

## **Parental Rights**

by Hannah Rodriguez

### *Are Victims of Domestic Violence Being Abused Once Again by the Court System?*

Out of the 60 mothers interviewed by Phyllis Chesler, an Emerita Professor of Psychology at City University of New York, 82% of the disputed custody cases fathers achieved sole custody even though only 13% had been involved in child care activities before the divorce. 59% of the fathers who won custody had abused their wives.

Another research study showed that attorneys representing mothers who were domestically abused often times didn't advise for their clients to report domestic abuse because they often received bad outcomes in the form of custody awards. These aren't the only bad outcomes of custody cases. Outcomes similar to these occur everyday all around the country. Something must be done to prevent this, either made in the court system or in investigating abuse. A change must be made because abuse reports aren't always fully investigated, constitutional parental rights sometimes outweigh the best interest of the child, and parents often argue that domestic violence doesn't impact children.

When the abuse hotline receives a call they will go to the house and speak to the family, but sometimes the abuse investigators don't have enough concern to create a full investigation. Mike Carroll, the secretary at DCF, thinks that any investigation should be fully investigated and is now working hard to enforce this (Carroll, State's child welfare secretary pledges vigilance following Phoebe Jonchuck's death). On December

30th at 2:45 pm a call to the abuse hotline was made expressing concern of a five-year-old girl. Her name was Phoebe Jonchuck. The abuse investigators stopped by the house and took note that the father was acting weird, but didn't have enough concern to open a full investigation. DCF left the house and the next day Phoebe ended up dead. Around midnight of the night leading to her death, John Jonchuck dropped Phoebe off a bridge in St. Petersburg. This family also had a lot of history with DCF. Many other people had reported concern about this family and DCF had to stop in a few times. Wouldn't this register with the investigators? After her death, Mike Carroll made a statement explaining how a child protective investigator will now have to visit a family within four hours of a report being made that a parent might be experiencing a psychotic episode. Carroll also states that he believes that a change must be made to prevent harm to children like Phoebe (Mike Carroll, Statement Regarding the Death of Phoebe Jonchuck).

Often times constitutional parental rights outweigh the best interest of the child, this should not happen. In a custody case in North Dakota a father was granted parental rights. A father who had been proven by the state to be unfit, but was still paying for child support was awarded with custody of the children. Parenting is a hard thing. It's not just paying for the food the kids eat, paying for school, and buying clothes and shoes. It is about supplying those things as well as showing care and love for the child. The parents need to know how to act in hard times involving the children. When a six year-old colors on the walls you can't lock it in a dark bathroom for hours. You must discipline the child and teach them not to do that. No child wants to get in trouble.

Obviously if they did it, they didn't know it was wrong. That's the parent's responsibility to teach their children and discipline it accordingly. The court cannot look at a case and grant someone custody who is paying for child support, but is proven to abuse the child. Also, abusers are highly manipulative and come across as loving, caring, and cooperative parents while describing the other parent as over-protecting, conflict-inciting, diminished, and impulsive (Stephanie Dallam). Studies show that chaperones or mediators most of the time fail to recognize and report abuse when witnessed. This has happened in 56.9% of domestic violence cases, leaving children in bad situations. In an investigation in Seattle, 800 couples who had filed for divorce in the years 1998 and 1999 were interviewed. Only 17% of the cases fathers with a history of perpetrating abuse weren't given visitation of the children. Another investigation by Sharon Lowenstein found that in 63% of the cases the fathers, who were allegedly abusing, got sole custody. In an 2001 survey, 36 out of 38 custody cases joint or sole custody was awarded to the abuser. The court wants everything to be fair which is completely understandable and I agree with it, but the child's welfare needs to outweigh this.

When parents are going through divorces because of domestic violence, custody is a major issue. The perpetrator often argues that they only abused their spouse and not their children, but domestic violence does impact children. Domestic violence alone can cause emotional trauma, stress, nightmares, and other symptoms. It also makes children feel very vulnerable and can very much emotionally impact them. Abuse does not necessarily have to be directed to the child Suzanne Parker, director of the

Guardian ad Litem Program for the Hillsborough judicial circuit, says. "You can have a domestic violence situation in the presence of the child and that constitutes abuse," Parker states. Child abuse is also more common in homes with domestic violence (Zachary T. Sampson, Josh Solomon, and Dan Sullivan, Times Staff Writers, Phoebe Jonchuck was alive when thrown from bridge near Sunshine Skyway). If someone can hurt their partner over and over again, what is going to stop them from hurting a child?

At this very moment calls to the child abuse hotline aren't always fully investigated and parental rights outweigh the best interest of the child, this needs to be stopped. To prevent harm to children, all child abuse concerned calls should be fully investigated and investigators should arrive at the home sooner. Also, just because a parent supplies all the things necessary to live doesn't mean they are a fit parent. Parents need to have patience and self control to appropriately parent. Finally, the judge should not award custody to perpetrators of domestic violence because in the end domestic violence is equivalent to child abuse. Child abuse does not have to be directed towards the child. Child abuse is everywhere. Normally, perpetrators of child abuse and domestic violence are excellent manipulators and the victims do a wonderful job of hiding the abuse out of fear. That's why so many people need our help. You don't only call DCF when you see a child with a black-eye, but if a child says that their parents said something nasty to them that is also considered child abuse. No child should come home worried over what they might say or do to get in trouble. Any child that feels vulnerable or stressed at home is a victim of child abuse. In order for this to stop, a change must be done.

## Works Cited

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