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Ensuring safety in child custody, contact and visitation matters:

Training/workshop guidelines for
victim-centered judicial practice



SAFEGUARDING AND EMPOWERING
CHILDREN PROJECT



IMPRINT

**Ensuring safety in child custody, contact and visitation matters:
Training/workshop guidelines for victim-centered judicial practice**

SAFEGUARDING AND EMPOWERING CHILDREN PROJECT

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I. Introduction

These guidelines provide an essential framework for delivering a training/workshop developed as a part of the WAVE Safeguarding and Empowering Children Project.¹ The training/workshop consists of five modules and is designed to build the capacity of professionals working in child custody, contact, and visitation matters. Based on *Safety as the best interest of the child – Toolkit for victim-friendly judicial practice in child custody, contact and visitation matters*,² the guidelines are adaptable to different national settings, allowing for adjustments based on legal frameworks, practices and specific needs.

The training/workshop should lead to the following outcomes:

- **Increased knowledge:** Participants gain a deeper understanding of the toolkit content; the problem behind it, the legal frameworks pertaining to children's rights, and the promising practices related to safeguarding children in custody, contact and visitation proceedings in cases of domestic violence.

- **Increased capacity:** Participants build their capacity to address the unique challenges of child custody, contact, and visitation matters resulting from domestic violence cases, in a child-friendly and victim-centered manner.

- **Increased awareness:** Participants gain a heightened awareness of the importance of victim-centered legal practices in child custody, contact and visitation matters.

- **Mapping the obstacles:** Participants learn how to identify potential obstacles to implementing a victim-centered and child-friendly approach to custody in domestic violence cases.

- **Multi-agency approach:** Participants contribute to strengthening referral systems through fostering collaboration and information exchange between different stakeholders, including CSOs, social services and legal professionals.

- **Practical implementation:** Participants utilise the toolkit to generate activities and recommendations specific to their own context, emphasising the toolkit's practical application.

- **Documentation of promising practices:** Participants identify and document existing promising practices, and those emerging from the workshops, serving as a resource for future trainings and advocacy efforts.

- **Potential joint advocacy initiatives:** Participants identify necessary legislative and other measures to be taken in the field that might be utilised for advocacy initiatives at the national/local levels to promote the integration of the toolkit content/recommendations into relevant policies and practices.

1 Project: Safeguarding and Empowering Children – WOMEN AGAINST VIOLENCE EUROPE – <https://wave-network.org/wave-child-safeguarding-movement-building-project/>

2 https://wave-network.org/wp-content/uploads/WAVE_ToolkitChild_EN_231208_web.pdf

II. Training/workshop modules overview

Module 1 provides an overview of the scope and dynamics of intimate partner violence and domestic violence, addressing prevalent stereotypes and the systemic challenges encountered by survivors and their children. It highlights the profound impact of violence on children, addressing the need of a victim-centered and child-friendly approach in custody, contact and visitation decisions.

Module 2 focuses on how domestic violence affects custody, contact and visitation decisions; often leaving survivors and their children at risk due to systemic gaps. Participants will explore key challenges, including conflicting legal expectations, the prioritisation of abusive parents' rights and the importance of ensuring that custody decisions prioritise the safety of mothers and their children. Participants will also gain the ability to successfully incorporate protective measures into custody, contact and visitation processes and decisions.

Module 3 offers a review of national, international, and European legal frameworks relevant to child custody, visitation and contact in domestic violence cases. With an emphasis on the significance of a comprehensive and coordinated response, participants will examine the best practices and implementation issues related to these legal standards. In order to guarantee a victim- and child-centered approach, the session highlights the necessity of multi-agency cooperation, promoting cooperation between legal experts, child protection agencies and women's specialist support services.

To ensure that decisions about custody, contact and visitation prioritise the safety and well-being of survivors and their children, **module 4** provides participants the information and resources they need to conduct risk assessments. Indicators of continuing harm, various risk assessment models and methods to incorporate them into legal and child protection procedures will be covered.

Module 5 focuses on identifying key steps and recommendations to prioritise the safety and the rights of mothers and children in custody, contact and visitation cases involving domestic violence. Participants will assess the required legal and procedural changes, such as acknowledging children as victims, putting their safety first, conducting risk assessments and, when necessary, limiting contact with abusive parents. Through group work, participants will develop practical, context-specific recommendations, tailored to national legal frameworks.

III. Module 1: Intimate partner violence/domestic violence and the impact on children

This optional module should be included depending on the participants' professional knowledge of intimate partner violence and domestic violence, and the impact they have on children. It has been created in accordance with the publication *Guidelines for safeguarding and empowering children: Basic principles, key areas of action, and procedures for women's specialist services*.³

Research suggests that between 10% and 30% of children live in households where violence occurs. About one in four women experiences intimate partner violence, and half of those women have children living with them. Additionally, according to one in three women, domestic violence begins or worsens during pregnancy.

These circumstances lead to a variety of consequences on children, impacting their growth, health and general well-being. They may witness physical, verbal or sexual abuse directed at their mothers, or even be coerced by the perpetrator to take part in violent actions. In addition to being exposed to violence, children in these scenarios face a higher risk of becoming direct victims themselves, especially since perpetrators often injure or threaten them, in order to exert control over their mothers. Even after the woman manages to get out of an abusive relationship children could still be in danger, as the perpetrator may use violence against them as a kind of retaliation toward the mother.

When women are harmed, unwell, or coping with severe stress and trauma due to violence, providing proper care for their children becomes challenging, especially in the absence of adequate support systems. Mother's attention to preventing abuse or avoiding escalation may also interfere with her ability to support children, occasionally resulting in limiting children's activity in order to stop or prevent additional violence.

Children raised in abusive households often learn to keep quiet about violence and may consider their mothers incapable of protecting them. In those situations, some children may take on caregiving roles, while others feel guilt or resentment toward the mother for staying with the abusive parent. Perpetrators may spread lies or blame the women for breaking up the family, which can further erode the mother-child attachment, especially after separation.

Professionals need to comprehend family power dynamics, the connection between child abuse and intimate partner violence, and the long-term impacts of domestic violence in order to safeguard both mothers and their children. Therefore, all relevant institutions and women's specialist support services must take a comprehensive approach to protect them.

³ https://wave-network.org/wp-content/uploads/WAVE_GuideChild_EN_230109_web.pdf

Objective:

Introduce participants to the issue of intimate partner violence and domestic violence (the scale of the problem, the characteristics of violence, myths and stereotypes); and the reality faced by children in intimate partner violence and domestic violence, including the effects of violence on children.

Activity:

- Divide participants into small groups (3–5 people).

- Each group receives a different case study depicting a child's experience in a household impacted by intimate partner violence or domestic violence. Scenarios should vary to highlight different aspects, such as witnessing abuse, experiencing direct violence, emotional impact or legal struggles regarding custody, contact and visitation.

- Groups analyse the case by answering the following guiding questions:
 - ✓ What are the short- and long-term effects on the child?
 - ✓ How might the child's behaviour and emotions be affected?
 - ✓ How could professionals intervene or provide support?
 - ✓ What systemic barriers might prevent proper intervention?

- Each group presents key insights from their case study in plenary sharing and the facilitator connects key points to broader research findings, dispels myths/stereotypes.

Time: 45 min

IV. Module 2: Introduction and awareness building

Violence against women and domestic violence have a profound and lasting impact on children, particularly in the context of custody, contact and visitation arrangements. Exposure to such violence can jeopardise their emotional and psychological well-being, with effects that may persist throughout their lives. The Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)⁴, as well as the Directive 2024/1385 of the European Parliament combating violence against women and domestic violence (EU Directive 2024/1385)⁵ emphasise how decisions regarding custody and visitation shall prioritise women and children's safety, adopt a victim-centred approach and focus on the best interests of the child. However, these principles are often inconsistently applied across jurisdictions, leaving survivors and their children exposed to significant risks.

Indeed, mothers and children affected by domestic violence face numerous systemic challenges. Courts and institutions frequently fail to recognise or adequately address the abuse they have been subjected to, often overlooking the dynamics of control, fear and trauma that continue to impact survivors even after separation from the perpetrator. Women are placed in a position of conflicting expectations, where they are encouraged to report violence for legal protection, leave the abusive partner to ensure their children's safety and simultaneously facilitate contact between their children and the perpetrator. These contradictory demands create an unsustainable situation, exacerbated by a judicial tendency to favour the rights of abusive fathers in custody and visitation arrangements, even when these decisions compromise the safety of survivors and their children.

The failure to address these issues highlights the urgent need for a holistic and coordinated approach. Custody and visitation proceedings in cases of domestic violence must be grounded in a commitment to safety and protection, ensuring that the well-being of both the survivor and the child remains central to all decisions. Effective responses require interdisciplinary collaboration among legal professionals, child protection services and support systems to ensure consistent and coordinated actions. Courts must also evaluate whether abusive parents have taken responsibility for their actions and demonstrated meaningful changes in behaviour before granting them access to children. Additionally, the voices of children must be heard and considered in custody decisions, ensuring their fears and needs are adequately addressed.

This module provides a foundation for understanding these challenges and exploring strategies to address them effectively. Through interactive sessions, case studies and a group discussion, participants will gain insights on integrating domestic violence protections into custody and visitation processes, building the skills needed to uphold the safety and best interests of children and survivors.

4 The full text of the Istanbul Convention is available here: [CETS 210 - Council of Europe Convention on preventing and combating violence against women and domestic violence](#)

5 The full text of the Directive (EU) 2024/1385 is available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:%3A32024L1385>

Session 2.2: Integrating domestic violence protections into child custody, contact and visitations procedures and decisions

Objective:

Understand the complexities and necessity of integrating domestic violence protections into child custody and visitation procedures and decisions including the review and execution of these decisions.

Activity:

- Provide participants with anonymized case studies of custody disputes. Each case should highlight different issues related to child-friendly practices.

- Divide participants into groups and have them design a comprehensive custody and visitation plan, including protective measures, monitoring and ensuring adherence, resources and support services for both the child and the survivor.

- Each group presents key insights from their case study in plenary sharing and the facilitator connects key points.

Materials provided:

 [Handout 3: Criteria for hearing children in custody cases](#)

Time: 75 min

V. Module 3: Legal framework and best practices

Session 3.1: International, European and national legal frameworks

The legal frameworks that address the protection of children and women from violence, especially in cases such as intimate partner and domestic violence, emphasise a coordinated approach by all relevant actors, recognising the unique needs of both groups. Key international conventions, particularly the Istanbul Convention, provide guidance and standards, including how legal systems should manage custody and visitation issues where violence is involved.

Objective:

Provide an in-depth understanding of the legal frameworks governing the rights of children in child custody, contact and visitation matters.

Activity:

- Present legal framework and standards, including international cases from the toolkit. Key points to cover are international standards and conventions (e.g., Istanbul Convention and UN Convention on the Rights of the Child), European and national laws related to domestic violence and child custody as well as the role of case law in shaping the interpretation of these frameworks.

- Work in small groups to identify good practices as well as gaps, obstacles and challenges in national legislation and implementation compared to international and European frameworks.

- Sharing results and discussion on the following points:
 - ✓ What are the main barriers on a national level in implementing child protection and safety within custody and visitation laws?
 - ✓ How can national laws be adapted to ensure better compliance with international frameworks?

Time: 75 min

Session 3.2: Strengthening multi-agency approaches and cooperation

Handling intimate partner violence and domestic violence requires a holistic approach and a comprehensive response. Victims have multiple protection and support needs, which are even more complex when both adults and children are affected. In addition to and in parallel with the protection and support of victims, attention shall be paid to the prevention of violence and punishment of perpetrators. The Istanbul Convention advises to adopt and implement state-wide comprehensive and coordinated policies with relevant measures to prevent and combat violence and offers a holistic response to do so. Such policies shall place the rights of the victim at the centre of all measures and are implemented by effective cooperation among all relevant actors, such as government agencies, the national, regional and local parliaments and authorities, human rights institutions and civil society organisations.

According to the EU Directive 2024/1385 the competent authorities shall respond to the victim's request for protection and support without delay and in a coordinated manner. In addition, states shall put in place appropriate mechanisms to ensure the effective coordination of and cooperation among relevant authorities, agencies and bodies (including ombudsmen, local and regional authorities, law enforcement, judicial authorities, support services, in particular women's specialist support services, non-governmental organisations, social services, including child protection or welfare authorities, education and healthcare providers, the social partners etc.). Mechanisms of coordination and cooperation specifically refer to the individual assessments of victims' protection and support needs, the provision of protection and support measures, the guidelines for law enforcement and prosecutorial authorities and trainings for professionals.

A core condition for an effective comprehensive and coordinated approach is that all the relevant stakeholders - officials and professionals – have the necessary knowledge and competence and share the same diligence and commitment to preventing and combating violence against women. Trainings for all relevant actors play a key role in ensuring this. According to the Istanbul Convention, appropriate training shall be available for the relevant professionals. States shall encourage that trainings include coordinated multi-agency cooperation to allow for a comprehensive and appropriate handling of referrals in cases of violence.

In the field of intimate partner violence, domestic violence and custody, visitation and contact matters, it is crucial to coordinate and cooperate when addressing the rights, safety, protection and support needs of both adult and child survivors. Additionally, it is important to understand how criminal, civil and family law matters are connected and how they affect each other.

This module highlights the importance of a holistic approach and comprehensive response to handle violence cases, as well as of multi-agency and inter-institutional cooperation. The relevant international norms and standards, as well as the related legislation and regulation, protocols, and guidelines can be presented and discussed. The module also offers the opportunity to discuss main problems, obstacles, and challenges both in law and practice regarding a comprehensive, coordinated response, and multi-agency cooperation, with special regard to custody and visitation matters. The needs and recommendations for effectively handling the cases, as well as promising practices can also be identified, collected and discussed.

Session 3.3: Promising practices

The interconnection between protecting children's rights and women's rights in the context of intimate partners violence and domestic violence, including custody and visitation matters has been given more attention at the international level in the past decades.

The Istanbul Convention prescribes in Article 31 that violence shall be taken into account in decisions on custody and visitation rights, and it ensures that the exercise of these rights do not harm the rights and safety of the victim or children. Article 26 calls for special support services and protection measures to children witnessing violence. Finally, Article 45 states that parental rights may be withdrawn if the best interests of the child, which may include the safety of the victim, cannot be guaranteed in any other way.

While the failure to ensure the safety of both mothers and children is systemic and widespread, there is an emerging trend to offer adequate answers to tackle it. One of the available resources for promising practices is the reporting and monitoring work connected to the implementation of the Istanbul Convention. The country-specific evaluation reports of the expert group tasked to monitor the Istanbul Convention, the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), highlight both the problems and progress regarding the implementation of the Convention. Similarly, the Mid-term Horizontal Review of GREVIO baseline evaluation reports contain the challenges as well as promising practices for different provisions of the Convention, including the ones related to custody, visitation and safety. In addition, the 3rd General Report on GREVIO's activities contains a specific focus section on "child custody, visitation and domestic violence", and also includes signs of progress.

Promising practices that have been introduced in different countries include extending the research base on the related experiences of survivors; introduction of relevant legislative measures to prevent granting custody rights for batterers; incorporating the risk of violence to best interest assessment; specialisation of professionals in the law enforcement/justice system, or providing services to victims.

These promising practices offer examples on how to make progress in protection and support of survivors, both regarding custody and visitation matters, but also beyond. While stand-alone, independent measures might be useful to respond to the problem, it is important focus on the bigger context as well: promising practices are most effective when they are an integral part of a comprehensive and holistic approach to responding to intimate partner violence/domestic violence. It is also useful to keep in mind the feasibility of (certain) promising practices in the given national/local context.

This module highlights existing promising practices on the international level, encourages information sharing and discussions on other similar practices, as well as the adaptation of these practices in the national/local context. Sharing and discussing national/local level practices that are considered promising to address the problem can also be part of this module.

VI. Module 4: Risk assessment

Perpetrators frequently utilise custody, contact and visitation procedures to exercise control over mothers and children in post-separation situations. This can pose serious risks to their safety and well-being, including the potential for continued abuse, coercion and even femicides or killing of children.

This risk increases if authorities fail to recognise a history of violence or do not implement the necessary protection measures. Court rulings that overlook past abuse might put children, mothers and even service providers in physical danger, particularly during handovers or visits. Perpetrators may use visits to undermine the mother-child relationship, and these situations can escalate to child abduction, threats, stalking, or psychological manipulation.

At every level of the process, risk management techniques must be implemented to guarantee the security and safety of survivors, especially their children. This implies that a comprehensive risk assessment is carried out by all relevant authorities and that personnel engaged in these procedures must undergo training in risk assessment and risk management. Protective measures must prioritise the safety of mothers and children over parental rights of the abusive parent. To make sure that agreements for custody, contact and visitation do not put survivors in danger, regular risk assessments should be carried out. There must be procedures in place to request adjustments when current decisions endanger them.

This session will explore how to assess and address risks effectively, ensuring that custody, contact and visitation procedures uphold the safety and rights of survivors and their children.

VII. Module 5: Developing a list of necessary steps and recommendations

To ensure the safety and well-being of mother and children in custody, contact and visitation procedures involving domestic violence, several key improvements are necessary.

Children who witness domestic violence must be recognised as victims, and laws and procedures must acknowledge this fact and grant them the same protection as the one defined for direct victims. The child's rights, best interests, and safety should always come first in custody, contact and visitation agreements, while the mother's rights and safety must also be taken into account. Courts must use standardised risk assessment instruments to actively screen for domestic violence and put in place the required safeguard measures.

In situations where violence continues, joint custody should not be awarded, and if there is any continuous risk, contact with an abusive parent should be limited or stopped. Domestic violence cases should never be handled through mediation or conciliation since these procedures put victims at further risk of re-victimisation and abuse. In general, survivors, particularly children, should be heard in a way that minimises re-victimisation and repetitive questioning, in order to prevent more suffering. Lastly, decisions regarding custody, contact and visitation should not be influenced by pseudoscientific notions such as Parental Alienation Syndrome (PAS). To assure that survivors' rights are respected in court, legal representation should be provided. Relevant legal professionals need to undergo training on trauma-informed practices, domestic abuse and the effects of violence on children. Important support services like financial aid, legal aid and counseling must also be available to both mothers and children.

The specific steps and recommendations may vary depending on national legal frameworks and contexts, requiring tailored approaches that align with each country's laws and judicial practices.

VIII. Handouts

To complement the training, the following handouts provide additional guidance for participants.

Training Handout 1: **Key issues in custody and visitation procedures**

1. Failure to address domestic violence as a core criterion

In many jurisdictions, domestic violence is not explicitly recognised as a legal criterion in custody and visitation decisions. GREVIO, the Istanbul Convention's monitoring body, has identified this gap as a significant concern, observing that contact with both parents is often prioritised over the safety of women and children. This approach overlooks the profound harm that exposure to violence—directly or indirectly—inflicts on children.

2. Discrimination and re-victimisation of women survivors

Women survivors frequently face systemic discrimination and are stigmatised as uncooperative or unfit parents. Courts often fail to adequately examine allegations of violence or dismiss them as irrelevant to parenting ability. This bias can lead to outcomes that place both mothers and children at further risk.

3. Forced visitation

Courts often mandate visitation with an abusive parent, even when it poses clear risks to the child's safety. This can result in severe psychological distress for children, who may experience anxiety and trauma, and physical or emotional harm during unsupervised visits. Mothers are also placed in untenable situations, forced to comply with orders that endanger their children or face legal consequences.

4. Misuse of mediation and alternative dispute resolution (ADR)

Mediation and ADR are inappropriate in cases involving domestic violence due to inherent power imbalances. These processes can retraumatise survivors and result in agreements that fail to protect them or their children. GREVIO has repeatedly criticised the use of mediation in such cases, emphasising its potential to undermine victim safety.

5. Parental alienation claims

Parental alienation (PA) or parental alienation syndrome (PAS) are often weaponised against mothers in custody cases involving domestic violence. These unscientific concepts are used to discredit survivors and shift the focus away from abuse. Accusations of PA can lead to custody decisions favouring abusive fathers, further endangering children.

6. Implications of the Hague Convention

The Hague Convention on the Civil Aspects of International Child Abduction often creates barriers for women fleeing abusive relationships. While intended to address cross-border abductions, its rigid application forces many mothers to return their children to jurisdictions where they face ongoing violence, undermining their safety and rights.

Training Handout 2: Do-s and Don't-s

Map of harmful practices – Don't-s

- Separation of children's rights and safety from mothers' rights and safety;
- Ignoring/degrading when children witness violence and its effects;
- Ordering contact and visitation at all costs – forced visitation;
- Application of mediation and similar dispute resolution methods or processes;
- Use or reference to parental alienation/parental alienation syndrome;
- Ignoring/not duly taking into account the history of violence in alleged international child abduction cases.

Map of harmful practices – Do-s

Legal systems must adapt to reflect the realities of domestic violence, ensuring that custody and visitation arrangements prioritise the safety of survivors and their children. Key considerations include:

- Recognising domestic violence as a central factor in custody decisions;
- Linking children's rights to protection with women's rights to safety;
- Prohibiting forced visitation, mediation, or ADR in cases involving violence;
- Rejecting unscientific and harmful concepts like PA/PAS;
- Addressing systemic gender bias that penalises women survivors.

By adopting survivor-centered and trauma-informed approaches, courts and legal systems can prevent re-victimisation, uphold international standards, and safeguard the best interests of both children and mothers.

Training Handout 3: Criteria for hearing children in custody cases

1. Time window for the hearing

- Recommendation: The court should allocate sufficient time for the child to be heard.
- Minimum Requirement: At least one hour should be set aside for the hearing.

2. Location of the hearing

Considerations:

- The court should determine a suitable location in advance.
- In critical cases (e.g., violence, welfare threats):
 - The child should be heard in their place of residence whenever possible.
 - A familiar environment can provide a sense of safety in this stressful situation.

3. Timing of the hearing

General guidance:

- The timing is crucial and should not be arbitrary.
- Children who have witnessed domestic violence **should not** be heard on the same day as their parents to avoid heightened tension and anxiety.

Best practice:

- Schedule the child's hearing a few days before the parents' hearing. This allows the court to address the emotional and psychological impact of the parents' conflict on the child.

4. Video-recording of hearings

- **Purpose:** To minimise the risk of secondary traumatisation.

Recommendation:

- Ensure video-recorded hearings are admissible as evidence to prevent unnecessary repetition of the process.

5. Risk assessment

Obligation: The court must regularly assess risks independently and incorporate findings from other actors (e.g., youth welfare offices, police).

Key safeguards:

- Ensure protective measures such as no-contact orders are upheld during custody or visitation arrangements.
- Guarantee safety during handovers, even in the absence of police presence or formal prohibitions.

Training Handout 4: Review criteria for court decisions in custody and visitation cases

Domestic violence often indicates the need for partial or full transfer of custody to the non-violent parent.

Before making decisions, the court must consider:

→ **Risk assessment:**

- Are the incidents of violence and ongoing threats sufficiently clarified?
- Have the child's experiences and protection needs been adequately assessed and addressed?
- Have the experiences and protection needs of the parent affected by violence been adequately assessed and addressed?
- Can the risk of future violence by the perpetrating parent be confidently evaluated?
- Could revealing a secret residence lead to further violence?
- Could re-traumatisation occur during visitation or custody negotiations?

→ **Support systems:**

- What forms of protection and support exist for the child and the parent affected by violence?

→ **Continuity of dynamics:**

- Do violent patterns (e.g., control, fear, oppression) persist?
- Has the conflict level decreased significantly over time?

→ **Parent-child bond:**

- Which parent has a stable and positive relationship with the child?

→ **Continuity of stable and supporting environment:**

- Who is better equipped to provide a stable and supportive environment?

Training Handout 5: Guidelines for custody decisions and visitation procedures

Accompanied visitation can only occur if the following criteria are met:

- The violent parent has taken responsibility for their actions and expressed genuine regret.
- They have demonstrated adequate behaviour towards the child, including respecting the child's boundaries.
- The child's feelings (e.g., fears or opposition to contact) are considered.
- The safety of the parent affected by violence is ensured during any interaction.



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