

COERCIVE CONTROL IN THE
COURTROOM: LEGAL ABUSE AND ITS
CORRELATES

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COERCIVE CONTROL IN THE COURTROOM: LEGAL ABUSE AND ITS CORRELATES

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At the vulnerable time of separation, many survivors of intimate partner violence (IPV) enter into family courts in search of protection for themselves and their children. However, they may instead face a distressing court process in which they must confront the person who abused them and encounter legal determinations that place them and their families in danger. As many survivors – particularly those who are mothers - have no choice but to engage in the family court system to address matters such as divorce and child custody, this legal institution serves as an important gatekeeper to safety. Thus, it is essential to understand why survivors repeatedly report such - often extreme - negative experiences. A growing number of qualitative studies point to legal abuse -- abusive partners' use of court processes to enact coercive control -- as an overlooked, yet critical mechanism through which survivors and their children are harmed during family court processes. To shed light on the role of this pernicious process, this study 1) established an ecologically and psychometrically valid measure of legal abuse, 2) used the measure to explore the psychological correlates of legal abuse for survivors, and 3) leveraged a mixed-methods approach to investigate the vocational, economic, and related mental health factors associated with legal abuse. Results pave the way for further research and policy efforts that recognize and respond to legal abuse in family court.

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CHAPTER ONE: INTRODUCTION

Intimate partner violence (IPV) – that is, physical, psychological, sexual, (Center for Disease Control and Prevention, 2020) and/or economic (Adams et al., 2008) harm to a partner or spouse, is a pervasive social problem. IPV is particularly prevalent and dangerous for women. Indeed, over one in four women in the United States experience IPV during their lifetime (Center for Disease Control and Prevention, 2020) and an estimated 30-50% of female homicide victims are murdered by an intimate partner (Campbell et al., 2007).

Though heterosexual women are by far the most researched population of IPV survivors (Finneran et al., 2012), IPV cuts across gender identities and sexual orientations (Edwards et al., 2015; Scheer et al., 2018). Further, IPV patterns may be distinct across subgroups (Edwards et al., 2015; Scheer et al., 2018; Woulfe & Goodman, 2018) and, as abuse dynamics entail one partner leveraging their social power over the other (Stark, 2007; 2009), power imbalances in intimate relationships play a crucial role in how abusive tactics manifest and the extent to which they are effective (Dutton & Goodman, 2005; Stark, 2007). For example, a White, American man's threats towards his wife take on a new meaning when she not only experiences social oppression based on her status as a woman, but also is a recent immigrant to the United States, does not speak English, is a person of color subjected to racism, and is completely socially and financially dependent on him. Consistent with the bulk of the literature on IPV, this study focuses on abuse that women experience in intimate relationships.

While many – though not all – IPV survivors ultimately decide to leave abusive relationships, leaving an abusive relationship opens the door to a host of new challenges. Survivors who are separating from abusive partners face an escalated risk of violence and diminished access to social and economic resources (Hardesty, 2002; DeKeseredy et al., 2017;

Shoener, 2017; Thomas et al., 2015). Many confront homelessness, unemployment, and/or poverty, in addition to coping with the mental health effects of the violence (e.g., increased symptoms of post-traumatic stress, depression, suicidality, alcohol and drug abuse; Coker et al., 2002; Dillon et al., 2013; Golding, 1999). For survivors who have children, the process of separating can be all the more complex and stressful, as it necessitates addressing child custody (Hardesty & Ganong, 2006; Walker et al., 2004). Further, as IPV and child abuse often co-occur in a single home and at the hands of a single perpetrator (Bancroft et al., 2012; Edleson, 1999; Ross, 1996), separating from an abusive partner also presents an escalated threat to the safety of children (Hayes, 2017).

At this highly vulnerable time in the lives of survivors, many enter into the family court system with hopes of accessing safety and justice for themselves and their children. Many survivors who are mothers step into the courts with their children's safety at the forefront of their minds (Jaffe et al., 2003). However, they may instead face "legal abuse," or, the continuation of the abuse they have already endured through the abusive parent's use of court processes to coerce and control them (Coy et al., 2015; Douglas, 2018; Elizabeth, 2017; Miller & Smolter, 2011; Rivera et al., 2012; Watson & Ancis, 2013). A growing collection of qualitative studies and anecdotal accounts suggest that legal abuse may cause severe, adverse consequences for survivors, such as psychological problems and economic hardship (Douglas, 2020; Gutowski & Goodman, 2020; Rivera et al., 2018; Ward, 2016). Further, legal abuse may be overlooked (Laing & Heward-Belle, 2020; Slote et al., 2005), which, in combination with family court evaluators' and judges' misperceptions about IPV (Haselschwerdt et al., 2011; Haselschwerdt et al., 2020; Meier, 2009; Saunders et al., 2013; Stark, 2010) may result in judicial outcomes that place children in danger (Meier, in press; Meier, 2020; Meier & Dickson, 2019). When coercive,

controlling behavior goes unrecognized in the family law context, the stakes are high. One watchdog agency, the Center for Judicial Excellence, indicates that at least 746 children have been murdered by a parent involved in separation, divorce, child custody and/or child support in the United States since 2008 (Center for Judicial Excellence, 2020); and regularly surfacing news reports recount painful details of child deaths after children have been placed in the custody of coercive and controlling parents (DeKeseredy et al., 2017).

As an enhanced understanding of legal abuse and its consequences is critically needed, the extant literature would benefit from the contribution of a consistent way to define and measure the concept. A measure of this form of abuse would enable the proliferation of larger-scale, quantitative research that would shed light on the consequences of this issue and fuel practitioner and policy efforts to protect against the potentially deadly outcomes. In an effort to fill this gap in the literature, and to pave the way for future research, practice, and policy advances, I undertook a mixed-methods study on legal abuse and its correlates. I define legal abuse in this study as an enactment of coercive control through legal processes. This study's aims were threefold: 1) to establish a reliable, valid measure of legal abuse, 2) to use the newly developed measure to investigate the relationship between legal abuse and its psychological correlates, and 3) to examine vocational, economic and related mental health factors that are associated with legal abuse for survivors.

CHAPTER TWO: LITERATURE REVIEW

Although not recognized in the American criminal-legal system, coercive control is central to the experience of intimate partner violence (IPV) (Dutton & Goodman, 2005; Stark, 2007; 2009; Stark & Hester, 2019). Coercive control is a pattern of behaviors directed from one person to another that involves identifying victims, infiltrating their lives, isolating them to gain control, and dominating them by any means necessary (Duron et al., 2020). Ultimately, coercive control restricts the liberties of the person who is targeted, resulting in their loss of autonomy (Stark, 2009; Stark & Hester, 2019). Identifying the “strategic intelligence” of coercive control (p. 198, Stark, 2009) is critical to understanding how apparently discrete acts of physical violence may anchor a broader pattern of domination (Stark, 2009). This dissertation aims to shed light on coercive control in the family law context by offering a conceptualization and measure of legal abuse, exploring the relationship between legal abuse and psychological correlates, and using a mixed-methods approach to investigate vocational, economic and related mental health correlates of legal abuse for survivors. This chapter begins with a broad explanation of coercive control theory, followed by a review of existing literature on legal abuse and its effects on women’s lives.

Coercive control theory

Coercive control theory illuminates how survivors can be made to feel like captives on a daily basis, or “hostages at home” (p. 402; Stark, 2007). Coercion involves a demand that the survivor act in a certain way paired with a credible threat of force for noncompliance (Dutton & Goodman, 2005; Stark, 2009). A threat of violence may be communicated outwardly and violently or through a subtle signal, such as a look, or a single word, the meaning of which is only known to the two parties (Stark, 2007).

By contrast, control takes away even the choice to act or face the consequences; rather, it involves “deprivation, exploitation, and command that compel obedience” (p. 229, Stark, 2009). In other words, coercion involves demands, threats and persuasion to obtain a desired response from the victim (e.g., threatening to kill the kids if she leaves), and control involves the use of force and punishment enacted upon the victim against her will (e.g., locking her in a room for hours as a punishment for conversing with the neighbor).

Contrary to more publicly recognized mechanisms used to instill obedience among prisoners of political violence (e.g., holding a prisoner of war hostage and forcing them into organized labor), the mechanisms used to instill captivity in domestic life are often invisible outside the home. They may entail literal confinement – (e.g., women who are not allowed to leave their homes or are forced to stay in confined spaces) or surveillance (e.g., frequent phone calls, visits, monitoring of whereabouts, or through enlisting third parties, such as children who may be required to report on their mother’s behavior) (Dutton & Goodman, 2005; Stark, 2007). Partners who are abusive also have access to very personal and private information about survivors and may leverage their knowledge to exert control. Perhaps most damaging, abusive partners may force survivors to violate their own moral principles (Herman, 1992). It is well known that survivors will advocate for the safety and protection of their children even when they will not advocate for themselves (Herman, 1992). However, in some relationships characterized by coercive control, survivors may be unable to protect their children, and therefore forced to tolerate knowing that their children are being harmed despite being powerless to stop it (Herman, 1992).

Thus, coercive control involves a number of mechanisms used to entrap victims in personal life (Stark, 2007; 2009). Intimate partners who use coercive control set the terms for

every interaction, and every display of a victim's independence is met with the reminder that "it ends when I say it ends" (p. 206; Stark, 2007). This extends to a survivor's attempts to leave - the ultimate display of autonomy - during which time she is at particularly high risk of facing violent retaliation (Stark, 2007). Thus, for those survivors who enter into family law processes, this legal system may serve as a context for heightened abuse tactics as family law processes often involve prolonged negotiations about ending the relationship.

What is legal abuse?

When survivors enter family law processes, coercive and controlling dynamics do not necessarily end. Rather, they may instead escalate as a survivor must navigate terminating the relationship and seeking safety for herself and her children. While partners who use coercive control call the terms for every interaction, robbing survivors of their autonomy, dignity, and liberty (Stark, 2007) this power is challenged when the survivor exits the relationship. Abusive partners, seeking to maintain control by any means necessary (Duron et al., 2020), may continue to use methods of domination in this new context of the court system, stifling the survivor's agency by retaliating during legal separation (Stark, 2007).

Several scholars have sought to uncover the mechanisms of legal abuse and expose it as a form of coercive control. In one of the first papers on the subject of legal abuse, Miller and Smolter (2011) drew from multiple focus groups with practitioners and policy specialists, as well as interviews with 10 women who had recently left abusive relationships and four community legal aid attorneys to propose the existence of "paper abuse." The authors defined paper abuse as "abusers' use of multiple, frivolous court complaints that can range from cross-petitions for protection orders to filings for child custody and child support" that are an "extension of traditional [intimate partner abuse] tactics" (p. 647). Miller and Smolter (2010) indicated that

abusive partners use these tactics to cause harm to survivors who have left or are in the process of leaving the relationship. Subsequent scholarship, reviewed in the following paragraphs, has extended this definition of legal abuse by demonstrating how abusive ex-partners may use the courts to cause suffering to their victims by forcing them into distressing face-to-face contact through court proceedings, attacking the survivor's parental rights or visitation time, threatening the children's safety, publicly denigrating the survivor's capabilities as a parent, and exerting financial abuse against the survivor through the process.

Using in-person proceedings. Using the term “custody stalking,” Elizabeth (2017) illuminates how family court serves as a “perfect vehicle” (p. 189) for post-separation coercive control as it enables abusive partners to have direct contact with their victims. Family court proceedings are often the only way for partners who use abuse to legally maintain contact with the survivor (Przekop, 2011), as face to face confrontation between the parties is typically required when litigating family law matters even when the survivor has a no-contact restraining order in place (Hardesty, 2002). Consistent with the analogy to stalking, multiple studies have indicated that abusers may use a variety of mechanisms to prolong family court cases (Douglas, 2018; Miller & Smolter, 2011; Watson & Ancis, 2013). Przekop (2011) noted the capacity of litigants to misuse the judicial system by filing a “seemingly endless stream of various complaints and motions that amount to harassment, retaliation, or intimidation” (p. 1070). Abusive parents may misuse family court processes through excessive litigation (Przekop, 2011; Watson & Ancis, 2013). For example, abused women interviewed in Watson and Ancis' (2013) study stated that their ex-partners prolonged court cases – sometimes for multiple years – through requests for emergency hearings, multiple charges of contempt, failures to supply

appropriate documentation, and unfounded accusations against the participant, which could lead to extensive investigations.

Attacking parenting rights and visitation time. Qualitative studies of survivors' accounts (Kurz, 1996; Toews & Bermea, 2017; Watson & Ancis, 2013) as well as reports from legal practitioners (Goldstein, 2010; Ward, 2016) indicate that abusive ex-partners may seek child custody or visitation for the purposes of exerting power and control over survivors during separation. In Watson and Ancis' (2013) study involving interviews with 27 women who had experienced abuse in their marriages, participants reported that their ex-partners sought full custody or increased visitation time out of a desire to cause them distress and not out of a wish to be involved in their children's lives. For example, one participant in this study explained that her ex's pursuit of full custody was "about revenge; He wants to punish me to get back at me and the best way for him to do that is to take what was most important to me away" (p.175, Watson & Ancis, 2013). In one of the few studies that examined men's perspectives, Arendell (1992; 1995) interviewed 75 men to investigate men's post-divorce experiences. This author found that participants defined family relationships within the context of rights, and described matters of control and authority that they felt should be afforded to them in the post-divorce family, including access to children: "predominantly at issue in custody challenges [...] was the relationship with the former spouse and not with the children, and this relationship was fundamentally about issues of power and control" (Arendell, 1992, p. 572). Lending further support to the use of custody and visitation as an abusive tactic, some early research has demonstrated that abusers may use "custody blackmail" (p. 608, Hardesty, 2002; Kurz, 1996) – or threaten to pursue child custody in order to get victims to comply with their demands during separation.

Threatening children's safety. The threat of losing child custody and visitation to an abusive partner can be highly distressing for survivor-mothers, not only because of the possibility that they will lose cherished care time with their children (Elizabeth, 2019), but also because many abusive partners are also abusive parents (Bancroft et al., 2012), and survivor-mothers often fear for the safety of their children when their children are in the care of an abusive parent. When abusive parents receive visitation or shared custody, survivors may be required to have on-going communication with them to negotiate parenting arrangements or exchanging children for visits (Dekeseredy et al., 2017; Hardesty, 2002; Hardesty & Ganong, 2006; Zeoli et al., 2013). Such court-mandated parenting time afforded to the abuser can provide opportunities for continued threats (Goldstein, 2010; Hardesty, 2002; Toews & Bermea, 2017; Varcoe & Irwin, 2004; Zeoli et al., 2013). Abusive parents may threaten the children's safety in the context of litigation, causing a significant degree of distress for mothers who are aiming to protect their children. Importantly, these threats may well be credible; In Zeoli and colleagues' (2013) qualitative research with 19 survivor-mothers, the majority of the mothers interviewed reported that their abusive ex-partners made use of visitation, parenting time, and exchanges to further abuse themselves and, in some cases, their children.

Denigrating the survivor's abilities as a parent. Distorting information or lying in order to defame or gaslight the survivor is another tactic that abused mothers have reported being used against them (Miller & Manzer, 2018; Roberts et al., 2015; Watson & Ancis, 2013). Through Elizabeth's (2017) qualitative research with twelve mothers who were involved in custody litigation, she articulates the mechanisms through which abusive partners can launch an attack on mothering through the courts, a deeply painful experience for women for whom mothering is a central part of their identities. Meier (2009) has similarly pointed out the psychologically

damaging nature of the process of calling abused mothers' abilities as parents into question in the legal context and indicated that the courts can enable and join in on denigrating mothers who are abuse survivors while the threat of losing custody looms. Survivors who participated in Watson and Ancis' (2013) qualitative research described accounts of character defamation, which was a means of making the survivor appear "unfit" to parent, and common accusations included infidelity, sexual promiscuity, mental and emotional instability, as well as assaults against participants' religious or ethnic groups. Participants in another qualitative study involving interviews with 15 court-involved survivors in the Australian family law system shared similar experiences (Roberts et al., 2015). One participant in this study wondered, "how can I sit there and tell the truth 100% and have to stick with the facts, the *provable* facts of what's happened, and he can make all this stuff up?" (p. 610). Consistent with these qualitative findings, in one study that surveyed 109 attorneys, most of whom primarily represent survivors, participants indicated that abusive partners frequently sought to portray the survivor as psychologically unstable (White-Domain & Phillips, 2016). Participants in Toews and Bermea (2017)'s qualitative study shared similar experiences, with many reporting that their abusive ex-partners "discredited them as a person."

Using family court to exert financial abuse. While economic abuse is common during abusive relationships (Adams et al., 2008), abusive partners can further financially abuse survivors through family court proceedings in the context of separation (Elizabeth, 2017). Child support litigation can be used after the relationship ends to further create economic hardship for survivors and children (Przekop, 2011; Toews & Bermea, 2017; Watson & Ancis, 2013). Watson and Ancis (2013)'s findings indicated that survivors' ex-partners sought to modify child support as a coercive tactic, refused to pay child support, sought full custody so that they would

not be required to pay child support, or made excessive court dates regarding child support payments in order to financially drain the participant. Legal scholarship has similarly illuminated the use of child support litigation to perpetuate abuse: Przekop noted cases in which the abusive parent lies about finances or changes jobs in order to avoid payments (2011). Survivors in other qualitative research similarly reported experiences with their ex-partners' manipulating finances and making attempts to "bleed the other side" (p. 178, Watson & Ancis, 2013). For example, participants indicated that their ex-partners made it appear that they made less money than the participant by setting up accounts in the participant's name, opening multiple hidden accounts to conceal their own assets, or failing to provide documentation of finances (Watson & Ancis, 2013). From his work as a legal practitioner, Goldstein (2010) observed that abusive partners may hide income and assets in order to leave survivors without access to financial resources or they may take all of the marital assets and hire representation to abuse the survivor through the legal process. Numerous qualitative studies have also indicated that abusive partners can prolong the case to financially drain the participant, forcing her to repeatedly hire and pay for legal representation (Toews & Bermea, 2017; Watson & Ancis, 2013).

Consequences of legal abuse

Psychological. The consequences of coercive control are profound, permeating every aspect of a survivor's life, and eradicating her sense of autonomy and personal liberty (Stark, 2007). Survivors may be so extensively surveilled and subjected to strict regulation that it is not uncommon for them to perceive their abusive partners as omnipresent (Dutton & Goodman, 2005; Stark, 2007) or all-powerful (Herman, 1992). Several studies have shown that the repeated, prolonged nature of male-perpetrated violence against women has a cumulative impact

(Pill et al., 2016). Indeed, coercive control involves “the systematic, repetitive infliction of psychological trauma” (p. 77, Herman, 1992).

Two of the most common consequences of abuse generally are post-traumatic stress disorder (PTSD) and depression. One meta-analysis indicated that as many as 64% of women who were victimized in intimate relationships met criteria for PTSD (Golding, 1999), with some studies evidencing higher rates depending on the severity, chronicity and recency of the abuse among other factors (Pill et al., 2016). And survivors are three times more likely than non-survivors to develop depression (e.g., Pico-Alfonso et al., 2006), with estimates that as many as 47.6% of survivors experience this mental health challenge (Golding, 1999). Coercive control in particular appears to be uniquely associated with both of these serious mental health challenges. One study with 4,575 married women demonstrated a link between coercive control and both PTSD and depressive symptoms (Anderson, 2008). In fact, coercive control was a strong predictor of both of these mental health concerns even in the absence of violence (Anderson, 2008).

Supporting the conceptualization of legal abuse as a form of coercive control, available qualitative research and survivor narratives indicate that legal abuse in particular causes profound and ongoing distress for survivors, including PTSD and depression (Douglas, 2018; Gutowski & Goodman, 2020; Toews & Bermea, 2017; Roberts et al., 2015; Ward, 2016). As one survivor put it, “[my child and I] are living a life sentence of trauma and terror sanctioned by the family court” (p. 448, Ward, 2016). In several qualitative studies, survivors describe feeling distress resulting from mandated, on-going contact with their ex-partners (Douglas, 2018; Gutowski & Goodman, 2020; Roberts et al., 2015). Some have disclosed suffering from significant mental health issues that have resulted from this process (Gutowski & Goodman, 2020). In her memoir, Ruth Collins, a survivor-mother who lost custody of her two children,

described mothers' challenges coping with the anguishing impacts of losing their children through family court processes, which, for her, led to a suicide attempt:

For some grief-stricken mothers, a variety of unhealthy or negative options such as self-harm, isolation, alcohol abuse, or self-medicating, seem like the only way to cope, but all of these exacerbate anxiety and depression. Many of these mothers eventually become physically and mentally disabled, unable to hold down a full-time job due to the trauma from losing a child (p. 45, Collins, 2018).

In the only existing quantitative study on the psychological consequences of legal abuse with a sample of 40 survivor-mothers, Rivera and coauthors (2018) found that post-separation abuse of one's children contributed to PTSD symptomology and depression. However, they did not measure the unique effects of legal abuse on mental health outcomes, but rather combined legal abuse with other non-physical forms of abuse such as economic and psychological abuse. Thus, qualitative data supports an association between legal abuse and worsened mental health, yet, little research has examined this relationship quantitatively.

Vocational. Consistent with the relational theory of working (Blustein, 2011), which states that working is intertwined with relational contexts, coercive control can also have significant, negative effects on women's vocational lives. The relational theory of working underscores the significant role of important others in the work lives of people engaged in both marketplace and caregiving work (Blustein, 2011). Specifically, according to this theory, relational life has the potential to influence working experiences in both adaptive and maladaptive ways (Blustein, 2011). Further, there is a reciprocal relationship between work and relationships and each domain overlaps with and impacts the other. This theory is consistent with existing research on coercive control and women's vocational lives: not only is a survivor's employability a direct

target for many abusive men (Adams et al., 2013; Stark, 2007), but the mental health impacts of IPV can interfere with her ability to enact her purpose in the world (Chronister et al., 2014; Lantrip et al., 2015; Stark, 2007). As work is closely related to mental health (Blustein, 2008), the work-related costs of coercive control may compound mental health difficulties, making it crucial to understand these two, interrelated consequences of coercive control concurrently.

Drawing from interviews with 10 survivors, domestic violence advocates, and attorneys who represent survivors, Ward (2016), an attorney with several years of experience representing survivors himself, found that legal abuse has adverse impacts on survivors' ability to work and long-term careers. Survivors who are victimized in this way describe the process as energy-draining and time-consuming: Indeed, one remarked that the legal process itself was "more than a fulltime job" (p. 451, Ward, 2016). Several participants indicated that they had to miss work to attend court hearings, costing them their jobs. A number of survivors interviewed also explained that the emotional and psychological impacts of the process hindered their ability to regularly work. Thus, consistent with limited extant research and with the relational theory of working (Blustein, 2011) it is likely that legal abuse has the potential to undermine women's vocational lives, and that these difficulties may have deleterious consequences for mental health, yet, limited research has examined this connection, making it a worthwhile focus of further investigation.

Economic. Coercive control is prevalent, impacting a large proportion of women in U.S. society, with significant consequences for society as a whole (Stark, 2007). Coercive control theory posits that not only is this form of domination powerful and effective when used by men against women because of the relative power, privilege, and resources that men have access to, it also drives gender-based divisions in power, oppressing women on a largescale in society (Stark,

2007). As coercive control appears to have significant consequences for women's employment and long-term vocational trajectories, their economic independence may either be indirectly affected or may become a primary target for abusive partners. For example, a survivor whose economic independence is indirectly affected by coercive control may be facing poverty because she lost her job due to the mental health impacts of the abuse, while another survivor whose economic independence is a primary target may have had an abusive partner take out a significant amount of debt in her name, ruining her credit. IPV and the economic oppression of women are inextricably linked, both of which contribute to psychological trauma and depression for survivors (Goodman et al., 2009). Thus, just as having one's work life affected may compound the psychological effects of being in an abusive relationship, the economic consequences of coercive control may also exacerbate psychological difficulties survivors face (Gilroy et al., 2020).

Financial concerns are commonly reported among survivors who are involved in family court litigation both because economic abuse that occurs during abusive relationships prior to separation may leave them with few resources with which to afford representation and fight in court (Gutowski & Goodman, 2020; Miller & Smolter, 2011), and because abusive ex-partners may use legal abuse to financially drain the survivor by engaging her in litigious disputes in family court (Toews & Bermea, 2017; Watson & Ancis, 2013). Legal abuse can result in extreme financial hardship for survivors (Ward, 2016). Douglas (2020) interviewed 56 survivors involved in family law processes in the Australian family law system and found that their court experiences involved significant costs and debt, which undermined their post-relationship financial security and was experienced as an additional form of abuse. In other qualitative research, family court-involved survivors have reported being in so much financial trouble that

they lost their homes (Ward, 2016). Given the importance of economic self-sufficiency for survivors aiming to leave abusive partners (e.g., Adams et al., 2008; Chronister et al., 2009; Showalter, 2016), these findings are profoundly troubling. Yet, little research has focused explicitly on the economic consequences of legal abuse.

Although theories of coercive control and the consequences of IPV document how such methods of entrapment can have substantial psychological, vocational, and economic costs, very little empirical evidence examines the effects of legal abuse on women's lives. Harrowing anecdotal accounts indicate that – at least for some – legal abuse may produce grave consequences for one's mental health, work, and finances, however extant research has yet to document the nature and extent of this issue. A largescale, mixed- methods investigation that establishes a reliable, valid measure of legal abuse and investigates its multifaceted correlates would be a step towards increasing the recognizability of IPV in family law cases. Such an investigation would enable court actors to identify coercive control in the courtroom, thereby creating opportunities to put an end to this form of abuse. A measure of legal abuse would also facilitate an expansion of larger-scale, quantitative research on the issue of legal abuse, enhancing current knowledge of its features and costs. Yet, efforts to measure the phenomenon of legal abuse quantitatively are still in nascent stages and extant qualitative research has thus far relied on small, regional samples.

Existing measures

Three measures exist for legal abuse or related concepts (Clemente et al., 2019; Hines et al., 2015; Rivera et al., 2018), each of which possesses limitations. Hines and colleagues (2015) devised a measure of “legal/administrative aggression,” defined as, “when one partner manipulates the legal and other administrative systems to the detriment of his/her partner” (p.

295). These authors developed the scale specifically for men's experiences and validated this scale with a group of men; however, they note that this phenomenon likely manifests differently among women, and indicate that this is a needed area of study. Further, in their paper, there is no mention of coercive control, which is central to the definition of legal abuse as it has been observed among female IPV survivors (Coy et al., 2015; Elizabeth, 2015; Miller & Smolter, 2011). Thus, these authors have left out controlling behaviors that have been captured in qualitative research with women, such as the use of threats (Kurz, 1996) or forcing survivors into distressing face-to-face contact (Douglas, 2018; Watson & Ancis, 2013).

Clemente and colleagues (2019) developed the "legal harassment scale," a self-report measure that they validated with 209 parents (72.9% female) undergoing family law litigation in Spain. These authors defined harassment as, "psychological violence" (p. 4, Clemente et al., 2019). Their final scale resulted in 32 items and four factors: Direct Aggression, which refers to harassment, "normally occurring outside the courtroom such as in family settings and/or the workplace," Procedural Harassment, which refers to "acts of harassment during legal proceedings, such as through ridiculing victims under cross-examination," Personal Contempt, which refers to "harassment or contempt through omission, for instance, ignoring a victim," and Manipulation of Reality, which refers to "the disregard or undermining of the victim's positive aspects while exaggerating negative aspects" (p. 4, Clemente et al., 2019). While this measure offers a novel contribution to the literature, it suffers from numerous methodological limitations that constrain its generalizability, including the sample used, as well as the broad nature of the measure and vague language used for items. Regarding the sample, the authors validated the measure with a sample that includes both men and women, despite assertions in past research that this phenomenon likely manifests differently for men and women (e.g., Hines et al., 2015).

Given empirical support for higher rates of coercive control among women, as well as theoretical literature on the subject that has illuminated the meaning that coercive control has when enacted by men against women in light of the unequal degrees of power society affords these groups (Stark, 2007), it is critical to understand legal abuse as it manifests among women who have survived male-perpetrated IPV. Moreover, the authors did not screen for prior IPV among participants, but instead included any parent involved in family law litigation. However, existing definitions of legal abuse conceptualize this phenomenon as an *extension* of original abuse tactics into the legal arena, implicating the significance of a prior history of IPV in these cases (Miller & Smolter, 2011; Ward, 2016; Watson & Ancis, 2013). Thus, it is crucial to understand how legal abuse manifests in the lives of survivors. Finally, this measure was developed in Spain, and it is likely that the family law system in Spain entails different processes and experiences, which may not be relevant to those involved in family law litigation within North America.

Beyond these limitations that pertain to the sample, Clemente and colleagues' (2019) definition of legal harassment is unclear, and, as a result, many items on this measure are difficult to interpret, as they pertain both to the actions of the abusive parent and to the actions of the judges or other legal professionals. For some items on this measure, it is not possible to ascertain whose actions the items are devised to reflect (e.g., the item, "They do not give me the chance to speak") (p. 5, Clemente et al., 2019). Further, several of the factors do not capture legal abuse, as it has been conceptualized and defined in past research (e.g., Miller & Smolter, 2011; Watson & Ancis, 2013), and instead capture phenomena that are closer to existing, distinct, yet related constructs, such as economic abuse (Adams et al., 2008).

The third, existing, relevant measure is that of Rivera and colleagues (2018). These authors established a measure of “procedural abuse,” which, consistent with Miller and Smolter’s (2011) conceptualization, they define as “the use of legal means, systems, or procedures to perpetrate abuse” (p. 2786, Rivera et al., 2018). This measure is a 7-item self-report scale that has shown good internal consistency with a sample of female IPV survivors. However, their sample of 40 survivor-mothers was too small to conduct a factor analysis of their measure. Additionally, although this measure is an important contribution to the literature, it also fails to consider several themes that have surfaced in qualitative research on the topic, such as an abuser’s defamation of the survivor (Watson & Ancis, 2013). Some items on this measure, similar to survivor reports in qualitative research, also are limited as they infer the abuser’s motivation (e.g., the item, “tried to get (or received) shared/full custody or visitation to get back at you”), despite having no data from the abuser’s standpoint to triangulate this assumption. Further, some items are not clearly abusive and could be endorsed by either party in a couple in which there is IPV, (e.g., the item, “File a motion with family court about child support, custody, or visitation”). Finally, as the primary aim of Rivera and colleagues’ study was to identify the effects of harm to one’s children on survivors’ PTSD and depression, these authors note the need for more research that focuses on legal abuse.

The present research

This present mixed-methods research aimed to 1) create a measure of legal abuse, 2) use it to explore the psychological correlates of this construct among family court-involved survivor-mothers, and 3) gain an in-depth understanding of the vocational, economic and related mental health factors associated with legal abuse for these survivors. This study focused on family court-involved, female, IPV survivors-mothers because of the pervasive and devastating nature

of IPV for women who are in the midst of separation (e.g., DeKeseredy et al., 2017, Hardesty, 2002), the need for expanded research on separating survivors' experiences within the family court system (DeKeseredy et al., 2017; Rivera et al., 2018), and the substantial challenges for survivor-mothers involved in family law litigation, such as on-going abuse of themselves and their children (Slote et al., 2005; Zeoli et al., 2013). While legal abuse may well exist among those who have not experienced prior abuse in their relationships, because abusive dynamics that surface in the court process may be particularly distressing for those who have a history of prior abuse, and because survivors have unique needs that are often overlooked in family court (Rivera et al., 2012; Laing, 2017), this study centered on IPV survivors.

The study targeted family law-involved survivor-mothers as opposed to survivor-mothers involved in other legal systems because of extensive research documenting legal abuse during family law processes (e.g., Douglas, 2018; Miller & Smolter, 2011; Slote et al., 2005; Ward, 2016; Watson & Ancis, 2013). Family courts are uniquely positioned as “battlegrounds” (p. 1053, Prezkop, 2011) for legal abuse for several reasons: Despite important efforts to reform how the family law system responds to IPV survivors in various regions throughout the United States, family legal systems have not undergone a similar level of reform as other legal systems that show improved responses to IPV, such as civil protection order systems and criminal courts (Meier, 2003). Further, family law processes have an overall agenda that is distinct from other legal processes, as the mission of the family law system is to determine what is in the best interests of the child (Hardesty & Ganong, 2006) as opposed to criminal or civil protection order processes that aim to determine whether one party caused harm towards another. Judges and court evaluators are often charged with the difficult task of deciphering whether one or both parents are “fit” enough to retain their custodial or visitation rights, putting survivor-mothers at

risk for distressing outcomes, such as loss of custody (Khaw et al., 2018). Thus, engaging in family law litigation is a high-risk endeavor for survivor-mothers who may experience substantial distress and negative outcomes (Gutowski & Goodman, 2020); yet there is no known mixed-methods research on survivors' experiences within the family law system, making it worthwhile to center the study around this particular legal institution using a large sample.

Study aims

This dissertation is comprised of three sub-studies, detailed below.

Study 1. The purpose of study 1 was to develop a psychometrically and ecologically valid measure of legal abuse as it is experienced by family court-involved female survivors of IPV who are mothers.

Study 2. The purpose of study 2 was to use the newly developed measure of legal abuse to examine the psychological correlates of legal abuse quantitatively. The aim of this study was to explore potential associations between legal abuse and mental health outcomes, including PTSD and depression symptoms, controlling for prior abuse. Consistent with Rivera et al. (2018)'s findings, as well as survivor accounts (Collins, 2018; Gutowski & Goodman, 2020; Roberts et al., 2015; Ward, 2016), I hypothesized that legal abuse would be strongly and positively associated with PTSD and depression symptoms even when accounting for prior abuse.

Study 3. The purpose of study 3 was to use a concurrent nested mixed-methods (Hanson et al. 2005) approach to investigate the vocational, economic and related mental health factors associated with legal abuse through a combination of quantitative data and an in-depth analysis of participants' perspectives using open-ended survey questions. First, this study aimed to quantitatively analyze what percentage of participants felt their vocational and economic lives have changed during their court processes and the extent to which they felt that these changes led

them to become better or worse off. Given extant literature supporting the integral connection between work, poverty, and mental health (Blustein, 2008; Goodman et al., 2009), participants who endorsed a vocational or economic change were also asked whether and to what extent their mental health had been impacted by such changes in their lives. Second, this study aimed to understand whether legal abuse was correlated with survivor perceptions of being worse off vocationally and economically even when controlling for prior abuse. Consistent with limited qualitative research (Douglas, 2020; Ward, 2016), I hypothesized that legal abuse would be associated with being worse off in each of these domains when controlling for prior abuse. Third, this study aimed to flesh out from participants' perspectives the nature of the vocational, economic, and related mental health concerns associated with legal abuse. This third study's mixed-methods, concurrent nested approach (Hanson et al. 2005) placed emphasis on quantitative aspects of the study and qualitative analyses provided further insights that extended the quantitative findings.

CHAPTER THREE: METHODOLOGY

The sections that follow first, describe the participants and population for all of the studies; second, provide an overview of data collection procedures for all of the studies; third, discuss the instrumentation for constructs for all of the studies; and finally, review analytic strategies for each of the three studies.

Participants and population

Two hundred and thirty-one respondents were included in the sample. Participants were: 1) above the age of 18 years; 2) living in the United States; 3) mothers of at least one child under the age of 18 years old; 4) separated from the other parent of that child; 5) involved in a family law case related to this separation currently or within the last 1-2 years; and 6) survivors of intimate partner violence (IPV) at the hands of the other parent in this family law case.

Participant ages ranged from 20 to 58 years (Mean=38 years). Participants came from 38 different states across the United States. Participants from the Northeastern (n = 58; 25.11%), Southern (n = 69; 29.87%), Midwestern (n = 50; 21.65%) and Western (n = 60; 25.97%) regions of the United States were represented in the sample. (For participant descriptive statistics, see Tables 1-4).

One hundred eighty-three (79.2%) of participants reported that their family law cases were still on-going, while 38 (16.5%) had resolved their cases and 10 (4.3%) were not sure if their cases were resolved. The length of participants' court cases ranged from between less than one month to 14-15 years. Participants spent from less than \$5,000 to over \$150,000 on their court cases. The number of hearings participants attended ranged from no hearings to over 20 hearings. Just under half (107 participants; 46.3%) reported that they had an attorney representing them for the entire duration of their court cases. In contrast, just over half (123

participants; 53.2%) indicated that the other parent had a lawyer for the duration of the court case. (For more information about the duration of participant court cases, number of hearings attended, money spent, and access to representation, see Tables 4-9.

Ninety-three (40.3%) of participants had full physical custody of their child(ren), 68 (29.6%) shared physical custody with the other parent and 21 (9.1%) lost custody to the other parent. The remaining participants reported another custodial arrangement (e.g., child in Child Protective Services (CPS) custody). Among those who reported that the other parent had visitation, the most frequently reported scenario was that the other parent had unsupervised visitation (104 participants; 45%). (For more information on custody arrangements, see Tables 10-11).

Data Collection

Data were collected from January, 2020 to October, 2020. To recruit participants, family law attorneys and domestic violence service providers were contacted via email through professional listservs and newsletters with a study announcement, similar to other measure-development and measure validation studies (e.g., Scheer et al., 2018; Woulfe & Goodman, 2018). Email announcements were sent to 908 legal agencies and 478 domestic violence agencies, which included every agency that filed taxes as a nonprofit organization within the United States in either of these domains. The study recruitment materials did not include the words “abuse” or “violence” because, as prior research suggests (Driggers, 2013; Gutowski & Goodman, 2020), it is possible that survivors have not made sense of their situations as abusive or violent at the time they are going through legal separation. Further, legal professionals may produce inappropriate referrals if asked explicitly to refer survivors of abuse, as they may lack adequate training to assess for abuse and therefore fail to recognize IPV within family law cases (Saunders, Tolman & Faller, 2012). Thus, the study announcement stated the study’s purpose as, “to understand the

family court experiences of mothers involved in family law cases.” Attorneys and service providers were asked to refer clients who are 1) mothers of at least one child under the age of 18 years, 2) involved in family law litigation either currently or within the past year, and 3) engaged in such litigation with the under-18 child’s other parent as the other litigating party. Referring providers were instructed to tell potential participants that they *might* be eligible for this study. In the study announcement, screening questions were advertised as questions to “see if you are eligible.” Due to the sensitive nature of the content, participants were invited to take the screening questions and survey by phone or online.

Eligibility screening. Potential participants who followed through on referrals were asked to respond to screening questions to determine their eligibility for participation. Specifically, they were asked their gender, whether they were a parent of at least one child under the age of 18 years, whether they have separated from the other parent of this child, and whether they were involved in a family law case related to this separation or had been within the last 1-2 years. Potential participants were also asked if they have ever been afraid of their ex-partners as a means of assessing for IPV.

Those who were eligible were invited to take the full survey, which was available in either Spanish or English and, if in English, by phone or online. All potential participants were provided with information about mental health and domestic violence services in the form of the phone number to a national domestic violence hotline. Those who called the study phone number and inquired about location-specific resources (e.g., shelters, affordable legal representation) were provided with information on local resources and encouraged to work with a local advocate who could provide case management services. The first author sought consultation on phone calls with survivors when needed from a provider with decades of

experience providing services to domestic violence survivors across the country. Beyond the 234 participants and the 75 invalid responses, an additional 140 individuals either did not qualify for the survey or did not complete the screening questions. Those who did not qualify were thanked for their time and offered the phone number to the national domestic violence hotline. All participants who completed the survey opted to complete it online except for one participant who completed it over the phone.

Those who were eligible and were determined to be valid respondents were offered a \$20 gift card as a “Thank you” for their participation. In order to preserve participant anonymity, in a series of questions that was not linked to participant survey responses, they were asked, “Is it safe to receive the gift card over email?” If they responded “yes” to this question, they were invited to leave an email address. If they responded “no” to this question, they were then asked, “Is it safe for the research team to call you?” If they responded “yes” to this question, they were invited to leave a phone number and some good times to call. If they responded “no” to this question, they were encouraged to call the study phone line to receive their gift cards and reminded of the option to dial *67, should they wish to conceal their identity when calling. Depending on what participants selected and reported was safe, they were either provided with gift card codes via email or verbally over the phone.

Missing data and validity. Three hundred and ten individuals responded to the survey. Among these 310 responses, seventy-five were invalid and were not included in the final analyses. Therefore, 235 respondents remained. Of these respondents, 15 did not complete the full survey. Among the 15 non-completers, four did not complete the survey questions of interest in the current study and therefore their responses were deleted as they could not be analyzed. Beyond attrition, missing data was minimal.

A series of five validity checks determined data validity, which included examining each participant's ip address (e.g., those eliminated included one individual who attempted to take the survey over 17 times from the same ip address), responses to questions about custody (e.g., those eliminated included participants who offered inconsistent responses, for instance answering that they have lost custody to the other parent and then on a subsequent question, responding that the other parent does not have custody), open-ended question responses (e.g., those eliminated included one participant who wrote the single word, "pressure" on multiple survey responses when this word had nothing to do with the prompts), consistent questions to a measure asking about the degree to which participants experienced gaslighting from the other parent in their custody cases (e.g., those eliminated included a respondent who responded that they did not experience any of the behaviors encompassing gaslighting, but also endorsed that these same behaviors made them feel crazy, despite their prior responses claiming that these behaviors never happened), participants' referral source was also examined (e.g., some participants who endorsed having learned of the survey via "twitter" despite the survey not being posted on twitter were eliminated).

Measures

Background questions. Participants responded to general demographic questions and questions about their legal cases. For example, participants identified their race, ethnicity, sexual orientation, income, employment situation, housing situation, and education level. Participants also provided information on how many children they have, to what extent they have had access to legal representation for the family law case in question, their degree of satisfaction with their legal representation, how much money they have spent on their legal cases to date, whether they have physical custody of their child, how long their legal cases have lasted, how many hearings

they have had to attend, and the extent to which they were satisfied with various issues addressed in their family law cases such as child custody, parenting plans, and child support.

Legal abuse. The Legal Abuse Scale (LAS), developed for the present study, measures abusive partners' enactments of coercive control through legal processes. Details of the scale construction are described below under study 1. The final measure, used in studies 2 and 3, includes 14 items that describe the abusive parent's behaviors during family law cases captured in two subscales: Harm to Self/Motherhood (10 items) and Harm to Finances (four items). Participants offered dichotomous responses indicating whether the other parent engaged in the behavior or not. A sample item includes, "The other parent threatened to take you to court to take custody of your children away from you." The overall scale showed good internal consistency ($\alpha = .84$), as did the Harm to Self/Motherhood subscale ($\alpha = .85$). The Harm to Finances subscale showed fair internal consistency ($\alpha = .73$). For a complete list of original and final survey items, see Appendices A and B.

Use of children. I used the Use of Children Scale (Beeble et al., 2007), which measures abusive tactics that harass, intimidate, or frighten survivors by using children to assess construct validity of the LAS. Specifically, the Use of Children Scale measures a construct that is related to legal abuse, as both capture mechanisms that abusive partners use to target and control mothers and children. In qualitative research, survivors of legal abuse also report being the targets of an abusive partner's use of children to abuse (Zeoli et al., 2013). Thus, I anticipated that this scale would be positively and significantly correlated with the LAS as these two types of victimization appear to co-occur. This scale is a seven-item measure using a five-point rating scale of 0 (none) to 4 (very much). A sample item includes, "Used children to keep track of you." This measure has shown good internal consistency, ($\alpha = .88$) in a previous study using a

sample of 156 female survivors (Beeble et al., 2007). For the present study, this measure showed good internal consistency ($\alpha = .88$).

Prior abuse pervasiveness. For the purposes of assessing for construct validity of the measure of legal abuse (study 1), participants responded to the Composite Abuse Scale – Short Form (CAS-SF) (Ford-Gilboe et al., 2016). The CAS-SF is a 15-item self-report measure that captures psychological, sexual and physical intimate partner abuse. This measure, validated in a sample of 6,278 Canadian women, showed strong internal consistency ($\alpha = .94$) with this original sample (Ford-Gilboe et al., 2016). To capture the pervasiveness of respondents' prior abuse experiences with the other parent, each respondent provided information about behaviors that the other parent in their family law case displayed by asking to think about their relationship with this person and responding “yes” or “no” to the question, “Has this ever happened?” A sample item is: “The other parent forced or tried to force me to have sex.” The total scale score ranged from possible 0 to 15, with higher scores indicating more pervasive experiences with prior abuse. For the present study, this scale evidenced adequate internal consistency ($\alpha = .78$).

Prior abuse recency. For the purposes of controlling for the recency of prior abuse experiences (study 2), as the current sample includes survivors who have separated from abusive partners, participants responded to a modified version of the Composite Abuse Scale – Short Form (CAS-SF) (Ford-Gilboe et al., 2016). I modified the scale to identify how recent participants' experiences with abuse had happened. In this modified version, for each item, participants answered the question, “When was the last time this happened?” The response options included: “0 = Never” “1 = 5 or more years ago,” “2 = 3-4 years ago,” “3 = 1-2 years ago,” and “4 = In the last year.” To guide scoring the measure, I conducted a two-step cluster analysis with the 15 items on the measure to identify potential subgroups in the sample. The

cluster analysis yielded two clusters with a fair fit to the data (Silhouette score = 0.4). The first group ($n = 60$) had multiple recent physical, psychological and sexual abuse experiences. The second group ($n = 130$) had few or no recent physical, psychological, and sexual abuse experiences. The most important predictor was the item, “The other parent shook, pushed grabbed or threw me” for which the first group had a mean value of ($M=3.17$) and the second group had a mean value of ($M=1.20$). For the present study, this modified scale evidenced good internal consistency ($\alpha = .86$).

Post-traumatic stress disorder symptoms. The PTSD Checklist for DSM-5 (Weathers et al., 2013), a 20-item screening test for symptoms of PTSD, assessed mental health correlates of legal abuse. This measure uses a five-point rating scale that ranges from 0 (not at all) to 4 (extremely) and the total scale score ranges from 0 to 80, with higher scores indicating more PTSD symptoms. A sample item includes, “In the past month, how much were you bothered by: being super alert, watchful, or on guard?” This scale has shown strong internal consistency, (ranging from $\alpha = .94$ to $\alpha = .97$). For the present study, this scale evidenced strong internal consistency ($\alpha = .95$).

Depressive symptoms. To assess mental health correlates of legal abuse, I used the short version of Center for Epidemiologic Studies Depression Scale (CED-S; Radloff, 1977). The CED-S is a self-report inventory that consists of 10 items aimed to measure depressive symptomatology within the general public. Participants responded to questions about the frequency with which they experienced various symptoms in the past month. The scale uses a four-point rating system ranging from 0 (rarely or none of the time, less than 1 day) to 3 (most or all of the time, 5-7 days) and the total scale score ranges from 0 to 30, with higher scores indicating more depressive symptoms. Example items include, “I was bothered by things that

usually don't bother me" and "I had crying spells." In past research, the CED-S has shown fair-good internal consistency, (ranging from $\alpha = .79$ to $\alpha = .87$) (Radloff, 1991). For the present study, this scale evidenced fair internal consistency ($\alpha = .75$).

Vocational, economic and related mental health factors. Participants responded to a combination of closed and open-ended questions asking about the vocational, economic, and associated mental health factors resulting from their legal cases. For each of these domains, participants responded to questions asking whether their situations changed from the beginning of their legal cases to the present time, and if so, they rated on a 7-point scale from "Much better off" to "Much worse off" how their situations had changed. When scored, the total scales were averaged and ranged from 0-6, with higher scores reflecting that the participant was worse off. Next, those who indicated a change explained in an open-response format how their situations changed. Those who endorsed vocational or economic changes provided information on the influence of these changes on their "stress levels or moods" to capture whether vocational or economic shifts affected their mental health.

Translation

A team of two Spanish-speaking intimate partner violence researchers who have extensive experience translating surveys, attending to the cultural appropriateness of the content, and devising survey questions that are trauma-informed, translated the complete survey from English to Spanish. The primary translator was of Chilean descent and took care to create a survey that would be understandable across dialects of Spanish. After this initial Spanish translation, a translator of Mexican descent back-translated the survey from Spanish to English to ensure consistency of meaning in the two languages and across dialects of Spanish.

Study 1: Sample, item generation, and pilot testing

The following section describes the sample, as well as the item generation and pilot testing of the legal abuse items for study 1.

Sample. The final sample included in the first study were 201 mothers who completed all legal abuse items and were involved in family law cases currently or within the past 1-2 years with another parent who was abusive and identified as a man. Twenty-two participants who were involved in family law litigation with another parent who identified as a woman were not included in the final analyses. This subset of the sample was not included, as prior research indicates that dynamics within same-sex abusive relationships may differ from opposite sex relationships (Edwards et al., 2015; Scheer et al., 2018; Woulfe & Goodman, 2018). Further, a preliminary exploratory factor analysis (EFA) that included this subset of the sample yielded a factor structure and internal consistency statistic that differed from an EFA that did not include this subset of the sample, suggesting that including this small group of participants in the present study is unlikely to yield a measure that is representative of same-sex couples' experiences.

Item generation. To ensure content validity for the legal abuse items, I collected qualitative data in the form of 19 two-hour-long interviews with family law-involved survivors (including 13 White, four Black, and two Latina participants aged 34-67 years; see Gutowski & Goodman, 2020). With the assistance of three research assistants, I used a qualitative descriptive approach, an analytic method based on the tenants of naturalistic inquiry (Sandelowski, 2000; 2010) to evoke major themes that emerged from these interviews and inform the item-generation process (Gutowski & Goodman, 2020). In conjunction with this process and consistent with recommendations for psychological measure development (Clark & Watson, 1995), I reviewed existing research in-depth, and used information from the qualitative data in combination with

existing literature on the subject to generate an initial list of items (see Appendix A). I also consulted with 23 experts including eight family law attorneys, three domestic violence advocates, two mental health practitioners, three survivor-mothers who have been through family court, as well as seven researchers from social science and legal disciplines, including nationally known experts who have extensive knowledge of the subject matter. Refining the list of items through an iterative process (Clark & Watson, 1995) resulted in 50 items. To reduce the number of items, I sought a second round of consultation from 10 experts who were asked to rate each item as “Essential,” “Important” or “Not Important.” This process resulted in a final list of 27 items to administer to participants.

Piloting. After a draft of the survey was completed, three research assistants went through the survey in depth and provided an estimate for the amount of time it would take to complete. After another round of editing, three survivors who are also mothers who had been through family court reviewed an English version of the survey and reviewed the questions as a pilot. These three survivors each had individual meetings with the principal investigator who conducted cognitive interviews (Willis, 2015) in order to ensure content validity and clarity of item wording. Specifically, the mothers were asked to read each item of the Legal Abuse Scale (LAS) and then asked first, what came to mind when they read the question, and second, whether the item was clear or not clear. These three mothers also offered feedback on the survey as a whole. After receiving this feedback, the survey was edited a final time before being distributed to participants.

Study 2: Sample and analyses

The following section describes the sample and analyses used for study 2.

Sample. The final sample included in study 2 were 190 mothers. Those who were included in the sample completed all measures of interest for this study. The subset of the sample who were involved in family law litigation with another parent who identified as a woman were not included in the final analyses, as the LAS was developed to reflect male-perpetrated abuse against women.

Analyses. After testing assumptions, two separate linear regression models were tested to determine whether legal abuse was associated with psychological symptoms when controlling for prior abuse. The first model examined the association between legal abuse and PTSD symptoms when controlling for prior abuse recency and the second model examined the association between legal abuse and depressive symptoms when controlling for prior abuse recency.

Study 3: Sample and analyses

The following section describes the sample and analyses used for study 3.

Sample. Of the 231 mothers in the original sample, 164 were eligible for inclusion in study 3. Those eliminated included participants who indicated that they had suffered a vocational change due to COVID-19 (and not because of their family law processes).

Analyses. Consistent with a mixed-methods, concurrent nested approach (Hanson et al. 2005), quantitative and qualitative data were collected concurrently, though analyzed separately and the final analyses were integrated in the discussion and interpretation of the findings. The qualitative findings were used to illuminate the quantitative findings.

Quantitative analysis. First, descriptive statistics were examined to determine whether participants estimated that their vocational and economic situations changed during the court process, and for those who endorsed a vocational or economic change, whether these changes

affected their mental health. For those who indicated that their vocational, economic, and/or resulting mental health statuses changed, frequencies were further analyzed to determine to what extent participants estimated they were worse off or better off in these domains.

Next, after testing assumptions, two separate linear regression models were tested to determine whether legal abuse was associated with worsened vocational and economic status when controlling for prior abuse recency. The first model examined the association between legal abuse and being worse off vocationally when controlling for prior abuse recency and the second model examined the association between legal abuse and being worse off economically when controlling for prior abuse recency.

Qualitative analysis. Similar to prior mixed-methods studies with large samples (Thomas, et al., 2015), conventional content analysis was used as the analytic method for the qualitative analysis in study 3 (Hsieh & Shannon, 2005). The coding process involved three levels: First, we conducted open coding, using an inductive approach to create in-vivo codes and to stay as close to participants' words as possible. Next, we grouped codes into categories with shared content. Finally, we created clusters based on related concepts among categories (Graneheim & Lundman, 2004). To ensure rigor, we used constant comparison throughout the analytic process, a multi-stage process of systematically deriving theory from data (Glaser, 1965). Thus, we compared newly coded data with previous data to generate new codes, refine earlier ones, identify their relationships to one another, and integrate them into a framework (Boeije, 2002).

The first author and four research assistants were involved in coding the open-ended responses. Prior to coding, the research assistants underwent training via a period of group coding. The research assistants were then asked to each code a subset of open-ended responses in pairs and the first author reviewed their work and provided feedback. Once the research

assistants were trained, they coded a subset of responses in pairs each week and brought their work back to the group for regular discussion at team meetings, seeking consensus at every stage of the process. This process resulted in constant modification of categories and clusters.

As reflexivity is an essential component of qualitative data analysis (Levitt et al., 2018), throughout the research process, we sought to identify and examine any biases and values that related to our work (Tracy, 2010). For instance, we reflected on how our identities as women enabled us to empathize with participant experiences. We also identified how coming from a range of social class backgrounds and being at various stages of professional development influenced us to respond differently to participant statements about their vocational and economic lives. For example, when determining what themes were salient and should be made into codes, we noted that many participants faced challenges paying expenses for themselves and their children. Participants' expenses were diverse and included a wide range of costs such as, food, housing, clothing, as well as children's school fees, activities, and summer camps. When developing language for how to code this theme that emerged from the data, we discussed whether some of these expenses were "basic needs" and considered how "basic needs" may differ from person to person based on their experiences. We also discussed how our own social class backgrounds influenced whether we considered some of these expenses to be "basic" or not. After this discussion, we decided to modify codes so that they were closer to participants' words, (e.g., "Faces challenges paying for clothing, food, housing" as opposed to "Faces challenges paying for basic costs.")

Chapter 4: Findings

The following chapter describes the results by study. For study 1, the scale development is described. For study 2, the psychological correlates of legal abuse are presented. Finally, for study 3, the quantitative and qualitative findings illustrating participants perceptions of the vocational, economic, and resulting mental health factors associated with legal abuse are offered.

Study 1: Legal abuse measure development

Exploratory factor analysis (EFA) using a tetrachoric correlation matrix ascertained latent constructs underlying the legal abuse items and determined the appropriate number of items on the measure. Because extant tested measures for legal abuse are limited, EFA is an appropriate analytic approach for the present study. Quantitative analyses were conducted primarily in STATA 16.0.

Preliminary analyses. All item total correlations were significant and ranged from .27 to .67. Based on preliminary correlational analyses, I did not remove any items prior to conducting an initial EFA, as all correlated highly enough with the total scale to demonstrate the potential for factorability.

Estimating factorability. The Kaiser–Meyer–Olkin (.79 on a possible range of 0-1) indicated good sampling adequacy. Bartlett’s test of sphericity was also significant ($p < .001$), suggesting that the correlation matrix was adequate for conducting an EFA.

Determining the number of factors. Multiple methods determined the appropriate number of factors to extract (Henson & Roberts, 2006). Both a scree plot (Cattell, 1966) and a parallel analysis using syntax by O’Connor (2000) supported a two-factor solution. Thus, I employed principal-axis factoring (PAF) using a two-factor solution. I used a Promax rotation, as I assumed that factors were correlated with one another.

Item elimination. Examining the factor loadings and internal consistency statistics while also considering theoretical interpretability supported eliminating 13 items.

Developing the Legal Abuse Scale (LAS) subscales. The first factor, Harm to Self/Motherhood (i.e., using the court to harm her as a person and a mother) consisted of ten items, while the second factor, Harm to Finances (i.e., using the court to harm her financially) consisted of four items. The final two-factor solution accounted for 67.43% of the shared variance in the fourteen items. Communalities were in the adequate range (.56-.83). The absolute values of the two strongest factor loadings across each item differed by at least .19. The ten items for Harm to Self/Motherhood loaded most strongly onto the first factor, with factor loadings that ranged from .57 to .94. *Was dishonest about your character or mental health to professionals on your case* was the most strongly loading item. The four items for Harm to Finances loaded most strongly onto the second factor with factor loadings that ranged from .75-.96. *The other parent threatened to take control of all assets* was the most strongly loading item. (For factor loadings for the final measure, see Table 12).

Descriptive statistics for the legal abuse scale subscales. Subscale scores and a total scale score was computed by averaging item scores. Harm to Self/Motherhood and Harm to Finances correlated positively and significantly with one another ($r = .37, p < .001$), as expected. Further, the overall LAS showed good internal consistency ($\alpha = .84$). Harm to Self/Motherhood also demonstrated good internal consistency ($\alpha = .85$). Harm to Finances showed fair internal consistency ($\alpha = .73$).

Further supporting the measure's construct validity, its total scale score was correlated with other related concepts in the expected directions. Specifically, the Legal Abuse Scale (LAS) was positively and significantly correlated with Use of Children ($r = .40, p < .001$) as well

as with pervasiveness of prior experiences with physical, psychological, and sexual IPV ($r = .40$, $p < .001$).

Study 2: Psychological correlates of legal abuse

Post-traumatic stress disorder (PTSD) symptoms. The following sections describe results from regression analyses that examined the associations between the LAS, each of its subscales, and PTSD symptoms.

Legal abuse and PTSD. Legal abuse, as measured by the LAS, was significantly and positively correlated with symptoms of PTSD ($r = .34$, $p < .001$). A linear regression analysis revealed that the LAS was significantly associated with increased PTSD symptoms when controlling for prior abuse recency ($\beta = .33$, $p < .0001$). The effect size for this regression analysis was medium to large ($f^2 = .16$) (Cohen, 1988). Together, the two variables accounted for 14% of the variance in PTSD symptoms ($R^2 = .14$; $F(2,181) = 14.62$). A single standard deviation increase on the LAS scale ($SD = .25$) was associated with a 6.21-point increase on the PTSD scale.

Harm to Self/Motherhood and PTSD. When looking separately at each of the LAS subscales, Harm to Self/Motherhood was significantly and positively associated with PTSD symptoms ($r = .31$, $p < .001$). A regression analysis revealed that Harm to Self/Motherhood was associated with PTSD symptoms controlling for prior abuse recency ($\beta = .29$, $p < .0001$). The effect size for this regression analysis was medium ($f^2 = .14$) (Cohen, 1988). Together, Harm to Self/Motherhood and prior abuse recency accounted for 12% of the variance in PTSD symptoms ($R^2 = .12$; $F(2,181) = 12.22$). A single standard deviation increase on the Harm to Self/Motherhood subscale ($SD = .27$) was associated with a 5.56-point increase on the PTSD scale.

Harm to Finances and PTSD. Further, Harm to Finances was significantly and positively associated with PTSD symptoms ($r = .25, p < .001$). A regression analysis indicated that Harm to Finances was associated with an increase in PTSD symptoms when controlling for prior abuse recency ($\beta = .24, p = .001$). The effect size of this regression analysis was small to medium ($f^2 = .10$) (Cohen, 1988). Together, Harm to Finances and prior abuse recency accounted for 9.3% of the variance in PTSD symptoms ($R^2 = .093; F(2,181) = 9.17$). A single standard deviation increase on the Harm to Finances subscale ($SD = .34$) was associated with a 4.60-point increase on the PTSD scale.

Depressive symptoms. The following sections describe results from regression analyses that examined the associations between the LAS, each of its subscales and depressive symptoms.

Legal abuse and depressive symptoms. Further, the LAS was significantly and positively correlated with depressive symptoms ($r = .31, p < .0001$). A regression analysis revealed that the LAS was associated with depressive symptoms when controlling for prior abuse recency ($\beta = .28, p < .0001$). The effect size for this regression analysis was medium ($f^2 = .14$) (Cohen, 1988). Together, legal abuse and prior abuse accounted for 12.6% of the variance in depressive symptoms ($R^2 = .13; F(2,189) = 13.52$). A single standard deviation increase ($SD = .25$) on the LAS was associated with a 1.67-point increase on the depressive symptoms scale.

Harm to Self/Motherhood and depressive symptoms. When looking separately at each of the LAS subscales, Harm to Self/Motherhood was significantly and positively associated with depressive symptoms ($r = .25, p < .0001$). A regression analysis indicated that controlling for prior abuse recency, this subscale was significantly associated with an increase in depressive symptoms ($\beta = .24, p = .001$). The effect size for this regression analysis was medium ($f^2 = .12$) (Cohen, 1988). Together, Harm to Self/Motherhood and prior abuse recency accounted for

10.04% of the variance in depressive symptoms ($R^2=.10$; $F(2,189)=10.81$). A single standard deviation increase ($SD = .27$) on the Harm to Self/Motherhood subscale was associated with a 1.40-point increase on the depressive symptoms scale.

Harm to Finances and depressive symptoms. Further, Harm to Finances was significantly and positively associated with depressive symptoms ($r = .27$, $p < .0001$). A regression analysis revealed that this subscale was significantly associated with increased depressive symptoms when controlling for prior abuse recency ($\beta = .24$, $p = .001$). The effect size for this regression analysis was small to medium ($f^2 = .11$) (Cohen, 1988). Together, Harm to Finances and prior abuse recency accounted for 10.3% of the variance in depressive symptoms ($R^2=.10$; $F(2,189)=10.73$). A single standard deviation increase ($SD = .34$) on the Harm to Finances subscale was associated with a 1.47-point increase on the depressive symptoms scale. (For more information, see Tables 13-18).

Study 3: Vocational, economic and resulting mental health factors

Descriptive statistics. The following sections review descriptive statistics that reflect percentages of participants that endorse vocational, economic and, resulting mental health changes.

Vocational change. Most (106 participants; 64.6%) indicated that their employment situations changed from the beginning of their court cases until now. Most of those who endorsed a change reported that they were worse off (*much worse off* = 26 participants, 15.9%; *worse off* = 18 participants, 11%; *a little worse off* = 15 participants, 9.1%). Some participants also reported that they were better off in their vocational situations (*much better off* = 6 participants, 3.7%; *better off* = 20, 12.2%; *a little better off* = 21, 12.8%).

Economic change. Most (125 participants; 76.2%) also indicated that their economic situation had changed from the beginning of their court cases until now with most of these indicating that they are worse off (*much worse off* = 53 participants, 32.3%; *worse off* = 21 participants, 12.8%; *a little worse off* = 15 participants, 9.1%). A smaller proportion of respondents reported being better off economically (*much better off* = 5 participants, 3%; *better off* = 13 participants, 7.9%; *a little better off* = 18 participants, 11%).

Resulting mental health change. Finally, of those participants who reported an economic or vocational change, most indicated that these changes have impacted their mental health (124 participants; 75.6%). Most who reported such changes, reported that they were worse off (*much worse off* = 38 participants, 23.2%; *worse off* = 34 participants, 20.7%; *a little worse off* = 20 participants, 12.2%). A smaller subset reported better mental health as a result of economic and/or vocational changes during the court process (*much better off* = 3, 1.8%; *better off* = 17, 10.4%; *a little better off* = 12, 7.3%).

Correlation and regression analyses: vocational change. The following sections describe the results of correlation and regression analyses that examine the associations between the legal abuse as measured by the LAS, each of its subscales, and being worse off vocationally.

Legal abuse and vocational change. The LAS was significantly and positively correlated with being worse off vocationally ($r = .17, p = .029$). A linear regression analysis revealed that when controlling for prior abuse recency, the LAS was significantly associated with being worse off vocationally ($\beta = .16, p = .048$). The effect size for this regression analysis was small ($f^2 = .03$) (Cohen, 1988). Together, the LAS and prior abuse recency accounted for 2.8% of the variance in worsened vocational status ($R^2 = .03; F(2,148) = 2.13$). A single standard deviation

increase (SD = .25) on the LAS was associated with a .26-point increase on the vocational change scale.

Harm to Self/Motherhood and vocational change. Examining the subscales of the LAS, Harm to Self/Motherhood was significantly and positively correlated with being worse off vocationally ($r = .21, p = .007$). A linear regression analysis revealed that Harm to Self/Motherhood was significantly associated with being worse off vocationally when controlling for prior abuse recency ($\beta = .21, p = .010$). The effect size for this regression analysis was small ($f^2 = .05$) (Cohen, 1988). Together Harm to Self/Motherhood and prior abuse recency accounted for 4.6% of the variance in negative vocational change ($R^2 = .05; F(2,148) = 3.55$). A single standard deviation increase on the Harm to Self/Motherhood subscale (SD = .27) was associated with a .33-point increase on the vocational change scale.

Harm to Finances and vocational change. Harm to Finances was not significantly correlated with being worse off vocationally ($r = .02, p = .809$), and a regression analysis revealed that these two variables were not correlated when accounting for prior abuse recency ($\beta = .01, p = .907$).

Legal abuse and economic change. The LAS was significantly and positively correlated with being worse off economically ($r = .36, p < .0001$). A linear regression revealed that the LAS was significantly associated with being worse off economically when controlling for prior abuse recency ($\beta = .40, p < .0001$). The effect size for this regression analysis was medium to large ($f^2 = .20$) (Cohen, 1988). Together, legal abuse and prior abuse recency accounted for 16.6% of the variance in economic change ($R^2 = .17; F(2,149) = 14.64$). A single standard deviation increase on the LAS (SD = .25) was associated with a .67-point increase on the economic change scale.

Harm to Self/Motherhood and economic change. When examining the LAS subscales, Harm to Self-Motherhood was significantly correlated with being worse off economically ($r = .38, p < .0001$). A regression analysis revealed that when controlling for prior abuse, Harm to Self/Motherhood was significantly associated with being worse off economically ($\beta = .41, p < .0001$). The effect size for this regression analysis was medium to large ($f^2 = .21$) (Cohen, 1988). Together, Harm to Self/Motherhood and prior abuse accounted for 17.1% of the variance in negative economic change ($R^2 = .17; F(2, 149) = 15.12$). A single standard deviation increase on the Harm to Self/Motherhood subscale ($SD = .27$) was associated with a .67-point increase on the economic change scale.

Harm to Finances and economic change. Harm to Finances was also significantly correlated with being economically worse off ($r = .18, p = .026$). A regression analysis revealed that when controlling for prior abuse recency, Harm to Finances was significantly associated with being worse off economically ($\beta = .11, p = .010$). The effect size for this regression analysis was small ($f^2 = .05$) (Cohen, 1988). Together, Harm to Finances and prior abuse recency accounted for 5.0% of the variance in economic change ($R^2 = .05; F(2, 149) = 3.89$). A single standard deviation increase on the Harm to Finances subscale ($SD = .34$) was associated with a .33-point increase on the economic change scale. (See Tables 19-24 for more information).

Qualitative analyses. The paragraphs below describe participants' qualitative responses to questions about vocational, economic and resulting mental health factors associated with their family law processes. First, participants' accounts of the vocational changes associated with family court are described, second, their descriptions of economic changes are offered, and third, their perceptions about mental health consequences that resulted from these vocational or economic changes are presented.

Vocational changes. Of the 106 participants who endorsed a vocational change from the beginning of their court cases until now, 26 (24.4%) expressed that they were *unable to perform at or show for their jobs* as a result of their family law processes. One explained, “I had to stop working because I had [over 100] days of trial and he drags me into court at least once a week.” Twenty-three (21.7%) participants explained that they *lost income or hours* as a result of the court process. For example, a participant expressed, “I have exceeded the amount of paid time off each year I've been involved in family court. This has forced me to take unpaid time, which has been detrimental to my financial situation.” Twenty-one (19.8%) participants shared that they either *feared losing or lost their jobs*. One participant explained, “I lost my job due to the strain of the divorce.” Twenty-two (20.8%) described having had to *quit or change jobs*. One expressed:

He has continued dragging [the court case] on for nearly 2 years. Every week there is a new issue from him so after a while it made it nearly impossible to work. My boss understood the situation until she no longer supported me and I had to leave my job.

Eighteen (17.0%) participants also shared that they *had to take on more work* as a result of the court process. One explained, “I now work on a midnight shift, work weekends and work most holidays in an attempt to make more money to cover my legal fees.” Nine (8.5%) participants described having *difficulty finding a job due to court*. One participant stated, “it's hard to find a job where you can take days off for court regularly, plus a job that allows you to talk to your lawyer on the phone any time they call you.”

Finally, 34 (32.1%) of participants reported that they experienced or anticipated *improved work situations*. One participant explained, “it's amazing to work again (I wanted to go back to work for a very long time and he wouldn't allow it).” Many described improvements in their

work lives in the context of also acknowledging having endured financial or work-related hardships. One participant expressed:

I don't make nearly enough money to recover from the financial loss of replacing my and my daughters clothing, possessions, pay rent and furnish a new place. It's good to work and have independence but it's very difficult to deal with his continued abuse to my daughter and I, pay rent, and manage debt created by his withholding my personal belongings.

Economic changes. Out of the 125 participants who reported an economic change during their court processes, 42 (33.6%) of participants expressed that they faced *challenges paying day to day expenses* due to their family law processes. One participant explained:

When we first divorced, I had nothing. [...] I couldn't find a job for several months. There were times I couldn't afford to feed myself so that my child could eat. Approx. 11 years later, I have a good job however the legal bills have all but decimated me financially, I have no savings for my future or more importantly for my child. As soon as I dig myself out, it seems we are back in court.

Forty-one (32.8%) participants described having to *take on debt* as a result of their family law processes. One participant explained, "I maxed out all of my credit cards to cover the cost of legal fees." Twenty-three (18.4%) participants described having to *deplete personal or family assets* to pay court-related fees. One shared, "though [my] saved funds helped on the onset, I have now gone through all those funds and my savings to retain legal representation. I can no longer afford to pay for the attorney." Eighteen (14.4%) participants described a *shift from financial security towards insecurity* due to the court process. As one participant put it, "I went from upper middle class to poor."

Twelve (9.6%) participants described *facing homelessness or housing instability* as a result of the court process. One reported, “I went from a dual income family in a comfortable home [...] to homeless for four months with my two preschool children. For a period of time we lived out of our car, with one suitcase apiece.” Eleven (8.8%) participants also described *having to go on public assistance to afford the cost of living*. One participant expressed, “family court ruined my life to the point [where] I went from being financially stable to being now state dependent for food and heat and my home in foreclosure.” Six (4.8%) participants reported *having to file for bankruptcy*. One explained, “I had to file for bankruptcy due to all the [legal] bills I incurred.”

Finally, 20 (16%) participants described either experiencing or anticipating *improved economic situations*. One participant explained, “his financial attacks were brutal, and nobody helped. But we are doing better finally, because I have custody now so he has no more leverage to continue to cause destruction.”

Participants described facing difficulties providing for their children due to financial consequences of their family law processes. Fifteen (12.0%) participants described *struggling to provide food, clothing, or housing for their children*. One participant explained, “I get paralyzed about making any financial decision from \$12 at the grocery store to whether or not to buy this child shoes right now.” Six (4.8%) participants reported *struggling to provide their children with activities, camp, or school*. One expressed, “the quality of life changes completely. This trickles onto the child. When he doesn’t pay for schooling or camp then I [have to] pay.”

Resulting mental health changes. Of the 124 participants who indicated a mental health effect of the economic or vocational shifts that came about from the court process, 92 (74.2%) participants reported *stress, worry, or anxiety* as a result of the work or economic changes from

their family law cases. A participant explained, “I now constantly fear being evicted, not being able to afford gas or food or clothes. It keeps me awake at night frequently. [...] Even with being extremely careful, I still panic about money.” Twenty-seven (21.8%) participants also described facing *depression and other mood-related concerns* due to the financial changes that their court cases precipitated. A participant expressed, “I have been depressed to the point of suicidal ideation more times that I can count, due to the stress of facing homelessness and financial ruin because of the family court case.” Fourteen (11.3%) participants described experiencing *post-traumatic stress*. One participant explained how vocational and financial changes worsened her PTSD symptoms, “[the] stress of three jobs and going back to school and raising four kids solo is brain bending. [...] The lack of sleep causes a domino effect on my PTSD and ability to cope.” Eight (6.5%) participants described a sense of *isolation or alienation* from others. One described the interaction between post-traumatic stress, a sense of betrayal, and subsequent isolation, “acute PTSD is what I’ve been diagnosed with. It is impossible to explain. Very alienating as no one understands what goes on in the system...” Twelve (9.7%) participants described experiencing *disrupted sleep or insomnia*. One participant shared:

I felt like me and my children were hostages to the courts, just like we were once hostages to my abusive ex. I could hardly sleep (only 4-5 hours a night) and all I had was nightmares if I did sleep.

Thirteen (10.5%) participants described a sense of *exhaustion or low energy* as a result of the financial strain associated with the process. One stated, “it's emotionally exhausting to have this [court case] looming over me for such an extended period of time.” Eleven (8.9%) participants described *fear or a sense of paranoia*. One participant reported, “I am constantly stressed, hypervigilant, and fearful.” Nineteen (15.3%) participants *reported receiving a mental*

health diagnosis or treatment as a result of the financial strain associated with the process. A participant described her experience, “I’m currently taking antidepressants and anti-anxiety medication...I’ve never had any issues with depression or anxiety until my relationship with my ex-husband and the domestic abuse by proxy he’s wreaking on my life through the family court system.” Ten (8.1%) participants reported experiencing a *stress-related physical illness* or condition due to the financial stress associated with their family law processes. One reported, “money is never enough. I’ve been 3 times in the ER because of stress and exhaustion.” Eleven (8.9%) participants expressed feeling *sickened, angry, frustrated, and/or outraged* by the process. One participant, a veteran, expressed: “This is really stressful and unfair. [...] I honorably served this country and this is the thanks that I get. My protection order ignored, all of my property destroyed and my child snatched away.” Nineteen (15.3%) participants reported that the *mental health consequences of court negatively impacted their ability to work*. One participant explained, “I have been diagnosed with PTSD and severe anxiety with panic attacks from the abusive marriage and the continuing custody battle, I am now disabled from PTSD.”

A smaller group of respondents also reported positive changes. Seven (5.6%) participants reported feeling a sense of *increased self-esteem or feeling better about themselves* due to positive economic or vocational transitions they had made. For instance, a participant shared, “finding work that covered my very basic bills gave me the ability to be a stronger advocate for myself, and removed some very harmful ties to my ex.” Nineteen (15.3%) participants also reported feeling a *reduced sense of stress or pressure* due to such changes. One participant explained, “the fact that I am free from my ex and have the hope of being in control of my own life, time, money, and emotions has made every difficulty worth it.”

Chapter 5: Discussion

At the highly vulnerable time of separating from an abusive partner, survivors of intimate partner violence (IPV) often enter into the family court system with hopes of accessing safety for themselves and their children. Instead, many encounter legal abuse when the other parent uses court processes to coerce and control them (Coy et al., 2015; Douglas, 2018; Elizabeth, 2017; Miller & Smolter, 2011; Rivera et al., 2018; Watson & Ancis, 2013). Despite mounting concerns about the profound negative consequences of legal abuse for survivors, including psychological problems and economic hardship (Douglas, 2020; Gutowski & Goodman, 2020; Rivera et al., 2018; Ward, 2016), prior to the present studies, researchers had yet to establish a valid measure that captures mothers' experiences with this form of abuse. Without such a measure, to date, efforts to investigate its multidimensional correlates have been limited.

To fill this critical gap, these three studies first, established an ecologically and psychometrically valid measure of legal abuse; second, demonstrated the psychological correlates of this form of abuse; and third, offered mixed-methods data on the vocational, economic, and resulting mental health factors that are associated with legal abuse. These studies are the first to offer such a measure, paving the way to expand future research on the topic. Additionally, with these findings, we now have mixed-methods data on the associations between legal abuse and mental health difficulties, as well as economic and vocational hardship. This section begins with a review of results from the three studies. Next, it offers a discussion of each study's findings in light of relevant literature. The section ends with an overview of the limitations of the present research and implications for future research and practice.

Summary of findings

The first study yielded the 14-item Legal Abuse Scale (LAS), designed to be used to assess the perceptions of mothers involved in family law processes who are survivors of abuse. A two-factor solution was supported for the LAS. The first factor reflected the mechanisms through which survivors face *Harm to Self/Motherhood*, including an abusive partner's using in-person proceedings to cause distress, attacking custody and care time, threatening child(ren)'s safety, and publicly denigrating the survivor's ability as a parent. The second factor captured the mechanisms through which survivors experience *Harm to Finances*, including an abusive partner's threatening to take control of assets and withholding finances (e.g., child support).

The second study demonstrated the psychological correlates of legal abuse. As anticipated, legal abuse and each of its subscales was significantly associated with both increased PTSD symptoms and depressive symptoms even after controlling for prior abuse experiences. Effect sizes were especially high for the analyses that examined the relation between the LAS and PTSD symptoms, indicating that PTSD symptoms may be a prominent outcome of legal abuse. Further, when analyzing the LAS subscales, both the Harm to Self/Motherhood and Harm to Finances subscales were associated with each of these mental health concerns. The Harm to Self/Motherhood evidenced larger effect sizes, suggesting that when an abusive partner uses family court to harm a survivor as a person and a mother, survivors are at especially high risk for experiencing worsened mental health. Importantly, analyses that included the LAS total scale had the largest effect sizes, suggesting that legal abuse is particularly damaging when both subtypes of this form of abuse are experienced concurrently.

The third study demonstrated that most participants endured a shift economically, vocationally, and, as a result, psychologically, during their family court processes. As anticipated, experiencing a negative economic change was correlated with legal abuse even when

controlling for prior abuse. This association was supported for the total LAS and a link was also found for each of the subscales. Qualitative data from the subset of participants who endorsed an economic change as a result of their court processes provided causal support for the quantitative associations, yielding harrowing accounts of the depth of financial ruin that resulted from their ex-partners' use of legal processes. Many detailed that they engaged in litigation in order to keep their children safe while their ex-partners used the legal process to drain them financially, leading to serious problems including poverty, homelessness, credit card debt, and bankruptcy.

Undergoing a negative vocational change was also significantly correlated with legal abuse even when accounting for recent experiences with prior abuse. Yet, when examining the relations between each subscale and vocational change, only the Harm to Self/Motherhood subscale was associated with being worse off vocationally. Qualitative data suggested that, as a result of their court processes, participants had difficulties performing at work, suffered from lost income, feared losing or actually lost their jobs, or had to take on extra work in order to pay for court costs. Some participants also expressed that they were able to maintain and even advance in their work lives despite the reported toll of their legal processes.

Finally, most participants in the third study reported worsened mental health that resulted from economic changes, vocational changes, or changes in both domains. In qualitative responses, participants detailed psychological anguish associated with their financially draining court processes. Indeed, more than half reported stress, anxiety, and worry due to financial strain; many noted being unable to perform at work and/or needing to seek mental health services due to the acuity of these concerns; and participants described challenging personal experiences that demonstrated the severity of their impairment, including one participant who

had a stress-related heart attack and suffered permanent heart damage as well as one participant who reported becoming suicidal.

Findings in the context of prior literature

Measure development. Until now, existing measures for capturing the phenomenon of legal abuse were limited. Prior measures that reflect related concepts (e.g., Clemente et al., 2019; Hines et al., 2015; Rivera et al., 2018) were validated with men (Hines et al., 2015) or with mixed samples of men and women (Clemente et al., 2019) or were not validated at all due to small sample sizes (Rivera et al., 2018). Further, extant measures suffer from methodological limitations such as vague language (e.g., Clemente et al., 2019; Hines et al., 2015). Thus, this study is among the first to develop a measure of legal abuse that has been validated with a sample of women who were victimized by male partners. This new measure expands opportunities to further uncover the features and costs of legal abuse; Costs that many survivors have been reporting to news media and qualitative researchers for decades, but had yet to be explored quantitatively (Coy et al., 2015; Douglas, 2018; Elizabeth, 2017; Miller & Smolter, 2011; Rivera et al., 2018; Watson & Ancis, 2013). Importantly, the LAS is also among the first to conceptualize the phenomenon as a form of coercive control and reflects the specific mechanisms through which the legal process becomes another realm in which partners coerce and control survivor-mothers following their attempts to exit the relationship.

Psychological consequences. The second study is the first to my knowledge to provide quantitative support for deleterious psychological sequelae of legal abuse, namely symptoms of both PTSD and depression. While extant qualitative studies have illustrated adverse mental health consequences of family court processes (Gutowski & Goodman, 2020; Rivera et al., 2018; Roberts et al., 2015), no prior research has presented quantitative evidence of the association

between legal abuse and mental health symptoms. The magnitude of the associations between legal abuse and both PTSD and depressive symptoms suggests that legal abuse may be experienced as a traumatic stressor for survivor-mothers, producing PTSD symptoms, and in many cases, symptoms of depression.

Prior research sheds light on why we found such strong associations between legal abuse and PTSD and depressive symptoms, respectively. First, legal abuse often entails prolonged, repeated reminders of traumatic events as survivors are forced to engage in on-going negotiations and face-to-face contact with the very person who abused them and, in some cases, their children (Douglas, 2018; Elizabeth, 2017; Miller & Smolter, 2011; Przekop, 2011; Watson & Ancis, 2013). Second, survivors who are experiencing legal abuse are frequently met with constant threats of – and sometimes actual - violence towards both themselves and their children (Dekeseredy et al., 2017; Goldstein, 2010; Hardesty, 2002; Hardesty & Ganong, 2006; Toews & Bermea, 2017; Varcoe & Irwin, 2004; Zeoli et al., 2013). Third, many survivors who are victimized in this way face threats to remove or reduce their custody or care time as a form of abusive revenge, leading to a fear of being traumatically separated from their children (Kurz, 1996; Goldstein, 2010; Toews & Bermea, 2017; Ward, 2016; Watson & Ancis, 2013). Fourth, not only are survivors exposed to these traumatic stressors and reminders through court, but they are often powerless to put an end to this experience. Survivors face no choice but to engage in court processes as they must abide by the rule of law and participate in the legal process when required, with many expressing the sentiment that engaging in the court process is the only chance they have to protect their children (Gutowski & Goodman, 2020).

Thus, legal abuse entails being faced with prolonged and repeated exposure to a terrifying threat to one's personal sense of safety and to what one values most (i.e., one's children) while

simultaneously being powerless to stop it. The combination of these experiences leads to the very reactions commonly felt in the aftermath of trauma: hypervigilant fears of what horrific events will happen next; recurrent, involuntary thoughts about traumatic events as one must confront the person who abused them through constant communications and in person hearings; negative emotional states of anger, terror, anxiety, and humiliation, as one is required to relive an abusive relationship through the legal process; negative beliefs about an unjust world as one is trapped navigating a adversarial system that retraumatizes; and wishes to avoid anything that serves as a reminder of traumatic events (Gutowski & Goodman, 2020). Indeed, mothers who have experienced legal abuse have reported stress reactions at the sight of a courthouse and subsequent avoidance of reminders of the legal process (Gutowski & Goodman, 2020). Beyond the traumatic nature of the experience of legal abuse, mothers who are stuck responding to a seemingly endless stream of abusive litigation may possess little bandwidth for activities that bring joy, as all energy is consumed by the court process, compounding a sense of social isolation. For mothers who have lost custody of their children, social isolation may be all the more profound as they face social judgement from others (Gutowski & Goodman, 2020). This sense of being trapped and isolated may lead some to develop a pervasive sense of helplessness, hopelessness as well as a loss of interest and energy characteristic of depression. Depression serves as a separate harm from PTSD, each of which has cascading effects producing an overall experience of entrapment that has an uncanny resemblance to being confined in the abusive relationship itself.

Indeed, associations between legal abuse and mental health symptoms supported in this study evidenced similar patterns to prior research on the mental health consequences of coercive control. Specifically, in past research, PTSD has been found to be the mental health concern

most commonly associated with coercive control, and, in many cases, survivors also experience depression (Anderson, 2008). Thus, this result provides support for the conceptualization of legal abuse as a particularly harmful form of coercive control. This second study suggests that partners who are abusive cause considerable damage during the already vulnerable period of separation by using the legal system against their victims to psychologically harm them.

Economic and vocational consequences. This study is the first to my knowledge to demonstrate a quantitative association between legal abuse and being worse off from the beginning of participants' court cases until the date they took the survey economically and vocationally. The study's mixed-methods approach illuminates both economic and work-related damages associated with family court proceedings for survivors, moving the field beyond the scarce collection of existing qualitative studies in this area (e.g., Douglas, 2020; Ward, 2016). Moreover, the present study is also among the first to focus on legal abuse as a specific mechanism that is linked to these adverse consequences. As anticipated, legal abuse was associated with being worse off economically and each of the subscales on the LAS were correlated with a negative economic change when controlling for recent prior abuse experiences. In qualitative responses, participants described troubling accounts of financial hardship that resulted from the other parent's use of court processes to coerce and control them.

Being worse off vocationally was also associated with legal abuse when accounting for recent prior abuse experiences. The Harm to Self/Motherhood subscale, specifically, was associated with this negative shift for participants. Survivors described the adverse consequences of the other parent's using in-person proceedings, as many were forced to repeatedly show for court hearings. Survivors expressed that this aspect of legal abuse created mental health effects and demands on their time that made it difficult to hold a job.

These findings are also consistent with the relational theory of working (Blustein, 2011), which articulates the interconnectedness of relationships and work as well as the potential negative influence of individuals' relationships on their work lives. Indeed, consistent with this theory, survivors who are actively being abused by an intimate partner through court processes appear to suffer from largely negative vocational consequences. While virtually no prior research attempts to explore the relationship between legal abuse and survivors' work lives, these findings are also consistent with one qualitative study's report that some survivors face severe, negative vocational consequences from engaging in family court processes with an abusive ex-partner such as job loss (Ward, 2016). Overall, this study illuminates that safety for oneself and one's children comes with significant costs, a serious problem that has been observed by other domestic violence researchers (Shoener, 2017).

Interestingly, the relationship between vocational changes and legal abuse yielded smaller effect sizes than the relationship between economic changes and legal abuse. The severe economic consequences that survivors reported may be due to direct, exorbitant costs that are associated with legal abuse, such as lawyers' fees. However, the vocational consequences of legal abuse may be influenced by a wider array of external factors that have yet to be investigated. For example, while a survivor who is subjected to legal abuse may be forced to repeatedly appear in court, driving up the cost of representation, her employer may be understanding of the situation. Thus, although she may need to drain all of her personal assets and borrow from family to cover the cost of expensive litigation, her work life may remain largely unaffected. Corroborating this interpretation, the psychology of working theory illuminates the importance of both internal and external relational contexts for individuals' working lives (Blustein, 2011). Thus, survivors who have a negative relational influence on their

work lives from a relationship outside of work (e.g., an abusive partner), may also have a positive relational influence on their work lives inside of the work environment (e.g., a supportive colleague or supervisor), which buffers the negative effects of the abusive partner. Moreover, also consistent with this theory, a sizable number of participants in this study noted positive vocational changes during their court processes, as being free from the abusive relationship enabled some to work (Blustein, 2011). As abuse presents substantial challenges to women's work lives (Chronister & Aldarondo, 2012; Chronister et al., 2018; Moe & Bell, 2004; Landtrip et al., 2017), separation may have alleviated some of these challenges for many participants in this study as being in the abusive relationship may have been worse for their work lives than being in an on-going custody process.

Finally, the findings from the third study reflect how poverty and violence intersect in the lives of women to have deleterious consequences for their well-being (Goodman et al., 2009). Indeed, these two forces co-exist for a large number of women, contributing to an overall experience of stress, isolation, and powerlessness, which produces depression and PTSD (Goodman et al., 2009). Qualitative data evidencing the substantial distress that participants endured as a result of court-related economic and vocational hardship triangulates findings from the second study. Specifically, these results illustrate in participants' own words the destructive nature of legal abuse as a form of coercive control that subjects women to these dual traumas, rendering them powerless as they are fighting to protect their children.

Limitations

While this study provides a novel contribution to the literature in this area, it has several limitations that demand consideration. One significant limitation of this study is the sample. First, despite efforts to recruit more women of color for this study, such as by offering the survey

in Spanish, nearly 74% of participants identified as White. The lack of ethno-racial diversity in this sample parallels an unfortunate trend in emerging research on this topic, as existing studies on survivor-mothers' family court experiences have relied on largely White samples. There are several possible reasons for this lack of ethno-racial diversity. First, although a large number of parents enter into family law processes during separation, many opt not to use the courts to settle custody and visitation. It is possible that women of color avoid interactions with legal systems at disproportionately high rates given the history of racial oppression enacted by legal systems against women of color in the United States. Second, it is possible that women of color are subjected to racist responses from family court judges and their parenting is more heavily scrutinized on average as a result, leading to a sense of exhaustion and overwhelm with little bandwidth for completing a survey that demands that they re-visit traumatic experiences. Third, despite efforts to be systematic when posting study announcements on a variety of listservs, it is possible that those who knew the first author were more likely to make referrals and thus, the sample was over-reliant on referrals from a network of scholars and practitioners that is largely White.

As an additional sample limitation, the sample was a convenience sample and participants were referred by attorneys and practitioners who responded to postings on professional listservs. Because of this, it is possible that this sample is not generalizable to all survivors who are mothers and have had recent family court involvement in the United States. First, because we relied on referrals from existing domestic violence and legal agencies, the sample captured those survivors who were connected to either domestic violence or legal services. We attempted to mitigate resulting, potential bias in our sample by recruiting from multiple types of agencies and listservs (e.g., we were able to recruit survivors without legal

representation by seeking referrals from domestic violence agencies), however, it is possible that our sample systematically leaves out a subset of family court-involved survivor-mothers who have not sought services from any organization. Second, it is possible that those survivors who experienced more severe mental health or economic consequences from their legal processes were not referred by practitioners, out of concern that mental health symptoms and/or poverty would make it difficult to complete the survey. Thus, the sample may reflect those survivors who suffer from mental health and economic concerns that are less acute than the general population of survivor-mothers involved in custody litigation. Third, survivors who followed through on the referrals to complete the survey may have been unique in that they had particularly negative experiences that they were eager to share. Those who completed the survey may have been motivated to contribute to bettering the family law system and therefore overrepresent survivors who have suffered from harms. Fourth, as previously mentioned, those who know the first author may have been more likely to make referrals, making it possible that some demographic characteristics among participants are over-represented in the data, while others are underrepresented.

Beyond the sample, the study relied on measures to capture economic and vocational changes in the form of a single question for each for these constructs (i.e., “To what extent did your money situation change from the beginning of your legal case until now?” and “To what extent did your job situation change from the beginning of your legal case until now?”). While these questions provided an indicator of the relation between legal abuse and these facets of survivors’ lives, because they were single questions and not robust, validated measures, the findings should be interpreted with caution.

Additionally, several factors that may have influenced the relation between legal abuse and its psychological, economic, and vocational correlates were not included in the present study. For example, survivors' access to resources, the severity of the prior abuse they experienced, and the judges' responses to the other parent's abuse likely all influence the extent of the psychological, economic, and vocational harms associated with legal abuse. While controlling for such third variables would have yielded more accurate results, it was beyond the scope of this investigation to include these additional factors.

Finally, data collection occurred during the COVID-19 pandemic. For this reason, when inquiring about participants' economic and vocational changes, a question was added to the survey about whether these changes were due to the pandemic. Nonetheless, it is possible that the onset of the pandemic influenced data collection. For example, some participants may have been more or less likely to participate in the study because of the effects of the pandemic on their lives and situations. Further, some domestic violence or legal services agencies may have been less likely to refer survivors as they may have been consumed by activities that were focused on adapting to the pandemic.

Implications for research

Future research should seek to understand how populations with diverse and intersecting marginalized identities experience legal abuse. To do so, researchers should focus on building ethical and collaborative partnerships with survivor-mothers of color to shed light on to what extent and how legal abuse is experienced among racially and ethnically diverse subgroups. For example, Latinx women may have unique experiences with legal abuse based on intersections of experiences with racism, xenophobia, language barriers, or challenges related to immigration that have yet to be understood by researchers. Future research may also seek to examine how

African American women make sense of experiences with legal abuse in light of the racial oppression that United States legal systems have enacted against their ethnic group. For example, one participant who identified as African American called the study phone line after completing the survey and noted that she observed experiences with racism from family court judges towards herself and other mothers of color. This observation corroborates what mothers of color have reported in research on family law processes, specifically that family court judges may not value oneself or one's children due to racism (Gutowski & Goodman, 2020).

It is possible that this measure may benefit from being modified in the future to encompass a broader range of experiences with legal abuse. As an example, although a sizeable minority ($n = 22$) of the original sample were women partnered with women, these participants could not be included in the measure development, as their responses appeared to differ systematically from heterosexual participants. In addition to focusing on women of color, more research is needed that explores how lesbian, gay, bisexual, transgender, and queer populations may experience legal abuse and the outcomes that are associated with this form of abuse.

Future research should also employ diverse sampling strategies to overcome sampling limitations present in this study. Research with representative samples would yield more accurate findings that illustrate the true nature of this phenomenon and its consequences for all survivors who are victim to it. While convenience sampling was used in the present study, future research should consider other approaches to sampling, such as through fostering collaborations with family courts or with social service agencies, such as Child Protective Services (CPS) to systematically recruit and survey parents involved in family law litigation.

Beyond developing research with more representative samples, research should further investigate the economic and vocational consequences of legal abuse using robust, validated

measures to capture the nature of changes in these domains for survivor-mothers. Findings regarding the vocational consequences of legal abuse, in particular, demand further attention. Relationships and work are intertwined (Blustein, 2011) and it has been well-established that relational factors play a substantial role in women's vocational trajectories (Jung & O'Brien, 2017; Kozan et al., 2020) and that abusive relationships undermine women's work lives (Chronister et al., 2018; Chronister & Aldarondo, 2012; Landtrip et al., 2017; Moe & Bell, 2004). Yet, these relational factors are multifaceted and complex (Kozan et al., 2020). Some women in this study were able to enjoy improvements in their work lives even while going through a stressful custody process with an abusive ex-partner. Others had their careers damaged as they lost their jobs or were unable to perform at work. Future research should examine potential explanations for these diverse trajectories in order to identify what factors buffer against the detrimental consequences of legal abuse on women's working lives.

Indeed, findings from the current study offered support for the harms caused by legal abuse, yet little is known about factors that may buffer against or exacerbate such negative outcomes for survivors. Research is needed to examine moderators and mediators of these associations such as access to legal representation, money spent on the process, number of in-person hearings attended, availability of social support, or access to mental health care, in order to aid in preventing or reducing the economic, vocational, and psychological tolls associated with legal abuse. Such research might illuminate pathways to intervention to improve survivors' experiences in family court.

As another example of a third variable that may influence the relation between legal abuse and its correlates, while this study focused on legal abuse as a form of coercive control, prior research has illustrated the importance of not only the abusive parents' actions in the court

process, but also those of court actors such as judges, lawyers and evaluators (Gutowski & Goodman, 2020; Meier, 2009). It was beyond the scope of this dissertation to examine the role of these additional players in custody litigation for survivor-mothers, however, future research should examine how systemic responses intersect with legal abuse to affect women's lives. For example, a parent who uses legal abuse may have a lessened impact on the other parent involved in litigation when the judge recognizes and puts an end to the abusive tactics. On the contrary, a parent who uses legal abuse and is ignored or even encouraged by a judge likely has a very different effect on his victim.

Implications for practice

Taken together, these findings echo decades-long calls for action to prevent such punishing consequences for women seeking to live abuse-free lives. Interdisciplinary family court practitioners such as lawyers, judges, and court evaluators have historically failed to identify and put a stop to legal abuse (Laing & Heward-Belle, 2020; Slote et al., 2005) despite examples of abused women's experiences in family court that illustrate significant harm caused (e.g., Klein, 2019). With the newly developed LAS, we now have a tool that captures the specific behaviors of partners who are abusive that can be classified as legal abuse in family law cases. This measure adds to existing efforts to develop methods for responding to abusive parents in family law cases (e.g., National Council of Juvenile and Family Court Judges, 2008) by providing a means of assessing for legal abuse. Specifically, legal professionals who work in the courts such as evaluators, judges, and lawyers may be able to use this measure as a guide to identify whether legal abuse is taking place in the courtroom, which is a first step toward putting an end to this form of coercive control.

Beyond diagnosing when legal abuse is taking place, findings from these three studies support the importance of attending to survivors' experiences in the courtroom in order to reduce the potential for further traumatization as well as economic and vocational harms. Given the grave consequences of abusive partners' using in-person proceedings to cause distress, judges must set limits on frivolous litigation so that survivors do not have to come into court when not necessary. When possible, judges can also work to reduce the length of court hearings and therefore time survivors must spend in court with the person who abused them, address issues in a shorter number of hearings to limit the disruption that prolonged legal cases can have on survivors' work lives, financial stability and mental health, and implement trauma-informed procedures that aim to reduce the distress involved in coming to court for survivors. For example, courts can increase funding for advocates who accompany survivors if and when needed, proactively offer escorts for survivors to ensure that they are safe entering and exiting the courthouse as well as in the waiting area, and devise premeditated plans in collaboration with survivors so that they know what to expect when it is necessary to attend hearings with an abusive ex-partner.

Additionally, these findings support an urgent need to hold abusive partners accountable when they attempt to use the court process to continue to abuse their ex-partners. To do so, states should adopt legislation that deems this damaging form of abuse unacceptable. As one example, a new law was recently passed in Washington state that restricts the use of litigation that is solely for the purposes of harassing, intimidating, or maintaining contact with the other party. If other states adopt similar legislation, judges may experience an increase sense of responsibility to dismiss excessive litigation and impose consequences for abusive partners who use litigation to abuse.

Further, given that participants in this study indicated that abusive partners may seek unsafe parenting arrangements and threaten children's safety, it is imperative that judges take abuse allegations seriously. Family courts have historically adopted a shared parenting default and exercised the related presumption that family violence is only relevant to an obscure minority of custody cases (Meier, in press). Indeed, family courts systematically discount abuse claims when abuse is alleged (Meier, 2020; in press). The reasoning for this is complex and likely involves an overreliance on experts who lack an understanding of domestic violence and are skeptical of abuse claims (Haselschwerdt & Hardesty, 2011; Meier, in press; Saunders et al., 2013; Silberg & Dallam, 2019), a societal tendency to discount the testimony of women who allege abuse more broadly (Epstein & Goodman, 2018), as well as a widespread psychological denial among family court professionals of the horrific reality that abuse is widespread (Meier, in press). Thus, it is clear that family courts may inadvertently aid abusive parents in causing distress to survivors through legal abuse. Indeed, in an extensive, nationwide review of custody cases in which abuse is alleged, Meier (in press) found that when mothers allege abuse they had nearly double the odds of losing custody when met with the counter-claim that they were attempting to alienate the alleged abusive parent from their children. This striking result underscores the importance of taking abuse claims seriously even when are unproven or when counter-allegations of alienation are made, prioritizing safety over shared parenting, relying only on qualified experts who have expertise in domestic violence and trauma, and referring families to trauma therapists so that survivors and children can be supported in their healing and in making their wishes known and heard (Meier, in press).

Mental health professionals should also be aware of the substantial economic and psychological toll that may come from legal abuse for abused women seeking custody. In their

qualitative responses, many survivors noted obtaining the services of mental health professionals due to the psychological consequences of their court processes. As it is clear that legal abuse can cause psychological harm, such professionals must learn to avoid emphasizing the personalities and behaviors of victims as opposed to the actions of those abusing them (Stark, 2007).

Furthermore, mental health professionals and domestic violence advocates who work with victims of legal abuse have the potential to serve a key role in not only providing services to survivors, but also educating their colleagues about the dynamics of coercive control, the harm that it can cause, and how it functions in the legal context. It is crucial for legal professionals to seek out the expertise of such practitioners who have extensive knowledge of the dynamics of abuse.

Conclusion

Legal abuse is a harmful form of coercive control that is associated with grave psychological and economic consequences for survivors of intimate partner violence (IPV) who are mothers. These three studies illuminate the often unacknowledged abuse dynamics taking place in family courts across the country. As these studies make clear, there is an urgent need to make these dynamics explicit in our courtrooms and to develop ways to combat them, through training and intervention.

References

- Adams, A. E., Sullivan, C. M., Bybee, D., & Greeson, M. R. (2008). Development of the scale of economic abuse. *Violence Against Women, 14*(5), 563-588.
<https://doi.org/10.1177/1077801208315529>
- Adams, A. E., Greeson, M. R., Kennedy, A. C., & Tolman, R. M. (2013). The effects of adolescent intimate partner violence on women's educational attainment and earnings. *Journal of Interpersonal Violence, 28*(17), 3283-3300.
<https://doi.org/10.1177/0886260513496895>
- Anderson, K. L. (2008). Is partner violence worse in the context of control?. *Journal of Marriage and Family, 70*(5), 1157-1168. <https://doi.org/10.1111/j.1741-3737.2008.00557.x>
- Arendell, T. (1992). After divorce: Investigations into father absence. *Gender & Society, 6*(4), 562-586. <https://doi.org/10.1177/089124392006004003>
- Arendell, T. (1995). *Fathers & divorce*. Thousand Oaks, CA: Sage Publications.
- Bancroft, L., Silverman, J. G., & Ritchie, D. (2011). *The batterer as parent: Addressing the impact of domestic violence on family dynamics*. Thousand Oaks, CA: Sage Publications.
- Beeble, M. L., Bybee, D., & Sullivan, C. M. (2007). Abusive men's use of children to control their partners and ex-partners. *European Psychologist, 12*(1), 54-61.
<https://doi.org/10.1027/1016-9040.12.1.54>
- Blustein, D. L. (2011). A relational theory of working. *Journal of Vocational Behavior, 79*(1), 1-17. <https://doi.org/10.1016/j.jvb.2010.10.004>
- Blustein, D. L. (2006). *The psychology of working: A new perspective for career development, counseling, and public policy*. Mahwah, NJ: Lawrence Erlbaum Associates.

- Blustein, D. L. (2008). The role of work in psychological health and well-being: a conceptual, historical, and public policy perspective. *American Psychologist*, 63(4), 228.
<https://doi.org/10.1037/0003-066X.63.4.228>
- Boeije, H. (2002). A purposeful approach to the constant comparative method in the analysis of qualitative interviews. *Quality and Quantity*, 36(4), 391-409.
<https://doi.org/10.1023/A:1020909529486>
- Campbell, J. C., Glass, N., Sharps, P. W., Laughon, K., & Bloom, T. (2007). Intimate partner homicide: Review and implications of research and policy. *Trauma, Violence, & Abuse*, 8(3), 246-269.
- Cattell, R. B. (1966). The scree test for the number of factors. *Multivariate Behavioral Research*, 1(2), 245-276. https://doi.org/10.1207/s15327906mbr0102_10
- Center for Disease Control and Prevention (2020). *Intimate partner violence*. Retrieved from: <https://www.cdc.gov/violenceprevention/intimatepartnerviolence/index.html>
- Center for Judicial Excellence (2020). *U.S. divorce child murder data*. Retrieved from: <http://www.centerforjudicialexcellence.org/cje-projects-initiatives/child-murder-data/>
- Chronister, K. M., Brown, C., O'Brien, K. M., Wettersten, K. B., Burt, M., Falkenstein, C., & Shahane, A. (2009). Domestic violence survivors: Perceived vocational supports and barriers. *Journal of Career Assessment*, 17(1), 116-131.
<https://doi.org/10.1177%2F1069072708325858>
- Chronister, K. M., Luginbuhl, P., Ngo, C., Downey-McCarthy, R., Wang, J., Barr, L., Aranda, C. & Harley, E. (2018). The individual career counseling needs and experiences of female survivors of partner violence. *Journal of Employment Counseling*, 55(2), 84-94.

- Chronister, K. M., Marsiglio, M. C., Linville, D., & Lantrip, K. R. (2014). The influence of dating violence on adolescent girls' educational experiences. *The Counseling Psychologist, 42*(3), 374–405. <https://doi.org/10.1177/0011000012470569>
- Chronister, K. M., & Aldarondo, E. (2012). *Partner violence victimization and perpetration: Developmental and contextual implications for effective practice*. In N. A. Fouad, J. A. Carter, & L. M. Subich (Eds.), *APA handbooks in psychology. APA handbook of counseling psychology, Vol. 2. Practice, interventions, and applications* (p. 125–151). American Psychological Association. <https://doi.org/10.1037/13755-006>
- Clark, L. A., & Watson, D. (1995). Constructing validity: Basic issues in objective scale development. *Psychological Assessment, 7*(3), 309. <https://doi.org/10.1037/1040-3590.7.3.309>
- Clemente, M., Padilla-Racero, D., Espinosa, P., Reig-Botella, A., & Gandoy-Crego, M. (2019). Institutional violence against users of the family law courts and the legal harassment scale. *Frontiers in Psychology, 10*. <https://doi.org/10.3389/fpsyg.2019.00001>
- Cohen, J. (1988). *Statistical power analysis for the behavioral sciences*, 2nd ed. Hillsdale, NJ: Erlbaum.
- Coker, A. L., Davis, K. E., Arias, I., Desai, S., Sanderson, M., Brandt, H. M., & Smith, P. H. (2002). Physical and mental health effects of intimate partner violence for men and women. *American Journal of Preventive Medicine, 23*(4), 260-268.
- Collins, R. (2018). *Writings in the sand*. Scotts Valley, CA: CreateSpace Independent Publishing Platform.
- Coy, M., Scott, E., Tweedale, R., & Perks, K. (2015). 'It's like going through the abuse again': domestic violence and women and children's (un) safety in private law contact

- proceedings. *Journal of Social Welfare and Family Law*, 37(1), 53-69.
<https://doi.org/10.1080/09649069.2015.1004863>
- DeKeseredy, W. S., Dragiewicz, M., & Schwartz, M. D. (2017). *Abusive endings: Separation and divorce violence against women*. Oakland, CA: University of California Press.
- Dillon, G., Hussain, R., Loxton, D., & Rahman, S. (2013). Mental and physical health and intimate partner violence against women: A review of the literature. *International Journal of Family Medicine*. <http://dx.doi.org/10.1155/2013/313909>
- Douglas, H. (2018). Domestic and family violence, mental health and well-being, and legal engagement. *Psychiatry, Psychology and Law*, 25(3), 341-356.
<https://doi.org/10.1080/13218719.2017.1396865>
- Douglas, H. (2018). Legal systems abuse and coercive control. *Criminology & Criminal Justice*, 18(1), 84-99. <https://doi.org/10.1177%2F1748895817728380>
- Douglas, H. (2020). Family violence, lawyers and debt. *Australian Journal of Family Law*, 33(3), 264-281.
- Driggers, M., Canfield, C. F., Hubbard, B. L. & Jaffe, M. L. (2013). *Family court approaches to intimate partner violence and abuse: Stakeholder perceptions and implications for systemic change*. Retrieved from:
<https://www.wcwonline.org/pdf/FamilyCourtApproachesIPVAReportBlack&White.pdf>
- Dutton, M. A., & Goodman, L. A. (2005). Coercion in intimate partner violence: Toward a new conceptualization. *Sex Roles*, 52(11-12), 743-756. <https://doi.org/10.1007/s11199-005-4196-6>
- Duron, J. F., Johnson, L., Hoge, G. L., & Postmus, J. L. (2021). Observing coercive control beyond intimate partner violence: Examining the perceptions of professionals about

- common tactics used in victimization. *Psychology of Violence*, 11(2), 144–154. <https://doi.org/10.1037/vio0000354>
- Edwards, K. M., Sylaska, K. M., & Neal, A. M. (2015). Intimate partner violence among sexual minority populations: A critical review of the literature and agenda for future research. *Psychology of Violence*, 5(2), 112.
- Elizabeth, V. (2015). From domestic violence to coercive control: Towards the recognition of oppressive intimacy in the Family Court. *New Zealand Sociology*, 30(2), 26-43. <https://search.informit.org/doi/10.3316/informit.359359614101376>
- Elizabeth, V. (2017). Custody stalking: A mechanism of coercively controlling mothers following separation. *Feminist Legal Studies*, 25(2), 185-201. <https://doi.org/10.1007/s10691-017-9349-9>
- Elizabeth, V. (2019). ‘It’s an invisible wound’: the disenfranchised grief of post-separation mothers who lose care time. *Journal of Social Welfare and Family Law*, 41(1), 34-52. <https://doi.org/10.1080/09649069.2019.1554788>
- Edleson, J. L. (1999). Children's witnessing of adult domestic violence. *Journal of Interpersonal Violence*, 14(8), 839-870. <https://doi.org/10.1177%2F088626099014008004>
- Epstein, D. & Goodman, L. A. (2018) Discounting Credibility: Doubting the Testimony and Dismissing the Experiences of Domestic Violence Survivors and Other Women. *University of Pennsylvania Law Review*, 167, 1-60. Retrieved from: <https://scholarship.law.georgetown.edu/facpub/2037>
- Finneran, C., Chard, A., Sineath, C., Sullivan, P., & Stephenson, R. (2012). Intimate partner violence and social pressure among gay men in six countries. *Western Journal of Emergency Medicine*, 13(3), 260-271. <https://doi.org/10.5811/westjem.2012.3.11779>

- Ford-Gilboe, M., Wathen, C. N., Varcoe, C., MacMillan, H. L., Scott-Storey, K., Mantler, T., Hegarty, K., & Perrin, N. (2016). Development of a brief measure of intimate partner violence experiences: The Composite Abuse Scale (Revised)—Short Form (CASR-SF). *BMJ open*, 6(12), <http://dx.doi.org/10.1136/bmjopen-2016-012824>
- Gilroy, H., Maddoux, J., & McFarlane, J. (2020). Post-Traumatic Stress Disorder and Employment in Women Reporting Abuse: 5-Year Data from a Longitudinal Study. *Journal of Family Violence*, 36, 131-141. <https://doi.org/10.1007/s10896-020-00154-4>
- Glaser, B. G. (1965). The constant comparative method of qualitative analysis. *Social Problems*, 12(4), 436-445. <https://doi.org/10.2307/798843>
- Golding, J. M. (1999). Intimate partner violence as a risk factor for mental disorders: A meta-analysis. *Journal of Family Violence*, 14(2), 99-132. <https://doi.org/10.1023/A:1022079418229>
- Goldstein, B. (2010). Recognizing and overcoming abusers' legal tactics. In M.T. Hannah & B. Goldstein (Eds.), *Domestic violence, abuse, and child custody* (pp. 1-31). Kingston, NJ: Civic Research Institute.
- Goodman, L. A., Smyth, K. F., Borges, A. M., & Singer, R. (2009). When crises collide: How intimate partner violence and poverty intersect to shape women's mental health and coping?. *Trauma, Violence, & Abuse*, 10(4), 306-329. <https://doi.org/10.1177%2F1524838009339754>
- Graneheim, U. H., & Lundman, B. (2004). Qualitative content analysis in nursing research: concepts, procedures and measures to achieve trustworthiness. *Nurse Education Today*, 24(2), 105-112. <https://doi.org/10.1016/j.nedt.2003.10.001>

- Gutowski, E. & Goodman, L. A. (2020). "Like I'm invisible": The experiences of mothers who survived intimate partner violence seeking child custody through the family court system. *Journal of Family Violence*, 35, 441-457. <https://doi.org/10.1007/s10896-019-00063-1>
- Hanson, W. E., Creswell, J. W., Clark, V. L. P., Petska, K. S., & Creswell, J. D. (2005). Mixed methods research designs in counseling psychology. *Journal of Counseling Psychology*, 52(2), 224. <https://doi.org/10.1037/0022-0167.52.2.224>
- Hardesty, J. L. (2002). Separation assault in the context of post-divorce parenting: An integrative review of the literature. *Violence Against Women*, 8(5), 597-625. <https://doi.org/10.1177%2F107780120200800505>
- Hardesty, J. L., & Ganong, L. H. (2006). How women make custody decisions and manage co-parenting with abusive former husbands. *Journal of Social and Personal Relationships*, 23(4), 543-563. <https://doi.org/10.1177/0265407506065983>
- Haselschwerdt, M. L., Hardesty, J. L., & Hans, J. D. (2011). Custody evaluators' beliefs about domestic violence allegations during divorce: Feminist and family violence perspectives. *Journal of Interpersonal Violence*, 26(8), 1694-1719. <https://doi.org/10.1177%2F0886260510370599>
- Haselschwerdt, M. L., Hardesty, J. L., Park, S. Y., & Ward, J. (2019). Civil court responses to intimate partner violence and child custody: The role of custody evaluators. In R. Fleury-Steiner, M. K. Hefner, S. L. Miller (Eds.), *Civil court responses to intimate partner violence* (pp. 115-133). San Diego, CA: Cognella
- Hayes, B. E. (2017). Indirect abuse involving children during the separation process. *Journal of Interpersonal Violence*, 32(19), 2975-2997. <https://doi.org/10.1177%2F0886260515596533>

- Henson, R. K., & Roberts, J. K. (2006). Use of exploratory factor analysis in published research: Common errors and some comment on improved practice. *Educational and Psychological Measurement, 66*(3), 393-416.
<https://doi.org/10.1177%2F0013164405282485>
- Herman, J. L. (1992). *Trauma and Recovery: The Aftermath of Violence--From Domestic Abuse to Political Terror*. Chicago, IL: Basic Books.
- Herman, J. L. (2003). The mental health of crime victims: Impact of legal intervention. *Journal of Traumatic Stress, 16*(2), 159-166.
- Hines, D. A., Douglas, E. M., & Berger, J. L. (2015). A self-report measure of legal and administrative aggression within intimate relationships. *Aggressive Behavior, 41*(4), 295-309. <https://doi.org/10.1002/ab.21540>
- Hsieh, H. F., & Shannon, S. E. (2005). Three approaches to qualitative content analysis. *Qualitative Health Research, 15*(9), 1277-1288.
<https://doi.org/10.1177%2F1049732305276687>
- Jaffe, P. G., Crooks, C. V., & Poisson, S. E. (2003). Common misconceptions in addressing domestic violence in child custody disputes. *Juvenile and Family Court Journal, 54*(4), 57-67. <https://doi.org/10.1111/j.1755-6988.2003.tb00086.x>
- Jung, A. K., & O'Brien, K. M. (2019). The profound influence of unpaid work on women's lives: An overview and future directions. *Journal of Career Development, 46*(2), 184-200. <https://doi.org/10.1177%2F0894845317734648>
- Khaw, L., Bermea, A. M., Hardesty, J. L., Saunders, D., & Whittaker, A. M. (2018). "The System Had Choked Me Too": Abused Mothers' Perceptions of the Custody Determination Process That Resulted in Negative Custody Outcomes. *Journal of*

- Interpersonal Violence*, 36(9-10), 4310-4334.
<https://doi.org/10.1177%2F0886260518791226>
- Klein, J. (2019). *How Domestic Abusers Weaponize the Courts*. Retrieved from:
<https://www.theatlantic.com/family/archive/2019/07/how-abusers-use-courts-against-their-victims/593086/>
- Kozan, S., Gutowski, E., & Blustein, D. L. (2020). A qualitative exploration of women's work aspirations and beliefs on meritocracy. *Journal of Counseling Psychology*, 67(2), 195-207. <https://psycnet.apa.org/doi/10.1037/cou0000409>
- Kurz, D. (1996). Separation, divorce, and woman abuse. *Violence Against Women*, 2(1), 63-81.
<https://doi.org/10.1177%2F1077801296002001004>
- Laing, L. (2017). Secondary victimization: Domestic violence survivors navigating the family law system. *Violence Against Women*, 23(11), 1314-1335.
<https://doi.org/10.1177%2F1077801216659942>
- Laing, L., Heward-Belle, S. (2020). Domestic violence and family law. In R. E. Fleury-Steiner, M. K. Hefner, & S. L. Miller (Eds.), *Civil court responses to intimate partner violence and abuse*, (pp. 89-113). San Diego, USA: Cognella Academic Publishing.
- Lantrip, K. R., Luginbuhl, P. J., Chronister, K. M., & Lindstrom, L. (2015). Broken dreams: Impact of partner violence on the career development process for professional women. *Journal of Family Violence*, 30(5), 591–605. <https://doi.org/10.1007/s10896-015-9699-5>
- Levitt, H. M., Bamberg, M., Creswell, J. W., Frost, D. M., Josselson, R., & Suárez-Orozco, C. (2018). Journal article reporting standards for qualitative primary, qualitative meta-analytic, and mixed methods research in psychology: The APA Publications and

- Communications Board task force report. *American Psychologist*, 73(1), 26-46.
<http://dx.doi.org/10.1037/amp0000151>
- Meier, J. S. (2003). Domestic Violence, Child Custody, and Child Protection: Understanding Judicial Resistance and Imaging the Solutions. *American University Journal of Gender, Social Policy & the Law*, 11(2), 657-730.
- Meier, J. S. (2009). A historical perspective on parental alienation syndrome and parental alienation. *Journal of Child Custody*, 6(3-4), 232-257.
<https://doi.org/10.1080/15379410903084681>
- Meier, J. S. (2020). US child custody outcomes in cases involving parental alienation and abuse allegations: what do the data show? *Journal of Social Welfare and Family Law*, 42(1), 92-105. <https://doi.org/10.1080/09649069.2020.1701941>
- Meier, J. S. (In press). Ending the denial of family violence: An empirical analysis and path forward for family law [manuscript in press].
- Meier, J. S., & Dickson, S. (2017). Mapping gender: Shedding empirical light on family courts' treatment of cases involving abuse and alienation. *Law & Inequality*, 35, 311-334.
- Miller, S. L., & Manzer, J. L. (2018). Safeguarding Children's Well-Being: Voices From Abused Mothers Navigating Their Relationships and the Civil Courts. *Journal of Interpersonal Violence*, 36(9-10), 4545-4569. <https://doi.org/10.1177/0886260518791599>
- Miller, S. L., & Smolter, N. L. (2011). "Paper abuse": When all else fails, batterers use procedural stalking. *Violence Against Women*, 17(5), 637-650.
<https://doi.org/10.1177/1077801211407290>

- Moe, A. M., & Bell, M. P. (2004). Abject economics: The effects of battering and violence on women's work and employability. *Violence Against Women, 10*(1), 29-55.
<https://doi.org/10.1177%2F1077801203256016>
- National Council of Juvenile and Family Court Judges (2008). A judicial guide to child safety in custody cases. Reno, NV: University of Nevada. Retrieved from:
https://www.ncjfcj.org/wp-content/uploads/2012/02/judicial-guide_0_0.pdf
- O'Connor, B. P. (2000). SPSS and SAS programs for determining the number of components using parallel analysis and Velicer's MAP test. *Behavior Research Methods, Instruments, & Computers, 32*(3), 396-402. <https://doi.org/10.3758/BF03200807>
- Pico-Alfonso, M. A., Garcia-Linares, M. I., Celda-Navarro, N., Blasco-Ros, C., Echeburúa, E., & Martinez, M. (2006). The impact of physical, psychological, and sexual intimate male partner violence on women's mental health: depressive symptoms, posttraumatic stress disorder, state anxiety, and suicide. *Journal of Women's Health, 15*(5), 599-611.
<https://doi.org/10.1089/jwh.2006.15.599>
- Pill, N., Day, A., & Mildred, H. (2017). Trauma responses to intimate partner violence: A review of current knowledge. *Aggression and Violent Behavior, 34*, 178-184.
<https://doi.org/10.1016/j.avb.2017.01.014>
- Przekop, M (2011). One More Battleground: Domestic Violence, Child Custody, and the Batterers' Relentless Pursuit of their Victims Through the Courts. *Seattle Journal for Social Justice, 9*(2), 1053-1106. <https://digitalcommons.law.seattleu.edu/sjsj/vol9/iss2/14>
- Radloff, L. S. (1977). The CES-D scale: A self-report depression scale for research in the general population. *Applied Psychological Measurement, 1*(3), 385-401.
<https://doi.org/10.1177%2F014662167700100306>

- Radloff, L. S. (1991). The use of the Center for Epidemiologic Studies Depression Scale in adolescents and young adults. *Journal of Youth and Adolescence*, 20(2), 149-166. <https://doi.org/10.1007/BF01537606>
- Rivera, E. A., Sullivan, C. M., & Zeoli, A. M. (2012). Secondary victimization of abused mothers by family court mediators. *Feminist Criminology*, 7(3), 234-252. <https://doi.org/10.1177%2F1557085111430827>
- Rivera, E. A., Sullivan, C. M., Zeoli, A. M., & Bybee, D. (2018). A longitudinal examination of mothers' depression and PTSD symptoms as impacted by partner-abusive men's harm to their children. *Journal of Interpersonal Violence*, 33(18), 2779-2801. <https://doi.org/10.1177%2F0886260516629391>
- Ross, S. M. (1996). Risk of physical abuse to children of spouse abusing parents. *Child Abuse & Neglect*, 20(7), 589-598. [https://doi.org/10.1016/0145-2134\(96\)00046-4](https://doi.org/10.1016/0145-2134(96)00046-4)
- Sandelowski, M. (2000). Whatever happened to qualitative description? *Research in Nursing & Health*, 23(4), 334-340. [https://doi.org/10.1002/1098-240X\(200008\)23:4%3C334::AID-NUR9%3E3.0.CO;2-G](https://doi.org/10.1002/1098-240X(200008)23:4%3C334::AID-NUR9%3E3.0.CO;2-G)
- Sandelowski, M. (2010). What's in a name? Qualitative description revisited. *Research in Nursing & Health*, 33(1), 77-84. <https://doi.org/10.1002/nur.20362>
- Saunders, D. G., Tolman, R. M., & Faller, K. C. (2013). Factors associated with child custody evaluators' recommendations in cases of intimate partner violence. *Journal of Family Psychology*, 27(3), 473-483. <https://doi.org/10.1037/a0032164>
- Scheer, J. R., Woulfe, J. M., & Goodman, L. A. (2019). Psychometric validation of the identity abuse scale among LGBTQ individuals. *Journal of Community Psychology*, 47(2), 371-384. <https://doi.org/10.1002/jcop.22126>

- Showalter, K. (2016). Women's employment and domestic violence: A review of the literature. *Aggression and Violent Behavior, 31*, 37–47. <https://doi.org/10.1016/j.avb.2016.06.017>
- Silberg, J., & Dallam, S. (2019). Abusers gaining custody in family courts: A case series of overturned decisions. *Journal of Child Custody, 16*(2), 140-169. <https://doi.org/10.1080/15379418.2019.1613204>
- Stark, E. (2007). *Coercive control: The entrapment of women in personal life*. Oxford, UK: Oxford University Press.
- Stark, E. (2009). Rethinking coercive control. *Violence Against Women, 15*(12), 1509-1525. <https://doi.org/10.1177%2F1077801209347452>
- Stark, E. (2010). Reframing child custody decisions in the context of coercive control In M. Hannah & B. Goldstein (Eds.), *Domestic violence, abuse, and child custody* (pp. 1-29). Kingston, NJ: Civic Research Institute.
- Stark, E., & Hester, M. (2019). Coercive Control: Update and Review. *Violence Against Women, 25*(1), 81-104. <https://doi.org/10.1177%2F1077801218816191>
- Shoener, S. (2017). *The Price of Safety: Hidden Costs and Unintended Consequences for Women in the Domestic Violence Service System*. Nashville, TN: Vanderbilt University Press.
- Slote, K. Y., Cuthbert, C., Mesh, C. J., Driggers, M. G., Bancroft, L., & Silverman, J. G. (2005). Battered mothers speak out: Participatory human rights documentation as a model for research and activism in the United States. *Violence Against Women, 11*(11), 1367-1395. <https://doi.org/10.1177%2F1077801205280270>

- Thomas, K. A., Goodman, L., & Putnins, S. (2015). "I have lost everything": Trade-offs of seeking safety from intimate partner violence. *American Journal of Orthopsychiatry*, 85(2), 170-180. <https://doi.apa.org/doi/10.1037/ort0000044>
- Toews, M. L., & Bermea, A. M. (2017). "I was naive in thinking, 'I divorced this man, he is out of my life'": A qualitative exploration of post-separation power and control tactics experienced by women. *Journal of Interpersonal Violence*, 32(14), 2166-2189. <https://doi.org/10.1177%2F0886260515591278>
- Tracy, S. J. (2010). Qualitative quality: Eight "big-tent" criteria for excellent qualitative research. *Qualitative Inquiry*, 16(10), 837-851. <https://doi.org/10.1177%2F1077800410383121>
- Varcoe, C., & Irwin, L. G. (2004). "If I killed you, I'd get the kids": Women's survival and protection work with child custody and access in the context of woman abuse. *Qualitative Sociology*, 27(1), 77-99. <https://doi.org/10.1023/B:QUAS.0000015545.82803.90>
- Ward, D. (2016). In Her Words: Recognizing and Preventing Abusive Litigation Against Domestic Violence Survivors. *Seattle Journal for Social Justice*, 14(2), 429-460. Available at: <https://digitalcommons.law.seattleu.edu/sjsj/vol14/iss2/11>
- Watson, L. B., & Ancis, J. R. (2013). Power and control in the legal system: From marriage/relationship to divorce and custody. *Violence Against Women*, 19(2), 166-186. <https://doi.org/10.1177%2F1077801213478027>
- Walker, R., Logan, T. K., Jordan, C. E., & Campbell, J. C. (2004). An integrative review of separation in the context of victimization: Consequences and implications for women. *Trauma, Violence, & Abuse*, 5(2), 143-193. <https://doi.org/10.1177%2F1524838003262333>

Weathers, F.W., Litz, B.T., Keane, T.M., Palmieri, P.A., Marx, B.P., & Schnurr, P.P. (2013).

The PTSD Checklist for *DSM-5* (PCL-5). Retrieved from: www.ptsd.va.gov.

White-Domain, R. & Phillips, H. (2016). *The mental health factor in domestic violence custody*

cases: Results from a brief survey of lawyers who represent DV survivors. Retrieved

from: [http://www.nationalcenterdvtraumamh.org/wp-](http://www.nationalcenterdvtraumamh.org/wp-content/uploads/2016/09/NCDVTMH_SurveyofLawyers_September2016.pdf)

[content/uploads/2016/09/NCDVTMH_SurveyofLawyers_September2016.pdf](http://www.nationalcenterdvtraumamh.org/wp-content/uploads/2016/09/NCDVTMH_SurveyofLawyers_September2016.pdf)

Willis, G. B. (2015). *Analysis of the cognitive interview in questionnaire design*. Oxford

University Press.

Woulfe, J. M., & Goodman, L. A. (2018). Identity abuse as a tactic of violence in LGBTQ

communities: Initial validation of the identity abuse measure. Online first publication.

Journal of Interpersonal Violence, 36(5-6), 2656-2676.

<https://doi.org/10.1177%2F0886260518760018>

Zeoli, A. M., Rivera, E. A., Sullivan, C. M., & Kubiak, S. (2013). Post-separation abuse of

women and their children: Boundary-setting and family court utilization among

victimized mothers. *Journal of Family Violence*, 28(6), 547-560.

<https://doi.org/10.1007/s10896-013-9528-7>

Tables

Table 1. Participant education levels.

Education level	Frequency(percentage)
Less than high school	8 (3.5%)
High school diploma	23 (10%)
Some college	35 (15.2%)
Associate’s degree	17 (7.4%)
Vocational or Trade school	11 (4.8%)
4-year Bachelor’s degree	67 (29%)
Master’s degree	36 (15.6%)
Professional degree (e.g., PhD, JD, MBA, MD)	21 (9.1%)

Table 2. Participant employment.

Employment situation	Frequency(percentage)
Working fulltime	101 (43.7%)
Working part-time	41 (17.7%)
Unemployed	38 (16.5%)
Students	28 (12.2%)
Volunteering/activists	21 (9.1%)
Retired	9 (0.2%)
“Other” *	30 (13 %)

* Participant comments indicate that many either were disabled – some due to PTSD, -unable to work due to the other parent’s economic abuse, self-employed, or furloughed due to the COVID-19 pandemic.

Table 3. Participant annual incomes.

Annual income	Frequency(percentage)
Less than \$14,999	73 (31.3%)
\$15,000-\$24,999	31 (13.5%)
\$25,000-\$34,999	19 (8.3%)
\$35,000-\$44,999	30 (13.0%)
45,000-54,999	14 (6.1%)
\$55,00-64,999	7 (3.04 %)
\$65,000-74,999	14 (6.1%)
Over \$75,000	29 (12.6%)

Table 4. Participants' identified race and ethnicities. *

Race/Ethnicity	Frequency(percentage)
Haitian	1 (.4%)
South Asian	2 (.9%)
Native Hawaiian or Pacific Islander	2 (.9%)
American Indian or Alaska Native	8 (3.5%)
Asian/Asian American	11 (4.8%)
Latinx	20 (8.7%)
Black/African American	27 (11.7%)
White/Caucasian	172 (74.5%)

* Data were missing for those for whom there was attrition. Participants selected multiple responses and wrote in their own.

Table 5. Duration of court case.

Duration	Frequency(percentage)
Less than 1 month	3 (1.3%)
1-6 months	29 (12.6%)
6 months – 1 year	34 (14.7%)
1-2 years	43 (18.6%)
2-3 years	34 (14.7%)
3-4 years	21 (9.1%)
4-5 years	17 (7.4%)
5-6 years	15 (6.5%)
6-7 years	6 (2.6%)
7-8 years	8 (3.5%)
8-9 years	5 (2.2%)
9-10 years	5 (2.2%)
10 or more years	11 (4.8%)

Table 6. Number of in-person hearings attended.

Number of hearings	Frequency(percentage)
None	11 (4.8%)
1-2	44 (19%)
3-5	72 (31.2%)
6-10	52 (22.5%)
11-20	20 (8.7%)
20 or more	32 (13.9%)

Table 7. Amount money spent on court case.

Amount of money spent	Frequency(percentage)
Less than \$5,000	82 (35.5%)
\$5,000-\$9,999	38 (16.5%)
\$10,000-\$19,999	18 (7.8%)
\$20,000-\$29,999	17 (7.4%)
\$30,000-\$39,999	6 (2.6%)
\$40,000-\$49,999	6 (2.6%)
\$50,000-\$59,999	10 (4.3%)
\$60,000-\$69,999	1 (.4%)
\$70,000-\$79,999	2 (.9%)
\$80,000-\$89,999	1 (.4%)
\$90,000-\$99,999	5 (2.2%)
\$100,000-\$149,999	14 (6.1%)
\$150,000 or more	29 (12.6%)

*Table 8. Access to legal representation for participants and the other parent.**

Access to representation*	Participant: Frequency(percentage)	Other parent: Frequency(percentage)
Hired an attorney	126 (54.5%)	173 (74.9%)
Pro-bono attorney	58 (25.1%)	7 (3%)
No attorney for entire court case	27 (11.7%)	39 (16.9%)
Had attorney but ran out of money	43 (18.6%)	11 (4.8%)

* Participants selected multiple responses to this question, as many had multiple attorneys or lost representation over the course of their legal processes.

*Table 9. Duration of legal representation for participants and the other parent.**

Duration of representation*	Participant: Frequency(percentage)	Other parent: Frequency(percentage)
None of the time	16 (6.9%)	2 (.9%)
Less than half of the time	26 (11.3%)	20 (8.7%)
Half the time	16 (6.9%)	12 (5.2%)
More than half the time	66 (28.6%)	40 (17.3%)
All of the time	107 (46.3%)	123 (53.2%)

* Participants selected multiple responses to this question, as many had multiple attorneys or lost representation over the course of their legal processes.

Table 10. Participant custody outcomes.

Custody outcomes	Frequency(percentage)
Full physical custody	93 (40.3%)
Full custody but the other parent does not allow them to see the child(ren)	1 (.4%)
Shared physical custody with other parent	68 (29.6%)
Shared physical custody but the other parent does not let them see the child(ren)	11 (4.8%)
Lost custody to the other parent	21 (9.1%)
Child(ren) in CPS custody	5 (2.2%)
Child(ren) in a family member's custody	2 (.9%)
Court has not yet made a verdict	17 (7.4%)

Table 11. Other parent's visitation outcomes.

Visitation outcomes	Frequency(percentage)
Unsupervised visitation	104 (45%)
Supervised visitation	28 (12.2%)
No visitation granted	28 (12.2%)
A verdict has not been made and the other parent does not visit the child(ren)	14 (6.1%)

Table 12. Factor loadings for the Legal Abuse Scale (LAS)

LAS Item	Factor Loading	
	Factor 1	Factor 2
Factor 1: Harm to Self/Motherhood		
1. Threatened to use the court to take custody of your children away from you	.61	0.33
2. Actually took you to court to take custody of your children away from you	.87	-.00
3. Threatened to use the court to get unsafe access to your children	.70	.08
4. Actually took you to court to get unsafe access to your children	.86	.04
5. Threatened to use the court to punish you	.57	.26
6. Took you to court repeatedly	.67	.11
7. Took you to court when the only clear reason was to cause you distress	.76	.07
8. Was dishonest about your character or mental health to professionals on your case	.94	-.19
9. Was dishonest about your ability as a mother to professionals on your case	.87	-.19
10. Told professionals on your case that you are trying to harm their relationship with the children	.77	-.03
Factor 2: Harm to Finances		
11. Threatened to withhold financial support	.02	.88
12. Actually withheld financial support	.02	.78
13. Threatened to take control of all assets	-.07	.96
14. Actually took you to court to take control of all assets	.06	.75

Table 13. Regression analysis: Legal abuse, prior IPV and PTSD. *

Variable	B	SE	P	t
Prior IPV recency	.15	2.88	.033	2.15
Legal abuse	.33	5.69	.000	4.66

* Note: $R^2=.14$; $F(2,181)=14.62$

Table 14. Regression analysis: Harm to Self/Motherhood, prior IPV and PTSD. *

Variable	B	SE	P	T
Prior IPV recency	.17	2.89	.018	2.40
Harm to Self/Motherhood	.29	5.28	.000	4.13

* Note: $R^2=.12$; $F(2,181)=12.22$

Table 15. Regression analysis: Harm to Finances, prior IPV and PTSD. *

Variable	B	SE	P	T
Prior IPV recency	.15	2.97	.037	2.10
Harm to Finances	.24	4.09	.001	3.35

* Note: $R^2=.093$; $F(2,181)=9.17$

Table 16. Regression analysis: Legal abuse, prior IPV, and depression.*

Variable	B	SE	P	T
Prior IPV recency	.18	.85	.010	2.59
Legal abuse	.28	1.65	.000	4.13

* Note: $R^2=.13$; $F(2,189)=13.52$

Table 17. Regression analysis: Harm to Self/Motherhood, prior IPV, and depression.*

Variable	B	SE	P	T
Prior IPV recency	.20	.86	.005	2.86
Harm to Self/Motherhood	.24	1.51	.001	3.44

* Note: $R^2=.10$; $F(2,189)=10.81$

Table 18. Regression analysis: Harm to Finances, prior IPV, and depression.*

Variable	B	SE	p	T
Prior IPV recency	.17	.87	.016	2.44
Harm to Finances	.24	1.20	.001	3.42

* Note: $R^2=.10$; $F(2,189)=10.73$

Table 19. Regression analysis: Legal abuse, prior IPV, and vocational change.*

Variable	B	SE	p	T
Prior IPV recency	.02	.02	.79	.27
Legal abuse	.16	.53	.048	1.99

* Note: $R^2=.03$; $F(2,148)=2.13$

Table 20. Regression analysis: Harm to Self/Motherhood, prior IPV, and vocational change.*

Variable	B	SE	P	T
Prior IPV recency	.03	.27	.737	.34
Harm to Self/Motherhood	.21	.48	.010	2.61

* Note $R^2=.05$; $F(2,148) = 3.55$

*Table 21. Regression analysis: Harm to Finances, prior IPV, and vocational change.**

Variable	B	SE	P	T
Prior IPV recency	.05	.28	.586	.55
Harm to Finances	.01	.39	.907	.12

* Note: $R^2=.002$; $F(2,148) = .15$

*Table 22. Regression analysis: Legal abuse, prior IPV, and economic change.**

Variable	B	SE	p	T
Prior IPV recency	.14	.27	.075	1.79
Legal Abuse	.40	.50	.000	5.31

* Note: $R^2=.17$; $F(2,149) = 14.64$

*Table 23. Regression analysis: Harm to Self/Motherhood, prior IPV, and economic change.**

Variable	β	SE	p	T
Prior IPV recency	.11	.26	.13	1.51
Harm to Self/Motherhood	.41	.46	.000	5.39

* Note: $R^2=.17$; $F(2,149) = 15.12$

*Table 24. Regression analysis: Harm to Finances, prior IPV and economic change.**

Variable	B	SE	p	T
Prior IPV recency	.12	.29	.144	1.47
Harm to Finances	.21	.39	.010	2.61

* Note: $R^2=.05$; $F(2,149) = 3.89$

Appendix A

Original 27 items included in the Legal Abuse Scale (LAS)

Please mark whether the other parent did the following actions:
1. Threatened to use the court to take custody of your children away from you.
2. Actually took you to court to take custody of your children away from you.
3. Threatened to use the court to get unsafe access to your children.
4. Actually took you to court to get unsafe access to your children.
5. Threatened to take out a restraining order (i.e., order of protection) against you.
6. Actually went to court to take out a restraining order (i.e., order of protection) against you without cause.
7. Did not follow one or more court orders.
8. Threatened to use the court to punish you
9. Took you to court repeatedly.
10. Took you to court when the only clear reason was to cause you distress.
11. Tried to prolong the legal process. (For example, switched lawyers, was late with paperwork).
12. Tried to scare you in the court house. (For example, by using words, looks, or by getting in your space).
13. Followed you when you were leaving the court house.
14. Used times you communicated about the kids to try to scare you. (For example, tried to scare you when talking about the kids by phone or email, when either of you were dropping off or picking up the kids for visits).

15. Was dishonest about your character or mental health to professionals on your case (e.g., judges, mediators, evaluators etc.).
16. Was dishonest about you using alcohol or drugs to professionals on your case (e.g., judges, mediators, evaluators etc.).
17. Was dishonest about your ability as a mother to professionals on your case (e.g., judges, mediators, evaluators etc.).
18. Told professionals on your case (e.g., judges, mediators, evaluators etc.) that you are trying to harm their relationship with the children.
19. Used a social identity of yours (e.g., race, ethnicity, religion, social class, sexual orientation) or your immigration status against you in your case.
20. Used stereotypes about women (e.g., that women should not work and/or should be home with their kids) against you in your case.
21. Tried to scare people who helped you with the court case (e.g., your lawyer or people serving as witnesses).
22. Threatened to call Child Protective Services (CPS) on you.
23. Actually called Child Protective Services (CPS) on you without cause.
24. Threatened to withhold financial support.
25. Actually withheld financial support.
26. Threatened to take control of all assets.
27. Actually took you to court to take control of all assets.

Appendix B

Final items on the Legal Abuse Scale (LAS)

Please mark whether the other parent did the following actions:
1. Threatened to use the court to take custody of your children away from you.
2. Actually took you to court to take custody of your children away from you.
3. Threatened to use the court to get unsafe access to your children.
4. Actually took you to court to get unsafe access to your children.
5. Threatened to use the court to punish you
6. Took you to court repeatedly.
7. Took you to court when the only clear reason was to cause you distress.
8. Was dishonest about your character or mental health to professionals on your case (e.g., judges, mediators, evaluators, mental health professionals etc.).
9. Was dishonest about your ability as a mother to professionals on your case (e.g., judges, mediators, evaluators, mental health professionals etc.).
10. Told professionals on your case (e.g., judges, mediators, evaluators, mental health professionals etc.) that you are trying to harm their relationship with the children.
11. Threatened to withhold financial support.
12. Actually withheld financial support.
13. Threatened to take control of all assets.
14. Actually took you to court to take control of all assets.