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FACTORS AFFECTING THE LIKELIHOOD OF PATERNAL
CUSTODIAL DISPUTES IN DISSOLUTION
OF MARRIAGE CASES

A Thesis
Presented to the
Faculty of
California State University,
San Bernardino

In Partial Fulfillment
of the Requirements for the Degree
Master of Arts
in
Psychology

by
Jackie L. Adamson


June 1992

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Approved by:


Geraldine Butts-Stahly, Chair, Psychology

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ABSTRACT

An archival study of 100 files of dissolution of marriage granted between January 1983 and December 1988 in three Southern California county courthouses explored factors affecting the likelihood of paternal custodial challenges in divorce cases. Based on a review of the literature of domestic violence that details battering, men's needs for control and domination, it was hypothesized that batterers would be more likely to institute and win custodial challenges, be in arrears in support payments, and fight for male children who are of school-age than they would be to fight for female children or preschool age children of either sex. It was further hypothesized that domestically violent men earning a higher income would be more likely to persist in custodial disputes by initiating court appearances as a way to continue the control and harassment of their wives, whereas domestically violent men with a lower income would continue attempting to physically abuse their wives after separation. Data gathered from dissolution files included person filing for divorce, history of restraining orders, custody requested and awarded, and type of visitation granted. Amount of support, arrearages, length of time dispute lasted, and demographic data was also recorded.

The results that emerged indicated issues of control such that violent fathers were more likely to fight for custody of male children, be in arrears in support payments, and persist in initiating court appearances when earning a higher income than were nonviolent fathers. Violent fathers were also found to be as likely as nonviolent fathers to win custody of their children.

ACKNOWLEDGEMENTS

I would like to thank the following people who have directly and indirectly helped me during the course of this project and who have contributed to my continuing development as an instructor, a researcher, and a human being --

Jack and Beverly, my parents, for instilling in me a strong sense of self-discipline and faith in myself to pursue my endeavors.

Shawn, Jacob, and Adam, my children, for their endless patience, love, and support.

Geri, Marsha, and Matt, for their guidance, expertise, and for being excellent role models for me as I pursue my professional goals.

Diana Butler, for whose knowledge, skill and patience greatly contributed to the completion of this project.

David Kennedy, for his friendship and encouragement.

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INTRODUCTION

Prevalence of Domestic Violence in the United States

The existence of violence against women was ignored by social scientists until 1971. At this time, journal articles and conferences regarding domestic violence began to emerge (Gelles, 1974; O'Brien, 1971; Steinmetz & Straus, 1974). Due to the efforts of grassroots activists and scholars, battering is now recognized as an extensive social problem (Tierney, 1982). The prevalence of domestic violence in our society has been established by several studies. Walker (1979) estimated that 50% of all married women in the United States were or would be battered in marriage. Straus, Gelles, and Steinmetz (1980) estimated a domestic violence rate of 50 to 60% based on a 29% reported rate. Levinger (1966) looked at sources of marital dissatisfaction among applications for divorce and found a 50% domestic violence incidence rate. The National Crime Survey of 1976 found that one-fourth of all assaults against women who had ever been married are committed by their husbands or ex-husbands (Gacquin, 1978).

Cycle of Violence

When conducting research in areas involving domestic violence, it is important to look at the cycle of violence in order to understand the dynamics involved in a battering relationship. Langen & Innes (1986) reported that 32% of

abused women had been abused during an average six-month period following the initial abusive incident. These repeat victims accounted for 57% of detected incidents of domestic violence over a four-year period. Bern (1982) tracked abuse from a single violent incident to a cyclical pattern between partners. Walker (1979, 1989) describes the cycle of violence as a tension-building phase, followed by the acute battering incident, to a calm period afterward.

Deschner (1984) describes the cycle of violence as having seven stages: mutual dependence, the noxious event, coercions exchanged, the "last straw" decision, primitive rage, reinforcement for battering when the victim is silenced, and repentance.

Mack (1989) emphasizes the systematic nature of the feedback loop, which leads to the "last straw" decision and reinforcement for battering when the victim is silenced. Mack adds two more stages: feelings of rejection and abandonment on the part of the abuser, which fuel the anger, and fear in the abused partner following the violent episode.

Generally, cycles are completed once or twice a year initially. Gradually, the cycles become more frequent until they occur within a period of a few weeks.

Incidence of Child Abuse by Wife Batterers

When investigating the area of domestic violence, an

apparent question with regard to the children of these relationships arises. Specifically, one asks if the violence is isolated to the husband-wife dyad or if it consequently diffuses to the children. Studies indicate that men who batter their wives tend to abuse their children physically, sexually, and psychologically (Straus & Gelles, 1990; Pagelow, 1982; Gaylord, 1975). Because data on child abuse are based on official reports which are filed differently in each state, they do not always indicate severity and kind of abuse involved. Also, they do not always indicate the abuser's sex or define abuse in psychologically complex ways. Because of this, true statistics on child abuse are not available. The latest national survey of the incidence of reported child abuse and neglect conducted by the National Center on Child Abuse and Neglect found that there were 16.3 cases of maltreatment per 1,000 children in the population in 1986 (National Center on Child Abuse and Neglect, 1988).

Studies on paternal child abuse are also difficult to find. Chase (1975) found that a mother and stepmother was the abuser in 50% of the incidents and the father and stepfather in about 40% of the incidents. Others were caretakers, siblings, or unrelated perpetrators. However, she noted fathers had a higher involvement rate than mothers. Two-thirds of the incidents in the homes where

fathers or stepfathers were present were committed by the father or stepfather, while in homes with mothers or stepmothers, the mothers and stepmothers were perpetrators in less than half of the incidents that took place.

Additional studies have investigated the incidence of woman batterers abusing their children. Gaylord (1975) conducted a preliminary survey of 100 cases of wifebattering. He found that 54% of the husbands in his study beat both their children and their wives.

Pagelow (1982) studied 306 battered mothers between 1977 and 1980. She found that 76% of these mothers reported that their children were victims of paternal violence, one-half of them beaten along with their mothers and one-half of them separately.

Roy (1977) conducted a study of 150 battered women. She found that 45% of the assaults on the women were accompanied by similar physical assaults on at least one child in the home. The remaining 55% were situations in which the children were not assaulted, but were witnesses to the attacks on their mothers. She also found that 95% of the mothers did not report their husbands to authorities for child abuse for fear of reprisals and counter charges by the husbands against the wives.

Walker (1979) studied the effects of battering on women through interviews with battered women. She found that one-

third of the men who battered their wives also abused their children.

In a national survey of 3,520 families conducted in 1985, Straus & Gelles (1990) found that in families where the husband had hit his wife during the year, the incidence of child abuse was 150% greater than in other families. They also found that husbands who were verbally aggressive to their spouses had a significantly higher child abuse rate as compared to husbands that were not. In addition, they found that fathers who had been hit at age 13 by their own fathers exhibited a significantly higher rate of child abuse than those fathers who had not.

Profile of the Batterer

In order to understand the forces at work and the underlying causes of domestic violence, it is necessary to consider the profile of the batterer. Several studies have addressed this issue. Elbow (1977) had found that the abusive male tends to project blame for mental strife onto his wife, experiences her as an extension of his mother or some significant other, and demands that she meet his rigid expectations of marriage. He is incapable of intimacy, although he can offer warmth, protection, and security to his wife. Elbow also noted that often the abuser witnessed his father assaulting his mother as a child.

Straus (1978), in a study of over 2000 adults found the

higher the stress score, the higher the rate of assault between husband and wife, and that family violence was also related to the husband's dominance. He found that men who assault their wives believe that physical punishment of children and slapping of a spouse are appropriate behavior. It was concluded that men who believe that husbands should be the dominant person in a marriage, and especially if they had actually achieved such a power position, had assault rates from one and one-half to three times higher than men without these values who were under stress.

Frieze (1979) reported similar findings from interviewing battered women as compared to nonbattered women. She concluded that violent marriages are characterized by high husband dominance and the use by husbands of coercive power.

Results of an analysis conducted by Straus and Gelles (1990) on data gathered from Straus's 1975 National Family Violence Survey help to explain the etiological variables of child abuse and wife beating. Results showed that the more physical punishment was experienced by the husbands, the higher was the rate of violence against wives. Moreover, this applied to infrequent as well as frequent violent attacks, and also ordinary violence that is so frequent in marriages.

A number of other studies have attempted to determine

specific characteristics which are descriptive of spouse abusers. The various research has found that low self-esteem (Cantoni, 1981); lack of self-control (Cantoni, 1981); blaming others for one's actions (Walker, 1979); social isolation (Cantoni, 1981); rigidity (Elbow, 1982); and distress (Cantoni, 1981; Ponzeti, Cate, & Koval, 1981; Walker, 1979) are all characteristics of batterers.

Social and Historical Theory of Domestic Violence

Other social scientists assert that it is important to study the social and historical relationships within the family to reveal the meaning and purpose behind battering. They stress the importance of men choosing women and children as targets of battering. The fact that men do this only in their homes to regain what they believe is their rightful control of the situation is also of significance. According to this view, the male-dominated culture in which violence has been institutionalized perpetuate the incidence of battering (Dobash & Dobash, 1979; Rowbotham, 1973; Schechter, 1982; Weitzman, 1976).

Yllo and Straus (1984) looked at the relationship between the rates of wife beating in American states and the degree to which each state is characterized by a patriarchal social structure and patriarchal family norms. Their results indicated a curvilinear relationship between patriarchal structure and the rate of wife beating such that

wife beating was found to be highest in those states where structural inequality in economic, educational, political, and legal institutions was greatest. As the status of women improved, violence declined to a point, such that in the states where women's status was the highest, the rate of wife beating was also very high. A linear association between patriarchal family norms and wife beating was also found such that states with male-dominant norms had twice as much wife beating as states with more egalitarian norms. Additionally, they found an interaction between structural and normative factors in their impact on rates of wife beating. Wife beating was found most common in a context where women's status in economics, educational, legal, and political institutions was relatively high but where prevailing norms favored their subordination within marriage.

Rewards of Intimate Violence

Family members hit one another because they can with few negative consequences. In addition, there are rewards for exhibiting violent behavior. The rewards are often immediate. The husband hits the wife because the effects are immediate, powerful, he feels in control, and his wife often responds by altering her behavior in a way that reinforces him. Using violence can be a rewarding method of working off anger or frustration for a person seeking

immediate gratification.

Power, control, and self-aggrandizement are additional rewards of family violence. Goode (1971) has proposed that force or its threat is an underlying element in all social systems, because all social systems are, to a certain extent, power systems. Force or violence is proposed to be one of four major sets of resources by which people can induce others to obtain their desired outcomes. The four sets of resources include: economic factors (giving or withholding economic rewards or services); prestige or respect; likability, attractiveness, friendship, or love; and, force and its threat. One can exert influence on people using any of these systems. All of these factors are at work within the family, and all are used because they can effectively control the behavior of loved ones.

The consequences of intimate violence further increase the rewards for an individual whose goal is to control another. Chronic violence tends to wear victims to a condition in which they will do anything to appease their batterers and avoid violence. For the individual exerting control, the reward is not only control or power, but self-esteem as well. Maintaining control of a situation increases one's self-esteem and sense of self-worth, especially one whose self-esteem may have been damaged by experiences outside of the home.

An additional reward for hitting is revenge. One who feels their self-worth has been attacked or threatened may seek revenge as when conflict escalates and each intimate throws out the other's vulnerabilities, violence may be used as a defense.

Social control probably serves to deter violence in most situations. Minor hitting usually does not escalate into abuse. When abuse does occur, it is usually due to any of several factors, including low social control due to high stress, frustration, social isolation, and beliefs that hitting is an appropriate method to control wives and children.

Consequences to Women Upon Leaving the Abusive Relationship

In conjunction with the historical and social explanation for battering, a modest amount of research has dealt with the consequences suffered by women after leaving an abusive spouse. Chesler (1986) asserts that mothers have been custodially challenged when they accused their husbands of child neglect, child abuse, and incest. Accusations of wife battering, demands for alimony, child support, or the marital home have also prompted custodial challenges by fathers against mothers. Chesler reviewed studies of American custody battles throughout the 1970's and 1980's. She found that they tend to confirm that fathers custodially challenged mothers, that many fathers won judicial custody,

arranged paternal custody privately, or won "kidnapping" custody of their children.

Weitzman and Dixon (1981) found that 63% of the fathers in Los Angeles who fought for custody succeeded in 1977. They revealed that although 90% of all mothers seeking divorce were granted custody, with an increase in divorce, the actual number of fathers receiving custody increased substantially.

Additional studies have found other negative effects on women and children as a result of divorce. Weitzman and Dixon (1981) found that divorce forces mothers and children into poverty. Most fathers don't pay child support, and most courts won't order adequate or enforceable amounts of child support from fathers.

Chesler (1986) conducted an extensive study of 60 mothers being custodially challenged from 1960-1981 by taping interviews, reading and analyzing each mother's trial manuscript, legal deposition, psychiatric report, and relevant private correspondence. She also interviewed custodially embattled, custodial, and noncustodial fathers which she used to confirm her findings of the maternal interviews. Five of these men had been married to five of the maternal interviewees and 30 were fathers' rights activists. Although 87% of the maternal interviewees had never worked full time or at careers once they married, 77%

of the judicially successful and 69% of the privately successful fathers refused to pay any kind of child support prior to obtaining custody. She also found that 62% of the custodial fathers physically abused their wives, 57% engaged in anti-mother brainwashing campaigns, 37% kidnapped their children, and 3% were incestuous fathers.

All of the mothers in Chesler's study had psychologically bonded with their children and were their primary caregivers. Of the custodial fathers, 87% did no housework or primary child care, and only 12% helped out occasionally by babysitting.

In spite of the above circumstances, Chesler found that 70% of the judges ordered children into custody of the fathers, and 70% of the private arrangements also resulted in paternal custody. Within two years, 82% of all custody battles resulted in paternal custody. The 30% of mothers who initially won custody were married to less physically abusive husbands.

The fathers in her study fought for custody for a minimum of eight reasons in addition to loving their children. Of these reasons, 67% of the fathers had an economic motive such as maintaining the marital home for themselves, and some wanted to escape paying child and spousal support. Nearly two-thirds of the fathers fought for custody of children as a way to punish their wives.

They believed wifely disobedience (such as returning to school or work) or obtaining a divorce was a form of maternal unfitness. Approximately 23% believed they were superior parents and needed their children to be their "obedient inferiors, as domestic servants, and personal-genetic allies" (Chesler, 1986, p. 78). Also, 25% fought for custody because they or their second wives were infertile.

Purpose of the Present Study

Presently no current data can be located on the number of domestically violent men obtaining custody in the general population. There is also a lack of studies available on the relationship between men who are domestically violent custodially challenging mothers and winning custody of their children. Therefore, the present study is intended to determine if such a pattern exists.

A review of the literature indicates that the male who is domestically violent tends to believe that he should be the dominant figure in the family and that his wife and children are his property. He also has a tendency to be rigid and to blame others for his actions. For these reasons, it is hypothesized that men who are domestically violent are more likely to fight for custody of their children than those who are not. Also, because studies have found an increasing tendency for fathers who seek custody of

their children to receive custody, it is hypothesized that domestically violent fathers who fight for custody are more likely to win custody of their children due to their persistence to regain control.

It could be asked if there are certain conditions in which it is more favorable for fathers to fight for custody. Chesler (1986) found that the average age of all children when a battle began was nine years. The average age of the youngest child when a battle began was six years. She concluded that fathers fought for children who had been toilet-trained, verbal, of school age, and male.

Because there is little information available on the ages or sex of children involved in custody battles between their parents, this study will attempt to determine the average youngest age and sex of children in such custody disputes.

Chesler (1986) also found that the majority of fathers who fought for custody did so because they did not want to give financial support to their ex-wives. She also determined that the majority of fathers who were successful in obtaining custody of their children failed to pay any child or spousal support prior to winning custody. The present study will attempt to see if there is a tendency for fathers that are domestically violent to be in arrears more so than fathers that are not domestically violent.

Luepnitz (1982) conducted a study of joint custody. She found that sole and joint custodial fathers fought long, hard, and bitterly to win custody and had higher incomes, more support systems, and less of a problem maintaining authority with children than did sole or joint custodial mothers.

Chesler (1986) also found that money played an important role in paternal custodial success. Economic power allowed fathers to maintain persistence in their legal battles for an extensive period of time without suffering any economic hardships. The fathers in her study earned five times as much income as the mothers earned. In contrast, paternal withholding of support eventually devastated the maternal-child unit, economically and psychologically. The custodial battles lasted an average of three years, 62% of which included fathers who had been domestically violent.

While the Chesler data is impressive, her sample is relatively small and the selection process was not random. The present study will be conducted using files on dissolution of marriage from courthouse records. In this way, data gathered will tend to be more objective and basic statistics on incidence in the general population can also be determined.

Hypotheses

The present study was conducted to view the overall differences between families involved in dissolution of marriage where violence had occurred versus those in which violence had not occurred. Specifically, there were eight hypotheses.

1. It was hypothesized that fathers who are domestically violent would be more likely to fight for custody of their children than fathers who are not domestically violent.

2. It was hypothesized that fathers who are domestically violent would be more likely to win custody of their children than fathers who are not domestically violent when custody is contested.

3. It was hypothesized that the older the age of the youngest child at the time of separation, the more likely it would be for fathers to fight for custody of their children.

4. It was hypothesized that violent fathers would be more likely to fight for custody of male children than female children as compared to nonviolent fathers.

5. It was hypothesized that violent fathers would be more likely to be granted custody of male children than female children as compared to nonviolent fathers.

6. It was hypothesized that fathers who are domestically violent would be more likely to be in arrears

in support payments than fathers who are not domestically violent.

7. It was hypothesized that men who are domestically violent earning a higher income, will be more likely to persist in initiating court appearances.

8. It was hypothesized that domestically violent men, earning a lower income, would be more likely to continue to harass their wives in more physically abusive ways after separation.

METHOD

File Selection

Dissolution files were the data base for the study. Sample files were randomly chosen from courthouse records of dissolution of marriage. Three courthouses were sampled, one from each of three Southern California counties: 45 files from Pomona Superior Court in Los Angeles County, 33 files from Riverside Superior Court in Riverside County, and 22 files from San Bernardino Superior Court in San Bernardino County. Files beginning with January 1983 through December 1988 were selected and coded. Files with no minor children were eliminated from consideration. A total sample of 100 files from all three courthouses were selected.

Data Collection

The researcher conducted the coding. Data on each file was recorded on a card (see Figure 1). One data card was used for each file. Each data card requested identical information from each file. This information was recorded when available in the file.

Information requested on the data card included the courthouse the sample was taken from, date proceedings began, file number, the name and gender of the judge, and person initiating the dissolution of marriage. The issuance of a restraining order is usually the only evidence of

Figure 1. Data Card.

File # _____ Date of Separation _____
Courtthouse _____ Length of Marriage _____
Judge _____ (M) (F) Date proceedings began _____
Who Petitioned _____ Children: # of F _____ # of M _____
Mother Request Custody Ages of F Children _____
Legal: Sole__ Joint__ Ages of M Children _____
Physical: Sole__ Joint__ Age of Mother _____
Father Request Custody Age of Father _____
Legal: Sole__ Joint__ Mother employed? _____
Physical: Sole__ Joint__ Occupation _____
Income _____
Father employed? _____
Occupation _____
Income _____
Custody Awarded:
Legal: Sole__ Joint__ (Mother, Father)
Physical: Sole__ Joint__ (Mother, Father)
of additional court proceedings _____
Who initiated proceedings _____
Purpose _____
Result _____
Type of visitation awarded to noncustodial parent _____
Amount of Child Support Ordered _____
Amount of Spousal Support Ordered _____
Amount in arrears _____
Length of time dispute lasted _____
Request for TRO? _____

Who requested TRO? _____

TRO granted? _____

Why was TRO granted _____

History of violence? _____

Corroborating Evidence? _____

of abusive incidents prior to separation _____

of abusive incidents after separation _____

allegations of domestic violence in a family law file. A request for a restraining order is usually accompanied by a declaration filed by the party requesting such an order. In addition, police reports and incident reports are referred to in the declarations for further proof of need for protection. Therefore, information on whether a restraining order was requested, who requested it, who it was granted to, and why it was requested was recorded. Also noted was who requested and who was awarded custody, along with the amount and type of visitation ordered to the noncustodial parent. Information on the amount of child and spousal support, whether support was in arrears, and if so, the amount in arrears was collected. The total length of time the dispute lasted, number of abusive incidents prior to separation (if listed), number of abusive incidents after separation, additional court proceedings that occurred, and the person initiating the court proceedings, as well as the nature of the proceeding was also recorded.

Basic demographic data recorded consisted of the ages of each woman, man, and child at the time dissolution began; number of children; sex of each child; employment status, type of employment, and income of each woman and man, if applicable; length of marriage, and, date of separation.

Procedure

Three courthouses were sampled: Pomona in Los Angeles County, Riverside in Riverside County, and San Bernardino in

San Bernardino County. A total of 100 files on dissolution of marriage from the courthouses were sampled. Files in each courthouse were kept in numerical order with numbers assigned according to the time in which a couple filed for dissolution. Files were chosen at random using a computer generated random numbers table, starting with the month of January 1983 through December 1988 by going through dissolution of marriage files and extracting only those in which children were involved. The average incidence rate per year of dissolution cases filed in each courthouse was determined. Files were then chosen randomly such that an equal number of files were utilized each year totaling 100 for the entire six year period that was studied. If a file was extracted in which there were no minor children involved, the file was not used. Another file number was randomly selected for that year. All information requested on the data cards was then recorded for each file, if available.

RESULTS

All analyses were performed using SPSSPC 4.0. The basic descriptive statistics on all of the variables are presented by father type in Table 1. Table 2 presents the means and standard deviations of the demographic variables of the sample.

Paternal Custodial Disputes

The Chi-square analysis, which appears in Table 3, was run on the data to test the hypothesis that fathers that are domestically violent would be more likely to fight for custody of their children than fathers that are not domestically violent. Results yielded a significant relationship between violent fathers and paternal custodial disputes, $\chi^2 (1) = 16.22, p = .00005$. As may be seen from Table 3, violent fathers were significantly more likely to fight for custody than were nonviolent fathers.

Paternal Custodial Decisions

To test the hypothesis that fathers who are domestically violent would be more likely to win custody of their children than fathers who are not domestically violent, a Chi-square analysis, which appears in Table 4, was performed. Results did not yield a significant relationship between violent fathers and paternal custodial decisions, $\chi^2 (1) = .123, p = .726$. As may be seen from Table 4, 16 violent fathers were granted custody of their children, while 15 nonviolent fathers were awarded custody.

Table 1

Description of Sample by Father Type

	Domestically Violent Fathers	Non- Domestically Violent Fathers
Number of Fathers	49	51
Number of Fathers Contesting Custody	37	18
Number of Fathers Granted Custody	16	15
Number of Fathers in Arrears	26	10
Number of Fathers in Arrears Contesting Custody	21	2
Number of Sons Involved in Disputes	40	16
Number of Daughters Involved in Disputes	30	21
Number of Sons in Paternal Custodial Awards	19	13
Number of Daughters in Paternal Custodial Awards	15	17

Table 2

Means and Standard Deviations of Demographic Variables

	N	X	SD
Father's Education (years)	100	12.9	1.7
Mother's Education (years)	100	12.2	1.98
Father's Gross Monthly Income	100	2,049.92	1,341.58
Mother's Gross Monthly Income	100	1,020.34	678.48
Age of Youngest Child in Custody Disputes	55	5.67	4.22
Age of Youngest Child Not in Custody Disputes	45	6.11	4.45
Court Appearances Initiated by DV Fathers	49	1.96	1.87
Violent Incidents After Separation	49	.96	1.7
Father's Age	100	33.61	6.14
Mother's Age	100	30.72	6.01

DV = domestically violent

Table 3

Chi-square Analysis of the Number of Violent vs.
Nonviolent Fathers Fighting for Custody

	Father Fight	Fathers Don't Fight	Row Total
Violent Fathers	37 27.0 10.1	12 22.1 -10.1	49 49.0%
Nonviolent Fathers	18 28.1 -10.1	33 23.0 10.1	51 51.0%
Column Total	55 55.0%	45 45.0%	100 100.0%

Count
 Expected Value
 Residual

$\chi^2 (1) = 16.22, p = .00005.$

Table 4

Chi-square Analysis of the Number of Violent vs.
Nonviolent Fathers Granted Custody

	Fathers Granted Custody	Fathers Not Granted Custody	Row Total
Violent Fathers	16 15.2 .8	33 33.8 -.8	49 49.0%
Nonviolent Fathers	15 15.2 -.8	36 33.8 .8	51 51.0%
Column Total	31 31.0%	69 69.0%	100 100.0%

Count
Expected Value
Residual

$\chi^2 (1) = .12274, p = .72608.$

Children's Age as a Variable

A t test was performed on the data to test the hypothesis that the older the youngest child is at the time of the separation, the more likely the father would be to fight for custody. The age of the youngest children whose fathers fought for custody ($M = 5.67$) was not found to be significantly higher than the ages of the youngest children whose fathers did not fight for custody ($M = 6.11$), $t(94) = -.50, p = .617$.

Sex of the Children in Custodial Disputes

A Chi-square analysis was run on the data to test the hypothesis that violent fathers would be more likely to fight for custody of male children than female children as compared to nonviolent fathers when custody was contested. Results which appear in Table 5 indicated a significant relationship between the likelihood of violent fathers fighting for custody of male children as compared to nonviolent fathers, $\chi^2 (1) = 21.243, p = .0000$. As may be seen from Table 5, violent fathers were more likely to fight for custody of male children than were nonviolent fathers. As Table 6 indicates, violent fathers were also more likely than nonviolent fathers to fight for custody of female children, $\chi^2 (1) = 5.439, p = .0197$.

Sex of Children in Custodial Decisions

To test the hypothesis that violent fathers would be

Table 5

Chi-square Analysis of the Number of Sons Involved in
Paternal Custodial Disputes: Violent vs. Nonviolent Fathers

	Fight For Custody	Don't Fight For Custody	Row Total
Domestically Violent Fathers	40 28.3 2.2	9 20.7 -2.6	49 50.5%
Nondomestically Violent Fathers	16 27.7 -2.2	32 20.3 2.6	48 49.5%
Column Total	56 57.7%	41 42.3%	97 100.0%

Count
 Expected Value
 Standard Residual

$\chi^2 (1) = 21.243, p = .0000.$

Table 6

Chi-square Analysis of the Number of Daughters Involved
in Paternal Custodial Disputes: Violent vs. Nonviolent
Fathers

	Fight For Custody	Don't Fight For Custody	Row Total
Domestically Violent Fathers	30 24.1 1.2	12 17.9 -1.4	42 47.2%
Nondomestically Violent Fathers	21 26.9 -1.1	26 20.1 1.3	47 52.8%
Column Total	51 57.3%	38 42.7%	89 100.0%

Count
Expected Value
Standard Residual

$\chi^2 (1) = 5.439 \quad p = .0197.$

more likely to be granted custody of male children as compared to nonviolent fathers when custody was contested, a Chi-square analysis was performed. Results which appear in Table 7 did not yield a significant relationship between the likelihood of violent fathers being granted custody of male children as compared to nonviolent fathers, $\chi^2 (1) = 1.017$, $p = .3132$. As may be seen from Table 7, violent fathers were not granted custody of male children significantly more than nonviolent fathers. As Table 8 indicates, violent fathers were just as likely as nonviolent fathers to be granted custody of daughters, $\chi^2 (1) = .0000$, $p = 1.000$.

Support in Arrears

A Chi-square analysis, which appears in Table 9, was run on the data to test the hypothesis that fathers that are domestically violent would be more likely to be in arrears in support payments than fathers that are not domestically violent. Results yielded a significant relationship between violent fathers being in arrears in support payments, $\chi^2 (1) = 12.14$, $p = .00049$. As may be seen from Table 7, violent fathers were significantly more likely to be in arrears in support payments than nonviolent fathers.

Income as a Variable

A correlation matrix was run including the variables of male's income, female's income, male's persistence, female's persistence, and number of violent episodes since

Table 7

Chi-square Analysis of the Number of Sons Involved in
Paternal Custodial Decisions: Violent vs. Nonviolent
Fathers

	Fathers Winning Custody	Fathers Not Winning Custody	Row Total
Domestically Violent Fathers	19 16.2 .7	30 32.8 -.5	49 50.5%
Nondomestically Violent Fathers	13 15.8 -.7	35 32.2 .5	48 49.5%
Column Total	32 33.0%	65 67.0%	97 100.0%

Count
Expected Value
Standard Residual

$\chi^2 (1) = 1.017, p = .3132.$

Table 8

Chi-square Analysis of the Number of Daughters Involved
in Paternal Custodial Decisions: Violent vs. Nonviolent
Fathers

	Fathers Winning Custody	Fathers Not Winning Custody	Row Total
Domestically Violent Fathers	15 15.1 -.0	27 26.9 .0	42 47.2%
Nondomestically Violent Fathers	17 16.9 .0	30 30.1 -.0	47 52.8%
Column Total	32 36.0%	57 64.0%	89 100.0%

Count
Expected Value
Standard Residual

$\chi^2 (1) = .0000, p = 1.000.$

Table 9

Chi-square Analysis of the Number of Fathers in Arrears on Support Payments: Violent vs. Nonviolent Fathers

	Arrears Yes	Arrears No	Row Total
Violent Fathers	26 17.6 8.4	23 31.4 -8.4	49 49.0%
Nonviolent Fathers	10 18.4 -8.4	41 32.6 8.4	51 51.0%
Column Total	36 36.0%	64 64.0%	100 100.0%

Count
Expected Value
Residual

$\chi^2 (1) = 12.13847, p = .00049.$

separation. A significant correlation was found between male's persistence and male's income. Table 10 displays the correlation matrix, along with means and standard deviations for each of the variables.

A second correlation matrix was run including the variables of male's income, female's income, whether the male was domestically violent, and male's persistence in court. Table 11 displays the correlations between the variables as well as the means and standard deviations for each.

A stepwise regression was employed, entering domestic violence on the first step with male's persistence as the dependent variable. Table 12 presents the summary table with the multiple R, R^2 , adjusted R^2 , F values, significant F values, standardized regression coefficients, (B), and correlations. On step one, R was significantly different from zero, $R = .51087$, $F(1,57) = 20.1298$, $p = .0000$. Whether the fathers were domestically violent was a significant predictor of their persistence in court.

On step 2, male's income was entered, R was again found to be significant, $R = .5868$, $F(2,56) = 14.7039$, $p = .0000$. The male's income accounted for a significant additional, independent amount of variance. Thus, the results indicate that being a domestically violent male and male's income each predicted male's persistence in court.

Table 10

Correlation Matrix of Male's Income, Female's Income, Male's Persistence in Court, Female's Persistence in Court, and Number of Violent Incidents After Separation

Variables	Male's Persistence (DV)	Male's Income	Female's Income	Female's Persistence	Violent Episodes
Male's Income	.362				
Female's Income	.054	-.232			
Female's Persistence	.291	.264	.154		
Violent Episodes	.107	.016	.020	.116	
Mean	1.939	2266.47	1013.98	2.224	1.939
Standard Deviation	1.875	1519.84	775.84	1.246	1.784

DV - Dependent Variable

Table 11

Correlation Matrix of Domestic Violence, Male's Income, Female's Income, and Male's Persistence

Variables	Domestic Violence	Male's Income	Female's Income	Male's Persistence
Domestic Violence	1.000			
Male's Income	-.222			
Female's Income	.011	-.188		
Male's Persistence	-.511	.395	-.006	
Mean	.510	2049.924	1020.342	1.100
Standard Deviation	.502	1341.557	678.480	1.617

R² = .26099
Adjusted R² = .24802
R = .51087

Table 12

Summary Table of Stepwise Regression With Domestic Violence and Male's Income on Male's Persistence in Court

Step	Multiple R	R ²	Adjusted R ²	F	Significant F	Variable	Beta In	Correlation
1	.51087	.26099	.24802	20.1298	.0000	IN: Domestic Violence	-.51087	-.511
2	.58679	.34432	.32091	14.70392	.0000	IN: Male's Income	.29610	.395

A 3 X 2 ANOVA was run to determine if a significant two-way interaction existed between whether the father was domestically violent and the male's income level. Income was separated into three groups: low average (\$0 - \$1750), high average (\$1751 - \$4000), and high income (\$4001 and above). Although no significant two-way interaction was found, $F(1,64) = .001$, $p = .977$, it is interesting to note that every case (7 out of 7) of the high income (\$4001 and above) consisted of a domestically violent male fighting for custody.

Violence as a Variable

A stepwise regression was run to test the hypothesis that violent males earning a lower income would be more likely to persist harassing their wives in physically abusive ways after separation. Male's income, female's income, male's persistence and female's persistence were run with number of violent incidents since separation as the dependent variable. No variables were allowed to be entered due to .05 limits being reached. Therefore, violent episodes did not contribute a significant amount of variance. The hypothesis that violent males earning a lower income would attempt to continue harassing their wives in physically abusive ways was not supported.

DISCUSSION

The present study was conducted to contribute to the literature and provide data on the relationship between paternal custody and domestic violence. The literature fails to reveal any basic descriptive statistics on this topic. Therefore, the present study will provide such data for future reference and study.

The hypothesis that men who are domestically violent would be more likely to fight for custody of their children than those who are not domestically violent, was found to be significant. This supports Chesler's (1986) assertion that violent, misogynous men may actually be more likely to institute custody battles as a control issue. This finding also corresponds with the profile of the wife batterer as needing to maintain dominance in the marital relationship and his use of coercive power (Frieze, 1979; Straus, 1978; Elbow, 1977).

The hypothesis that fathers who are domestically violent would be more likely to win custody of their children than fathers who are not domestically violent was not supported. Although the results did not yield significance, it is important to consider the fact that 16 violent fathers and 15 nonviolent fathers were awarded custody of their children. It appears that having a history of violent behavior does not greatly hinder a father's chances of winning custody of his children.

With regard to the hypothesis that the older the age of the youngest child at the time of separation, the more likely it would be for fathers to fight for custody, no support was found. This could be due to fathers having more support systems available to them. Greater economic power may allow them to hire help to care for their children. Also, it is possible that these fathers have established a relationship with another woman who is available to help care for the children.

The hypothesis that violent fathers would be more likely to fight for custody of male children than they would for female children as compared to nonviolent fathers was found to be significant. That custody is related to the father's masculine power and control issues may be evident in this finding. The results tend to support the assertion by Chesler (1986) that violent fathers contesting custody maintain a gender preference such that they are more strongly motivated to fight for male children than female children.

The hypothesis that violent fathers would be more likely to win custody of male children than they would female children as compared to nonviolent fathers was not supported. In part, this may be due to the fact that the current study included three different counties into the data. In each county, the court determines its own type of family mediation. The courts also differ in how strongly

each judge considers recommendations made by family court mediators. Therefore, the criteria used in custodial determinations may vary to a great degree.

The hypothesis that fathers who are domestically violent would be more likely to be in arrears in support payments than nonviolent fathers was found to be significant. This supports the findings by Chesler (1986) in which she found that the majority of fathers (62% of which were violent) fought for custody to avoid paying support to their ex-wives and that they failed to pay child or spousal support prior to winning custody. This also supports the profile of the batterer as needing to maintain control and dominate his spouse.

The fact that violent fathers are more likely to be in arrears in support payments also supports the contention by Goode (1971) such that power, control, and self-esteem are rewards of family violence. Giving or withholding of economic rewards or services is a method used to exert influence. It could also be considered a method in which batterers seek to get revenge with the spouse for leaving. Additionally, this may be a way in which the abusive male hopes to force his spouse to return to the relationship, perceives himself regaining control of the situation, and subsequently regaining some sense of self-worth.

The failing to support children apparently did not reduce the chances of violent fathers winning custody of

their children. In the present study, 21 of the 37 violent fathers who fought for custody were in arrears in support payments, whereas only two of the 18 nonviolent fathers who fought for custody were in arrears in support payments. This clearly demonstrates that this is a control issue restricted for the most part, to abusive relationships. As indicated in the literature (Frieze, 1979; Straus, 1978; Elbow, 1977), the abusive man maintains a need to dominate and uses coercive power in order to do so.

The hypothesis that violent fathers that earn higher incomes would be more likely to persist in initiating court appearances was found to be significant. The violent male's income significantly predicted his persistence in initiating court appearances. This supports the results by Luepnitz (1982) in which sole and joint custodial fathers fought long, hard, and bitterly to win custody and had higher incomes. It also supports Chesler (1986) in which economic power allowed fathers to maintain persistence in their legal battles for an extensive period of time. In the present study, custodial disputes lasted a mean duration of 2.7 years with the mean gross monthly income of the males being \$2050 and the females mean gross monthly income being \$1020.

The fact that battered women in the study had substantially lower incomes than their husbands could be related to control. As indicated by the literature (Chesler, 1986; Roy, 1977; Straus, 1978), men who abuse

their wives tend to maintain traditional gender stereotypes. Therefore, they would not be likely to tolerate their wives competing with them in the bread winner role. As a consequence, it is highly probable that most battered women earning minimal incomes find themselves at a significant disadvantage in a court of law when opposed by husbands whose incomes are substantially higher.

When considering the issue of the prevalence of domestic violence in the general population, the current study, although a sample consisting of married couples from three Southern California Counties, resulted in a 49% incidence rate (49 out of 100 cases involved domestic violence). The majority of these cases involving domestic violence (41 cases) reported a history of violence throughout the lifetime of the marriage. This history of violence was documented by declarations, police reports, physicians' records, documentation of hospital emergency room treatment, witnesses' declarations and depositions, etc.

The 49% figure found in this study supports the 50% estimates made by Walker (1979); Straus, Gelles, and Steinmetz (1980); as well as the 50% reported rate of Levenger (1966). Although a small sample, this study did not include any other type of cohabitating relationships. Therefore, couples living together out of marriage were excluded. The entire population of women seeking temporary

restraining orders for protection from an abusive boyfriend were not considered in the results.

The results of the present study suggest that fathers who have a history of violence, earning a substantial income, continue to harass their ex-wives by involving them in long-term custodial disputes due to their greater earning power. Because having a history of violent behavior does not significantly decrease their chances of winning custody of their children, these fathers are reinforced by the court system for their persistence and they are successful, with the help of the court system, in maintaining control of their ex-wives and children to a great extent.

Battered women leave a violent relationship hoping to break free of the control and domination of their batterers, only to face them in a court system that ignores, if not actually sanctioning, this abusive pattern of behavior. This may be why many battered women drop dissolution proceedings and return to a violent relationship. They may perceive themselves as being able to exert more control over the situation by returning than they are able to do in a court of law in which the patriarchal mind set continues to reward violent men for their endeavors.

The results of the present study appear to support Chesler's (1986) assertion that a different standard is applied to parental behavior of mothers and fathers. A woman that leaves a marital relationship without taking her

children with her is apparently treated differently by the court system than is the father under similar circumstances. This differential treatment may be due to the court system perceiving the mother as deviant if she leaves without her children. In the present study, in only two out of 13 cases when the woman originally left home without her children, was she eventually able to later get awarded primary physical custody.

In one instance, the court initially gave custody to the father. Five years later, custody of the 16 year old daughter was changed to the mother at the daughter's request. The daughter had alleged that the father had been taking her earnings and some of her jewelry. At this point, the father began proceedings to gain custody of his other two children, a 15 year old daughter and a 14 year old son. Proceedings went off calendar and were never pursued.

The other case involved a mother that left the home without her two children (six year old daughter and three year old son) and was initially awarded joint physical custody. When the husband learned that she was living in a lesbian relationship, he went back into court and asked for sole physical custody and was granted this. The mother went into court several times over the next five years, concerned about the father maltreating the children, to no avail. Eventually, after psychological evaluations of the father, mother, children, and the mother's partner (the father was

remarried, but the new spouse was not required to undergo evaluation), several incidents of documented abuse to the children, several statements by the children's neighbors, teachers, etc., and a suicide attempt by the daughter, the court awarded the mother primary physical custody.

In contrast, of the fathers that were granted custody, 18 of them did not maintain physical custody of the children initially when the couples separated. Instead, they were later granted physical custody.

Therefore, these facts reveal that it is much more difficult for a mother to be granted physical custody of her children if she does not maintain physical custody of her children at the time the couple separates. This can be very devastating to a woman who has had to flee the home for fear of her life, unable to take the children with her. Upon finding refuge, she then goes to court in order to get protection orders as well as custody orders for the children and finds that because she left the home without them, the court interprets this as a lack of her interest in the children. In some instances, a woman is not able to take the children because the man threatens to kill her if she takes them or he may physically hold them from her.

Chesler (1986, p. 86) referred to the disparity in our society's definitions of a "good enough" mother and a "good enough" father. A mother who leaves a relationship without her children for whatever reasons is perceived as deviant

and unfit, whereas a father that leaves a relationship without his children and later comes in to fight for custody is seen by the court system as credible. A "good enough" father spends a great deal less time with his children and is not able or agreeable to do what is expected physically of a "good enough" mother to maintain family life. Even a father who beats his wife and withholds child support is apparently as likely to be seen as a "good enough" father and still has a 50/50 chance of winning custody.

Rather than just looking at each of the results independently, it is of greater value to maintain a Gestalt perspective of the findings that emerged from the present study. Although he may not always be successful, the results indicate that a man with a violent history is demonstrating a consistent pattern of attempting to maintain control and to dominate his spouse after separation. He is more likely to fight for custody of his children than a nonviolent father. It could also be interpreted that a violent father prefers to spend his money on attorney's fees by initiating court appearances rather than pay court-ordered child support to his ex-spouse. It is also important to consider the fact that the male who is persistent is receiving intermittent reinforcement for his actions. He is successfully harassing his ex-wife by keeping her tied up in court hearings and draining her financially and psychologically. She is unable to focus on

healing herself or working with her children on the unresolved issues of their violent history. She is also not receiving the court-ordered support that would help to get her on her feet and she is making substantially less income to support her family than she was previously when living with her spouse. It is no wonder that women and children have a difficult adjustment time after a marital separation.

In contrast, a father with a violent history can leave the relationship without his children, fail to support them after he leaves, and yet pursue custody in court, and he is still as likely as a nonviolent father that is paying court-ordered support to be granted custody of his children. What comes forth from the results of the study is the perpetual existence of a problem of equity. A mother's character is much more strongly scrutinized by a court of law than is a father's. The courts need to recognize these issues of control and acknowledge that the welfare of the children is not the primary concern of violent fathers persisting in custodial disputes.

Conclusions

It is my conclusion from the results of the present study that the cycle of violence does not end when the abused woman leaves the relationship. Instead, it is merely moved to a new setting with different methods of violence employed. By applying Mack's (1989) revision of Deschner's (1984) cycle of violence, one can observe a pattern of

violence with domestically violent fathers fighting for custody. Custody battles against battered women are merely a variation of the chronic violence they have endured during the relationship.

After the primitive rage, the woman leaves the abuser. This ignites feelings of rejection and abandonment within him which fuels his anger and moves him to strike out at his spouse who has left him. If he has the financial resources, he seeks consolation by exploiting the court system. He thereby institutes a custody battle in order to strike fear into the abused partner, hoping to regain his control.

As Goode (1971) proposed, the batterer utilizes the major sets of resources available to him to induce the spouse to return. By withholding of economic rewards (child/spousal support) and the threat of force (a custody battle), he hopes to effectively regain his control over the spouse.

As maintained by Goode (1971), chronic violence tends to wear victims to the point in which they will do anything to appease the batterer and avoid further violence. Battered women, custodially embattled, are worn down psychologically and financially by the batterer. Some women may return to the relationship at some point in order to appease the abuser and stop the violence. Other women may forfeit property and other assets to the abuser as a way to negotiate maintaining custody. In addition, some battered

women may sacrifice full custody and agree to joint custody hoping to assuage the abuser's violence.

Seeing her wear down, along with reinforcement from the court system, the abuser is rewarded, not only by the gain in power and control, but self-esteem as well. Maintaining control increases his sense of power and self-worth.

The abuser is also rewarded by revenge. He perceives his masculinity and self-worth threatened by his loss of power and abandonment by his spouse and children. The abuser therefore seeks and realizes revenge against his spouse through the court.

The court system needs to be more aware of the issues of control in relationships involving a history of domestic violence and consider the reasons violent fathers are persisting in custodial battles rather than giving these men intermittent reinforcement for their behavior. To what degree does the court system encourage battered women to return to a violent relationship and also discourage other women from leaving, knowing they will relinquish all control to a court system that is unsympathetic and ignorant of the underlying need of the abuser to be dominant, camouflaged by a growing sentiment of presumption/preference in custodial decision?

Judges and court mediators need more extensive training in the area of domestic violence with emphasis on the underlying issue of control. By applying the cycle of

violence to violent men custodially challenging their wives, and training those involved in family law, the true motives of violent fathers would be more apparent. In addition, the courts would cease viewing the mother's concerns as lack of cooperation. By enlightening all involved, the courts would benefit by a reduction in caseload. Women and children would benefit by escaping the cycle of violence and could work toward healing themselves.

Suggestions for Future Research

Although the current study was able to establish a pattern of domestic violence and paternal custodial disputes, it was based solely on information gathered from dissolution of marriage files. Important pieces of the puzzle are sometimes left out of court files. Such information might consist of results of a family mediation meeting, results of psychological evaluations, or various coercive techniques the abuser may employ to force his spouse to settle for less than she initially planned. Therefore, further studies based on first-person interviews of couples custodially embattled could include this valuable information.

The courts now consider child support and custody separate issues. They do so in order to protect the rights of low-income parents and to avoid the possibility of the custodial parent holding the child for ransom. Unfortunately, by separating these issues, the courts remain

ignorant of the tactic of withholding support that is employed by abusive men in order to control an ex-spouse.

One could truly fill in a great deal of the missing pieces by incorporating the information taken from dissolution of marriage files with what is gathered from first-person interviews. Future studies could randomly choose dissolution of marriage files, extract the information available and also interview both parties to get a much clearer picture of the dynamics involved.

It is ironic that family court mediators often have available to them information on violence in the family. Yet they may lack the expertise or interest to identify the underlying issues of control that are at the heart of the myriad of disputed issues when domestic violence is involved. Training of family court mediators on the dynamics of domestic violence would be valuable to the family court system by enhancing their ability to deal effectively with these complex and frustrating cases.

An additional suggestion for future research would be to investigate the serendipitous finding that all of the high income males in this randomly selected sample were violent fathers fighting for custody. Obviously this suggests a systematic syndrome and it would be of great interest and benefit to the literature to determine what dynamics are at work.

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