# RESPONDING TO STALKING

## SUPERVISED VISITATION & SAFE EXCHANGE PROGRAM GUIDE

Inspire Action for Social Change

SPARC STALKING PREVENTION, AWARENESS, AND RESOURCE CENTER

This Guide is for staff of supervised visitation and safe exchange programs to help identify stalking and respond appropriately to potentially dangerous situations. It provides basic information about the dynamics of stalking, how it intersects with intimate partner abuse, specific stalking tactics used when supervised visitation and safe exchange programs are involved, and issues to consider for policies and procedures.

For additional resources and support on identifying and responding to stalking, contact:

**Stalking Prevention, Awareness, and Resource Center (SPARC)**
www.StalkingAwareness.org | tta@stalkingawareness.org

For additional resources and support on providing supervised visitation and safe exchange services in the context of intimate partner abuse, contact:

**Inspire Action for Social Change**
www.InspireActionForSocialChange.org | info@inspireactionforsocialchange.org

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## I. INTRODUCTION


Intimate partner stalking can happen before, during, and/or after a relationship,[i] so stalking behaviors could be an ongoing or new tactic of abuse affecting a family using a supervised visitation or safe exchange program. Whether stalking behaviors have been ongoing or are newly present, specific behaviors and tactics of abuse often shift during and after separation. Intimate partner stalking is often absorbed under the umbrella of domestic violence but given the increased risk of harm and lethality in stalking cases, it is vital to identify stalking separate from and in addition to concurring victimizations. Regardless of how victims or offenders label their experiences, it is vital for supervised visitation and safe exchange programs to identify stalking behaviors when they occur because stalking requires a specialized response.

**Screening for stalking and considering how policies and practices would affect stalking survivors are a vital part of supervised visitation and safe exchange programs.** Vigilance and preventative measures may, at first, seem to run counter to the commitment of many programs to remain "neutral" in the delivery of services. But, the notion of neutrality, as it is commonly practiced in many supervised visitation programs, can unintentionally facilitate stalking behaviors. Supervised visitation programs serving families where there is intimate partner abuse cannot be neutral to the violence. The definition of neutrality is "not aligned with or supporting any side." Supervised visitation programs centering the safety of survivors of intimate partner abuse cannot be indifferent or nonaligned - but rather must be on the side against abuse and ongoing harm and on the side of protecting survivors. Supervised visitation programs should be fair and impartial, but not neutral. Allowing parents who cause harm unchallenged access to the survivor parent, their children, and technology compromises accountability to those survivors and their children.[ii] Being aware and alert to the dangers of stalking empowers program staff and facilitates the delivery of safe visitation and exchanges.

Approximately 1 in 3 women and 1 in 6 men experience stalking over their lifetimes, and the vast majority are stalked by someone they know.[iii] Despite its prevalence, stalking is often misunderstood and rarely identified by victim service professionals, legal systems, and/or even by victims themselves.

Stalkers can be very dangerous, yet too often, stalking goes unrecognized and unaddressed. Stalking frequently co-occurs with other abuse and is a risk factor for homicide.[iv] All stalkers can be dangerous, but former or current intimate partners are generally more threatening, violent, and interfering than stalkers outside of an intimate relationship.[v] Similarly, among intimate partner abuse offenders, those who stalk are generally more threatening and violent than those who do not stalk.[vi]

When abusive partners engage in controlling behaviors such as excessively contacting the victim, showing up uninvited, threatening to harm the victim or their family, hacking into their online accounts, controlling finances, spreading rumors about the victim, breaking into their vehicle, and/or sabotaging the victim's work performance or attendance, that's stalking AND intimate partner abuse. **Well-meaning practitioners in custody actions, criminal proceedings, divorce settlements, and visitation plans frequently fail to account for power imbalances and inadvertently add to, rather than reduce, the harms caused by intimate partner abuse.** Stalking is its own form of violence with its own risks, safety planning needs, and legal responses. Victims can be stalked as they come and go from the supervised visitation center, during the visitation or exchange, and in between visits, so it is critical that program staff recognize and know how to effectively respond to stalking.

## II. STALKING IS CRIMINAL AND DANGEROUS

Stalking is a crime under the laws of the 50 states, the District of Columbia, the Federal Government, the U.S. territories, the Uniform Code of Military Justice, and many Tribal Nations.[vii]

While legal definitions of stalking vary by jurisdiction, generally **STALKING IS DEFINED AS:**

**a pattern of behavior directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others; or suffer substantial emotional distress.**

To see your jurisdiction's stalking definition and some analysis, visit www.StalkingAwareness.org/map.

All stalking statutes criminalize behaviors that are legal as single incidents, as well as abusive, coercive, and controlling behaviors that may be illegal as single incidents. It is crucial to pay attention to the context of a situation to determine if the offender's behavior constitutes a pattern that would cause a reasonable person to feel fear. Since the criminal justice system is largely incident-based, stalking is often missed as responders focus on single incidents and don't appropriately consider the context of the situation.

**Stalking can be an indicator of an urgent, volatile, risky situation**. Generally, the more access to and information about the victim that the offender has, the more dangerous and threatening they can — and are likely to — be. For example:

- Intimate partner stalkers are more likely (than stalkers with other relationships to victims) to physically approach the victim; be interfering, insulting, and threatening; use weapons; escalate behaviors quickly; and re-offend.[viii]
- Abusive partners who stalk are more likely (than abusive partners who do not stalk) to verbally degrade, threaten, use a weapon to attack, sexually assault, and/or physically injure their victims.[ix]
- 81% of women stalked by a current or former husband or cohabitating partner were also physically assaulted by that partner.[x]
- 48% of stalking victims say their abusive partner threatened others with guns, compared to 30% of intimate partner abuse victims not stalked.[xi]
- 31% of women stalked by an intimate partner were also sexually assaulted by that partner.[xii]
- Stalking increases the risk of intimate partner homicide by three times.[xiii]

## III. CONTEXT IS KEY

Fear and/or emotional distress are key components of stalking, but what is frightening to one person may not be frightening to another. Acts that may be harmless in a different context may become menacing due to their repetitiveness or intrusiveness or because of the history of abuse in the relationship between stalker and victim. **When the stalker knows their victim well, they often have intimate knowledge about the victim's vulnerabilities and what would frighten them.** Consider that when the offender targets a victim with specific incidents or tactics that the victim finds frightening, this can be evidence of the offender's intent to frighten them.

Abusers stalk for many reasons: to track, monitor, gather information, harass, and intimidate; and to attempt to maintain or regain control over the victim. Stalkers will frequently use any means available, including involving children, third parties, and/or using a wide variety of technologies.


**Stalking behaviors often include specific meanings only understood by the victim and may be intended to seem benign to anyone other than the victim.**

It is vital to understand the context of the situation to be able to determine if a reasonable person in the victim's contextual situation would feel fear after experiencing the repeated targeted behaviors. When there has been a history of abuse and the victim has gone to significant lengths to avoid encounters with the offender, even a seemingly friendly note or gift is an alarming signal that those efforts have been unsuccessful and the offender poses a threat.

People react to stalkers in a variety of ways, and fear is often masked by other emotions, particularly if the victim comes from a culture that has taught them to suppress some emotions. Fear may present as anger, frustration, hopelessness, despair, apathy, and/or a lack of emotion. Some may minimize and dismiss the stalking as "no big deal." Friends, family, community members, peers, and responders also often downplay the seriousness of the situation. Some victims isolate themselves — physically and/or emotionally — from friends and family to mitigate the impact of the stalking on themselves and their loved ones.

**Consider how victims change their lives to cope with the stalking.** Often, a victim has taken multiple steps to address the offender's behavior before contacting support services. When a victim changes their life because of the stalker's behavior, it is a clear sign that the stalker's behaviors are unwanted and may be a sign of fear or distress. For example, a victim may not use the word "fear" but still take self-protective actions such as blocking the offender's phone number, changing routes and schedules, and/or asking their workplace to deny the offender entry — all of which indicate fear/distress.

**It is important to note that some victims continue to have contact and engage with the stalker as a safety strategy.** Victims often use contact with the stalker as a way to gather information, assess the offender's state of mind, and negotiate for safety. Contact on the part of the victim does not mean that the victim is not in fear or that the stalker's behaviors are wanted; it may indicate that the victim is very afraid of the offender and the contact provides the victim with information helpful for evaluating and planning for the safety of themselves and their family, children, and/or pets. It is also important to consider what contact is mandated by the court that could allow the parent who has caused harm access to the survivor parent (calling for the purposes of the children, arranging visits, etc.) and how to mitigate the potential harm that may result.

## IV. IDENTIFYING STALKING BEHAVIORS

Stalkers often try to argue that their behavior is based on a legitimate purpose (to engage with the kids, to share the car, to drive down the street, etc.), is a coincidence, or is not itself criminal behavior. However, if their behavior is a pattern that shows the intent to surveil, intimidate, or sabotage the victim, then their actions meet the definition of stalking.

It is important to remember that many stalkers use more than one means of contact, communication, or approach, and that stalking behaviors may change and escalate over time. Many stalkers combine behaviors that are crimes on their own (like property damage, trespassing, harassment, and identity theft) with other tactics that are not criminal on their own (like sending gifts, calling, and text messaging),

but these behaviors can be criminal when part of a stalking course of conduct. Documenting all stalking behavior, no matter how minor it appears, is helpful for monitoring a stalking victim's case and may be useful evidence in a criminal or civil case.

To identify behaviors that may be part of a stalking course of conduct, it is helpful to group them into SLII strategies: Surveillance, Life invasion, Intimidation, and Interference through sabotage or attack. These categories overlap and build on each other. Stalking SLII behaviors can often be done in-person or through technology, and nearly half of all stalking victims experience both.[xiv]


- **SURVEILLANCE** is the most commonly identified stalking tactic and includes watching, following, monitoring, and gathering information about the victim, in-person or through technology.
- **LIFE INVASION** describes ways that the offender shows up in the victim's life without the victim's consent, in public or private settings, in-person, or through technology.
- **INTIMIDATION** tactics must be considered within the context of the situation, with the totality of stalking behaviors and the victim and offender's relationship and history in mind. Threats can be explicit or implicit. Things that may be innocuous in a different context may become menacing due to their repetitiveness or intrusiveness or because of the history of abuse in the relationship between stalker and victim.
- **INTERFERENCE THROUGH SABOTAGE OR ATTACK** can affect everything from the victim's reputation to their employment to their physical safety. A common and significant consequence is losing financial resources and other resources, which can quickly spiral.

It is also vital to identify and name abusive behaviors and crimes when they co-occur with stalking. These frequently include intimate partner abuse, sexual assault and harassment, workplace harassment, protection order violations, trespassing, burglary, nonconsensual distribution of intimate images, vandalism, property damage, threats of bodily harm, voyeurism, witness intimidation, and more. **Stalking is often part of the coercive control tactics used by intimate partner abuse offenders to exert power and control over victims, and it is essential to identify and name stalking in these cases for victim safety.**

Common stalking behaviors are categorized below into SLII strategies, but it is not an exhaustive list. Remember that stalkers are creative in the pervasive ways they monitor, surveil, contact, control, and isolate victims, as well as the ways they damage victims' credibility or reputation.

*Table 1: Examples of Stalking SLII Strategies*

| SURVEILLANCE | LIFE INVASION | INTIMIDATION | INTERFERENCE THROUGH SABOTAGE OR ATTACK |
|---|---|---|---|
| • Follow, watch, monitor, or observe victim's physical or online presence, by physical proximity or electronic means<br>• Track victim's location<br>• Seek information about victim from others, in-person or online<br>• Pursue, wait, or show up uninvited at a workplace, gym, residence, grocery store, classroom, or other locations frequented by victim<br>• Hack into victim's accounts to view correspondence<br>• Have others contact, harass, or stalk the victim<br>• Plant listening or recording devices in the victim's home | • Persistent and unwanted contact (phone calls, texts, voice messages, emails, social media messages and posts, letters, notes, postcards)<br>• Unwanted gifts<br>• Publicly shame, embarrass, humiliate, and/or objectify victim<br>• Spread rumors about victim<br>• Share/post private info, images, and/or videos of victim<br>• Property invasion or damage, trespassing<br>• Impersonate victim online (like posing as them on dating sites)<br>• Harass victim's friends/family<br>• Take or create photos/videos without consent<br>• Identity theft | • Explicit, implicit threats<br>• Symbolic violence (like destroying underwear or a meaningful item)<br>• Threats to harm or actually harming self<br>• Threats to harm others (family, friends, pets)<br>• Blackmail, threats to spread rumors or share private info<br>• Threats to interfere with employment, finances, custody<br>• Threats to retaliate against victim if they tell anyone<br>• Deportation or other legal threats<br>• Solicit intimate images or sexual activity through threats or blackmail<br>• Threaten or intimidate the victim to keep them from reporting, seeking services, or participating in the criminal or civil justice systems | • Physical/sexual attack<br>• Non-consensual touching<br>• Repeated unwanted sexual contact<br>• Voyeurism<br>• Indecent exposure<br>• Harm victim's family, friends, pets<br>• Sabotage finances, work, or education<br>• Ruin reputation<br>• Steal or damage property, vandalism<br>• Custody interference<br>• Keep victim from leaving<br>• Post private photos, videos, information<br>• Control accounts<br>• Road rage<br>• Pose as victim and create harm<br>• Human trafficking<br>• Sexual exploitation<br>• Tamper with or disable vehicle<br>• Report victim to authorities for crimes that did not occur<br>• Defamation, slander |

When stalkers commit crimes as part of their stalking course of conduct, too often these crimes are assessed as singular and isolated incidents rather than being identified as pieces of the larger pattern of behavior. Stalking behaviors are also often part of other crimes – for example, an offender might engage in surveillance tactics to identify when someone is vulnerable and alone, as part of planning to commit a crime like kidnapping or sexual assault.


Stalking can take on specific tactics — and implications — when abusers identify victim characteristics that they can exploit as part of the abuse. For example, a stalker might threaten to out an LGBTQ+ victim, threaten to get an immigrant victim deported, or use antisemitic slurs to frighten a Jewish victim. Since every person has multiple and overlapping identities, a stalker might leverage multiple characteristics, including LGBTQ+ identity, immigration status, religious affiliation, race, or ethnicity. Stalking may also precede other crimes as offenders target and gather information about victims for planning attacks.

## V. TECHNOLOGY-FACILITATED STALKING

Nearly half of stalking victims experience both in-person and technology-facilitated stalking, and 80% say they experience some type of technology-facilitated abuse.[xv] Technology-facilitated stalking works in the same way as stalking in the physical world. In fact, many offenders combine their technology abuse activities with in-person forms of stalking and harassment, such as calling the victim and going to the victim's home.

**Technologies and tactics used by abusers may seem impossible or unrealistic when you first hear about them, but remember that they constantly evolve and stalkers are very persistent and creative in the ways they abuse victims.**

When developing a safety plan with victims, always consider the victim's use of technology as a method of support as well as the stalker's use of technology as a method of abuse. The Tech Safety Project has a toolkit for survivors, information on safety planning, and more. The Clinic to End Tech Abuse also offers resources on technology-facilitated stalking.

The impact of technology-facilitated stalking can be vast and just as invasive, threatening, and fear-inducing as in-person stalking. **Victims of technology-facilitated stalking report being just as concerned for their safety as individuals who experience in-person stalking.**[xvi] However, many stalking victims do not consider technology-facilitated stalking tactics to be "stalking," and so may

need help identifying such tactics as part of a stalking pattern of behavior. Technology used to stalk can include but is not limited to phones, computers, tablets, mobile devices, software, the internet, email, social media, messaging applications, smart home devices, recording devices, tracking devices, or other digital electronic devices and software. Below are some examples of stalking SLII behaviors using technology.

*Table 2: Examples of Technology-Facilitated Stalking SLII Strategies*

|  SURVEILLANCE |  LIFE INVASION |  INTIMIDATION |  INTERFERENCE THROUGH SABOTAGE OR ATTACK |
|---|---|---|---|
| • Location tracking software<br>• Location tracking devices<br>• Cameras or audio/video recording devices<br>• Monitor online activity<br>• Access online accounts<br>• Smart home devices | • Unwanted contact through technology, including text messages, phone calls, emails, messaging apps, social media and other platforms<br>• Impersonate victim<br>• Hack into victim's accounts<br>• Impersonate others to access the victim (masking or spoofing calls, texts, social media accounts) | • Online threats<br>• Blackmail<br>• Sextortion<br>• Threats to post private info, photos, or videos, real or fake<br>• Threats to interfere with online accounts<br>• Threats to use technology to interfere with property, employment, finances<br>• Threats to online harm | • Post private info, photos, or videos online, real or fake<br>• Spread rumors online<br>• Dox (publicly post personally identifiable info)<br>• Swat (prank calling to prompt emergency response)<br>• Control online accounts<br>• Use technology to encourage others to harm the victim |

Common signs of technology-facilitated stalking that staff may learn about or hear from the survivor parent include:

- "My ex keeps showing up wherever I am. Places I can't figure out how they know I will be there. They claim it's a coincidence, but it happens too often to simply be a coincidence."
    - The stalker may have placed a location tracking device on the survivor parent's car or is tracking their location via an application on the survivor parent's or child's cell phone.

    - Supervised visitation program staff may want to inquire whether the parent who has caused harm has had access to the survivor parent's car or phone or if the survivor parent or child is posting plans on a social media site.
- "They know things that they shouldn't. They repeated back to me a private conversation I had with someone. There is no way they should have known what we talked about."
    - The parent who has caused harm may be listening in via cell phone spyware or be using a camera or listening device concealed in a gift.
    - Supervised visitation program staff may want to inquire whether the parent who has caused harm has had access to the survivor parent's or child's cell phone or ask about any recent gifts given to the child.
- "They asked our son about some of the websites he had been on, taking him totally by surprise. They don't have physical access to our son's computer, so how could they have known about these sites?"

    - The parent who has caused harm may be using computer spyware to track what the survivor parent is doing online.
    - Program staff may want to inquire whether the parent who has caused harm has had access to the survivor parent or child's computer, or if they have clicked on links in an email or text message from the parent who has caused harm or someone they don't know.
- "I got a voicemail from the supervised visitation program saying my appointment time had changed, but then I got in trouble for not showing up. I think they pretended to be someone from the visitation center."
    - The parent who has caused harm may be using software to mask their phone number for calls and texts, instead showing up as someone the survivor parent trusts or has important communications with, like the Center, a court, or their place of employment.
    - Program staff can set up a code word with the survivor parent to include in any calls, voicemails, texts, or emails to verify that it's really the Center contacting them.

## VI. INTIMATE PARTNER STALKING

When intimate partner stalking is absorbed under the umbrella of domestic violence, victims often do not receive the appropriate response or services for stalking. It is vital to identify and name intimate partner stalking because it is an indicator that the abusive relationship may be particularly violent and dangerous. **When a victim experiences intimate partner abuse and stalking, they are more likely to experience sexual violence, physical violence, and homicide.**[xvii] In fact, intimate partner stalking is one of the top 10 risk factors of intimate partner homicide.[xviii]

When an intimate partner repeatedly engages in physical, emotional, psychological, or sexual abuse against a victim – whether before, during, and/or after the relationship – that pattern of abuse (and each individual incident that makes up the pattern) may also be stalking. Power and control underlie intimate partner abuse, and stalking tactics are often part of the coercive control that abusers exert over their victims. Stalking SLII behaviors are often an effort to coerce victims into compliance and to get victims to comply with the stalker's demands. **When intimate partners engage in behaviors like excessive contact, surveillance, showing up, and/or hacking accounts that would cause a reasonable person in the victim's contextual situation to feel fear, these behaviors are intimate partner abuse AND stalking.**


Stalking during separation or after an intimate relationship is not simply the offender having a difficult time letting go of the relationship. It is vital to recognize the offender's history of controlling and dangerous behaviors as well as the fear that the stalking generates in the victim. Even when there is no physical violence, stalking is still dangerous, traumatic, and criminal. Intimate partner stalking victims may not explicitly say they are fearful, but their behavior often shows they feel fear; victims often change their behavior, routines, friendships, and lives because of the abuser's pattern of behavior.

Even those abusers who accept the end of the relationship can still be dangerous to their victims and children because of their determination to maintain control over their children and to punish their victims for perceived transgressions. It is critical that screening for stalking occurs upon intake to the program, as well as throughout the entire time the survivor parent is accessing services. **Supervised visitation and safe exchange programs should make dedicated time to check in before and after each visit and through the orientation process to ensure staff learns about any safety concerns or risks the survivor parent is experiencing.**

## VII. ASSESSING RISK IN STALKING CASES

When reviewing a stalking situation, there are 14 factors to consider in assessing the risk posed to victims. Evidence-based research has found that the presence of or increase in any of the factors in Table 3 below contributes to an increased risk of current and future harm to the stalking victim.[xx] Note that there may be additional risk factors unique to a case that do not fit neatly into one of these categories, but that should still be considered.

The Stalking & Harassment Assessment & Risk Profile (SHARP) is a web-based tool that examines these risk factors and provides a situational risk profile (available at www.CoerciveControl.org).

*Table 3: Stalking Risk Assessment Factors*

| BIG PICTURE | STALKER MINDSET | STALKER HISTORY | VICTIM VULNERABILITY |
|---|---|---|---|
| 1 Course of conduct (duration, intensity, frequency) | 5 History of abuse to victim (control, jealousy, violence) | 9 Victim's resistance and stalker's persistence | 12 Victim's fear, whether the victim's life and environment provide opportunity for stalking or not, the impact of the stalking on the victim's life |
| 2 Escalation of behaviors over time, events or dates that may trigger an escalation | 6 History of violence and abuse to others | 10 Stalker's motive and demonstrated lack of concern for consequences | 13 Stalker's use of and expertise with technology |
| 3 Nature, specificity, and context of threats | 7 Access to and previous use of guns and weapons, any prior training in using weapons | 11 Proxy stalking (enlisting others to stalk the victim) | 14 Victim vulnerability |
| 4 Previous threat follow-through, ability to carry out threats | 8 Criminal history, mental health, substance abuse | | |

## VIII. STALKING BEHAVIORS LEVERAGING SUPERVISED VISITATION/SAFE EXCHANGE

Supervised visitation may increase the risk of stalking because the parent who has caused harm now has direct access to the survivor parent and/or their children. Visitation and exchange provide a parent who has caused harm with a time and place where they know the survivor parent will be, allowing the parent who has caused harm to engage in further stalking behaviors. For example, the parent who has caused harm could have a third party monitor the survivor's arrival and departure or place a tracking device on the survivor's car. Exchanges give the parent who has caused harm direct unsupervised access to the children. The parent who has caused harm has unsupervised access to give the children gifts with a hidden location tracking device or camera, probe the children for information, or download stalkerware onto the children's cell phones. (Stalkerware is the group of commercially available tools – software programs, apps, and devices – that enable someone to secretly monitor another person's mobile device without the affected person knowing or giving their consent. Learn more from the Coalition Against Stalkerware.)

**It is important for staff to assess for stalking during every check-in process. Staff should be trained to understand and recognize stalking behaviors and, especially, how technology can be used to stalk.** Those parents who have caused harm who had

not engaged in stalking behavior during the relationship may begin to do so, and because it is a new tactic, the survivor parent may not recognize that they are now being stalked. Continually reassessing when stalking is not occurring is nearly as important as recognizing when it is.

Below is a list of ways that stalkers may leverage supervised visitation/safe exchange programs and appointments, but remember that it is not exhaustive.

*Table 4: Examples of Stalkers Leveraging Supervised Visitation/Safe Exchange*

**SURVEILLANCE**

- Ask children questions to gather information about, monitor, and/or find the survivor parent, such as:
    - Is Mommy having friends over to the house?
    - Is Daddy taking you on vacation?
    - Do you have any photos of your room (or soccer game, new toy, etc.) to show me?
- Make small talk with or directly ask program staff questions to gather information about, monitor, and/or find the survivor parent
- Monitor or wait for the other parent before/after appointments (or have third parties do this)
- Use children to surreptitiously deliver or install monitoring software or devices, without the staff or children's knowledge
- Give children gifts or devices that have monitoring or tracking capabilities
- Attach a tracking device to the survivor's car before or after a supervised visitation or safe exchange

**LIFE INVASION**

- Confront, follow, or employ a third party to monitor the survivor parent before/after supervised visits or exchange appointments
- Slander the survivor parent to children or program staff before/during/after appointments
- Spread rumors about the survivor parent to their children or program staff, with the intent to humiliate them and/or ruin their reputation
- Pose questions or share information with children or program staff that seem benign but indicates to the survivor parent they are being monitored and watched
- Place a location sharing device on the survivor parent's car, diaper bag, child's backpack, or gift exchanged at the visitation program
- Arrive early and linger near the program to see if the survivor parent arrives with others

## INTIMIDATION

- Threats to share information (real or false) with children or program staff
- Vandalize a car or other property during appointments
- Leave threatening notes or items on the survivor parent's vehicle
- Use the children to pass gifts that have implicit threats and meaning to the survivor parent
- Park their vehicle in unauthorized areas which is visible to the survivor parent upon arrival or departure
- Threaten the survivor with custody or visitation changes
- Talk loud enough to be heard by the survivor parent while in the visitation space
- Tell the children that if they tell their other parent or supervised visitation program staff about the offender's behavior that they won't ever get to see one another again
- Give implicit threats and messages that seem benign to staff
- Tell children to say something to the other parent that seems benign but the parent knows is a threat
- Arrives at the wrong time or wrong entrance of the supervised visitation program

## INTERFERENCE THROUGH SABOTAGE OR ATTACK

- Engage in an intentional public argument to disclose private information to others
- Interfere with visitation and custody orders in order to sabotage a survivor's employment, finances, housing, etc.
- Arrive late or cancel supervised visitation appointments frequently to interfere with a predictable schedule
- Sabotage a survivor's reputation by spreading rumors about their parenting ability
- Leverage contact mandated by the court (calling for the purposes of the children, arranging visits, etc.) to sabotage or attack the survivor parent
- Report false information to the program about the survivor parent so that staff include the information in their documentation and reports to the court

While survivor parents using visitation and exchange services may face some common risks, it is critical that program responses are tailored to each program participant, based on whether the participant is being stalked and which tactics the parent who has caused harm is using. It is also vital for staff to know the court-mandated terms of contact specific to each participant in order to be able to identify violations.

# IX. MITIGATING RISKS

## A. Program Design Risks

When designing supervised visitation and safe exchange services for survivors of intimate partner abuse and their children, safeguards must be in place to ensure safety and reduce the risk of stalking. Ensuring programs can create physical, visual, and auditory separation between parents is essential. To accomplish this, review Inspire Action for Social Change's *Considerations for Site Selection and Center Design When Providing Supervised Visitation & Safe Exchange Services to Survivors of Intimate Partner Abuse*.

To highlight a few, a program could consider the following design elements:

- **Windows**
  Supervised visitation is a service where a "room with a view" is neither desirable nor safe. The center space should not be located where it can be seen and monitored from outside the building. It is also important that the parent in the visitation or waiting space cannot monitor or see the outside of the building (e.g., watching who drops off or picks up the child from inside the space or monitoring what takes place in the visitation space from outside the space). Who can see in and out of each window is very important to consider, as well as whether the time of day and level of light (e.g., dark outside/light inside or vice versa) makes a difference. Window tinting or temporary window film may be helpful to block visibility and ensure visible separation.

- **Doors**
  Program staff should pay attention to the location of interior doors and what can be seen and heard when doors are open and closed. For example, a waiting area should not be placed in front of the door leading to the visitation space or the other waiting area. A parent in the visitation space should be unable to see or hear the other parent in a waiting space and vice versa.

- **Acoustics**
  
  The design of the space and the materials used will impact the space's acoustics. It is important to consider what can be heard from each program space (e.g., can someone in the waiting room hear what is happening in the visitation space?). A parent waiting in one space should be unable to listen to the other parent. Determine how sound echoes and carries in each space of the program.

- **Security Mechanisms**
  Items to consider in supervised visitation and safe exchange security plans to circumvent stalking behavior could include good quality lighting inside and outside, video surveillance, 911 panic buttons, automatic closing and locking doors, passcode security door locks, security or law enforcement officers on-site or a responsive off-site law enforcement response. Each of these items should be carefully considered and match the philosophy of the organization, the cultural implications of the families served, and the case issues of the families being served. Many of these security items have advantages and disadvantages, and each should match individual program needs and the overall philosophy of the services provided.

## B. Mitigation of Arrival and Departure Risks

In order to mitigate contact between parties, many supervised visitation programs have staggered arrival policies so that the custodial and non-custodial parents do not have contact with each other. Yet, often the staggered arrival and departure protocol doesn't account for the safety of the parent needing protection, which then creates a potential risk of stalking. The intention of staggered arrival and departure in cases of intimate partner abuse is to protect the parent needing protection regardless of their custodial status.

It is important to be aware of who needs protection from whom regardless of their custodial status when determining the staggered arrival and departure procedure each family will follow.

The use of a supervised visitation program makes the exact location of the survivor parent and children a known fact to the other parent. The stalking parent knows when the survivor parent will be at the center and employ their own monitoring or can use a proxy stalker (a third party) to monitor and intimidate the survivor parent. To account for and mitigate these risks, there are a number of measures a visitation program can take:

- Schedule more time between arrivals and departures
- Be intentional in determining who will arrive first and leave last from the program
- Work with the survivor parent to alter their route to and from the program
- Utilize a secure, monitored parking area
- Meet the survivor parent in the parking lot
- Encourage the survivor parent to use another person to transport the children to and from the program
- Have security staff escort both the survivor and parent who has caused harm parent to and from the building

- Utilize video surveillance of the parking areas and entrances
- Advise the survivor parent to park close to security or in a specific spot that can be closely monitored by a security camera

- Create a safe and secure waiting space the survivor parent can use during services
- Ensure parents have physical, visual, and auditory separation at all times
- Have distinct and separate areas allowing separate approaches to the building, parking areas, entrances, and waiting areas and ensure each area is easily monitored by program staff
- Conduct regular audits of the program's safety and security features, for example determine if security cameras are in good working order, if they need to be repositioned to enhance monitoring
- Engage law enforcement to explore additional safety options

### C. Mitigation of Program Practice Risks

Many programs gather information from families during intake and orientation. The amount of information collected can vary from center to center. A minimum level of baseline information is needed to ensure that program staff are informed of potential safety risks. The type of information gathered, and how much, could play an important role in how well staff are prepared to consider and respond to the threat of stalking. It is also important for programs to establish clear documentation practices that are grounded in safety. Programs must actively work to make visible any behavior that poses a continued risk to the survivor parent and their children but also ensure their documentation practices don't put survivor parents at further risk of stalking by disclosing personally identifying information or information that may inadvertently provide parents who cause harm with information they could use to continue to cause harm. Programs should partner with survivor parents in a manner that provides opportunities for survivors to share what information may or may not cause risk and harm.

## X. TIPS FOR RESPONDING AND NEXT STEPS

Stalking is a criminal, traumatic, and violent victimization that requires an urgent response. Screening for stalking and considering how policies and practices would affect stalking survivors are a vital part of supervised visitation and safe exchange programs.


Survivors of stalking rarely use the word "stalking" to explain or define their situation. Instead, listen for signs of surveillance, life invasion, intimidation, and/or interference through sabotage or attack.

It is vital to identify these types of situations as potential stalking circumstances and ask specific questions about stalking behaviors instead of asking survivors if they are being stalked or harassed.

Supervised visitation and safe exchange programs must work to understand the complex realities of living with and leaving a person who used violence and structure services accordingly. It is important to recognize that separating from and leaving an abusive partner can increase rather than diminish the danger for survivors of abuse and their children. Supervised visitation programs should be grounded in an understanding that people who use harm can use visitation and exchange of children as an opportunity to inflict additional emotional, physical, and/or psychological abuse by stalking.

1) Screen for stalking. If the answer to any of the screening questions below is "yes," you should review and consider asking more questions from Identifying Stalking Behaviors and consider completing the full Stalking & Harassment Assessment & Risk Profile (SHARP) with the program participant. (SHARP generates a narrative of the stalking course of conduct and situational risk profile, as well as information around safety planning.)

**Use these four stalking behavior screening questions:**


- *Has the parent who has caused harm followed you, watched you, showed up unexpectedly, or communicated with you in ways that seem obsessive or make you concerned for your safety?*
- *Has the parent who has caused harm repeatedly initiated unwanted contact with you (for example, repeated phone calls, texts, messages, emails, gifts, etc., including through third parties)?*
- *Has the parent who has caused harm threatened you or done other things to intimidate you? What have they done that has frightened or alarmed you?*
- *Has the parent who has caused harm significantly and directly interfered with your life? Have they assaulted you while stalking, harassing, or threatening you? Have they forcibly kept you from leaving or held you against your will, caused you to have a serious accident, physically assaulted your friends (or family or pets), or seriously attacked you in other ways?*

2) Identify local support organizations (often domestic and/or sexual violence programs) to refer stalking victims to where they can receive appropriate support.

3) Advise victims to document every incident with an incident documentation log.

4) Display SPARC victim brochures and awareness posters.

5) Each family that uses the visitation and exchange program has different challenges and risks. Rather than using a prescriptive checklist of safety considerations, programs are encouraged to critically assess each family's situation through the lens of safety.
    - Use SPARC's Safety Planning Guide and SHARP to explore individualized interventions with survivor parents and their children.

6) All staff should receive training on stalking, including with the use of technology.
    - Watch and discuss SPARC recorded webinar trainings, particularly "Identifying Stalking: Context is Key" and "Stalking and Intimate Partner Violence"
    - Review how to identify SLII behaviors, fact sheets, and resources on intersecting victimizations and specific populations

7) If a parent who has caused harm is engaging in inappropriate behaviors, the program should consider whether it is safe to continue services and the survivor parent should consider court intervention to amend the terms of visitation/exchange.

8) Review Inspire's *Guide for Developing Internal and External Policies and Procedures for Supervised Visitation and Safe Exchange Programs*. Current policies and practices should be assessed to determine whether they consider the risk of stalking. For example, for each policy and practice the program should ask:
    - How will this policy/practice affect a victim/survivor of abuse who is being stalked?
    - How will this policy/practice support a victim/survivor of abuse who is being stalked?
    - How might this policy/practice interrupt the stalking behavior?
    - How could this policy/practice create a risk of stalking behavior?
    - How could the parent who uses violence use or misuse this policy/practice to engage in stalking behavior?

9) Assess how stalking could affect policies and practices. Minimally, programs should be reviewing their policies and practices in relation to the below, considering how it poses a risk, what unique needs a family needs in a certain situation, and possible responses:
    - Does arriving or departing from the Center pose a stalking risk?
    - Does the Center parking lot pose a stalking risk?
    - Does the use of technology pose a risk?
        - Computers (survivor's or child's)
        - Cell phones (survivor's or child's)
        - Location tracking devices
        - Cameras
        - Other

- Is proxy stalking (using a third party) a risk before, during, or after supervised visitation or exchange?
- Is the use of children to stalk or monitor a risk during supervised visitation or safe exchanges?
- Does the exchange process pose a stalking risk?

10) Include information on stalking on your website and social media.

11) Collaborate with partner organizations to support stalking victims and hold stalking offenders accountable.

12) Develop or assess current policy and practice around how the program would respond if a staff member were being stalked – by a program participant, an intimate partner, a colleague, or someone else.

13) Learn more about stalking and use SPARC resources at www.StalkingAwareness.org, and contact SPARC at tta@StalkingAwareness.org with any questions.

14) Learn more about the practice of providing supervised visitation and safe exchange services in the context of intimate partner abuse and use Inspire Action for Social Change resources at www.InspireActionforSocialChange.org and contact Inspire at info@InspireActionForSocialChange.org with any questions.

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