

Domestic Violence Intersections with Juvenile Justice and Family Court

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Learning Objectives

- Understand how children exposed to domestic violence may become involved in juvenile justice systems
- Understand how custody and parenting time determinations can mitigate or exacerbate risk
- Understand how legal standards such as “best interest of the child” operate in cases involving domestic violence
- Discuss challenges that emerge from these intersections
 - Criminalization of trauma-related behavior
 - Use (and misuse) of protective orders in family court
 - Complexities of coordinating responses across courts and service providers

Domestic Violence

Domestic Violence (sometimes referred to as Intimate Partner Violence) is a *pattern* of abusive behavior in an intimate relationship that is used by one partner to gain or maintain *power and control* over another in the context of an intimate relationship, regardless of the length or depth of the relationship.

This includes the misuse of power to coerce, control, intimidate or dominate another person.

Domestic Violence – KRS 403.720

(2) "Domestic violence and abuse" means:

- (a) Physical injury, serious physical injury, stalking, sexual assault, strangulation, assault, or the infliction of fear of imminent physical injury, serious physical injury, sexual assault, strangulation, or assault between family members or members of an unmarried couple; or
- (b) Any conduct prohibited by KRS 525.125, 525.130, 525.135, or 525.137, or the infliction of fear of such imminent conduct, taken against a domestic animal when used as a method of coercion, control, punishment, intimidation, or revenge directed against a family member or member of an unmarried couple who has a close bond of affection to the domestic animal;

(3) "Family member" means a spouse, including a former spouse, a grandparent, a grandchild, a parent, an adult sibling, a child, a stepchild, or any other person living in the same household as a child if the child is the alleged victim;

(6) "Member of an unmarried couple" means each member of an unmarried couple which allegedly has a child in common, any children of that couple, or a member of an unmarried couple who are living together or have formerly lived together;

Domestic Violence Prevalence

Source: National Center for Injury Prevention and Control, 2026

More than
1 in 3
women



More than
1 in 6
men



report having experienced
contact sexual violence,
physical violence, and/or stalking
by an intimate partner
during their lifetimes

Types of Traumatic Events

- Sexual abuse or assault
- Physical abuse or assault
- Emotional Abuse or Psychological Maltreatment
- Neglect
- Serious accident or illness/medical procedure
- Witness to domestic violence
- Victim/Witness to Community Violence
- School Violence
- Natural or Manmade Disasters
- Forced Displacement
- War/Terrorism/Political Violence
- Victim/Witness to Extreme Personal/Interpersonal Violence
- Traumatic Grief/Separation
- System-Induced Trauma
- Historical and Generational Trauma



DOMESTIC ABUSE INTERVENTION
PROGRAMS

www.theduluthmodel.org

Effects of Domestic Violence on Victims

- Loss of Self- Confidence or Self-esteem

- Social Withdrawal or loss of interest or enthusiasm

- Depressed mood and/or anxiety

- Increased risk/use of substance abuse

- Poor physical health

- Chronic disorders and/or chronic pain

- Trauma and posttraumatic stress disorder

- Gastrointestinal problems due to stress

- Unsafe sexual behavior

- Self-harm and suicide

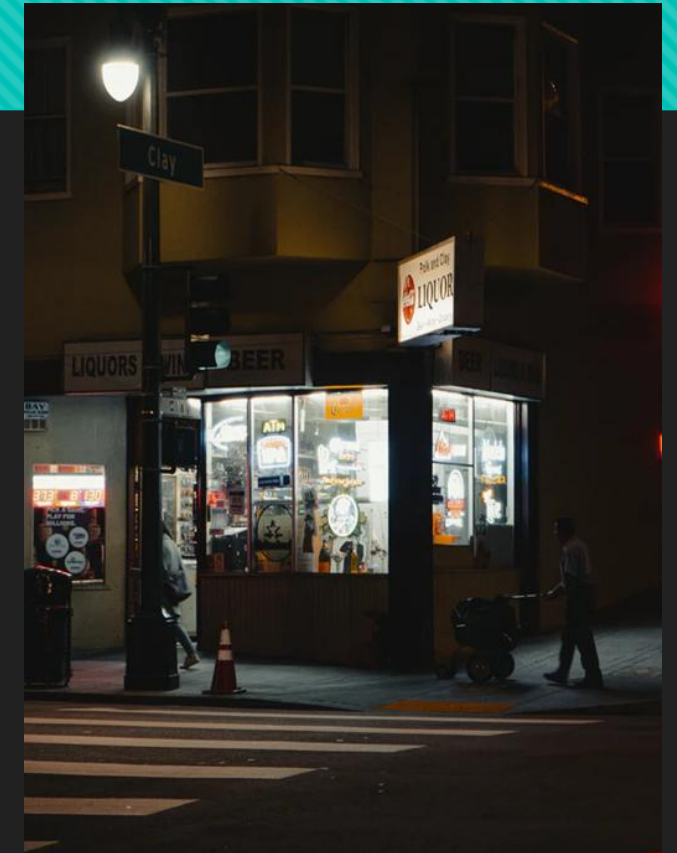
- Difficulty maintaining a job

- Reproductive problems

- Inability to trust others

Effects of Domestic Violence on Victims: Substance Abuse

- Drug and alcohol use are *risk factors* for DV.
- Nearly 80% of DV crimes are related to substance use.
- Research suggests the relationship substance use and DV is *not causal*
 - Rehab is not a cure for DV
- Women who have been abused are 15x more likely to abuse alcohol & 9x more likely to abuse drugs than those who are not.
- Abusers may use or facilitate a partner's addiction as a form of abusive behavior.
- Abusers may blame the victim-survivor for addiction or behavior while inebriated.



Effects of Domestic Violence on Victims: Trauma & Mental Health

- On average, 50% of women who are seen in mental health settings have experienced DV.
- Many have experienced previous traumas across the lifespan.
- Trauma diagnoses do not always accurately capture experience of victim-survivors of DV, SV, and other trauma.
- Exposure to abuse is a factor in emergence and exacerbation of psychiatric disorders, increase of re-victimization, & impacts recovery from mental illness
- Some victim-survivors may experience relief from symptoms with increase in safety and social support.
- People who experience DV are at a greater risk for: depression, anxiety, PTSD, somatization, medical needs, substance abuse, & suicide attempts

Effects of Trauma: Reactions

Re-living the event(s)

- Nightmares
- Flashbacks
- Triggers (stimuli such as scents, images, tastes, etc. that cause you to relive the event)

Avoidance of things that are a reminder of the event

- Ex: If I was in a bad car accident and I was driving I may avoid driving

Negative changes in beliefs and feelings

- May feel that the world is a dangerous place
- Feelings of hopelessness
- May impact relationships– ability to engage and maintain
- Difficulty remembering or talking about traumatic event

Effects of Trauma: Reactions

Hyperarousal

- Emotional Overload
- Difficulty sleeping
- Difficulty concentrating
- Feeling constantly alert
- Startle response/ Reactive functioning
- Behaviors could be perceived as:
 - Aggressive, destructive, self-harming, risk-taking
- Could look like anxiety

Hypoarousal

- Low state of physiological arousal
- Emotional numbing
- Restricted functioning
- Social withdrawal
- Disconnect between body & feelings (dissociation)/ “zoned out”
- Could look like depression

DV in Childhood: Types of Exposure

- Seeing it
- Hearing it
- Being awakened by it
- Being injured by it
- Being ripped from mother's arms
- Having toys broken
- Being hit while in mom's arms
- Being thrown
- Calling police
- Picking one parent to defend
- Running to neighbors
- Being used as a spy
- Being forced to participate
- Being physically or sexually abused
- Restricted contact
- Killing/trying to kill perpetrator
- Trying to stop abuse
- Hitting parent or siblings
- Being used as a confidante

DV in Childhood: Outcomes of Exposure

- DV will impact each child differently
- Outcomes vary in children exposed to DV in the same way that they vary in those directly abused
- DV can overlap with other kinds of child maltreatment
- Even children in the same household can be affected differently

Impact on School and Community Functioning

Higher rates of suspension and expulsion.

Increased absenteeism and truancy.

Greater risk of substance abuse and mental health disorders.

Increased contact with law enforcement.

Effects of DV: Communities & Generational Violence

Exposure to violence can perpetuate violence within families and communities. It can also exacerbate factors that may contribute to higher rates of violence such as:

- Social acceptance and numbness to violence.
- Lost individual, family, and community potential due to high levels of stress and instability.
- Poor educational outcomes.
- Poor economic outcomes.
- Social stigma and prejudice against people from communities and cultures perceived as violent.
- Traumatization and mental health conditions.



ACEs and Resiliency Factors

- Protective factors may help develop resilience, which may counteract the negative effects of ACEs
- Individual and family protective factors
- Community protective factors

Domestic Violence and Court Involvement

- Protection Order Cases
- Dependency, Neglect, and Abuse (DNA)
- Custody
- Status Offense
- Delinquency/Public Offenses
- School Discipline
- Criminal

Protection Order Cases

- Civil Protective Orders
- Criminal Restraining Orders
- Orders in the Family Court case
- Focus is generally on the safety of the victim and/or child
- Remedies focus on alleviating current abuse and preventing future abuse

Dependency, Neglect, and Abuse (DNA)

- Cabinet for Health and Family Services
 - Department of Community Based Services
 - Court Referral
- KRS 600.020
 - **Abused Child:** A minor under 18 harmed or put at risk of physical, emotional, or sexual injury by a caretaker.
 - **Neglected Child:** A child lacking proper care, food, clothing, shelter, medical treatment, or supervision due to parental failure.
 - **Dependent Child:** A child lacking adequate care or custody through no fault or intentional act of the parents, such as parental incapacitation.

Custody

- KRS 403.270, KRS 403.315, KRS 403.317 effective July 15, 2026)
- Rebuttable Presumption of Joint/Shared Parenting Time (flips if 2 acts of DV)
- In making a custody determination, Family Court must consider any allegations of domestic violence or abuse/neglect committed by one party against the other party or a child of the parties prior to consideration of other Best Interests factors; Family Court must make written findings on the record as to the impact, if any, of the allegations on the child.

Best Interests Factors

- Best Interests of the Child Standard
- Factors Include (not limited to):
 - Wishes of the parent or guardian and the child
 - Interaction and Interrelationship
 - Motivation of the adults seeking custody
 - The physical and mental health of all involved
 - A finding by the court that domestic violence and abuse . . . has been committed by one of the parties against a child of the parties or against another party. The court shall determine the extent to which the domestic violence and abuse has affected the child and the child's relationship to each party, with due consideration given to efforts made by a party toward the completion of any domestic violence treatment, counseling, or program
 - A finding by the court that a party has maliciously made an intentionally false allegation of child abuse which has no basis in fact and which the party knew had no basis in fact against the other party
 - The circumstances under which the child was placed or allowed to remain in the custody of a de facto custodian, including whether the parent now seeking custody was previously prevented from doing so as a result of domestic violence . . . and whether the child was placed with a de facto custodian to allow the parent now seeking custody to seek employment, work, or attend school
 - The likelihood a party will allow the child frequent, meaningful, and continuing contact with the other parent or de facto custodian, except that the court shall not consider this likelihood if there is a finding that the other parent or de facto custodian engaged in domestic violence and abuse . . . against the party or a child and that a continuing relationship with the other parent will endanger the health or safety of either that party or the child.
 - The abandonment of the family residence by a custodial party shall not be considered where that party was physically harmed or was seriously threatened with physical harm by his or her spouse, when the harm or threat of harm was causally related to the abandonment.

SB 122 Changes Most Relevant to Custody (July 15, 2026)(KRS 403.270, .315 and .317)

- Family Court Judge must first consider **allegations** of domestic violence, abuse or neglect and make written findings considering their impact on the child
- Two acts of domestic violence by one party against the other party flips the presumption of joint custody and shared parenting
- A parent found to have committed two acts of domestic violence cannot receive custody or unsupervised parenting time until having completed a certified batterer's intervention program, parenting classes, substance-use and mental-health assessments and any recommended treatment, along with a period of supervised visitation
- Prohibits the removal from custody or a reduction of parenting time between the child and the other party solely for the improvement of the relationship the child and the other party where the court has made a finding of domestic violence or abuse
- Requires orders remediating the resistance of a child to contact with a violent or abusive parent to primarily address the behavior of that parent
- Requires specialized training for paid visitation supervisors and parenting coordinators

Why is DV Relevant in Family Cases?

- Undermining of non-abusive parent
 - Resist-refuse
 - Alienation dynamics
 - Loyalty conflicts
- Perpetual litigation as a form of control
- Physical and emotional pain may limit the victim's responsiveness to children
- Compensating parenting style
- Economic factors may limit victim's ability to care for children
- Victim may have committed crimes that stem from the abuse
- Ancillary mental health issues
- Siblings and extended family members may be helpful or harmful
- Extreme cases – homicides and abductions

Post-Separation Power and Control Wheel



Status Offenses

- KRS Chapter 630
- In Family Court
- Criminalizes a child's conduct that would otherwise not be considered a crime if the child were an adult.
 - Beyond Control of School or Parent
 - Habitual Runaway
 - Alcohol Offense (use, purchase, possess, sell)
 - Tobacco Offense (use, purchase, possess, sell)
 - Habitual Truant
- Status offenders are not deemed criminals or delinquents

Delinquency/Public Offenses

Any conduct that would constitute a crime if committed by an adult (misdemeanor and felony)

Includes:

- TBUT (theft by unlawful taking)
- Receiving stolen property
- Assault
- Possession of a Controlled Substance
- Burglary

Heard in District Court, with no effective distinction between misdemeanor or felony other than punishment, unless the child is transferred to Circuit Court to be tried as an adult

No right to trial by jury (unless tried as an adult)

School Discipline

- Detention
- In School Suspension
- Out of School Suspension
- Alternative School Placement
- Expulsion

Criminal Offenses

Common charges:

- Assault
- Strangulation
- Menacing
- Wanton Endangerment
- Stalking
- Criminal Abuse
- Sexual Abuse
- Property crimes

How Do the Systems Interact?

Divorced parents with a history of domestic violence have one teenage child. The parties are in ongoing litigation related to custody, parenting time, school placement and extracurriculars. Parent A wants full custody and the child remain at School A. Parent B wants full custody and the child to go to School B, which is the child's preferred school. The child has refused to go to School A 10 times. In an attempt to get the child to go to school, Parent A and the child get into a physical fight, and Parent A calls the police. After getting to school, the child yells at and threatens a teacher. Where might they end up court?

- Protection Order
- Dependency, Neglect, and Abuse (DNA)
- Custody
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Where do the Systems Break Down?

- Criminalization of trauma-related behavior
- Use (and misuse) of protective orders in family court
- Complexities of coordinating responses across courts and service providers

Questions?

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