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# Legal and Policy Responses to Children Exposed to Domestic Violence: The Need to Evaluate Intended and Unintended Consequences

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Greater training and specialization in working with children exposed to domestic violence has resulted in new policies, interagency protocols, and legislation in many states. This paper examines court-related responses in criminal, child protection, and family court custody proceedings, which highlight legislative changes and resulting systemic change. Although this legislation originated with the best of intentions to assist and protect children, some of the most striking outcomes have been negative and unintended. Laws that mandate reporting of children exposed to domestic violence can clash with inadequate training and resources, or inadvertently revictimize abused women. Similarly, child custody legislation that raises a rebuttable presumption that a violent spouse will not receive custody or joint custody of children after parental separation has resulted in greater skepticism about abuse allegations. We propose that efforts at law reform can be enhanced by a more thoughtful analysis of potential intended and unintended consequences, and should be accompanied by a comprehensive evaluation plan to monitor implementation effects.

**KEY WORDS:** children; domestic violence; witnesses; policy; legislation.

The last 25 years have seen a dramatic shift in public awareness about domestic violence. This social issue has evolved from silence to become a major issue on the public agenda for funding, service development, and legislation. Much of this movement has focused on legal, social service, and mental health interventions for both abused women and perpetrators. The beginning of the twenty-first century has been characterized by increasing attention to the plight of children in these homes. Researchers and practitioners have pointed to the significant risks to children's social, emotional, and cognitive adjustment stemming from exposure to domestic violence (Graham-Berman & Edleson, 2001; Jaffe, Wolfe, & Wilson, 1990).

Training in and specialized responses to children exposed to domestic violence have gradually been developed by various community and government agencies, resulting in new policies, interagency protocols, and legislation. This paper will focus specifically on court-related responses in criminal, child protection, and family court custody proceedings, and review legislative and systemic changes that have emerged. Protection orders are outside the purview of this paper, as they are worthy of separate debate and discussion. Panels of experts have identified the need to assess unintended negative consequences prior to designing new laws (e.g., see Future of Children, 2000). We recognize that many states have considered legislative change and rejected these reforms after consultation with stakeholders; however, other states have enacted major legal reforms in this area without

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well-documented analysis of consequences and benefits. The limited evaluation regarding the effectiveness of these changes, as well as the intended and unintended consequences, will be discussed in this paper. We conclude by highlighting the need for proactive analysis of possible intended and unintended effects of legislation, collaborative implementation planning, and ongoing evaluation to inform policy and legislative changes.

## CRIMINAL PROCEEDINGS

Domestic violence has been considered a crime in violation of community standards and requiring state intervention for only the past 25 years in most states and provinces. For previous generations such violence was considered a private matter, best handled behind closed doors or by individuals seeking a personal remedy. As a result of these dramatic changes, police and prosecutors have enhanced their investigation and the vigor by which these matters are pursued in court. The courts have responded to this change in perception and attitude with more severe sentences or mandated intervention for perpetrators.

The issue of whether or not arresting perpetrators is an effective intervention has been a primary focus of domestic violence research (e.g., Mears, Carlson, Holden, & Harris, 2001; Sherman, 1992). After early pilot studies indicated impressive results, hopes were raised that this intervention would provide a relatively simple resolution to the problem (Jaffe, Hastings, Reitzel, & Austin, 1993; Sherman & Berk, 1984). However, these early hopes were subsequently tempered by a lack of replication in other communities. Subsequent analyses of these data identified the complexity of interpreting data from multiple sites; however, the conclusion that emerged was that arrest policies do have a modest deterrent effect based on victim reports (Garner & Maxwell, 2000). A more realistic view has emerged that clarifies the circumstances under which an arrest policy is effective (e.g., for employed perpetrators; Garner & Maxwell, 2000), and how such policies should be integrated into an overall coordinated community response to batterers that is both accountable and consistent, and also mindful of the needs of the victims of domestic violence (Gondolf, 1999a, 1999b). More complex questions are now driving the next generation of research, such as what interventions work for which batterers at what point in their offending trajectory (Healey, Smith, & O'Sullivan, 1998)? This controversy has surpassed the realm of academic debate and now is very much part of a public policy discussion in the media. For example, a recent review article in the *New York Times* captured the complexity of the issue with a sophistication that would not have been seen 10 years ago (Sontag, 2002). The review article characterizes domestic violence as an extremely multifaceted problem where simple solutions may end up differentially targeting visible minorities and economically disadvantaged families.

Legal recognition of the harm to domestic-violence victims has now been extended to child witnesses as secondary victims of this violence (Weithorn, 2001). Prior to legislative change, prosecutors were able to recognize the plight of children only as an aggravating factor in sentencing. This discretionary intervention on the part of more diligent prosecutors has been formalized with changes to some states' legislation. In California, for example, children's exposure to domestic violence is a factor to be considered by judges in determining an appropriate sentence, and in Idaho, domestic violence in the presence of children may double the criminal sentence.

Some authors have advocated that children's exposure to violence should be a separate criminal offence to ensure batterers' accountability, and to avoid revictimizing abused women with allegations of "failure to protect" in the child protection system (Stone & Fialk, 1997). In fact, several states have implemented laws that reflect this view. Lawmakers in Oregon have created legislation that defines domestic violence in the presence of children as a separate criminal offence. Other states, such as Georgia and Utah, have made exposure to violence a form of criminal child abuse for the perpetrator of the violence.

As states entered debates about these legislative reforms, the hopes expressed were that the new laws would clearly signal to the public that exposure to domestic violence is harmful to children and should not be tolerated as a social norm. The Criminal Justice legislation sought to give prosecution another vehicle to achieve convictions and facilitate the enhanced accountability that is believed to follow. The purpose of the Child Protection policies was to cast a wider net to intervene early and to compel nonoffending parents to act or to protect kids by removal. Secondary anticipated benefits included the education of frontline professionals (such as police officers) to give special notice to the plight of these children and improved access to resources. These resources could include funds that would only be available to an identified victim of crime (victim compensation fund), as well as

counselling programs for traumatized children. Additional assistance could stem from referral to the child protection system for assessment and intervention services. This latter point is not without controversy, as discussed in a following section on child protection proceedings.

In spite of these hopes and noble objectives, there may be a number of unintended side effects stemming from charging batterers with exposing their children to violence. The potential exists to create concerns similar to the unintended side effect of proarrest policies in cases of domestic violence, such as contempt of court charges for victims unwilling to testify and charges of perjury for changing their stories. As well, the criminalization of domestic violence developed more quickly than the training of police, prosecutors, and judges. This gap between legislation and the practical implementation of the new laws created expectations on the part of victims and victim advocates that exceeded the capacity and ability of the criminal justice system. Paradoxically, the system may revictimize the vulnerable group it is designed to protect (Brown, 2000).

In addition to the unintended side effects on adult domestic violence victims, new laws criminalizing exposure to violence may create a host of dilemmas for child witnesses. Children and adolescents may be caught in the middle of divided loyalties with their parents by having to testify against a parent. This problem is compounded by the complexity of becoming a court witness in the context of a system ill-prepared to make accommodations for children's stage of development and traumatic experience (Sas, 1999). Although this legislation is intended to hold batterers accountable for their violence, victims may be swept up by the same laws and charged in the same circumstances. The challenges police face in identifying the primary aggressor in a domestic violence call underlines this concern, such as arresting both parties without a thorough investigation and contextual analysis (Frederick & Tilley, 2001). These factors may converge to create a climate where domestic violence victims and their children are hesitant to disclose the violence, because of their role as court witnesses and all of the consequences that may prevail from the criminal justice system.

## CHILD PROTECTION PROCEEDINGS

As awareness of the harmful consequences experienced by many children exposed to domestic violence has increased, child advocates have raised the question of whether or not these children should be deemed to be in need of protection by the state. Proponents of this view would designate *exposure to violence* as a form of abuse on par with physical or sexual abuse, thus making exposure to domestic violence grounds for mandatory reporting to child protection agencies. Regardless of any legislative changes, child protection caseloads are already filled with domestic violence cases triggered by other concerns, such as neglect and multiple forms of child maltreatment. In rare instances, domestic violence alone has provided grounds for a finding of emotional and psychological abuse that led to appropriate intervention by child protection specialists.

Legislation in this area has ranged from a broad-based approach that would indicate any child exposed to domestic violence requires immediate state intervention by the child protection system, to a more narrow approach that would limit child protection intervention to cases where emotional harm has been demonstrated. An illustration of the former was the state of Minnesota's attempt to develop a broad-based approach, which overwhelmed the child protection system to the extent that the law had to be repealed (Edleson, 2001; Weithorn, 2001). In comparison, Alaska brought in legislation that required a clear link between the domestic violence exposure and children's extreme maladjustment ("mental injury") before a protection finding could be made. The Alaska statute does not require reporting to child protection, if the child is safe and appropriate care is being provided (Weithorn, 2001). In Canada, various provinces have either ignored this issue or followed the broader Minnesota model. However, even in provinces with legislation that identifies domestic violence as a child protection factor, community and child protection workers have rarely used this law as a basis for child protection.

In public debates about this law reform, the advantages of enshrining domestic violence in child protection legislation are based on giving the public a clear message that domestic violence is unacceptable and children are secondary victims. The legislation may be a lighthouse for social norms and cause people to think twice before exposing their children to violence or even extreme conflict. Protection laws may also trigger immediate assistance for children in violent homes to get the counselling, support, and protection they may require. Given the high overlap between domestic violence and child maltreatment, the presence of domestic violence is a suitable red flag

for child protection agencies to provide more comprehensive assessment and intervention options to particular families (Edleson & Beeman, 1999). Moreover, this overlap has led to a higher level of collaboration amongst child protection and domestic violence advocates, as evidenced by innovative training and sharing of expertise in some states and broad-based policy initiatives developed by national organizations (Schecter & Edleson, 1999).

Nonetheless, there are a number of negative repercussions for classifying exposure to domestic violence as grounds for state intervention by child protection authorities. The most obvious problem was demonstrated in the state of Minnesota when well-intentioned legislators failed to appreciate the existing burdens on the child protection system, which was incapable of providing the necessary training and resources. Under the new Minnesota guidelines, child protection caseloads doubled and many front-line staff lacked training and access to specialized resources to make a positive difference in the lives of these women and children (Edleson, 2001). Furthermore, rather than offering more protection for children in these homes, the laws silenced many abused women from disclosing domestic violence and engaging the formal helping systems. The perception of the risk associated with mandatory reporting laws may have inadvertently created an additional barrier to what is already a very difficult decision—whether or not to disclose violence in the context of intimate relationships.

These legislative changes have been inspired by individuals who want to assure earlier identification, protection, and access to service for children trapped in violent homes, based on the assumption that this population of children requires the same level of community support as children who are the direct victims of physical and sexual abuse. However, experts in the field have noted the fact that not all children exposed to violence experience significant emotional and behavioral problems (Hughes, Graham-Bermann, & Gruber, 2001). While exposure to violence may lead to significant short- and long-term adjustment problems in some, a sizeable percentage of children in these situations appear to have normal development and benefit from resources and protective factors around them.

In other words, any legislation that widens the net to engage more children into the child protection systems fails to recognize the heterogeneous nature of this population. The existing child protection system often lacks the assessment tools required to filter those children who will require intensive services from those who will escape largely unscathed. Removing the voluntary pathway to access community resources may result in revictimizing and disempowering abused mothers in these circumstances. Similar concerns have triggered significant litigation across the United States on behalf of abused women who feel that they lost custody of their children to a system that failed to protect the nonoffending parent and failed to hold the batterer accountable (Family Violence Prevention Fund, 2001; Morton, 2002). The litigation has been effective in financially compensating victims who lost their children for being a victim of domestic violence and demanding major reforms of the child protection system to ensure that their interventions meet the social, economic, and safety needs of these victims (Nicholson v. Williams et al., 2002).

## CHILD CUSTODY PROCEEDINGS

The issue of children exposed to domestic violence has become an important issue for judges to consider in determining child custody and visitation plans after parents separate. The basis for this change in legislation is that children may be harmed by the exposure to violence by itself without regard to any direct physical or sexual abuse, and a perpetrator of domestic violence may not be a suitable custodial parent. Changes in laws have varied from a rebuttable presumption against awarding custody to a perpetrator of domestic violence, to simply requiring a judge to consider a history of domestic violence as one factor to weigh together with other factors in deciding which parent should have custody. In addition, abused women may request protection orders to address immediate safety for themselves and their children through interim custody and economic provisions; however, the legislation and implementation difficulties of these orders is beyond the scope of this paper.

In the case of a rebuttable presumption, almost one half of U.S. states have some version of this amendment. For example, in states such as Hawaii and California, any history of domestic violence means the court will presume that the abuser is not an appropriate custodial or joint custodial parent. In fact, this party will have to prove that they can manage visits with the children without jeopardizing the safety of the children and the nonoffending parent. Other states have chosen not to go as far as the rebuttable

presumption, but do place demands on the court to explore any history of domestic violence and outline the weight that this factor was given in the final judgment (Jaffe, Lemon, & Poisson, 2003).

Years ago domestic violence was seen as an adult issue that should not determine child custody awards. As research developed on both the topic of domestic violence in general and specific studies on children living with domestic violence, a significant change in thinking took place among legislators. Domestic violence was seen as most dangerous to victims and their children at the point of separation in regard to homicides or ongoing threats to exspouses during access exchanges (Jaffe, Lemon, & Poisson, 2003; Websdale, Town, & Johnson, 1999). That is, abuse does not necessarily end with separation but may actually escalate, or get played out through the children. In these circumstances children may be exposed to an inappropriate role model (the batterer). A judge would also have to be vigilant for other forms of maltreatment, because studies support a 30–60% overlap between domestic violence and child abuse (Edleson & Beeman, 1999). As well, domestic violence may continue in the perpetrator's subsequent relationships without this individual being held accountable and engaged in a batterer's intervention program. There are concerns in extreme cases that the batterer is utilizing the court system to extend the abuse that took place in the relationship, by abusing the legal process to maintain power and control of the victim (see Jaffe et al., 2003, for further discussion of these issues).

New legislation in child custody disputes that recognizes domestic violence has played a positive role in raising awareness amongst judges and court-related services, such as custody evaluation and mediation about the plight of these children. Safety has been seen as an increasing priority that has resulted in the development of supervised visitation centers and services to ensure that contact between the perpetrator and children can be monitored where appropriate (Sheeran & Hampton, 1999). Many judges now make visitation with children conditional on the batterer receiving an intervention program that holds him accountable for his behavior as well as offering an opportunity for change. Family court judges are involved with a number of innovative workshops that enhance their skills in intervening in these complex matters that require an understanding of domestic violence victims, perpetrators, and their children as well as the need for community services to provide support for the court recommendations (National Council of Juvenile and Family Court Judges, 2000).

Although these legislative changes may have positive outcomes, there are also a number of possible negative repercussions that should be considered. Many authors have written about a backlash in reaction to progress in the area of domestic violence, whereby critics contend that the problem is exaggerated and reflects an antimale bias (see Jaffe et al., 2003). This view is especially pronounced in child custody cases, where there may be greater skepticism by lawyers and judges about allegations of domestic violence. A finding of domestic violence in these circumstances directly impacts a custody decision. Since so much is at stake in a domestic violence hearing related to criminal records and custody or visitation decisions, there are more delays in court proceedings, including applications for protection orders. The delays, uncertainty, and costs of legal proceedings often force abuse victims into compromised joint custody or unsafe visitation plans, which may endanger abused women and their children.

In addition, there is pressure on all parents to be "friendly" during separation for the sake of the children and the ease of the court to have settlements in light of the volume of cases. Within this context it is often difficult to raise allegations of violence for fear that if you cannot prove them on the preponderance of the evidence, an abused spouse will be seen to be an alienating and hostile parent. Such a parent is seen as less than "friendly" and unable to promote a good relationship with the other parent. Therefore, in this circumstance an abused parent may lose custody rather than be offered safety (for a well-articulated review of this issue, see Bancroft & Silverman, 2002).

## COMMON THEMES ACROSS LEGISLATIVE CHANGES ON BEHALF OF EXPOSED CHILDREN

In the previous sections, we outlined both the intended and unintended consequences of new legislation built on the awareness of children exposed to domestic violence. However, recognition has also grown that changing laws may not exert a direct reciprocal effect on the way various systems respond. The translation from law to practice requires buy-in from numerous stakeholders, in addition to funding, adequate training for these various gatekeepers, program development, and coordination among service providers. Without these conditions being met, changes in law can result in an iterative series of unintended negative effects that ripple throughout

the whole system. That being said, training without a shift in paradigm about what works for children and protecting parents will further jeopardize the safety and autonomy interests of victims. Traditional views that criminal prosecution works and that child protective investigations/supervision/removal works have to be challenged. Without challenging these prevailing views, battered mothers will continue to be targeted for mandatory interventions. While one might concur that battered women are the primary/nurturing parents who are more likely to protect, they should be resourced, supported, and assisted in developing strategies to protect children without state intervention on the criminal side of child welfare.

With foresight, some of the unintended side effects previously discussed could have been attenuated with proper attention given to these implementation issues. However, the number of agencies, professionals, and systems that can become involved in domestic violence cases provides an enormous challenge to effective enactment of new laws. For example, to raise the possibility that exposure to domestic violence is a form of child abuse requires a high level of public and professional awareness. Training for frontline professionals such as police officers, teachers, nurses, and childcare workers would be an essential building block for any meaningful implementation. Skill development in the area of risk assessment and safety planning with high risk families would be required to accommodate a thoughtful and individualized application of the new laws. More developed skills and protocols at each level of the system result in additional filters and flexibility in accessing services. Multidisciplinary groups that have reviewed these issues have emphasized the importance of community capacity as indicated by a wide range of voluntary and mandatory services that are tailored to the unique needs of any family in the system (National Council of Juvenile and Family Court Judges, 1998).

As a further illustration of these implementation problems with legislative change, consider all of the parties and service providers involved in child custody disputes. One can list domestic violence as a factor that judges need to weigh before determining which parent is awarded custody of children. Before this legislation can be implemented, judges need to be trained to understand batterers, victims, and children exposed to domestic violence, and the interplay between domestic violence dynamics and the demands of court proceedings. The judge's ability to make appropriate decisions will depend on well-trained family law lawyers, mediators, child custody evaluators, and divorce-education providers so that cases are properly screened and accurately portrayed for the court.

Even after a good decision, the court will depend on qualified service providers to offer families supervised visitation programs, batterer's intervention, victim-counseling services, and interventions for children traumatized from exposure to violence to make the decision a reality. There are many crossroads during the course of a case that, if navigated appropriately, will lead to a successful outcome. Failure by any of the aforementioned parties to address domestic violence can lead to empowering the batterer to intentionally use the system to continue exerting control over his partner (Bancroft & Silverman, 2002).

## EVALUATION PRIORITIES

Even well-planned legislation requires the capacity for ongoing evaluation and feedback, such that necessary adjustments can be made to initial legislative reform. One such model that accommodates this feedback loop is the use of a SARA approach (e.g., Leigh, Read, & Tilley, 1996). This approach was initially devised to support community policing initiatives and is a problem-solving approach that highlights four steps to the monitoring and feedback process—Scanning, Analysis, Response, and Assessment. Within this model, the Scanning and Analysis phases would occur prior to the legislation being designed in a process consistent with what we have identified as a need for community consultation. The Response is the actual legislation and necessary policy changes at the level of community agencies and services. Finally, the Assessment phase would constitute revisiting the initial objectives of the legislation and carefully evaluating intended and unintended consequences. This process is inherently iterative, and facilitates adjustments to be made to the desired reforms. A similar process would be an ideal framework for states to consider in reviewing legislation related to children exposed to domestic violence.

A critical prerequisite to evaluation is high-quality baseline data on the nature of children and adults who appear in court in the various proceedings outlined. Some states are now enacting legislation to ensure that the domestic violence services sector makes evaluation a priority. For example, Arizona requires a statewide domestic violence task force to create a planned evaluation of the systemic response to domestic violence. Colorado takes a more targeted approach, and requires research on the effectiveness

of the treatment provided to domestic violence offenders (for an excellent review of these and other legislative changes on a state by state basis, including the trends towards requiring evaluation, see the National Council of Juvenile and Family Court Judges, 2001).

Obviously one cannot evaluate any changes in legislation if there are no data that accurately describe the status quo. If one hopes that legislative change in the criminal, child protection, or child custody arenas will be beneficial, it should be incumbent on the decision makers to both articulate and evaluate the intended and preferred outcomes. At this early stage of the change process it would be helpful to seek consultation with respect to potential intended and unintended effects as a foundation for the evaluation plan. For example, if a desired outcome is that more children traumatized by exposure to domestic will receive access to counseling services on a voluntary basis, a comprehensive evaluation plan should have the following:

- collect baseline data on the number of children exposed to domestic violence currently identified by different systems (justice, health, education) and receiving counseling;
- evaluate the capacity of the system prior to changing legislation to meet the current volume, as well as any buffer capacity for increased service delivery;
- monitor changes in referrals and program delivery;
- articulate intended and unintended consequences—for example, more domestic violence victims and perpetrators receiving counseling as a function of their insights into the needs of their children (positive) and longer waiting lists for children in crisis who have been identified as in need of protection and safety plans (negative); and
- be vigilant to ripple effects throughout children's educational and social services, such as increased referrals to school support staff (e.g., guidance, psychology).

This illustrative example demonstrates the complexity of a simple law exerting an impact on an interwoven service system. For each piece of legislative change, one could imagine a series of focus groups with consumers, service providers, and domestic violence advocates to forecast the potential intended and unintended consequences that need to be monitored. The planning demands for successfully enacting sweeping legislative reform would require significant resources and collaboration.

## DEVELOPING MODELS OF COMMUNITY AND STRATEGIC SYSTEM CHANGE

In addition to appropriate evaluation, a successful legislative change requires an understanding of the process of systemic change. A strategic implementation is one that is sensitive to community readiness. The futility of imposing change on a system that is not prepared has been well documented (Prochaska, 2000; Prochaska, Prochaska, & Levesque, 2001). According to the transtheoretical model of change, individuals, agencies, and organizations progress through a series of predictable stages when undergoing change. These stages start with precontemplation (where there may be denial about a problem), move to contemplation (awareness of problem), preparation and action (stages in which change is planned and carried out, respectively), and maintenance (Prochaska et al., 2001). Individuals or organizations at different points along this continuum of change differ in terms of awareness of a problem, motivation to change, the propensity to take action, and development of a maintenance plan. Presumably, when different components of a system are at different stages along this continuum, well-intended legislative changes can produce negative, unintended consequences.

This framework can be applied to the aforementioned Minnesota experience of enacting child protection legislation that defined exposure to domestic violence as grounds for mandated child abuse reporting. In this example, legislators were in an "action phase" and envisioned effective community interventions for highly vulnerable children through the child protection system. However, the child protection system lacked the sophisticated awareness and resources to successfully implement this legislation. Not only did the change not achieve the intended positive outcomes, domestic violence advocates would suggest that many negative unintended consequences resulted. In particular, the experience of revictimization reported by many abused women was seen to eclipse any possible benefit. One is left to wonder if this legislative change could have been effective in meeting the needs of exposed children if there had been appropriate staging of statewide training, resource development, and structured collaboration amongst stakeholders.

## SUMMARY AND CONCLUSIONS

Historically, the domestic violence movement has demanded sweeping changes in legislation, as well as justice system and community agency responses, embedded within a context of massive social change and gender equality. In retrospect, the resulting legislative changes have come in fits and starts that may have done more harm than good, due, in part, to the failure to address underlying issues and promote a fundamental paradigm shift. In this paper, we have reflected on the emergence of legislation for children exposed to domestic violence in a variety of arenas. Although this legislation originates with the best of intentions to assist and protect children, some of the most striking outcomes appear to be negative and unintended. In our view, these efforts can be enhanced in the future by a more thoughtful a priori analysis of potential consequences, both intended and unintended. This analysis needs to include a comprehensive evaluation plan to monitor implementation effects and create a feedback loop to either amend legislation or overhaul service delivery systems.

In our review of legislative change in the criminal, child protection, and custody dispute domains, a paucity of evaluation strategies to inform the debate on the effectiveness of these changes was evident. One can only hypothesize whether the concepts failed or the implementation was inadequate. A more complicated supposition may be that failures resulted from legislators and the community implementers being at different stages along the change continuum. There may be significant costs associated with these flawed implementations, such as abandoning potential progress in the field or creating resistance to future legislative intervention.

A starting point for future research in this field revolves around a clear understanding of the goals for community interventions on behalf of children exposed to domestic violence. There is consensus that safety, accountability, early intervention, and healing are legislative and service priorities in the broadest sense (Graham-Bermann & Edleson, 2001). Our challenge is to find ways to operationalize these priorities in ways amenable to measurement and monitoring across systems. Furthermore, we need to embrace new models of engaging systems in change in order to better understand the complexity of these evaluations and maximize the likelihood of successful implementation. We propose a moratorium on legislation for children exposed to domestic violence without such an analysis and evaluation plan. Jurisdictions that have already implemented legislation relevant to this issue should accelerate their efforts for retrospective analysis of the intended and unintended impact.

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