

# The Intersection of Domestic Violence and Substance Abuse: Effects on Family Law Cases



**F**amily Law cases often involve domestic violence allegations or criminal convictions as well as substance abuse history. In fact, some studies indicate a co-occurrence rate as high as 50%. While alcohol and other drug use is not a cause of domestic violence, substance abuse by perpetrators is the most consistent factor for increased risk of violence between partners. Alcohol and other drug use is known to double the likelihood of aggression between couples, and it also doubles the likelihood of re-offending. The chronic effects of alcohol and other drug use statistically predict intimate partner violence, independent of whether or not substances are being used or not at any given time. Marijuana use is positively linked to domestic violence, especially in adolescent and early adulthood perpetrators. Peer-reviewed studies show that men are 8 times more likely to batter on a day when they have been drinking. The intersection of domestic violence and substance abuse is undeniable, and they affect family law cases immensely.

Both battering and substance abuse share a tendency toward isolation, mental health issues, an elevated need for power, and the use of defense mechanisms such as denial, minimization, and rationalization. All of these effects make litigating family law cases more difficult. They also provide challenges for supervised child visitation. It is critical to have well trained and experienced monitors who have an understanding of both domestic violence and/or substance abuse in cases where they apply. The monitor must know that very early sobriety may increase the risk of violence, child abuse, and/or potentially suicidal thinking. When a partner is finally separated from the codependent partner or the object of their violent or abusive behavior, there may be a reaction that causes radical changes in behavior.



Whether or not a Criminal Protective Order or a Civil Restraining Order exists, ex-partners can use visitation as a way to continue to exert control over their ex. Attempting to deny visitation or control visits can become the abusive act of a formerly abusive partner; visitations can be used as a tool for continuing the abuse between ex-partners who remain resentful. An experienced professional monitor can spot attempts to exert control over the ex-partner through visitation. Sometimes the children have witnessed the abuse in their parents' relationship and have some fear about the visitation. A trained monitor can help the children to overcome their fear by assuring them through actions and words that they are going to be properly supervised during the visitation. Perpetrators often try to convey threats or intimidation to the other parent through the children, or even threaten the children directly. Perpetrators can cause problems for counsel and for monitors, and their respective staff. They tend to minimize their role and blame their partner. Professional monitoring can eliminate these problems.

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