

Children often the victims of cycle of domestic abuse

Granting joint custody not always the best course

By LAKSHMY PARAMESWARAN

The devastating effect of domestic violence on children shook us on Sept. 19, the day convicted batterer Mohammad Goher shot and killed his three children while they slept in his Houston home. A tortured victim of Goher for 15 years, Goher's wife had left and filed for divorce. Despite having generous unsupervised custody privileges, Goher feared losing custody of his children. He took matters into his own hands.

Power and control are at the core of the cycle of violence, and a child is a convenient pawn that the abuser often uses to control his spouse, even an estranged spouse. By killing his children, Goher made the final decision about their future and showed his wife he was still in control. In a batterer, the need to feel powerful is this overwhelming. In his desperate attempt to gain control, he actually loses control.

It is unfortunate that the presumption of our family law — joint custody to ensure that a child has two parents — often fails to exclude violent fathers like Goher from obtaining custody. By tormenting the mothers and exposing their children to violence, these fathers have demonstrated their inability to parent. Yet our family courts continue to trust them with children. It is time for our society to reconsider its stance on joint custody. The deaths of the Goher children should not be in vain.

Reports on the tragedy state that the lawyers involved in the Goher case raised no concern over the children's safety. They saw Goher as a loving father because he had not specifically threatened or hurt the children and when asked if they wanted to visit their father, the children said yes. Their reasoning demonstrates a severe dearth of knowledge about family violence.

In my work with battered women since 1995, I have heard puffy-eyed mothers describe their abusive husbands in the same vein as the lawyers: "He is a great father" or "He has not laid a hand on his kids." As long as the children are not directly hurt, the women find no reason to leave. Like the family law professionals, they too believe that their children need both parents. "I will leave after my child turns 18" is a common statement I hear. To these mothers, I stress three simple facts: (1) What is detrimental to the mother cannot be good for her young children. (2) It is only a matter of time before the children are hurt. (3) By diminishing the perpetrator's violent acts and highlighting his fatherly qualities, they fuel the cycle of violence.

Knowing the facts helps women weigh their options. Deciding a course of action takes time. As for leaving, it is an ordeal fraught with fear, doubt, guilt and many economic and social impediments. For mothers like Mrs. Goher who somehow muster the courage to leave, the prospect of shared custody with the batterer may be the ultimate blow. Almost

every divorced mother I counseled has expressed anger and dismay at our legal system that allows a callous wife-beater free access to their child, weekends and more. Yet, this is the reality they must face. The children's inclination to please the perpetrating parent however possible only reinforces this reality. Caught in the abuse cycle, children suffer due to divided loyalties. Some children feel compelled to "protect" their mothers by defying the abusive parent; some mediate; and some participate in the violence just to survive. Regardless, children are torn. No wonder, the Goher children said yes to visiting their father.

A parent prone to violence is indeed a misfortune for any child, but having to pay for it with his life is the most horrible form of injustice. Those entrusted with making crucial decisions on behalf of our children – lawyers, judges, the police, social and mental health service providers and parents — must grasp the perpetuating nature of the cycle of violence by undergoing frequent family violence training provided by local women's centers. Additionally, the lawyers and judges in our family courts should carefully consider the complex dynamics of family violence and fight to deny normal custody privileges to hardened established batterers like Goher. Joint custody should not in any way endanger our children.

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