

Community Law Program



CLP is a non-profit corporation formed in 1989 by members of the St. Petersburg Bar Association concerned about the civil legal needs of low income residents of Southern Pinellas County, Florida. Over the years, CLP has recruited a panel of approximately 400 St. Petersburg area attorneys who provide free assistance to thousands of people in need of civil legal assistance each year. To volunteer for pro bono service, contact Community Law Program at 727-582-7480.



Domestic Violence - High Conflict People by Donna Lonsberry

As I write this article, I am watching (again) Tom Brokaw's story of The Rev. Dr. Martin L. King, Jr. King's message for non-violent intervention led us to recognize basic human rights and remains as inspirational today as then. Every aspect of our lives is improved because we embrace the right of equality and security in our private lives.

There is no more private area of our lives than marriage and family. Yet, it is an area that, for some, is rife with abuse and strife. It is an area that has been shielded by ancient legal concepts that have yielded only gradually to recognize what King taught us about basic human rights. We all have the right to be safe, free of oppression and afforded the opportunity to live our lives to the fullest.

The recognition of domestic violence in family law still does not reach the most vexing and difficult disputes between a husband and wife, parenting partners or whatever term you might use. The children of these couples often become pawns. All couples with children are required to take a parenting course. I suggest that all couples who have domestic violence as part of their family law case be required to attend a mandatory course dealing with the ramifications of domestic violence on children. Before you groan and ask why, remember that it is generally well known now that children suffer permanent damage as a result of embittered battles between couples who exhibit high conflict personalities. These couples have well-established routines for dealing with disputes between themselves, but they don't have well-established and sound parenting techniques to protect the children. It is not enough to know that one parent is the abuser and one parent the abused. And, it is not enough to send the "abuser" to a batterer's intervention program. The current program for victims' counseling is not sufficient because it does not address these issues. **The whole family needs help.** Each member of the family needs to know how to deal with the former unworkable family routines and learn new methods to effectively and appropriately deal with changes to the family that come about through the legal separation of the parents.

Long before physical abuse results in police reports, domestic violence injunctions

or criminal cases, these families have been subjected to emotional and financial control or abuse. The parenting partners often have high-conflict personalities. In the book, *High Conflict People*, the author Bill Eddy, LCSW, JD,¹ provides an assessment of these types of personalities and the ways in which they interact with the legal system. In effect, as these couples proceed through our adversarial family court process, they "rise to the occasion." The abuser quickly adapts to use litigation to exert control claiming a lack of co-parenting or interference with visitation. They may go so far as to claim parental alienation. The abused parent sees the process as "finally, the court will know what has really been happening." For courts and attorneys, neither view is correct. Family law courts focus on insuring that children are protected, that children have a relationship with both parents and determine which parent will most effectively insure co-parenting. All of those goals are laudable and extremely important. It is just that in getting from the filing of the action to these goals, we miss the essential fact that parents with high-conflict personalities involved in domestic violence do not possess the basic skills necessary to co-parent after the separation.

We need to provide a mandatory program that not only counsels the abuser, but also counsels the abused. The behavior of both must change because their children deserve two parents who understand the dynamics of domestic violence and the required necessary changes in behavior. The abuser needs to know that control over persons is not necessary to insure a quality parenting relationship. The abused needs to know that there are effective ways to deal with controlling behavior. And both need to understand that our family law system isn't about placing blame on one parent and putting the other on a pedestal. Vindication, revenge, alienation and blame are words that do not contribute to a stable family relationship. In other words, these high-conflict personalities require behavioral changes. And they need proven techniques to co-parent their children, so that the children are not used in the conflict.

The courts can appoint guardian ad litem for the children (and unless these guardians are well versed in personality disorders and

domestic violence, they may not be able to actually help). Still that does not change behavior of the parents. These are individuals who cannot agree on anything. They want their day in court. It is the principal that counts. The court needs to see the other parent as controlling or manipulative. The parent with the most assets and income may want to insure that he or she maintains control. Whatever the motivation, the high-conflict personality will seek vindication of their personal motivation in the legal dispute. It may not matter whether they are narcissists, antisocial, histrionic or borderline personalities to the law. What does matter is that they learn to resolve their own problems, take responsibility for their own actions and see the members of the family as individuals entitled to basic human rights.

So what does it take? According to Bill Eddy, these personality types require *strong and structured consequences*. (Eddy, pg. 227). He further recommends that cognitive and behavioral counseling methods can be practical and effective. We can be pretty sure that cases that have been on our dockets for 12 months or longer involve individuals with high-conflict personalities (although not necessarily domestic violence). But, where domestic violence is alleged, we can be pretty sure that those cases involve high-conflict personalities. It is not always the case that each parent has a high-conflict personality. But, each side will likely see any court order as proof or support of their position. Neither is likely to see - without mandatory counseling - that the court does not take "sides" in family law disputes. And, it does not matter how often the judge tells them that. In any case involving domestic violence, the family will certainly benefit from counseling. And, it just may be that the court will benefit as well. Insistence that couples make real and lasting changes to resolve problems is not antithetical to our legal system. And, just maybe, we will have a process that stops the next generation - their children -- from engaging in the same type of behavior.

