

Abused at home, and then in courts

Controversial custody decisions bring focus to plight of battered women

By Kate Gurnett, Staff writer, Albany *Times Union*

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Garland Waller has a computer file marked "Horror Stories." She gets more every week, "each one worse than the next," the Boston University professor said. The tales come from battered women who've lost custody of their children -- to their attackers. At first, Waller couldn't believe mothers would be penalized for reporting abuse. Then she followed nationally known custody attorney Diane Hofheimer and wound up filming the award-winning documentary "Small Justice: Little Justice in America's Family Courts" (2002).

This weekend, Waller will join divorce lawyers, abuse experts and women's rights advocates from 17 states at Siena College for the second annual Battered Mothers Custody Conference. Her film follows three women fighting to regain custody of their children. One lost custody of two sons to her husband even though he was a registered sexual offender.

Current data on the actual number of battered women who have lost custody are hard to find. But the practice was pervasive enough to prompt a state Court of Appeals ruling in October that children who witness domestic violence can't automatically be put in foster care. The case started when a judge forbid New York City from removing children merely because they'd witnessed abuse of their mothers.

In the ruling, Chief Judge Judith Kaye noted that social services authorities were taking children away and delaying the court process to induce mothers to meet their demands.

Ironically, what sparked the trend was the women's rights movement, said Karla Digiralomo of Unity House in Troy. For decades, advocates convinced police and

courts that domestic violence harms women and children. They got the message, she said. "But what began to happen is they began to remove children from their mothers. And often they would place them with the abusive fathers. It is incredible, and I still don't understand it."

Putting the burden on women to end family violence is doubly hard for victims, Digiralomo said. Data show battered women are at greatest risk of being killed when they try to end an abusive relationship.

Some courts have chastised mothers for "alienating" children from their fathers by reporting domestic violence or sexual abuse, said Mo Therese Hannah, a Siena College psychology professor who organized the conference. "When you see the twists and turns in these cases, you will not believe it. (People) end up broke, traumatized and under ordered visitation. It has been described as a nightmare that never ends."

This weekend's conference will join attorneys, researchers and judges from across the country to examine the larger picture of custody abuse and draft reforms, Hannah said.

Speakers include Amy Neustein, author of the upcoming "From Madness to Mutiny: Why Mothers Are Running From the Family Courts -- And What Can Be Done About It"; Lundy Bancroft, author of "The Batterer as Parent"; state Supreme Court matrimonial Judge Jacqueline Silbermann; and former prosecutor Jeremiah McKenna.

Meetings will be held at the Sarazen Student Center at Siena College, 515 Loudon Road in Loudonville. For more information, call Mo Therese Hannah at 210-2487 or go to <http://www.batteredmotherscustodyconference.org>.

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