as a result of grassroots community action by and on behalf of battered women. Initially, the primary goals were to provide shelter to abused women (and their children) and help them become more independent. Current strategies also include helping those battered women who, for economic or other reasons, need to remain living with their partners consider a range of options for survival within the context of protecting their own and their children's safety. Advocates have also argued successfully for improved legal protection for women from the police and the courts, and states began to enact civil protection orders and other legal reforms.

Currently, there is a network of almost 1,800 domestic violence programs in the United States, and approximately 1,200 of these include shelter (Schechter & Edelson, 1999). These programs provide an array of services, including 24-hour crisis hotlines, housing assistance, food, clothing, shelter, and legal services. Funding for these low-budget, nonprofit organizations is typically from a variety of sources, including private foundations and state legislatures.

The first federal grants program, The Family Violence Prevention Act, was enacted in 1984, followed 10 years later in 1994 by the passage of the Violence Against Women Act (VAWA), which was part of the huge Omnibus Crime Act. This latter Act greatly increased funding to battered women's programs as well as programs for victims of rape, sexual assault, and stalking. Federal funding has been increasing each year, and in the 1999 appropriation it was nearly \$440 million (Gladstone, 1999). The monies are administered by two federal agencies—the Department of Justice and the Department of Health and Human Services.

At the same time that the federal government began taking action, state legislatures enacted numerous laws to try to protect threatened and battered women (including restraining orders, warrantless arrests for misdemeanor assault, evictions order for the batterer, etc. By the mid-1980s, every state had a domestic violence coalition responsible for statewide training, technical assistance, and institutional reform. "As the devastating health and mental health consequences of violence against women were identified major organizations such as the American Medical Association mobilized public awareness campaigns and developed response protocols for their members. Now domestic violence is defined not only as a criminal justice issue, but also as a public health crisis" (Schechter & Edelson, 1999, p. 74).

There is growing awareness of the co-occurrence of domestic violence and child maltreatment (National Clearinghouse on Child Abuse and Neglect Information, 1999). Studies report that there is between a 30% to 60% overlap between violence against children and violence against women in the same families. In addition, even if they are not themselves victims of abuse, many children suffer from being witnesses to conflict and abuse between their parents, or between one parent and her or his partner. (Family violence is an umbrella term increasingly being used to include spouse/partner, child, and elder abuse.)

Historically, two distinct intervention systems—domestic violence (i.e. spouse abuse) and child abuse—were created, each with its own law enforcement and judicial mandates, institutions, and funding. However, there are a growing number of collaborations between these two sets of advocates and programs. In 1999, a report of the influential National Council of Juvenile and Family Court Judges recommended guidelines for policy and practice to obtain more effective collaboration between the two systems (Schechter & Edelson, 1999).

BATTERERS' PROGRAMS

Over this same period, batterers have been increasingly subject to arrest, prosecution, and punishment. Treatment programs for perpetrators of abuse have received much less attention and funding than have programs for the victims. The argument for providing treatment rather relying solely on punishment is that as many as a third of battered women who seek shelter return later to their abusers for a variety of reasons, many of them economic. And even if they do not return, the men are likely to abuse their next partner.

A few treatment programs for batterers emerged in the late 1970s, and currently a large number of batterers appearing in court are mandated to batterer treatment. This treatment most typically consists of small groups of men (5 to 15), is highly structured, focuses on teaching attitude and behavioral change, and lasts from 6 weeks to 8 months. Some programs offer individual or couples counseling, but these are often considered inappropriate and ineffective. A number of the group programs have been evaluated. Articles reviewing these studies conclude that participants who successfully complete the program show a high degree of success (between 53% and 85%), as measured in terms of stopping their physical abuse. However, these programs have a high dropout rate (Edelson, 1995; Tolman & Edelson, 1995). There are a few programs that try to treat the couple together, but they are controversial and are not recommended for the majority of cases of serious domestic violence.

WELFARE REFORM AND DOMESTIC VIOLENCE

Until recently, domestic violence advocates and organizations worked hard to make the point that domestic violence is a universal problem and occurs across race and class. However, there is a new acknowledgment of the high correlation of domestic violence with poverty, substance abuse, and mental illness, largely as a result of the passage of the 1996 Personal Responsibility and Work Opportunities Reform Act (PROWRA). The majority of women receiving welfare assistance have a man (intimate partner) in their lives. The domestic violence community and others became quite concerned that the increased work requirements and time

limits and other requirements imposed on welfare recipients would lead to escalating rates of both spouse abuse and child abuse (see Brandwein, 1999).

Recent data from five major studies find that between 20% and 30% of welfare recipients are current victims of domestic violence (Raphael & Haennicke, 1999). In addition, welfare recipients who had ever been subject to abuse were much more likely to suffer higher rates of depression, substance abuse, and physical health problems. As well, several studies have found that, in some welfare families, physical abuse starts or is exacerbated when the welfare mother gets a job, because her partner can feel very threatened by her increasing autonomy (Raphael & Tolman, 1997).

These findings fueled concerns about the direct and indirect effects of welfare reform on battered women. Some battered women who comply with the requirements may experience increased abuse. Other battered women will not comply with the requirements out of fear or due to their multiple barriers to employment, and their noncompliance will lead to sanctions and cessation of assistance. On the other hand, advocates also point out that not all battered women present similar needs, and welfare reform can be a gateway to these women receiving effective services for the first time.

The Family Violence Option (FVO) was enacted in response to some of these concerns. It is an amendment to the federal welfare reform legislation, PRWORA, which allows states to waive the work requirement temporarily for women who are victims of domestic violence while they get help from domestic violence programs and shelter to protect their safety and the safety of their children. A recent report from the Taylor Institute of its survey of state implementation of the FVO reports that most states have chosen to adopt the FVO or adopted a similar state policy. The question is how well are women being informed of the availability of the temporary waiver, and how effective is a caseworker's assessment of domestic violence. The report recommends that the notice, assessment questions, and caseworker discussion are cognizant of the woman's privacy and relate to her ability to comply with law's requirements and access to services—for example, asking if there are any problems at home that would interfere with her working as compared with directly if the woman has problems at home with her husband/ partner (Raphael & Haennicke, 1999).

CHILD SUPPORT ENFORCEMENT AND DOMESTIC VIOLENCE

For many years, prior to the passage of PRWORA, advocates had been concerned about the risks involved in enforcing a welfare client's cooperation with the child support system when she is a victim of domestic violence. Welfare recipients are required to cooperate and inform the child support workers of the name and whereabouts of their child's father, so that the child support workers are able to contact

him and get him to pay child support. However, in cases where there has been abuse, the clients may be able to avoid doing so by claiming a “good cause” exemption in the law (Roberts, 1999). Some workers have seen this an unfortunate loophole, whereas others have been very ready to accede to the request. Yet, as several analysts have pointed out, the reality is more complex, because many abused women do not want the “good cause exemption” because they know they need the child support payments in order to survive and hence they want effective child support enforcement (Turetsky & Notar, 1999). This realization is leading courts, child support agencies, and domestic violence advocates to develop approaches that give the battered woman better information and more protection simultaneously as she cautiously pursues the process of cooperation with the system to get support (Menard & Turetsky, 1999; Roberts, 1999).

MEDIATION AND OTHER ALTERNATIVE APPROACHES TO DIVORCE CONFLICT

In response to the growing awareness that the adversarial divorce process itself often exacerbates couple conflict and is extremely costly, alternative approaches to settling these disputes have evolved. The best known of these is divorce mediation. The first experimental mediation programs were set up about 20 years ago in California. Since then the field has grown rapidly, although the growth rate has slowed in recent years.

Around eight states have statewide statutes mandating couples disputing custody to mediate. Local jurisdictions in another 30 or so states require mediation as well, and these often include large population centers such as Cook County (Chicago), Illinois. National training programs and standards of practice for divorce mediation have been established, membership associations exist for practitioners, and now thousands of individuals (mostly lawyers and social workers) have added mediation to the array of legal and mental health services offered to divorcing couples (Pearson, 1993). Mediation is now being used in many other situations of family and community conflict as well and various hybrids and quasi-mediated processes are evolving.

The hopes for mediation have been partially realized. It is no magic bullet, but studies have found that between 60% and 80% of mediated couples do reach agreement, and they do so in less time and at less cost to the parents. In general, the parents are highly satisfied with the process, and are more likely to comply and cooperate with the agreements. There is no empirical evidence that women are disadvantaged in mediated agreements. However, there is also no evidence that mediated settlements result in improved psychological outcomes for the children or the parents in the long run. In the view of a leading researcher in the field this is not surprising, given the limited nature of the intervention (Kelly, 1996). Mediation seems an especially useful service for the growing number of couples

who seek *pro se* (i.e., do “it” yourself) divorces. The domestic violence community has been critical of the appropriateness of mediation for battered women due to the power imbalance between them and their spouses, and have raised the question of whether they should be automatically excluded from using this service. However, one scholar cited research that suggests there may be some types of couple violence in which mediation may be not only appropriate when particular safeguards are in place, but also more beneficial than the usual adversarial divorce process (Kelly, 1996).

COPARENTING EDUCATION

In addition to mediation, many courts now encourage or require that divorcing parents participate in divorce education or coparenting programs. Courts in more than 40 states have implemented parent education programs designed to help divorcing parents ease the trauma of the separation and divorce process for themselves and their children. Educational in approach, they are to be distinguished from counseling and mediation. As outlined in a recent report, they typically have three goals:

First, to provide parents with information about the effects of divorce and separation on children; second, to reduce divorce-related parental conflict by improving parents’ ability to communicate with each other about their children; and third to provide parents with the skills and techniques that will enable them to parent more effectively and cooperatively after divorce and separation. Parent education programs also aim to minimize the long-term emotional, social, and academic problems experienced by children of divorce. (Davis, Levitan, & Singer, 1997, p. 9).

There is a growing trend to make these programs mandatory for divorcing parents. As of September 1994, almost 400 jurisdictions from 35 states had some type of formal mandate.

RESPONSIBLE FATHERHOOD PROGRAMS

Within the last 5 years, as part of a growing interest in fathers and promoting more involved fathering, a number of community-based programs have been set up that are targeted on low-income, noncustodial fathers primarily in the inner city, and aim to help these men fulfil the financial and psychological responsibilities of fatherhood (Bernard & Knitzer, 1999). Studies have shown that many low-income fathers do not fit the stereotype of the typical “deadbeat” divorced dad who refuses to pay support. In reality, these dads, typically never married to the child’s mother, are in fact “dead-broke” and unable to pay support but remain intermittently connected to their families. These families have been dubbed “fragile fami-

lies” (Mincy & Sorensen, 1998). Like their children’s mothers, these fathers have no skills, very low levels of education, and little or no employment experience. In addition, they have frequently spent time in jail. They generally have no permanent abode and alternately live with their partner or with members of their own extended family.

The responsible fatherhood programs aim to get the fathers into jobs and become engaged with their children through the influence of peer-support group discussions and parent education. Father involvement requires the cooperation of the child’s mother, but relations between the couple are often strained, if not actively hostile. As a result, some of the fatherhood programs have offered classes in anger management, mediation, and coparenting. The hope is that if these men are enabled to get and stay in jobs, and thus be able to pay support, this may help the entire family move out of poverty, stabilize relationships between the parents, and in a few cases may even lead to marriage. However, domestic violence advocates are somewhat wary, and recommend that responsible father programs need to carefully assess the parental relationships for the presence of domestic violence (Raphael & Tolman, 1997).

COUPLES AND MARRIAGE EDUCATION

The field of couples and marriage education has roots in the late 1960s and early 1970s and is now attracting widespread national attention, in part due to the research of marital researchers such as John Gottman at the University of Washington, Howard Markham and Scott Stanley at the University of Denver, and Bernard Guerney, formerly of Penn State University. There are now dozens of nationally known model curricula. As well, a Coalition for Marriage, Family and Couples Education (CMFCE) has been formed to serve as a clearinghouse and forum for exchange, and it attracts hundreds to its annual conference, *Smart Marriages* (see website www.smartmarriages.com).

Couples and marriage education takes place under both religious and secular auspices. The formats vary from evening courses to weekend-long seminars. But, in general, the couples meet in small-group workshops that include skills-building exercises and much interactive discussion. Some programs begin by giving a self-administered test to the couple—a premarital inventory. Several of the programs use married couples as mentors. There are curricula designed for high school students, engaged couples, the newly married, the remarried, marriages that need improvement, and those that are in crisis and on the verge of breakdown. Although there are important differences, most programs place a major emphasis on teaching communication skills, problem solving, and commitment, and many include anger management and financial management (see Family Impact Seminar, 1998). Although there are serious methodological difficulties in evaluating the success of these programs, some of the best designed and evaluated have shown

promising results 5 years later.

OTHER POLICY DEVELOPMENTS RELATED TO COUPLES AND MARRIAGE

In response to the idea, partially supported by research, that the passage of no-fault divorce laws has contributed to the rise in divorce rates, the primary focus of advocates to date has been to reform divorce laws in order to make divorce more difficult to obtain. Louisiana in 1997 and Arizona in 1998 enacted covenant marriage laws, in which a couple can voluntarily choose a form of marriage that makes it somewhat more difficult to get a divorce. Many other states have introduced similar legislation. More recently, there has been growing interest in encouraging preventive interventions designed to strengthen marriage. Several state legislators have introduced bills to require or encourage premarital education before a couple can obtain a marriage license, but none have passed to date except in Florida.

Other kinds of prevention-oriented initiatives are being launched in several states and communities to strengthen marriage and reduce divorce (Ooms, 1998). At the heart of most of these efforts are programs designed to help improve couples' communication and reduce destructive conflict. The Florida Marriage Preparation and Preservation Act of 1998 provides a financial incentive for premarital education by offering a reduction in the marriage license fee to any couple who takes one of the approved courses. The law also requires 4 hours of relationships education to be taught to every high school student in the state. In 1998, the Governor of Utah established a high-level Commission on Marriage, and in early 1999, Governor Keating of Oklahoma launched a major marriage-strengthening initiative that is working with all the major sectors—religious, business, health, educators, government agencies, and the media—to find ways to help couples have more stable and satisfying relationships.

A related development in the religious sector is that, in over 100 communities, religious leaders from different denominations have gotten together and signed a Community Marriage Policy, a pledge that they will not marry anyone who has not participated in a serious premarital preparation course. In Michigan, the Greater Grand Rapids Community Marriage Policy agreement is much more comprehensive, and includes leaders from the public, nonprofit, religious, and business sectors in a communitywide effort to strengthen marriage and reduce the divorce rate. In addition, a few individual justices of the peace, or family court judges who perform civil ceremonies are also beginning to make a similar requirement of couples who ask them to perform a marriage ceremony.

These developments indicate a growing public interest in the topic of couples and marriage, and in the quality of the relationship between the couple. This presumably will create a greater demand for studies that will help us understand the different types of couple conflict and couple violence, their causes, and promising

remedial and preventive approaches to helping couples resolve conflict constructively and prevent domestic violence.

QUESTIONS FOR DISCUSSIONS AND FURTHER EXPLORATION

This brief descriptive overview of policy and program responses to couple conflict suggests a number of questions and issues that need to be addressed:

To what extent are these new policies and programs grounded in research? How effectively is the scholarly community communicating its findings to the policy/program community? Are scholars conducting policy/program-relevant research—studying the questions to which public officials want the answers? What bridges currently exist to facilitate or encourage interaction among the research, program, and policy communities? What are the incentives or disincentives within academia to conduct policy-relevant work?

The boundaries among disciplines, perspectives, and programs in these three different arenas are typically very rigid. To what extent are people conducting research or working in the programs in one field or discipline aware of and working with people in the others? What is the overlap and what are some of the tensions that exist among them? What vehicles exist to cut across these boundaries and encourage collaborative research and program development? For example, in addition to promoting interchange among psychologists, sociologists, and demographers, forums are needed that bring them together with lawyers, economists, public health officials, program administrators, and public officials whose combined perspectives and expertise are needed to understand the phenomenon of couple conflict and domestic violence in their full complexity and develop appropriate interventions. To make communication and collaboration possible a critical first step is to develop a common language—an agreement on definitions and terms used to describe the range of couple behaviors of interest and concern.

- To what extent are program efforts to respond to serious conflict or violence between the parental couple aware of and responsive to the needs of the children who may be hurt directly or indirectly? To what extent are those focusing on parental abuse of children aware of and able to deal with domestic abuse?

- Couple conflict in low-income populations frequently occurs among never-married parents whether they cohabit or not. Divorce mediation, parenting education, and couples and marriage education are typically not easily available to these couples. How should these curricula and approaches be adapted for their needs? Who would sponsor and pay for them?

- The issue of training front-line staff to be able to screen for serious couple conflict and domestic violence and learn how to respond appropriately is critical. This training needs to be conducted across the human service community. Welfare, maternal and child health, family support, early childhood, child abuse pre-

vention, and a whole host of other publicly funded programs provide services to families with children at risk of domestic violence. A few welfare agencies have introduced to their staffs some protocols to screen for domestic violence, but otherwise there is very little training or support given to health professionals and other human services staff to help them assess the relationship between the parental couple in a holistic manner, including the positives and the negatives.

- We need to develop broader protocols that are culturally sensitive. We need to help front-line staff learn how to distinguish between a couple who may occasionally slap each other in the heat of an argument but whose relationship otherwise has many strengths (and who may appreciate referral to an educational program to learn better conflict resolution skills, an anger management program, or an alcohol treatment program), and those for whom there is a pattern of frequent, serious physical abuse and intimidation and fear (in which the victims may need immediate shelter and other services to keep them safe, and the perpetrator needs restraint and punishment).

In conclusion, over the past 3 decades public officials and program administrators have become much readier to develop interventions to respond to couple conflict and domestic violence. However, this field is in its infancy, and a great deal more work is needed. Scholars, practitioners, and advocates need to more carefully define the different types of couple conflict; identify the multiple causes and consequences for adults, children, and the community; and discuss which types of intervention are available and appropriate for the different types of situations. This information needs to be effectively and responsibly communicated to public officials and the public at large.

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