

CUSTODY ISSUES WHEN ONE PERSON HAS A HISTORY OF SEXUAL OFFENSES

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Are they at risk?

Risk for what?
How long a risk?
How big a risk?
Who is at risk?

Have to look at the person, and the person you are concerned about, in their context.

Bob

- Bob, 58, was convicted of molesting his step-daughter and his daughter when they were 10 and 12. He has been convicted of domestic violence and child protective services have substantiated him for child abuse. He has numerous other convictions for burglary, assault, and theft by deception.
- Bob has partnered with Jill, a 21-year-old, who has a history of mental health problems and is frequently hospitalized for mental health problems. She has a 5-year-old girl.

Juan

- Juan, 45, was convicted of raping a 21-year-old woman when he was 22. They had been to a party where there was heavy drinking. He has no other criminal records, a steady job, no longer drinks, and is divorcing.
- Juan would like to be able to have his sons, 10 and 12, stay with him several nights a week.

Jim

- Jim, 60, was convicted of molesting his daughter when she was 6. He has completed treatment and reunified with her. There have been no other complaints about him or his sexual behavior.
- Jim would like his wife's adult children and their 15-year-old son to be able to move in with them.

Julie

- Julie, 35, was a school teacher who had sexual contact with her 15-year-old student. She has successfully completed treatment and her probation.
- Julie would like to be able to live with her daughter, age 10, and her son age 12.

Travon

- Travon was convicted of molesting his sister when he was 12 and she was 4. He went through treatment and completed probation. He has no other criminal record.
- Travon is divorcing at 35 and wants 50/50 rights and responsibilities for his 6-year-old girl and his 4-year-old boy.

At risk for what?

- Sexual abuse
- Sexualized environment
- Sexual harassment

Factors to consider

- General risk level to offend
- How long in the community since offense
- Response to supervision/treatment
- Similar to previous offending situation
- Previous relationship with the child

How long a risk?

- Children grow and develop in their self protective skills. Five years is the difference between a 10-year-old and a 15-year-old.
- Are the children getting ready to leave home?
- Is the child an infant, and the plan for them to be around the person for 18 years?

At risk for what?

Physical abuse
Verbal/emotional abuse

Factors related to physical and emotional abuse

- Poor impulse control
- Low frustration tolerance
- Lack of support
- Substance abuse
- Denial of problems
- Tendency to use physical punishment
- Negative attributions towards child's behaviors

At risk for what?

Non-optimum parenting
I wouldn't let my child do that

Factors to consider about the child

Gender
Age/Developmental Stage
Disability
Prior relationship with the person
Child's past victimization

Factors to consider about the child

Child has a strong opinion about seeing the parent
Co-parent appreciates risk
Co-parent has a history of providing a safe and supportive environment for children

Factors to consider

How long will the child be with the parent?
Does the child have the ability to protect themselves?
Who else is in the home?
How often will the person and the child be alone?

Factors to Consider

What does the child want?
Is the family able to talk about the risk of abuse?
What does the person say they want?
What community support does the family have?

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