

# Coercive Control in Dependency Cases: Understanding Patterns, Impacts, and Court Responses

Hon. Anne Hirsch (ret)  
Jurist-in-Residence  
AOC's Family & Youth Justice Programs

Laura Vogel  
Training Coordinator  
AOC's Family & Youth Justice Programs



# Learning Objectives

Understand how coercive control works and why it matters when identifying intimate partner violence in dependency cases

Understand the negative impacts of coercive control on survivors and children

Learn strategies for supporting survivor and child safety

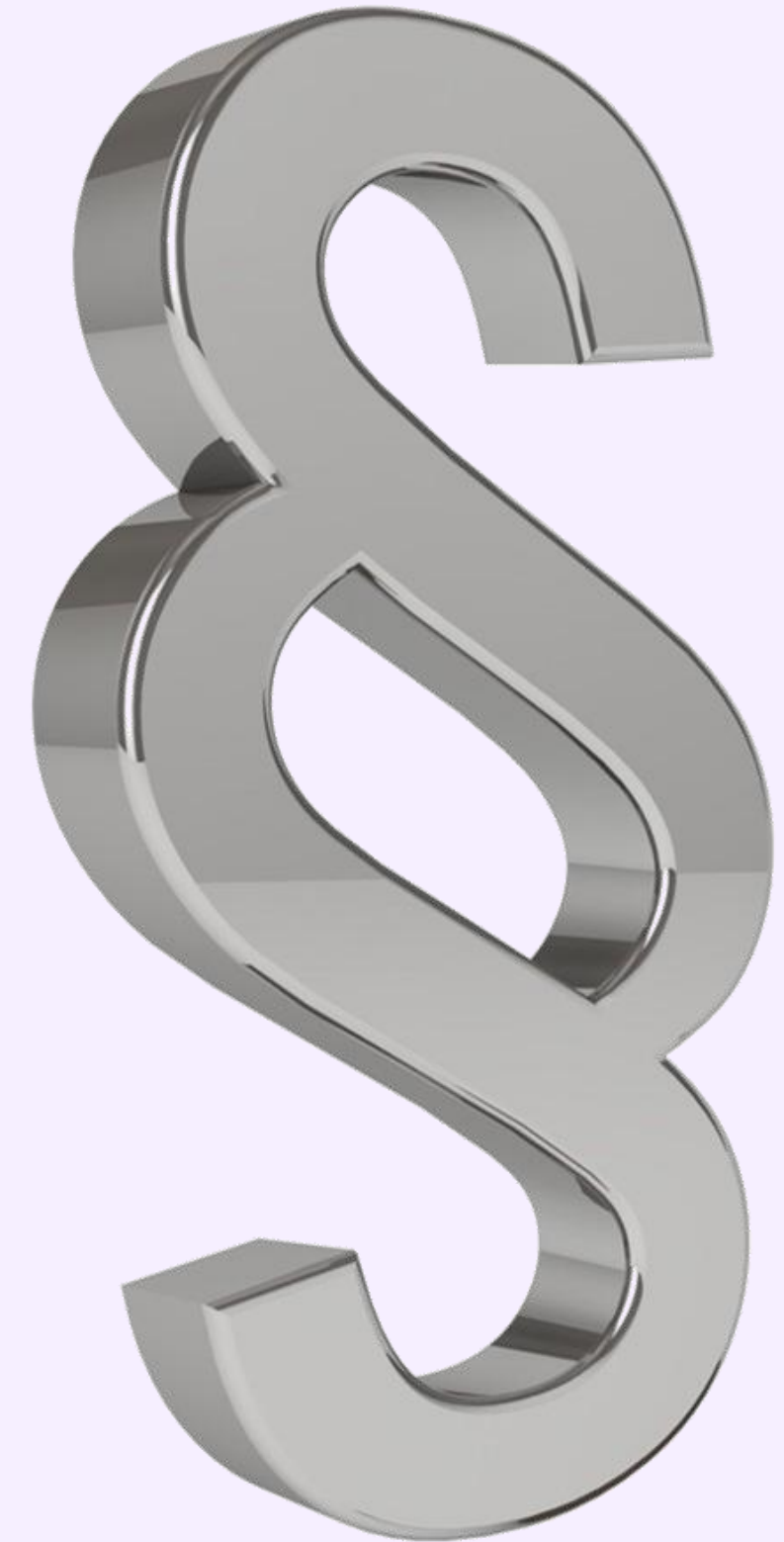
Gain strategies for effectively engaging with perpetrators in court

# Domestic Violence

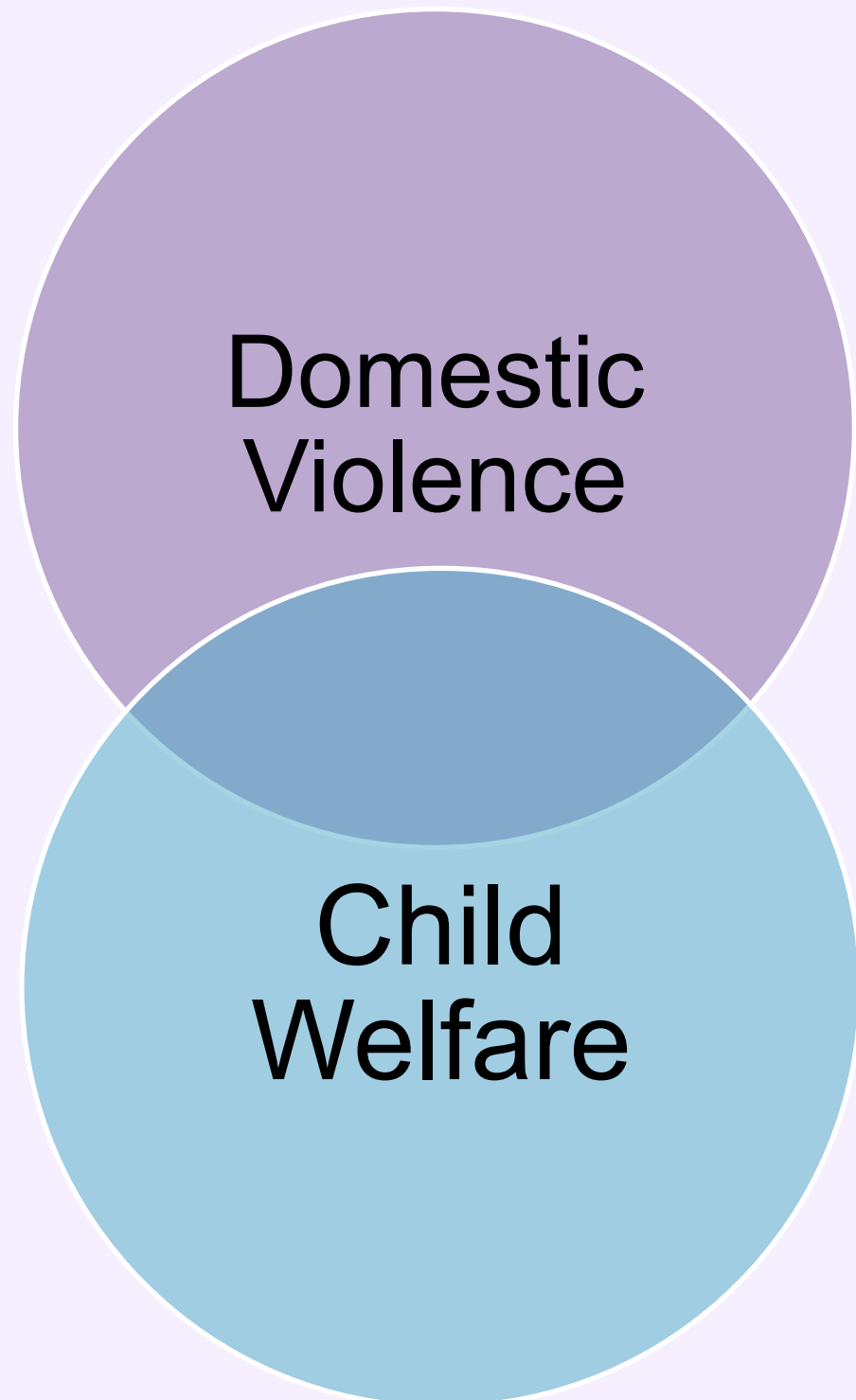
*RCW 7.105.10(10)*

"Domestic violence" means:

- (a) Physical harm, bodily injury, assault, or the infliction of fear of physical harm, bodily injury, or assault; nonconsensual sexual conduct or nonconsensual sexual penetration; coercive control; unlawful harassment; or stalking of one intimate partner by another intimate partner; or
- (b) (b) Physical harm, bodily injury, assault, or the infliction of fear of physical harm, bodily injury, or assault; nonconsensual sexual conduct or nonconsensual sexual penetration; coercive control; unlawful harassment; or stalking of one family or household member by another family or household member.



# Intersection with Child Welfare



A WA state study of child maltreatment reports made to CPS revealed that DV was identified in **1 in 5 calls to CPS** and was identified in almost **1/2 of cases** assigned a moderate to high risk, and a high standard of investigation (47%).

Many dv survivors parent as effectively as possible in difficult contexts, and their children are safe, attached to, and supporting with the non-abusing parent, even in the context of the abuse. Understanding the history and context of DV in each individual family is thus critically important so that interventions ordered by the court/offered by the DCYF, are supportive of the family and help to keep children home with a safe and protective parent whenever possible.

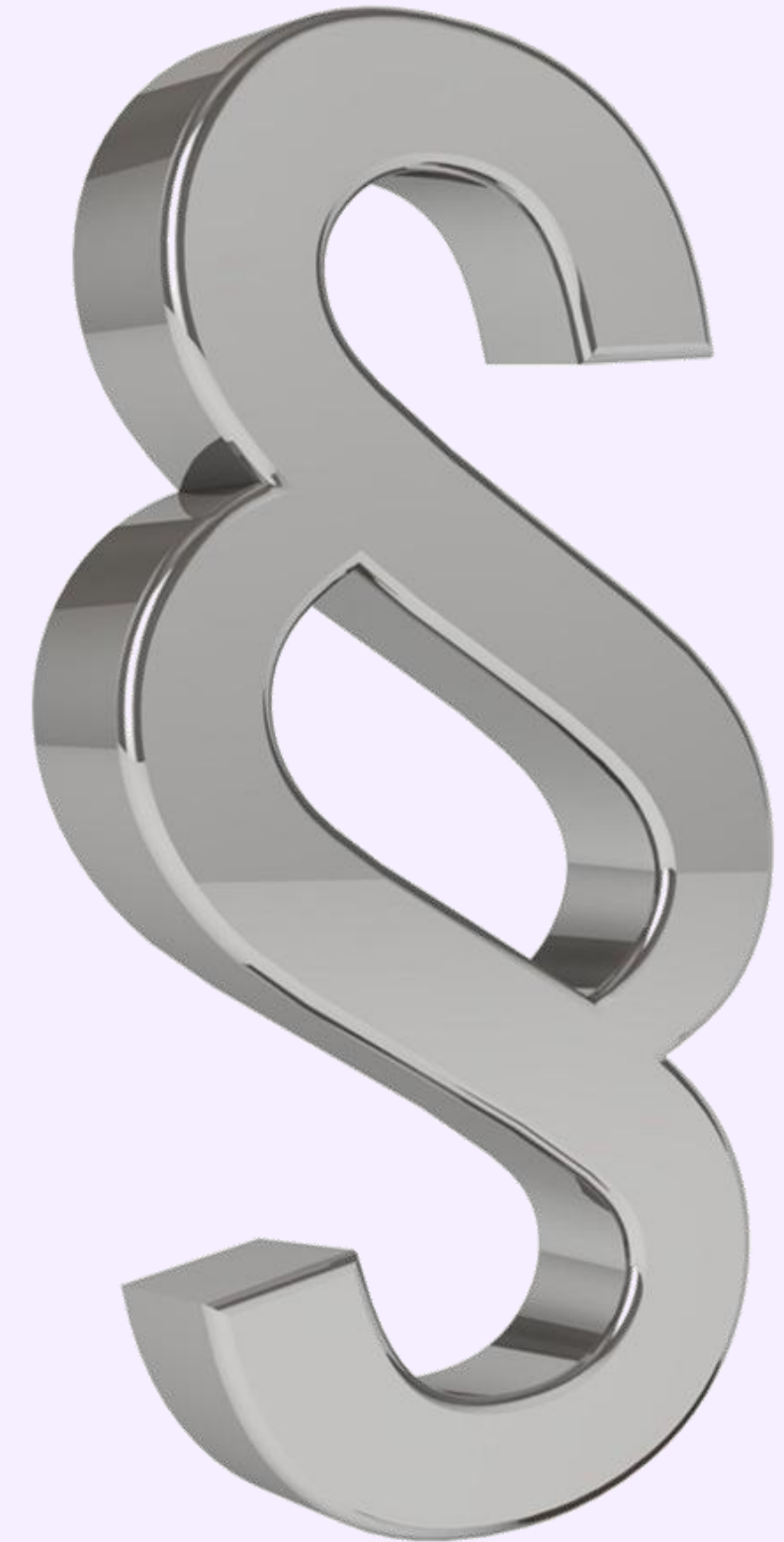
Sherry Hamby et al., Children's Exposure to Intimate Partner Violence and Other Family Violence, JUV. JUST. BULL. U.S. Dep't of Just., Office of Juvenile Just. & Delinquency Prevention (2011).

<https://www.ojp.gov/pdffiles1/ojjdp/232272.pdf>.

# Domestic Violence

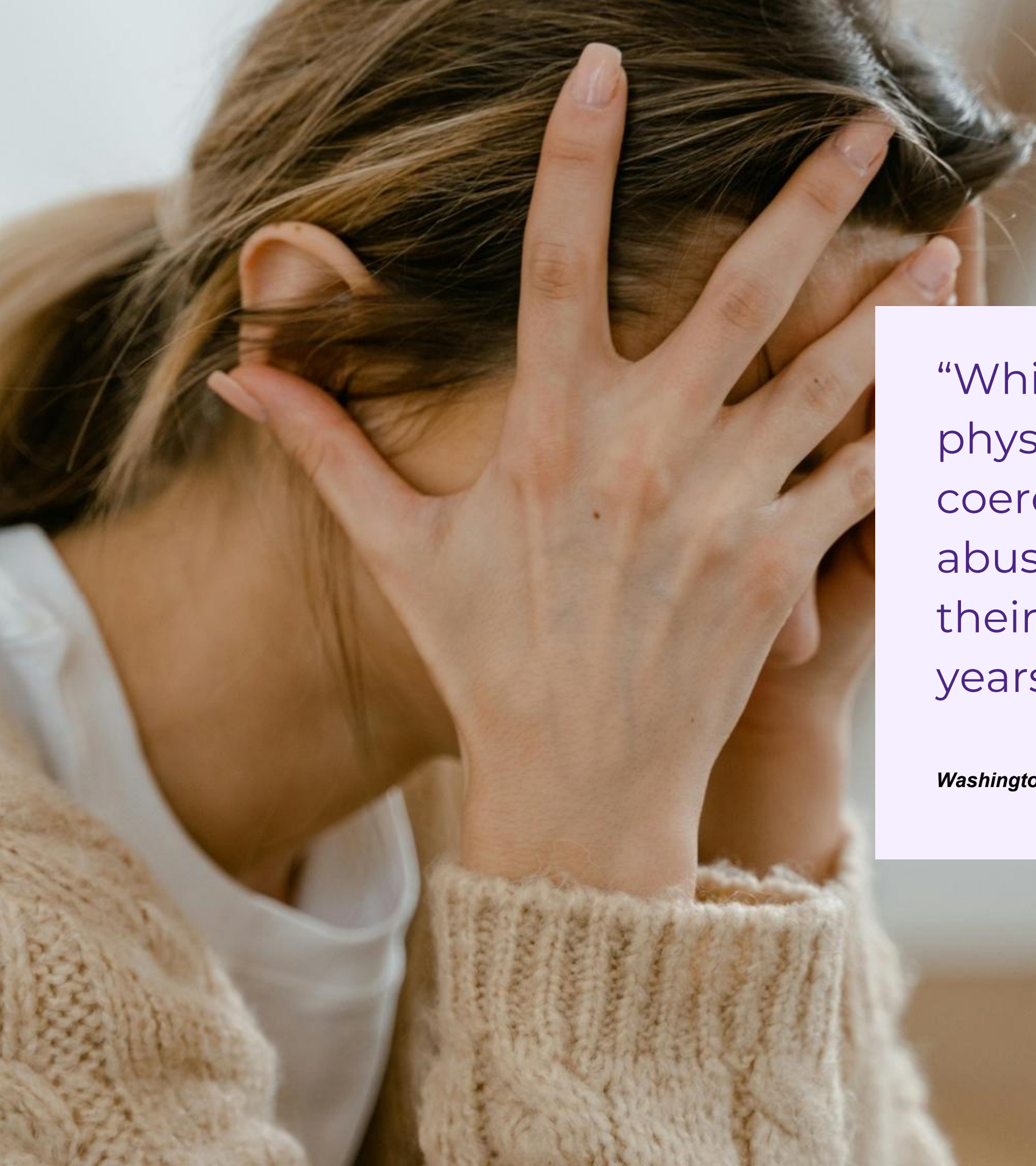
*RCW 74.14B.010(5)*

The identification of domestic violence is critical in ensuring the safety of children in the child welfare system. It is also critical for child welfare workers to support victims of domestic violence while victims continue to care for their children, when possible, as domestic violence perpetrated against someone other than the child does not constitute negligent treatment or maltreatment in and of itself as provided in RCW [26.44.020](#). For these reasons, ongoing domestic violence training and consultation shall be provided to child welfare workers, including how to use the department's practice guide to domestic violence.



# Power and Control Wheel





“While some of our clients have never suffered physical abuse, ALL our clients have suffered coercive control. It’s pervasive, and most abusers are experts in continuing to control their victims this way even after separation, for years.”

***Washington State Coalition Against Domestic Violence (WSCADV) member***

Washington State Supreme Court Gender and Justice Commission. (2021). *Civil Protection Orders: E2SHB 1320 Stakeholder Group Recommendations to Support Access and Safety*. pp. 56. [https://www.courts.wa.gov/subsite/gjc/documents/1320\\_Report\\_to\\_legislature\\_12.1.21.pdf](https://www.courts.wa.gov/subsite/gjc/documents/1320_Report_to_legislature_12.1.21.pdf)(opens in a new tab)

# Coercive Control

“Coercive control’ means a **pattern of behavior** that is used to cause another to suffer **physical, emotional, or psychological harm**, AND in purpose or effect unreasonably **interferes with a person's free will and personal liberty**.

In determining whether the interference is unreasonable, the court shall consider the **context** and **impact** of the pattern of behavior from the perspective of a similarly situated person.”

*RCW 7.105.010(4)*





# Coercive Control

“Coercive control’ DOES NOT include protective actions taken by a party in good faith for the legitimate and lawful purpose of protecting themselves or children from the risk of harm posed by the other party.”

*RCW 7.105.010(4)(b)*

# Intimidation or controlling or compelling conduct

- Damaging, threatening, or controlling someone's property or valued items.
- Using technology to monitor, intimidate, impersonate, or harass, including cyberstalking or threatening to share intimate images.
- Displaying or threatening to use weapons in a way meant to cause fear.
- Driving recklessly with the partner or children present.
- Making threats to harm loved ones, pets, or someone's career; threatening self-harm; or threatening to report someone to authorities (including immigration).
- Controlling a person's identity documents.
- Revealing or threatening to reveal private or sensitive information.
- Engaging in sexual or reproductive coercion.

Examples come from statute

*RCW 7.105.010(4)(a)(i)*

**Causing dependence, confinement, or isolation of the other party from friends, relatives, or other sources of support, including schooling and employment, or subjecting the other party to physical confinement or restraint.**

*RCW 7.105.010(4)(a)(ii)*

## **Examples of Perpetrator Behavior in Dependency Cases**

- Controlling all income and benefits
- Blocking or monitoring contact with family/friends, attorney, other system supports and/or insisting on being present for all interactions.
- Taking car keys, monitoring miles, refusing rides, or restricting use of public transit so other parent cannot attend services or access supports

**Causing dependence, confinement, or isolation of the other party from friends, relatives, or other sources of support, including schooling and employment, or subjecting the other party to physical confinement or restraint.**

*RCW 7.105.010(4)(a)(ii)*

## **Might Look Like for Survivors**

- Apparent “non-compliance” with case plans
- Communication gaps linked to device control
- Limited natural support network
- Limited/hesitant 1:1 engagement with professionals
- Economic instability

**Depriving the other party of basic necessities or committing other forms of financial exploitation**

*RCW 7.105.010(4)(a)(iii)*

## **Examples of Perpetrator Behavior in Dependency Cases**

- Restricting or controlling access to money, food, medications/medical care, hygiene products, or household supplies
- Limiting utilities or deliberately withholding resources
- Interfering with employment or education that would increase financial independence

**Depriving the other party of basic necessities or committing other forms of financial exploitation**

*RCW 7.105.010(4)(a)(iii)*

**Might Look Like for Survivors**

- Reports of the survivor appearing unkempt, stressed, or having untreated health conditions
- Reports of limited food/resources at home and/or utilities being shut off
- Missed case requirements with small costs
- Assessed as being “poor at organization,” “financially unstable,” “bad with money”, etc.

**Controlling, exerting undue influence over, interfering with, regulating, or monitoring the other party's movements, communications, daily behavior, finances, economic resources, or employment, including but not limited to interference with or attempting to limit access to services for children of the other party, such as health care, medication, child care, or school-based extracurricular activities**

*RCW 7.105.010(4)(a)(iv)*

## **Examples of Perpetrator Behavior in Dependency Cases**

- Tracking whereabouts and requiring permission to leave
- Forbidding work/school, creating conflicts with schedules
- Limiting or blocking access to children's appointments or participation in activities

**Controlling, exerting undue influence over, interfering with, regulating, or monitoring the other party's movements, communications, daily behavior, finances, economic resources, or employment, including but not limited to interference with or attempting to limit access to services for children of the other party, such as health care, medication, child care, or school-based extracurricular activities**

*RCW 7.105.010(4)(a)(iv)*

## **Might Look Like for Survivors**

- “Unreachable,” “no working phone,” or “partner answered” repeated across provider notes.
- Caseworkers note the perpetrator present at every meeting/visit; survivor consistently defers to partner
- Missed medical/service appointments for child
- Reports from school of non-participation of child in extracurriculars

**Engaging in vexatious litigation or abusive litigation as defined in RCW 26.51.020 against the other party to harass, coerce, or control the other party, to diminish or exhaust the other party's financial resources, or to compromise the other party's employment or housing;**

*RCW 7.105.010(4)(a)(v)*

## **Examples of Perpetrator Behavior in Dependency Cases**

- Repeated, meritless filings against the survivor
- Filing complaints with agencies to disrupt the survivor's stability
- Using litigation to interfere with or monitor the survivor's activities
- Using courts to undermine children's service

**Engaging in vexatious litigation or abusive litigation as defined in RCW 26.51.020 against the other party to harass, coerce, or control the other party, to diminish or exhaust the other party's financial resources, or to compromise the other party's employment or housing;**

*RCW 7.105.010(4)(a)(v)*

## **Might Look Like for Survivors**

- Missed services tied to needing to attend court hearings or respond to filings
- Case notes document contradictory collateral information that traces back to the perpetrator
- Repetitive requests for hearings, reviews, or evaluations without new information

**Engaging in psychological aggression, including inflicting fear, humiliating, degrading, or punishing the other party**

*RCW 7.105.010(4)(a)(vi)*

## **Examples of Perpetrator Behavior in Dependency Cases**

- Verbal degradation or humiliation that erodes the survivor's stability
- Punitive behavior used to “teach lessons” or assert dominance
- Public or system-based humiliation
- Behavior that manipulates children's perceptions of the survivor
- Coercive communication patterns throughout the case

**Engaging in psychological aggression, including inflicting fear, humiliating, degrading, or punishing the other party**

*RCW 7.105.010(4)(a)(vi)*

## **Might Look Like for Survivors**

- Reports from collateral contacts about demeaning comments or belittling interactions during exchanges
- Attempts to sabotage visitation or services
- Using unfounded allegations, public shaming, and exaggerated “concern” for the children to undermine or discredit the survivor
- Attempts by perpetrators to insist on joint communication “to coparent,” when the actual purpose is monitoring or intimidation

# CONSIDERING CONTEXT

**Religion**

**Gender**

**Culture**

**Immigration  
Status**

**Race**

**Socioeconomic  
Status**

**Substance  
misuse**

**Disability**

**Ethnicity**

**Language  
Barriers**

**Sexual  
Orientation**

**Mental health**

**Employment**



# Considering Context: The Bigger Picture of Coercive Control

## Coercive Control Dynamics

Physical violence alone does not capture the full pattern of harm.

Coercive control relies on:

- The perpetrator's ability to cause harm or threaten harm
- The survivor's belief that those threats are real

Choices made by the survivor occur under constraint — not truly “free choice.”

## Impact on Children & Parenting

Exposure: Creates an environment where the child experiences abuse

Undermining: Erodes the other parent's ability to parent

Isolation: Restricts access to supports and resources

Fear: Generates ongoing fear for the child

Direct Harm: Puts the child at direct risk

# How to Determine Context

## Information from parties:

- History of violence/abuse
- Existence of pattern of intimidation and threats
- Intent and meaning of abuse to victim
- Risk identification (*recognizing red flags*)
- Screening information (*as allowable within ethics/confidentiality/rules/codes*)

## Information from others:

- Review of police reports
- Other official documentation
- Witnesses
- Experts



# Hypothetical Scenario

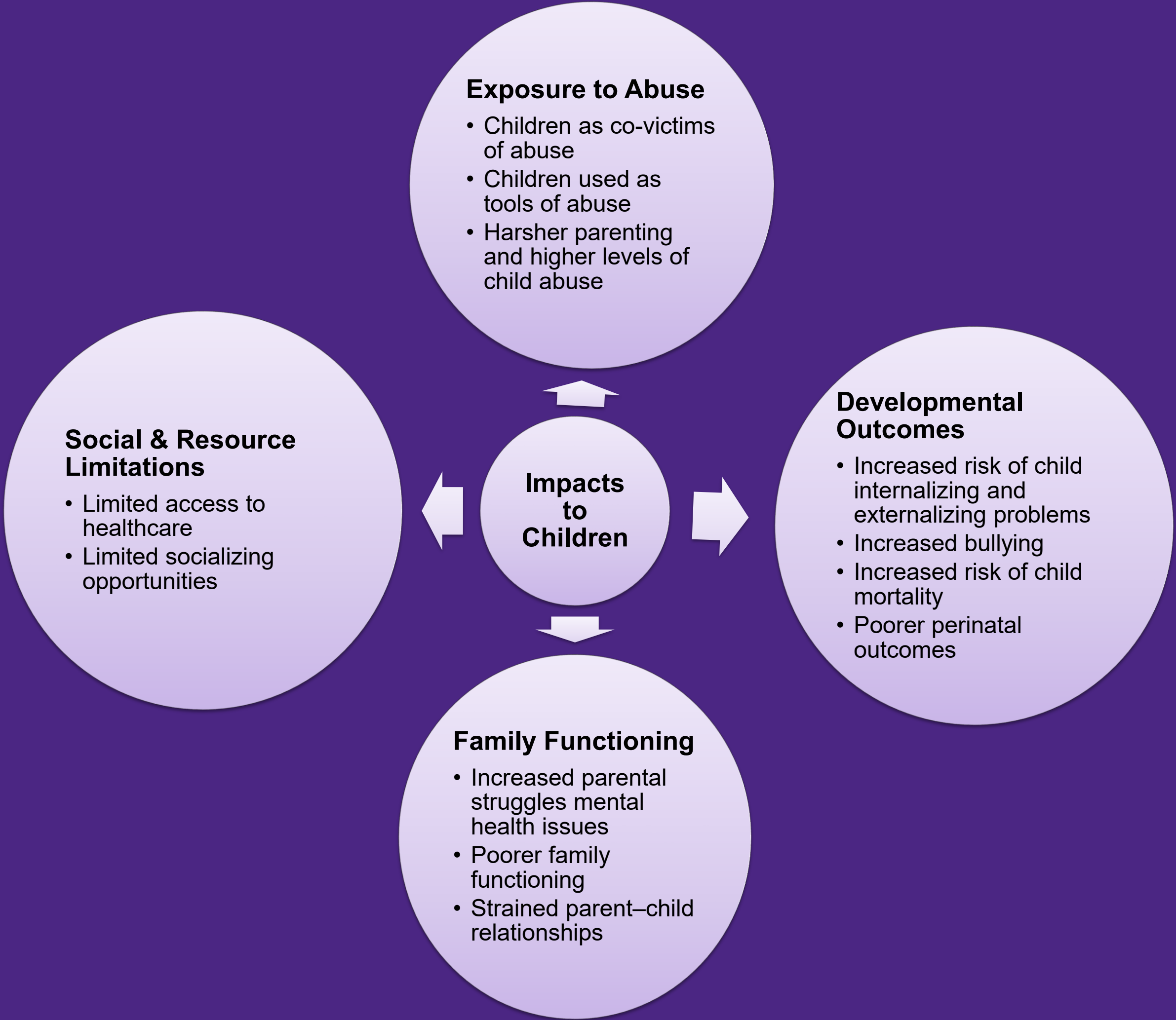
*Recently, the child's day care provider informed the parties that a state required vaccination needed to be updated before the child could continue attending the program. When Ana attempted to schedule the appointment, Mark told her that he did not want the child receiving the vaccination and that she should "stop making decisions without him." Mark also stated that if the child could not attend day care without the vaccination, then Ana should "just quit working and stay home instead."*

**What indicators of coercive control can you identify?  
How do you think Ana perceived Mark's response?**



# CONSIDERING IMPACTS

# CONSIDERING IMPACTS



# Separation

Separation is a period of heightened risk for a DV victim, and their children. Safety planning should reflect that risk. Research has identified that both the child protection and family court systems seldom apply a lens of DV lethality risk to understanding children's' situations. The court should realize that establishing safety for the protective parent is synonymous with ensuring safety for the children. Many of the major risk factors for DV divisor apply equally to understanding risk to children.

Peter Jaffe et al., Children and Domestic Homicide: Understanding the Risks. Domestic Homicide Brief 3, CANADIAN DOMESTIC HOMICIDE PREVENTION INITIATIVE 9 (2017).

# Separation: Risk of Lethality

“Research has shown that the risk of domestic violence homicide increases 9-fold when the victim separates from the coercively controlling abuser.”

*Citing Jacki Campbell femicide article (J. Campbell et al. Am. J. Public Health 93.1089 (2003))*

Studies in the United States have identified several risk factors consistent with child domestic homicide:

- History of child abuse
- History of domestic violence
- Prior agency contact
- Unemployment
- Criminal history of the perpetrator
- Substance use/abuse
- Access to weapons

Judicial officers have a leadership opportunity to ensure risk factors are being assessed by appropriate system partners

# Post-Separation

The abuse of coercive control often continues post-separation, especially when there are children involved.

## You Might See:

- Manipulation of parenting time and child-related logistics
- Allegations or reports used as tools of control
- Legal and procedural processes becoming avenues of control
- Secondary impacts to survivor that may be misinterpreted as parenting deficits
- Impact on the children's functioning

# Coercive Control: Putting Behaviors in Context

Look for behaviors caused by intimidation, surveillance, or threats.

Consider that a survivor's actions may be safety-driven adaptations, not "poor judgment."

Connect repeated tactics: isolation, interference with services, manipulation of child-related processes.

Recognize when apparent "conflict" is actually one-sided control.

Focus on the source of harm, not the survivor's struggle to manage it.

Assess whether system responses are inadvertently holding the survivor responsible for the perpetrator's conduct.

# “Failure to Protect”

- Survivors are often navigating threats, surveillance, or retaliation that limit their ability to take steps that appear “protective” from the outside.
- A survivor’s cautious or seemingly inconsistent behavior may be a safety strategy, not neglect.
- Behavior may be a trauma response, fear-driven decision, or constrained option, rather than a parental deficit.
- Labeling behavior as “failure to protect” can unintentionally reward the perpetrator’s tactics (e.g., sabotage, intimidation, manipulation of systems).

**Why it is  
problematic in  
cases involving  
coercive control**

# “Failure to Protect”

## What to watch out for in dependency cases

- Reports or assessments focus on what the survivor “didn’t do,” rather than on the perpetrator’s interference, threats, or violence.
- Survivors are expected to leave immediately, seek services, or ensure safety in ways that are not realistically safe or feasible.
- Case plans place more requirements on the non-offending parent than on the person causing the harm.

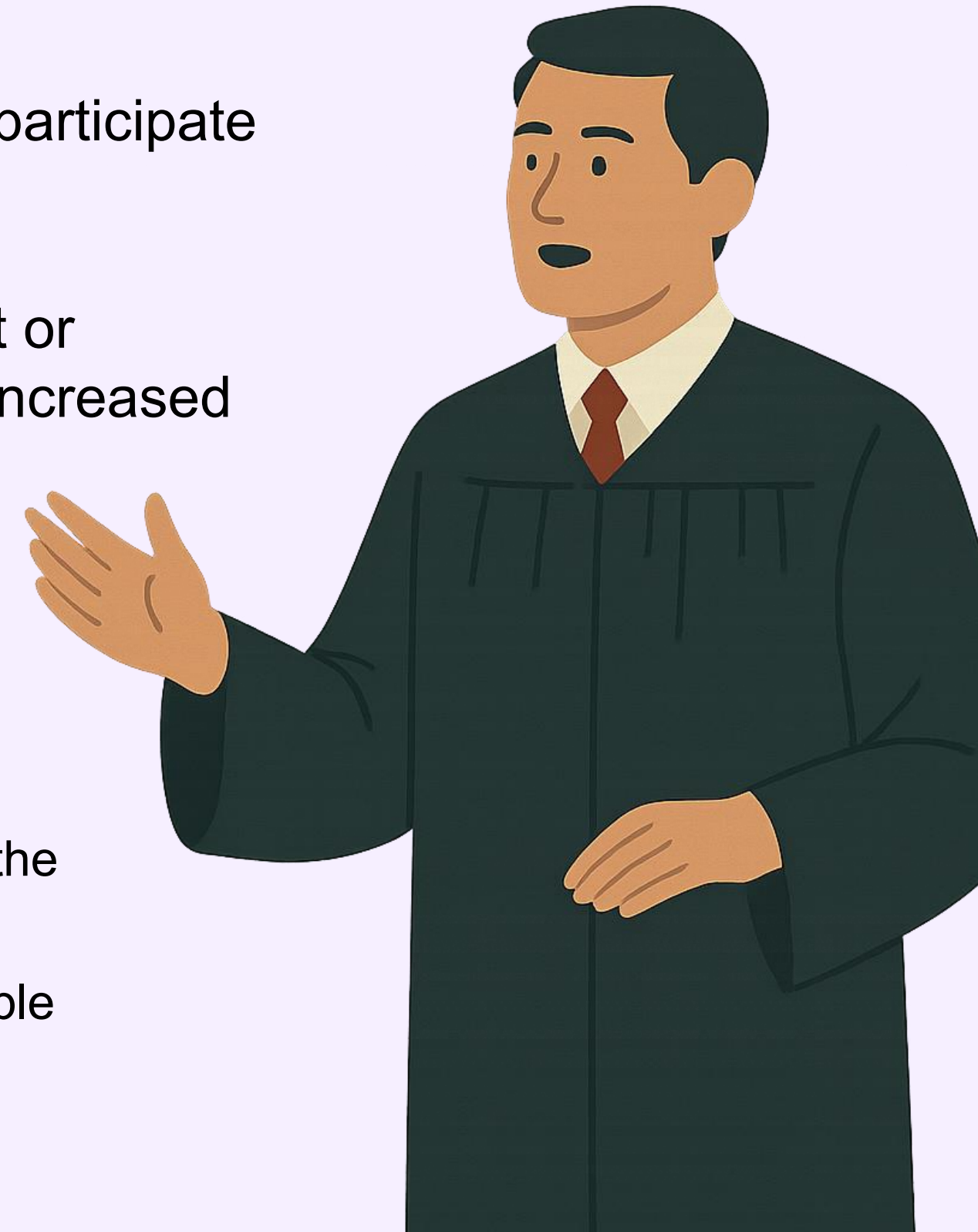
# “Failure to Protect”

## Judicial Considerations

- Ask “What were the conditions the survivor was navigating?” rather than “Why didn’t the survivor leave/leave sooner?”
- Consider whether the perpetrator’s behaviors limited the survivor’s access to services, transportation, communication, or safety planning.
- Recognize that protective behavior may look different when someone is under coercion or threat.

# How courts can support survivor & child safety

- Encourage use of non-pathologizing language (e.g., “protective strategies” instead of “failure to protect”).
- Offer flexible hearing formats (remote/virtual options) so survivors can participate safely.
- Ensure that services ordered for survivors do not resemble punishment or duplicate demands from abusers, or unintentionally place survivors at increased risk (e.g., forcing joint decision-making with an abusive parent).
- Hold the Department accountable for:
  - Understanding coercive control and applying that knowledge consistently.
  - Conducting DV screening throughout the life of the case per policy.
  - Developing case plans that reflect the source of harm (the abusive parent), not the survivor’s reactions to harm.
  - Offering meaningful support such as housing stability, financial assistance, flexible scheduling, and culturally responsive services.
  - Documenting their reasoning in a clear, respectful, non-pathologizing way.
  - Ensuring their actions do not unintentionally escalate danger.



# Engaging with Perpetrators

## Frame accountability as a pathway *to* positive change, not a punishment

- Emphasize that accountability supports safer, healthier relationships for children
- Reinforce that progress is possible and expected
- Give clear guidance on what “success” looks like

## Use respectful, firm, and future-focused communication

- Keep the tone forward-looking: “Here is what needs to change for your child’s wellbeing”
- Avoid language that triggers defensiveness; emphasize the child’s needs as the shared priority

## Set specific, behavioral expectations—not abstract character judgments

- Focus on *observable behaviors*
- Use orders and case plans that require demonstration of new skills, not simply attendance or checklists
- Goal is behavior change

## Recognize indicators of progress, in conjunction with accountability

- Reinforce progress while anchoring it in the child’s safety

## Maintain strong boundaries that limit manipulation

- Structure hearings to prevent abusive behavior. (e.g., virtual hearings)
- Intervene early if the parent attempts to blame, redirect, minimize, or misuse the process
- Communicate that progress includes respecting the court’s boundaries and expectations

## Ground all engagement in the child’s safety and stability

- Keep the conversation centered on what the child experiences, needs, and deserves
- Reinforce that the parent’s progress is measured by the degree to which the child becomes safer and more stable

# Example Language for Engaging with Perpetrators

“Your child needs predictable, respectful behavior from you. What steps are you taking to show that consistently?”

“I’m going to refocus us on the child. Your responses need to be about your actions, not the other parent”

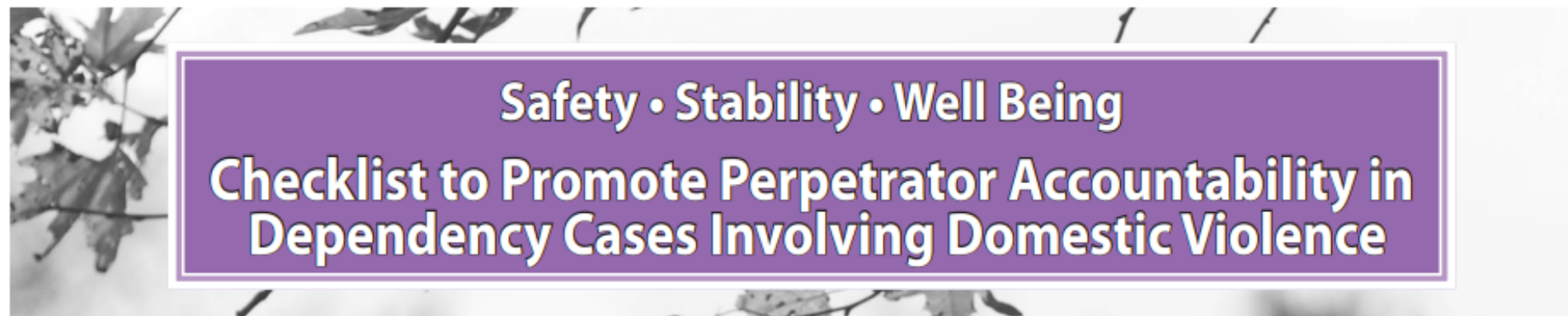
“This is a positive start. For the court to consider additional changes, we will need to see these improvements sustained over time”

“Blaming the other parent does not address the concerns before the court. Focus on your own behavior and how it affects your child”

“The court wants to see you succeed, and success means demonstrating behaviors that increase your child’s safety and stability”



# NCJFCJ Checklist to Promote Perpetrator Accountability in Dependency Cases Involving Domestic Violence



## INTRODUCTION

Judges need information and tools to both guide them in holding perpetrators of domestic violence accountable for their abusive behavior and to ensure that efforts to reach perpetrators<sup>1</sup> do not cause unintended consequences or further harm to victims of domestic violence and their children. This *Checklist to Promote Perpetrator Accountability in Dependency Cases Involving Domestic Violence (Accountability Checklist)* will help dependency judges intervene with those who use violence in ways that promote accountability and maximize the safety and well-being of children and victim parents. It provides a framework to help the court leverage its authority to hold perpetrators accountable, provide appropriate services, and improve judicial decision-making.

This *Accountability Checklist* complements the *Reasonable Efforts Checklist for Dependency Cases Involving Domestic Violence*<sup>2</sup> (*Reasonable Efforts Checklist*) by providing specialized information to hold perpetrators of domestic violence accountable in child protection cases. Much of the narrative accompanying the *Reasonable Efforts Checklist* is also applicable to this *Accountability Checklist*.

**This *Accountability Checklist* will help judges:**

- Craft judicial policies and practices that promote the accountability of perpetrators and the safety of victim parents and children.

## DEFINITIONS OF DOMESTIC VIOLENCE

For purposes of this tool, we define domestic violence as a pattern of assaultive and coercive behaviors that operate at a variety of levels – physical, psychological, emotional, financial, or sexual – that one parent uses against the other parent. The pattern of behaviors is neither impulsive nor “out of control,” but is purposeful and instrumental in order to gain compliance or control. It can include assault, destruction of property, isolation, and acts or threats of abuse against the victim parent, children, and pets. Abuse is likely to increase at the time of separation.

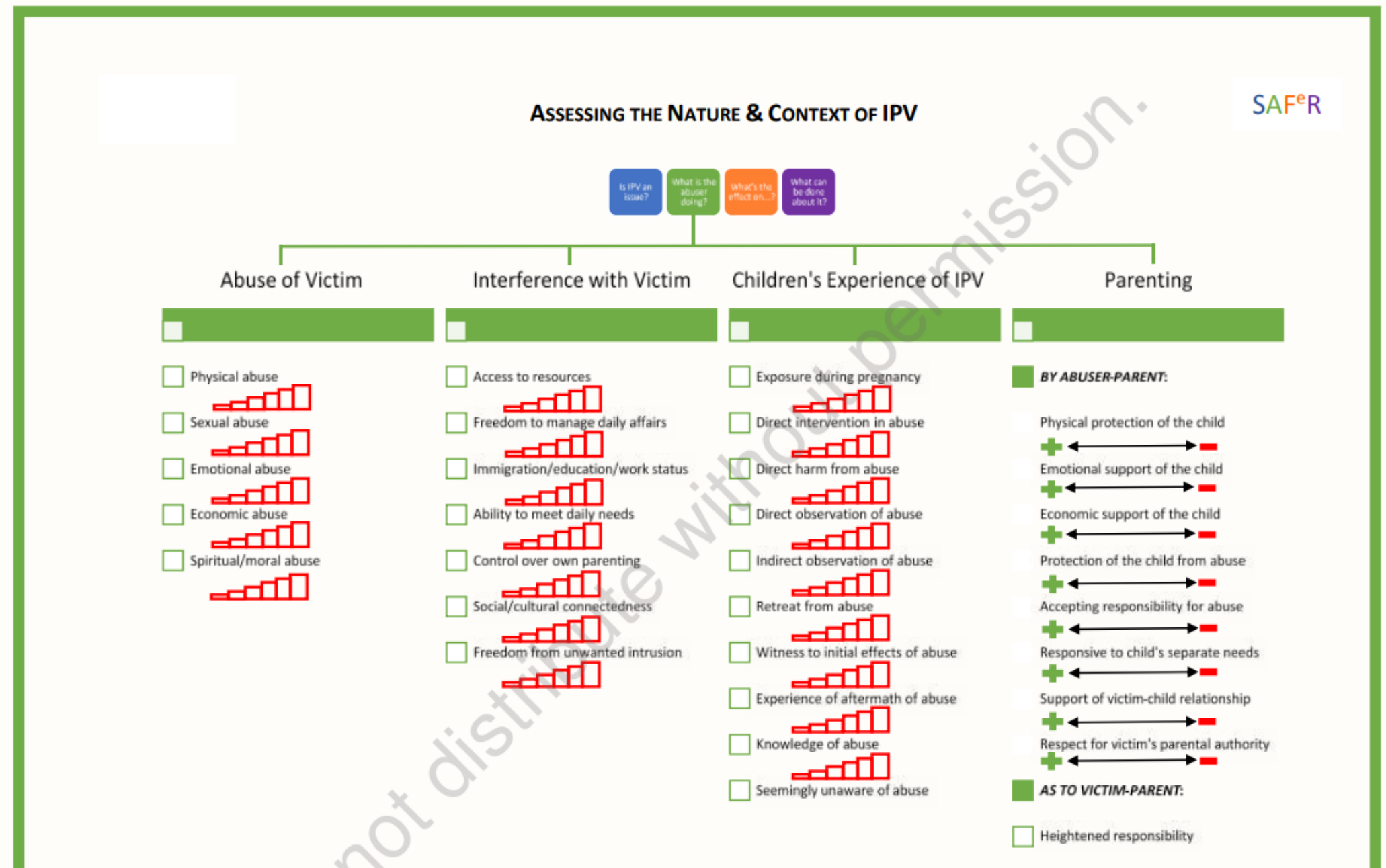
Perpetrators often use court proceedings or threats of court proceedings and non-compliance with court orders to continue control over the victim parent and children. If courts focus exclusively on the legal definitions of domestic violence (usually assault and violation of protection orders) the underlying pattern of abusive behavior may not be apparent. Understanding the underlying pattern of fear, control, intimidation, and psychological abuse is

## LINK

<https://www.ncjfcj.org/bench-cards/checklist-to-promote-perpetrator-accountability-in-dependency-cases-involving-domestic-violence/>

# BWJP SAFeR Approach

A tool for identifying, assessing, and responding to domestic violence in child custody cases.



**Introduction to SAFeR Approach:**  
<https://bwjp.org/introduction-to-the-safer-approach/>

**All SAFeR Approach Worksheets:**  
<https://bwjp.org/site-resources/safer-all-worksheets/>

# Questions