

Co-Occurrence of Child Abuse/Neglect and Domestic Violence  
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Guide for New Hampshire Court Appointed Special Advocates

Our Vision

Court Appointed Special Advocates (CASA) of New Hampshire envisions a state in which all children are safe, nurtured and in a permanent home.

Our Mission

Court Appointed Special Advocates (CASA) of New Hampshire recruits, trains and supervises volunteers to serve as advocates for abused and neglected children in the New Hampshire court system.

August 2006  
Draft

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## Forward

As President and CEO of the Court Appointed Special Advocates (CASA) of New Hampshire, I have had the honor of participating in the groundbreaking work of Grafton County in their effort to establish cohesive, comprehensive, and supportive responses to families who are experiencing both domestic violence and child abuse/neglect (known as co-occurrence). The collaboration focuses on designing responses and interventions that achieve three outcomes for children and families: safety, well-being, and stability.

This effort has spanned five years and was built upon the foundation offered in the publication, *Effective Intervention in Domestic Violence & Child Abuse Cases: Guidelines for Policy and Practice* (the *Greenbook*). Judges, attorneys, domestic violence service providers, child protection workers, child advocates, mental health professionals, law enforcement, and other community-based providers all participated in the examination of policies and practices that impact families experiencing the co-occurrence of domestic violence and child abuse/neglect (hereinafter child abuse).

CASA has been a key partner in this initiative. I was challenged, as were all collaborators, to think about philosophical frameworks and personal values that can create real and perceived barriers for various professionals to work together and for individuals and families who are seeking or requiring services. That experience reinforced the importance of cross-training and education for all professionals working with families, including CASA/GAL volunteers.

The *Greenbook* asks that agencies make a commitment to build internal capacity to respond effectively to families grappling with domestic violence and child abuse. It is imperative that CASA/GAL volunteers not only be knowledgeable about child protection proceedings, but also about a variety of issues that impact the families we serve. This Guide is intended to be a starting point to better acquaint CASA/GAL volunteers with the issues that surround the intersection of domestic violence and child abuse. It is not comprehensive domestic violence training. Instead, it is aimed at: raising awareness and ensuring the delivery of responses to families that supports the *Greenbook* philosophy.

I thank you for your commitment to community service and to improving the lives of children and families in New Hampshire.

Marcia (Marty) Sink

# Co-Occurrence of Child Abuse/Neglect and Domestic Violence

## Guide for New Hampshire Court Appointed Special Advocates

“In our important work of assisting children, we not only want to respond to the problem, which is often seen as reducing risk factors, we also strive to strengthen protective factors contributing to the children’s health and well-being.”<sup>1</sup>

### Overview:

When families are in court due to allegations of child abuse and/or neglect, a commitment of time and understanding is required by all those involved. CASA/GAL volunteers are an important part of this court system response. Some issues a family faces can be more complicated than others; that is the case with domestic violence. Domestic violence is pervasive in family division caseloads and can impact families in both obvious and subtle ways. The co-occurrence of domestic violence and child abuse/neglect<sup>2</sup> creates a situation where there are several family members at risk, and decisions on how and if to intervene, can be extremely difficult and dangerous. It is essential that CASA/GAL staff and volunteers be aware of these subtleties and wherever possible work in coordination with other professionals in order to protect both the child and the parent who is the victim of the domestic violence.

Traditionally, communities treated the abuse of a parent and the abuse/neglect of a child in the same family as separate problems having little to do with each other. Intervening in intimate partner violence was widely viewed as secondary to the goal of protecting abused children. Philosophical and historical differences regarding the mission and mandates of child welfare institutions and domestic violence agencies created mistrust, tension, and lack of collaboration between fields. The differing opinion about whose safety was paramount led to misconceptions and criticisms, producing disjointed and often contradictory interventions for families. In the end, it was the adult victim of abuse who was left to manage the many mandates of the various systems, even when they conflicted or posed safety risks to her and her children.

Leaders of the community and its institutions should join together to establish responses to domestic violence and child maltreatment that offer meaningful help to families, including protections for all victims from physical harm; adequate social and economic supports for families; and access to services that are respectful, culturally relevant, and responsive to the unique strengths and concerns of families.

Principle I, the Greenbook

During the past few decades, communities have looked for ways to better respond to the co-occurrence of domestic violence and child abuse. In 2000, Grafton County, New Hampshire was one of six communities selected in a highly competitive process by the U.S. Department of Health and Human Services and the U.S. Department of Justice, to serve as a federal demonstration site and implement the

<sup>1</sup> Yawney, David, Resiliency, *A Strategy for Survival of Childhood Trauma*, in Russell, M., Hightower, J., Gutman, G. (Eds.), STOPPING THE VIOLENCE: CHANGING FAMILIES, CHANGING FUTURES. Canada: Benwell Atkins Limited (1996).

<sup>2</sup> For brevity, child abuse and/or neglect is referred to as child abuse throughout this Guide.

principles and recommendations<sup>3</sup> outlined in the publication, *Effective Intervention in Domestic Violence & Child Protection Cases: Guidelines for Policy and Practice* (more commonly referred to as the *Greenbook*). The *Greenbook* provides a framework for improving system responses to the co-occurrence of domestic violence and child abuse/neglect (co-occurrence). Targeting child welfare agencies, domestic violence providers, courts, and allied professionals, the *Greenbook* aims at creating better experiences and outcomes for victims of domestic violence and their children who require system intervention and to seek ways to reduce exposure to these very systems for others. The overarching principles of the *Greenbook* are: enhancing safety, well-being, and stability for victims of domestic violence and their children; keeping children whenever possible in the custody of their non-offending<sup>4</sup> parents; holding batterers accountable for the violence; increasing collaboration and cross-training; and treating families with respect and dignity.

Child welfare agencies, domestic violence programs, and juvenile courts should develop meaningful collaborative relationships with diverse communities in an effort to develop effective interventions in those communities.

Recommendation 10, the *Greenbook*

Differential and flexible responses are necessary to be able to respond to the varied needs of families. A one-size-fits-all approach has never worked as it discounts an individual's values, experiences, and culture. The work of the Grafton County collaborative has served to break down some of the philosophical differences of agencies and systems in order to increase understanding of the complexities involved in co-occurrence cases and better serve families in New Hampshire. With this enhancement has come the development of protocols and procedures.

#### What is the Role of CASA/GAL Volunteers in Co-Occurrence Cases?

It is important for Court Appointed Special Advocates/Guardians ad Litem (CASA/GALs) to establish a common practice framework in partnership with the court and other collaborators, so that there are comprehensive, flexible, and cohesive responses for children in abuse and neglect proceedings. This Guide has been developed in order to provide information to CASA/GALs about the overlap of domestic violence and child abuse/neglect and to help shape their practice in co-occurrence cases in a manner that complements and supports the *Greenbook* principles.

CASA/GALs are an instrumental part of the court system ensuring that there is a voice for the best interest of the child. As in other abuse and neglect proceedings, the CASA/GAL's role is to serve as an objective gatherer and reporter of facts and to advocate in court for the child's safety and permanence. When domestic violence and child abuse/neglect co-exist, CASA/GALs can also do the following:

- ✓ Help reassure and reinforce that the violence was not the fault of either the child(ren) or victimized parent.
- ✓ Recommend that the child(ren) and parents be connected to resources that specialize in domestic violence.
- ✓ Assist child(ren) in feeling safe to talk about the domestic violence.
- ✓ Assist in protecting the confidentiality of the victimized parent so that safety is not compromised.

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<sup>3</sup> Throughout this Guide, recommendations and principles from the *Greenbook* have been highlighted in boxes to provide CASA/GALs a sense of the publication's mission.

<sup>4</sup> The term "non-offending" is used throughout the *Greenbook* to refer to a parent who is the victim of domestic violence and is not responsible for the conditions that led to an abuse or neglect complaint being filed.

- ✓ Assist child(ren) in maintaining the bond with their parents in a manner that is safe.
- ✓ Make every effort to link the safety of the child and victim parent.
- ✓ Recommend, whenever possible, that child(ren) remain in the care of the victimized parent.
- ✓ Utilize supportive, non-coercive, and strength-based interventions that promote the safety of adult victims and their children.
- ✓ Help hold the battering partner accountable by making recommendations to the court that keep the responsibility of stopping the abuse with the abusive partner.
- ✓ Be part of the community's collaborative response to the co-occurrence of domestic violence and child abuse/neglect.

## Context:

### Myths & Realities

There are common misconceptions about intimate partner violence. The following myths and realities highlight a few.

Myth: If it was really that bad, she<sup>5</sup> would leave the relationship.

Reality: A person may stay in an abusive relationship for a multitude of reasons, including survival. Often people who have not been abused by an intimate partner say that if their partner ever abused them they certainly would leave. Victims may stay because of: terror, economic dependence, love, isolation, religious or cultural beliefs, homelessness, shame, or fear of losing custody of their children. Batterers prevent their partners from leaving by threatening to harm or kill themselves, the children, and the victim. Many victims recognize that if they take steps to leave, they risk the violence escalating against them and their children. In fact, many of the worst injuries and deaths occur when victims of domestic violence try to leave and as many as 50% of batterers find their partners and continue to abuse and harass after separation. Remaining in or returning to an abusive relationship may be a rational survival mechanism for victims. Thus, victims of domestic violence may attempt to protect themselves through a variety of mechanisms short of leaving.

Myth: Even if she leaves, she will just find another abusive relationship.

Reality: Victims of domestic violence are not masochistic. They do not seek out or enjoy being abused. While some victims may become involved with other partners who later begin to abuse them, there is no evidence that the majority of victims have this experience. Low self-esteem, childhood victimization, mental illness, and depression do not cause a person to be battered. However, the effects of violence on the survivor may include loss of self-esteem, the use of drugs, post-traumatic stress symptoms, or depression.

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<sup>5</sup> Because domestic violence is mostly committed by men against female partners, this Guide refers to abusers as 'he' and victims as 'she.' However, the information provided in the Guide should be understood as referring to all victims and abusers, regardless of the gender of either partner. Men can also be victims of domestic violence and intimate partner violence occurs in same-sex relationships. For more information, refer to section on the prevalence of domestic violence.

Myth: Battered parents care more about their abusers than their children.

Reality: Most battered parents surviving in abusive relationships routinely act in conscious ways to protect their children and to minimize the abuse directed toward them. There are numerous things that can bear upon a battered parent's decision-making with regards to the children. Some of these are her overall situation; the timeframe in which she has to consider her options; the possible removal of children; factors impacting the safety of both her and her children; and her knowledge and understanding of the child abuse/neglect, the systems involved, and the services offered and available.

Parents who are battered often go to tremendous and courageous lengths to protect their children from an abusive partner. Research has shown that the non-abusing parent is often the strongest protective factor in the lives of children who are exposed to domestic violence. Battered parents will and often do resist abuse directed toward their children, including withstanding violence perpetuated on them, in order to ensure their children's safety. Many victims worry that if they leave, they may pay the price by losing custody of their children. This fear is especially real for victim parents who have histories of drug or alcohol abuse or among victims who are less financially independent or educated than their partners.

Myth: Batterers abuse their partners because of alcohol or drug abuse.

Reality: Alcohol or substance abuse does not cause perpetrators of domestic violence to abuse their partners, though it is frequently used as an excuse. Substance abuse may increase the frequency or severity of violent episodes in some cases. Rates of simultaneously occurring domestic violence and alcohol abuse vary from as low as 25 percent in some studies, to as high as 80 percent in others. Chemical dependency treatment will not stop someone from battering; the two problems need to be dealt with separately.

## Terminology

There are many interchangeable terms associated with domestic violence. The following are a few that are used within this Guide and that CASA/GAL volunteers may come across most frequently in their work.

### Domestic Violence:

Family violence  
Intimate partner violence  
Domestic abuse  
Partner abuse

Violence against women  
Battering  
Spousal abuse

### Victim:

Adult victim  
Victim/victimized parent  
Abused woman/person

Battered mother/woman  
Survivor  
Mother

Abuser  
Batterer  
Offender

Perpetrator:

Battering/violent parent  
Father

Co-Occurrence:

Overlap  
Intersection  
Multiple issue family

## What is Domestic Violence?

Domestic violence is a pattern of assaultive and/or coercive behaviors that a person uses against an intimate partner in order to gain power and control in that relationship. The behaviors exerted can include physical, sexual, emotional and economic abuse. Domestic violence is not about losing control or an inability to manage anger. It is about the misuse or abuse of power to exert control over another human being. The most common forms of domestic violence are:

- Physical assaults/battery
- Sexual assault, including pressured, coerced, or forced sex
- Psychological/emotional abuse
- Threats of violence against the victim, others, or self
- Destruction of property
- Violence against pets
- Stalking and harassment
- Intimidation, humiliation, degradation
- Isolation
- Economic coercion
- Use of children to control the adult victim
- Exploitation or belittlement
- Threats or use of weapons
- Other forms of oppression

*See Appendix A for a more comprehensive list.*

## How Prevalent is Domestic Violence?

Studies have revealed that:

- ✓ Every nine seconds in the United States a woman is battered.
- ✓ Domestic violence is the single most common cause of injury to women, more than auto accidents, rapes and muggings combined.
- ✓ Every year three to four million women are beaten by their husbands or boyfriends, and every day, an average of three die.
- ✓ Women of all races are vulnerable to violence by an intimate partner
- ✓ Nearly 25 percent of American women report being raped and/or physically assaulted by a current or former spouse, cohabiting partner, or date at some time in their lifetime.
- ✓ Twenty to thirty percent of visits by women to emergency rooms are the result of battering by their husbands or boyfriends.
- ✓ More than a quarter of a million women each year experience intimate partner violence during their pregnancy.
- ✓ Annually, at least half a million women are stalked by an intimate partner.



Intimate partner violence is primarily a crime against women. National crime survey data shows that men commit 95 percent of all assaults on female spouses or girlfriends. In 2001, women accounted for 85 percent of the victims of intimate partner violence and men accounted for approximately 15 percent of the victims. Women are much more likely than men to be killed by an intimate partner. Forty percent of all women murdered are killed by their husbands or boyfriends whereas less than four percent of murders of men are from intimate partner abuse.<sup>6</sup>

## How is Domestic Violence Defined in New Hampshire?

According to RSA 173-B:1<sup>7</sup>

"Abuse" means the commission or attempted commission of one or more of the following acts by a family or household member or current or former sexual or intimate partner and where such conduct constitutes a credible threat to the plaintiff's safety:

- (a) Assault or reckless conduct as defined in RSA 631:1 through RSA 631:3.
- (b) Criminal threatening as defined in RSA 631:4.
- (c) Sexual assault as defined in RSA 632-A:2 through RSA 632-A:5.
- (d) Interference with freedom as defined in RSA 633:1 through RSA 633:3-a.
- (e) Destruction of property as defined in RSA 634:1 and RSA 634:2.
- (f) Unauthorized entry as defined in RSA 635:1 and RSA 635:2.
- (g) Harassment as defined in RSA 644:4.

For purposes of this statute, a family or household member can be spouses, ex-spouses, and persons who are either currently or formerly cohabited with each other OR parents, blood relatives, or relatives through marriage, other than minor children who reside with the defendant. To be considered intimate partners, the persons involved should have at some point been involved in a romantic relationship, regardless of whether the relationship was ever sexually consummated.

## How do I Know if Someone is a Victim of Domestic Violence?

There are sometimes warning signs that domestic violence is occurring in a relationship. It is not the responsibility or role of the CASA/GAL to assess for whether domestic violence exists. However, as a CASA/GAL volunteer you may see things that raise a red flag during the course of your ongoing interactions with children and their parent/caretakers throughout the child abuse and/or neglect proceedings. For example, through interviews or by review of case files and other documentation you may learn about instances of power and control, isolation, intimidation or may be informed about incidents of stalking, the use of weapons, threats of homicide/suicide, as well as other types of abuse.

Some warning signs of domestic violence can include:

- ✓ One partner frequently checks up on the other (by listening in on phone calls, constantly asking about whereabouts, calling a person at work all day, checking a person's car mileage).
- ✓ One partner not allowing the other to have guests over to the home when the other partner is not present (this can include family or friends and extend to interviews with CASA/GAL volunteers).
- ✓ Visible injuries or an attempt to cover/hide injuries.

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<sup>6</sup> The estimate is that 10 percent of all men killed are murdered by an intimate partner, with a significant percent attributed to a woman acting in self-defense.

<sup>7</sup> See Appendix E for a list of additional statutes that are relevant to the co-occurrence discussion.

- ✓ One partner putting the other down (name-calling, public or private humiliation, or making the other partner feel crazy).
- ✓ Evidence of destruction of property such as holes in walls, broken furniture, or doors and windows that do not latch.
- ✓ One partner trying to control or isolate the other, for example, by telling her not to see certain friends or family members, keeping her away from school or work, making her stay home when she wants to go out.
- ✓ One partner acting jealous or possessive.
- ✓ One partner cutting off utilities or denying access of the telephone to the other.
- ✓ One partner threatening to hurt the other partner, or that partner's friends, family members, or pets.
- ✓ One partner forcing the other to engage in sexual activities in ways or at times that are uncomfortable.
- ✓ Displaying anger in a way that scares the other partner or others.
- ✓ One partner blaming the other for all of the family's problems.
- ✓ The use of dominating or intimidating body language.
- ✓ One partner minimizing or denying the concerns of the other.

A lack of police incident reports or arrests is not an indication that intimate partner violence has not happened. Law enforcement is rarely involved with families where domestic violence is occurring. It has been suggested that the most lethal and dangerous situations never come to law enforcement or other system attention.

#### Co-Occurrence of Domestic Violence and Child Abuse/Neglect

For the purposes of this Guide, co-occurrence exists when a child is independently abused or neglected in a family where domestic violence is also occurring. The abuse or neglect may or may not be related to the domestic violence.

We know:

- ✓ It is estimated that between 3.3 and 10 million children witness domestic violence each year.
- ✓ Approximately 50 percent of men who frequently assaulted their wives indicated they also abused their children.
- ✓ Domestic violence may be the single major precursor to child abuse and neglect fatalities in this country.
- ✓ Children who witness violence suffer greater rates of depression, anxiety, post traumatic stress disorder, alcohol and drug abuse and are at greater risk of entering the juvenile and criminal justice system, and have significantly lower academic achievement.
- ✓ Studies indicate that 80 to 90 percent of children living in homes with domestic violence are aware of the violence.
- ✓ Slightly more than half of female victims of intimate violence live in households with children under age 12.

This does not mean that all families experiencing domestic violence should be referred to DCYF nor does it mean DCYF will respond to all reports of domestic violence. Domestic violence is a risk factor for children. DCYF, the court, and others examine factors that can lead to a child safely remaining

Where there is domestic violence in child protection cases, judges should make orders which:

- a. keep the child and parent victim safe;
- b. keep the non-abusive parent and child together whenever possible;
- c. hold the perpetrator accountable;
- d. identify the service needs of all family members, including all forms of assistance and help for the child; safety, support, and economic stability for the victim; and rehabilitation and accountability for the perpetrator;
- e. create clear, detailed visitation guidelines which focus upon safe exchanges and safe environments for visits.

Recommendation 57, the Greenbook

with the family or the battered parent. Some of these factors may include whether the caregiver demonstrates protective capacities; the children show minimal behavioral or emotional effects; the children have formed a relationship with a supportive adult; an adequate safety plan is in place for the children; and the violence is not currently escalating.

Whenever possible, strategies should not be employed that compromise the vulnerability of one family member at the expense of another. The underpinning of the *Greenbook* is

that the safety of the child can be promoted by enhancing the safety of the adult victim. CASA/GALs should focus on what is safe and appropriate for the child given the nature of the alleged child abuse and/or neglect the child has suffered, the age of the child, the child's relationship with each parent, and the history of intimate partner violence.

### How May Domestic Violence Appear in a Case?

There are several ways in which a child abuse and neglect case may become identified as a co-occurrence case. Here are the most common ways:

- 1) Domestic violence was the underlying factor that brought the family to the system's attention and led to the abuse or neglect of the child. For example, the child was hurt when he/she got in the middle of a fight.
- 2) The children were abused or neglected in an unrelated manner and during the course of interviews or pendency of the court case the fact that domestic violence is occurring in the home has come to the attention of a professional involved in the case. This information can impact the delivery and success of services for the family.
- 3) The biological parents of the abused or neglected child are not together but there is a history of domestic violence between them and the court case either reestablishes contact or provides further access for the battering parent to the child and abused parent.

### Effects of Domestic Violence on Children

Children are resilient, yet growing up in a violent home can affect a child's life and development. Research shows that nearly all children who live in homes where there is intimate partner violence see or hear the abuse. There are an abundance of studies available that provide documentation of various types of problems experienced by children who have been exposed to domestic violence. The level of risk in each family varies and domestic violence can have a multitude of complicated effects on children. Symptoms experienced by children who have witnessed domestic violence can include:<sup>8</sup>

<sup>8</sup> See Appendix B for a more comprehensive list of potential effects/behaviors exhibited by children.

- Sleep disorders
- Depression
- Bedwetting
- Learning problems
- Stomach aches
- Isolation from friends
- Truancy

In spite of this, we know that when properly identified and addressed, the effects of domestic violence on children can be mitigated. Many children have developed sophisticated strategies to protect themselves from being physically and emotionally harmed. There is not a typical way a child responds to intimate partner violence. Each child has a distinct reaction and even children within the same family can be affected differently. The way in which a child responds to the violence is based on a combination of their age, gender, temperament, level of involvement in the violence, interpretation of the experience, coping skills, and availability of support systems (friends, relatives, and other adults). While the impact of domestic violence on children is real and often palpable, a surprising number of children show significant resiliency in the face of this violence. Research demonstrates a critical connection between resiliency and a strong relationship between the child and the victimized parent.

Another impact on children that is often overlooked is the influence that the battering parent exerts over the children's relationship with the victimized parent. Victims of domestic violence may be undermined in their parenting role. The battering can corrode the battered parent's relationship with her children. Perpetrators of domestic violence may thwart their (ex-) partners' parenting in ways both obvious and insidious. A batterer may: involve the children in further controlling or harming the victim (e.g. have the children monitor the victimized parent); sabotage the other parent's authority through constant criticism or negative remarks; engage in activities with the children that the abused parent has forbidden; destroy the children's belongings when the abused parent counters his authority; or tell the children that the victimized parent does not love or want them. *(See the subsequent section on post separation violence for more information).*

Thus, CASA/GAL volunteers should not be surprised if they encounter children who have a closer bond with the battering parent than with the abused parent. Children may have adopted the philosophies that support intimate partner violence and may begin to model similar behaviors. For example, they blame the victimized parent for the abuse and problems in the family, use violence to resolve conflicts, or inflict abuse (emotional or physical) on the victimized parent or siblings. Ideally, each child should be referred to an expert in domestic violence and/or trauma who can determine what supportive services are needed to help the child cope with the violence that has occurred in the family.

### What is Post-Separation Violence?

Post-separation violence is common in intimate partner violence situations and separation can serve as an impetus for increased violence. Systems, service providers, and the community must be ready to address the ongoing possibility of harm that exists for victims of domestic violence when they are no longer residing or involved with their abusive partner. Victims have reported that after separation, their former partners have stalked, harassed, verbally and emotionally abused, beaten, and sexually assaulted them. Thus, when a victim is pursuing a protection order, a divorce, or taking other steps to extricate herself from an abusive relationship, is an extremely dangerous time period. After separation, children remain the link between the battering and abused parent. Custody and visitation arrangements are potentially dangerous for both the abused parent and children. Post-separation acts of violence are not solely directed toward the former partner. Other targets commonly include children, the spouse's new partner, and individuals identified as aligning with the former partner.

The legal system is effectively used by batterers as a way to exert and maintain control over a victim through continual litigation on child custody and visitation issues. Litigation is an opportunity to reassert the control batterers feel themselves losing as the relationship ends. Batterers can attempt to intimidate their partners by threatening to take the children away (for example, by making false reports to DCYF, kidnapping, or maintaining ongoing litigation around custody or parent-child contact) and countering such actions can be financially devastating for victims. Hence, courts and professionals can inadvertently become tools for batterers to continue their abusive behavior.

The battering parent may use the following tactics (many which involve the children) in order to try to retain power and control over the adult victim:

- Reporting the victim to authorities for alleged abuse of children or mental health issues
- Telling the children that they cannot be a family because of the victim
- Showing up unexpectedly to see the children
- Withholding child support
- Calling the victim constantly under the guise of talking to or about the children
- Talking about what the victimized parent did "wrong"
- Quitting a job or remaining underemployed in order to avoid paying child support
- Showering the children with gifts during visitations
- Undermining the victim parent's rules for the children
- Picking the children up at school without informing the abused parent beforehand
- Stalking
- Keeping the children longer than agreed upon or abducting them
- Asking children what the victimized parent is doing and who she is seeing
- Criticizing, assaulting, or threatening the victim's new partner
- Blaming the victim for the relationship ending
- Threatening to take custody away from the victim if she does not agree to reconcile
- Telling the children that the victimized parent is an alcoholic, addict, or mentally ill
- Keeping court cases active by frequent filings
- Physically abusing the children and ordering them not to tell their mother
- Abusing his new partner in front of the children
- Changing visitation plans without notice

#### What Other Tactics Do Batterers Use?

There are numerous methods by which a batterer may exert control over his intimate partner. The following are a few to consider that directly relate to co-occurrence issues:

- Battering or threatening to hurt or kill the victimized parent in front of the children
- Telling the victimized parent that no one will believe her and she will lose custody of the children because everyone will think she is crazy
- Telling the children that the abused parent is to blame for the violence/abuse
- Not permitting the abused parent access to proper health care for the children
- Using other relatives to speak negatively about the victim to the children
- Yelling at the victim when the children "misbehave"
- Getting the children to take his side
- Physically abusing the children
- Abusing or killing the family pets
- Threatening to commit suicide
- Justifying the violence to the children
- Driving recklessly with the children and/or the victim in the car
- Abusing drugs/alcohol in front of the children

- Threatening to make false reports to DCYF for abusing or neglecting the children
- Threatening to call the police and have her arrested

These tactics are not directed only to the adult victim or children. Domestic violence is about power and control. Batterers are able to decide when, where and how they are going to inflict abuse. This means that many professionals will never see the violent side of an individual. In fact, many professionals report that men who batter are quite charming in their interactions and are able to manipulate situations in their favor. As systems and professionals become involved with a family, the abusive partner may look for ways to get these individuals to collude with him against the victim. In some cases, perpetrators actively employ the legal system as a means of maintaining ongoing control of their victims. Simultaneous misuse of the child protection system is not uncommon in these cases; excessive reports to DCYF on minimal grounds for concern may indicate this tendency to use official systems for harassment purposes.

As a CASA/GAL volunteer you may find the battering parent:

- ✓ Presenting as the victim.
- ✓ Using statements of remorse or guilt as a way to avoid consequences.
- ✓ Describing the protective actions by the victim (e.g. leaving or calling police) as ways to make him look bad, get a leg up in court, or hurt him (e.g. retribution for infidelity).
- ✓ Presenting as the more stable and calm partner (e.g. using her anger about the situation as an example while on the other hand, he is extremely cooperative).
- ✓ Denying or minimizing his actions (e.g. she bruises easily or I just pushed her a little).
- ✓ Blaming his partner for the abuse (she knew she wasn't supposed to do that).
- ✓ Avoiding responsibility by blaming alcohol or other substances, stress, etc.
- ✓ Alleging the partner is an alcoholic or chemically dependent.
- ✓ Alleging the partner has mental illness (e.g. she is crazy).
- ✓ Presenting himself as the provider for the family, both financially and emotionally.
- ✓ Presenting her behavior in a negative way to get you to side with him.
- ✓ Stating that the victim parent has been the barrier to resolving the family's problems (e.g. she won't go to counseling) and all he wants to do is be a good father and keep the family together.
- ✓ Presenting his behaviors as being misunderstood (e.g. he is protective of her).

### Decision-Making by Victims of Domestic Violence

Probably the most common response by the community, law enforcement, and social service agencies to domestic violence is requesting that the victim leave the abuser. The inference is that stopping the abuse is her responsibility. It not only places the focus of interventions on the victim's behavior, but also assumes 1) that leaving is a viable solution; 2) that ending the relationship is what the victim desires; 3) that ending the relationship is in the child's best interest; and 4) that leaving will stop the violence. Usually, one or more of these assumptions is not true.

A battered parent involved in the Family Division of the District Court will have to manage complex and conflicting demands. The victim may have to weigh the threat of the removal of her children against the potential retaliation the perpetrator may exact if she complies with the requirements of a case plan. She may hesitate to participate with an assessment for fear that abuse will be substantiated against her. The batterer may be working to undermine her efforts to comply with a case plan. Not

knowing who her allies are, the victimized parent may not offer up all of the information she knows, leading the court or others involved with the family to believe she is lying or trying to protect the perpetrator. For a battered parent there may be no clear decision to make or all choices may seem dangerous.

When a battered parent is protected from abuse, she then is better able to protect her abused child. Even if the abusive relationship dissolves, frequently victims want their children to have a relationship with their fathers if it can be done in a way that does not compromise their own safety or the safety of their children. Adult victims may experience depression, stress, isolation, and loss of self-confidence which in turn, may affect the ways in which they care for their children.

Victims of domestic violence are usually in the best position to determine what measures will increase or decrease their safety and the safety of their children. It is important that this determination and autonomy be valued and respected. Supportive, non-coercive, and empowering interventions that promote the safety of both the adult victim and their children should be incorporated into child abuse and neglect proceedings.

### Barriers to Leaving

Everyone deserves to live without violence. Many battered partners simply want the violence to stop. In the face of abuse and assaults, a battered parent often confronts difficult decisions. How will she protect herself and her children from the physical dangers posed by her partner? How will she provide for her children? How will she manage the complex, and for many families, enduring relationship with the batterer over time? The barriers to escaping may be invisible to those outside of her world, but they are extremely powerful. Victims of domestic violence stay in abusive relationships for many reasons, some are:

- Love
- Belief that the violence is her fault.
- Hope that the batterer will change.
- Poverty and economic dependence (including lack of safe housing, loss of income and ability to provide for the children, loss of employment due to domestic violence, lack of job skills, and loss of health insurance benefits for children).
- Social and geographic isolation.
- Fear of further violence (she may have made attempts to leave before and there was an escalation in the abuse).
- Protection of the children (she believes that if she leaves he will kill her or the children or she won't be able to protect them if he get unsupervised contact with the children).
- Lack of knowledge about the community's resources and how to access help.
- Negative experiences with systems and friends (she may have tried to talk to others about what is happening in the home and received unhelpful or judgmental responses. Or, if there was prior system involvement, the police and court may have failed to hold the perpetrator accountable for violence, reinforcing the messages the abuser has sent her about his ability to remain above the law).
- Emotional dependence (conflicting feelings of fear, shame, bewilderment, hope that things will improve, and a commitment to the relationship).

- Lack of confidence (after living with an abusive partner, the self-esteem of most women has been eroded to the point where they no longer have confidence in themselves, including their ability to survive alone, and may believe that there are no other options).
- Her belief system (she was brought up to believe that real fulfillment comes from being a wife and mother or that divorce is wrong. She may even be encouraged to stay in the relationship by family members or religious leaders).
- Fear of bringing shame on her family or cultural group.
- Legal status (if a woman is undocumented she may be afraid of identifying herself to authorities for fear of deportation. Her abuser may have withheld filing the proper paper work in order to keep her under his control. If she is an immigrant/refugee she may not be aware of her legal options and believes she will have no way to support herself and her children).
- Language barriers
- Escalating violence, intimidation, stalking or coercion.

Victims of domestic violence may face additional barriers in accessing services if they are members of a group typically under-served by traditional agencies. Social service organizations and civil and legal systems have not been as responsive to victims whose primary language is not English, victims with disabilities, lesbians, gays, bisexuals, transsexuals, and trans-gendered people, and victims from diverse cultural and/or faith groups. Identifying culturally appropriate and accessible services is a crucial part of effective interventions for families.

CASA/GAL volunteers must be prepared to be involved with families that despite the existence of domestic violence, want to remain together. Volunteers and other professionals will be challenged to seek options that can keep children safe within that family arrangement if at all possible.

### Protective Strategies of Victims of Domestic Violence

Victims of domestic violence are often in survival mode. Without a sufficient understanding of domestic violence, volunteers and professionals may rely on their subjective interpretations of a battered parent's demeanor. Historically, adult victims' decisions or behaviors have been misinterpreted as instability, apathy, uncooperativeness, or even vindictiveness.

Recognizing a battered parent's survival strategies and developing recommendations and case plans that build on those strategies will increase the likelihood of success for protecting children. Therefore, it is important to consider the history of abuse and the abused parent's efforts to manage existing safety threats and prevent additional safety threats to the children from arising. The following examples are ways an adult victim may try to protect herself and her children:

- Fighting back and defying perpetrator (could have led to her arrest).
- Trying to improve the relationship with her partner.
- Sending the children away from the home.
- Pleasing and placating the perpetrator, complying with demands.
- Remaining silent and not telling anyone about the violence for fear of making it worse.
- Leaving to try to make things better.
- Returning to try to make things better.
- Enduring a beating to keep the batterer from attacking the children.
- Establishing safety plans with her children.



- Avoiding the perpetrator (e.g. working separate shifts).
- Calling the police, seeking help from family members, obtaining a protective order, going to a shelter, or trying to find help for the perpetrator.
- Dropping the protective order or withdrawing from help.
- Learning to be “devious” as a way to survive.
- Encouraging the perpetrator to drink so he’ll pass out and not hurt anyone.
- Reasoning with the perpetrator and expressing disapproval of his behavior.
- Having sex to placate the perpetrator and protect the children from violence.
- Drinking and using drugs to numb the pain.
- Lying about the perpetrator’s criminal activity or child abuse so that he will not further hurt the victim or the children.

### Considerations When Interviewing Family Members

CASA/GALs must be ready to engage in conversations where domestic violence is discussed. A CASA/GAL volunteer holds a distinctive role in child abuse and neglect proceedings. He/she will most likely have the opportunity to speak with all members of the family involved in a case. As a matter of good practice, every case should be approached as if domestic violence exists. This way, protections are put into place in case that fact is later revealed.

The CASA/GAL’s role is not to conduct a domestic violence assessment; that is the job of trained domestic violence advocates or DCYF workers. Yet CASA/GAL volunteers may be the first person involved with a family to learn about the existence of domestic violence. Or, if the co-occurrence has already been identified, the CASA/GAL may need to discuss related issues with various family members in order to create her/his recommendations and file a report with the court.

There are several interviewing guidelines for a CASA/GAL to abide by:

- 1) *Safety for the child and the adult victim is the priority when interviews are conducted.*
- 2) *Speak with family members separately.* Whenever possible, children, friends, and other relatives should not be present during interviews. As a matter of course, explain to family members that there will be times that you may speak to them together or separately so not to set off alarms in the batterer’s head when you seek time to speak alone with the adult victim.
- 3) *Inform family members that the conversations you are having with them are not confidential.*
- 4) *Treat everyone with respect, but do not condone the violence.*
- 5) *Work closely with the CASA/GAL supervisor in determining next steps in the case.*

### Speaking with a Victim of Domestic Violence

When speaking to an adult victim, you will know about the victimization in advance, suspect it, or have no indication but during the interview information to the contrary is revealed. These are each very different situations requiring separate approaches.

When domestic violence is suspected or known, interview the adult victim first. Even if domestic violence is an issue that was openly discussed in court, do not ask about the abuse in the presence of the perpetrator. This could force her into a compromising position that may increase the risk of harm for both the abused parent and children. Hold the interview in a safe, private, and comfortable setting.

Affirm to the victim she does not deserve to be abused and that the abuse is not her fault. Express concerns for her safety and the safety of her children.

As a CASA/GAL, the conversation you will have with the adult victim is not confidential or protected under the law. It is important to let her know this before you begin discussing any aspect of the case with her so that she can make an informed decision about whether to disclose sensitive incidents of her life. Explain to her that you are required to make a report to the court that will detail your recommendations that focus on the safety and well-being of the child(ren). *See Confidentiality Considerations section for more information.*

Here are some tips for interviews with victims of domestic violence:

- ✓ Do not pressure victims to disclose anything about intimate partner violence. Adult victims may be reluctant to talk with you because of fear of losing their children and/or of being punished by the batterer. Begin with more general questions then follow up with more specific and detailed ones. Ask about other issues before asking about domestic violence.
- ✓ When victims first disclose domestic violence, they are often not prepared to leave their abusers and many victims never choose to leave. It is particularly important to avoid isolating the victim further by blaming her or getting angry with her. It is critical to increase her sense of autonomy and to restore the control that the abuse has stripped from her.
- ✓ Discuss with your CASA supervisor the information you learned in order to determine if further actions are needed (e.g. notifying the DCYF worker). If after careful consideration and consultation, the supervisor and volunteer believe that notification to DCYF or the court is necessary regarding the existence of domestic violence, the adult victim should be informed of what information will be shared and to whom.
- ✓ If a parent reveals that she is a victim of domestic violence during your interview, it is important to provide the victimized parent with information about how to access and link to a domestic violence advocate if she so desires. A domestic violence advocate will be able to speak confidentially with the victimized parent and assist her in safety planning, processing what is happening to her, and exploring her options. *See Safety Planning section for more information.*

You may want to say something like the following:

*I am worried about you. But before we speak I want to let you know that my role is to provide recommendations to the court about what I think is in the best interest of your child. That does not mean that I am not concerned with your well-being or safety or that I don't want your child to stay/return to you. However, the court has asked me to make your children my first priority. I want you to know that some of the information you tell me can wind up before the court or in a DCYF file. If this is not a good time to talk about your relationship with your partner, let me know when would be a better or safer time to do that.*

When ending the interview, ask the victim about safe times and ways to make contact again. Let her know if you will be talking to her abuser, what information you will be sharing with the perpetrating parent, and what information you will be seeking from him. Listen to any concerns she may have. *See Appendix C for additional questions to help guide a conversation.*

## Speaking with Children

Broaching the subject of domestic violence with children is never easy. An unusual element of co-occurrence cases is how the information acquired and subsequently used from children can directly relate to the safety and well-being of their battered parent. Information revealed by a child regarding intimate partner violence must be shared very carefully to reduce placing the child or victimized parent at further risk of harm or jeopardize any progress that has been made in a case thus far. Here are some tips for interviews with children coming from homes where there has been domestic violence:

- ✓ If there is more than one child in a family, speak to the children separately as each may have a different reaction and experience related to the domestic violence.
- ✓ Beware that a child may take responsibility for the abuse or side with the perpetrator.
- ✓ Reassure the children that the violence is not their fault nor is it the fault of the parent being hurt.
- ✓ Try not to convey negative comments about the perpetrator, as kids often love him and they just want the violence to stop.
- ✓ Find out if there are peers, friends, family members, or other adults that the child can speak to if domestic violence happens again.
- ✓ Tell the child what you will be sharing. Conversely, be careful what you share with the child about what you learned from their battered parent. A child may inform the batterer of this which can compromise the adult victim's safety.
- ✓ Support and reinforce the children's closeness to their abused parent.

*See Appendix D for sample questions to help guide a conversation.*

## Speaking with a Battering Partner

If you speak with the battering partner do not ask about his use of violence in front of his partner. Never relay what the adult victim or children have told you about the violence. If you mention domestic violence, use corroborating reports such as police, neighbors and medical records to back up the statements. Do not reveal any information about the adult or child's safety plan. Similar to the interview conducted with the victim, ask about other issues before inquiring about domestic violence. Begin with more general questions then follow up with more specific and detailed ones.

Consider not interviewing the alleged perpetrator if it poses a substantial risk to the adult victim or child. If you are concerned about your own safety due the level of reported or documented violence, speak with the CASA supervisor immediately to determine whether an interview needs to take place and if so, how the information can be gathered in a safe manner.

The battering partner may not be the biological parent of the children who are the subject of the abuse/neglect proceedings. In that situation, the court may have difficulty holding him accountable for his battering through the child abuse and neglect case, especially if the domestic violence was unrelated to the reasons a petition was filed by DCYF. However, he still can remain a part of the family's life and attention should be paid to what he is doing.

## What is a Domestic Violence Specialist?

Initiated in 1998, the Domestic Violence Specialist Program is a collaborative effort between the New Hampshire Department of Health and Human Services (DHHS) and the New Hampshire Coalition Against Domestic and Sexual Violence. Its mission is to provide services to victims of domestic violence to maximize their safety and well-being and, by extension, to maximize the safety and well-being of the adult victim's children. This has been done through the creation of the Domestic Violence Specialist position that coordinates efforts between battered women's advocates and child protective service workers (CPSW).

Domestic violence specialists (DVS) are employed by local community crisis centers and spend about half of their time at local DHHS District Offices. These program specialists are a source of assistance and training to CPSW while providing advocacy services to battered women involved with DCYF. Consultation between the program specialists and the CPSW results in better decision-making about risk and safety factors concerning children in domestic violence situations.

DCYF screens families for domestic violence and if domestic violence is identified, referrals are made to a DVS. The CPSW identifies with the adult victim a safe time for the DVS to contact the victimized parent. A DVS then initiates contact with the adult victim and may:

- ✓ Provide consultation to the CPSW and others involved in the child protection case.
- ✓ Provide confidential support and information to the victim throughout the DCYF case.
- ✓ Explore what has helped to keep the victim and children safe and offer new ideas.
- ✓ Link the victim to crisis center services, which include a 24-hour crisis line, emergency shelter, court and social service advocacy and support groups.
- ✓ Link the victim with other community resources, such as housing, transportation, child care, law enforcement, and mental health services.
- ✓ Assist the victim in understanding the DCYF process, from the assessment phase through the closing of the case.
- ✓ Attend meetings/hearings with the victim regarding the DCYF case.

While not a party to the case, the DVS can provide support to the adult victim in the courtroom. By statute, DCYF may share case specific information with the DVS and still adhere to confidentiality provisions (RSA 170-G:8-a). Due to the DVS's collaborative position within DCYF, court accompaniment is permitted in lieu of the traditional closed hearing process of abuse and neglect proceedings.

## Safety Planning

Safety planning is a process where victims of domestic violence explore and evaluate strategies to safeguard themselves and their children in different situations that may bring about safety concerns. The philosophy is to have decisions made in advance so that in case an emergency arises, there are concrete plans in place to achieve, eliminate, or manage a safety threat. Safety planning can also be done with children. Studies show that safety plans that address the needs of adult victims and their children together are more effective and more likely to be maintained by the family after service providers are no longer involved.

As with any strategy, safety plans do not guarantee safety. They are a mechanism to increase that possibility. A safety plan must be realistic, simple, and age-appropriate when applied to children. For the adult victim, the ideal practice is to invite her to discuss her situation with a domestic violence advocate outside of the child abuse/neglect case. A thorough safety plan should be done in person and can take several hours to develop. It does not necessarily have to be written down. There are several reasons why a domestic violence service provider should work with an adult victim to develop the safety plan, such as:

The juvenile court should ensure that all participants in the court system are trained in the dynamics of domestic violence, the impact of domestic violence on adults and children, and the most effective and culturally responsive interventions in these cases including safety planning.

Recommendation 47, the Greenbook

- ✓ A domestic violence advocate has the specialized expertise and knowledge to build a thorough, realistic plan.
- ✓ The victim may be willing to share more details with an advocate outside the child welfare or court system, leading to a more specific and realistic plan.
- ✓ With a skilled independent advocate, the victim may feel less pressure to do what she thinks someone wants her to do and more empowered to make her own choices. This will lead to a stronger plan and contribute to the victim’s healing process.
- ✓ The relationship with a domestic violence service provider may be useful to her in the future.
- ✓ There is a risk that an inexperienced person may not be able to help the victim form a plan that is sustainable over time.

### What are Protective Orders?

Protective orders are legal options that a victim of domestic violence can pursue through the civil court system. Pursuant to RSA 173-B, a court will issue a protective order if it finds that abuse occurred or a credible threat to the petitioner/plaintiff’s safety exists. The abuser/defendant must be served with a copy of the petition and given the opportunity to be heard on the issue. If a final order is granted, it is in effect for one year subject to renewal by the plaintiff.

A victim has the option of obtaining a temporary order if she can demonstrate to the court that there is an immediate and present danger of abuse. A temporary protective order can be issued without notice to the defendant and is in effect for thirty days. There are several conditions/restrictions that the court can mandate through a domestic violence protective order to assist the victim in seeking safety. An abuser can be ordered to:

- Refrain from abusing, threatening, harassing, or intimidating the victim or other household members, relatives or friends.
- Restrain from entering or attempting to contact the victim at her residence, place of employment, or school.
- Leave the residence, granting the victim exclusive use of the home.
- Restrain from taking or damaging the victim’s property.
- Turn over his weapons to law enforcement
- Pay child support.
- Have supervised visitation with his children.
- Pay insurance, health care, utilities, rent, or mortgage payments.
- Restrain from disconnecting the utilities.

Similarly, in abuse and neglect proceedings the Family Division of the District Court has the ability pursuant to RSA 169-C:16, I(d) to enter an order of protection. This provision is useful when keeping the victimized parent and child together as it permits the court to set conditions under which a person<sup>9</sup> may or may not have contact with the victimized parent and child. For example, the court could require the battering partner to stay away from the home, stay away from the victimized parent and/or child, or have the battering partner stop certain actions toward the child and victimized parent.

Protective orders can be a helpful tool for victims of domestic violence, especially because criminal sanctions can be pursued if the order is violated. A protective order should not be considered a safety plan but instead one element of an overall plan. It should not be relied upon to provide safety as it is only valuable if the batterer abides by it.

There are both inherent risks and benefits to obtaining an order. If an order is violated, a perpetrator can face criminal charges. Yet, for some victims of domestic violence seeking a protective order can mean increased risk. For example, some perpetrators may see the order as an ultimate loss of power and with a feeling of nothing left to lose, may become a lethal threat to the adult victim and children. Therefore, pursuing this civil action is an option to be suggested, but not mandated. Domestic violence advocates are best positioned to explore the viability of a protective order for a battered parent. CASA/GALs should acquaint themselves with the basic procedures of protective order proceedings and the scope of the orders as part of their work.

See <http://www.nh.gov/judiciary/district/protocols/dv/index.htm>

## Other Considerations

Safety and accountability are key elements for CASA/GALs when information gathering, making recommendations, and submitting reports to the court in co-occurrence cases. Careful examination must be made of all of these aspects of case handling so that neither the safety of the child nor the adult victim is compromised.

### Confidentiality:

When courts and agencies exchange information concerning family members, the safety and privacy concerns of all parties must be balanced carefully with the need for access to such potentially harmful information. CASA/GALs gather and review information from various sources in order to obtain a comprehensive view of the factors that may be impacting the children and their parents/caretakers. If revealed, this information can be at a minimum embarrassing to the family; at a maximum make both the children and adult victim vulnerable to further harm by the batterer.

In order to preserve safety, identifying information should be removed from reports. CASA/GALs can become susceptible to the manipulation of batterers or inadvertently become agents of harm when the information released jeopardizes the safety, autonomy, and stability of the victim parent and children. There is a litany of types of information that can put a battered woman and her children at risk, such as documentation about her job, where she lives<sup>10</sup>, contact numbers and names of friends, details of a safety plan, updated photographs, details about her automobile (license plate, make and model), sharing that she is in a new relationship, that she is seeking counseling, comments about the children taken out

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<sup>9</sup> Under this statute, the court can restrain the behavior of a parent, relative, guardian, custodian, or household member.

<sup>10</sup> If a protective order is in place, the removal of a victim's home address is mandated.

of context, information about where the children go to school or after school activities, or that the adult victim is thinking of moving.

If a CASA/GAL is unsure about whether to include some information in a report, including identifying information, the volunteer can request that the court conduct a pre-hearing conference to address the questions and other outstanding safety issues. The volunteer should work with the CASA supervisor to determine if a pre-hearing conference is needed.

Examination of how safety and confidentiality are intertwined must be afforded in each individual case.

CASA/GALs should work with collaborators to determine how they will handle cases when they need to share information with the judge but doing so could compromise the safety of a family member. At a minimum it is also important for CASA/GAL volunteers to clarify before speaking to anyone involved in the case (family members, friends, etc.) that the conversation is not confidential and the information shared may become public to the court and family.

One of the reasons that a CASA/GAL will want to facilitate communication between the adult victim and a domestic violence advocate is that a conversation between the two is considered a privileged communication pursuant to New Hampshire RSA 173-C. A privilege is something that is created in law to prevent (usually the government) from acquiring information. It is formed on the basis of a relationship, such as attorney-client or spouses, and is held by the client or owner of the information. Only the alleged victim of domestic violence or sexual assault can determine if she wants to waive the privilege making public the information shared with the advocate. The DVS is also covered under this privilege. Thus, even though there is a collaborative partnership, due to legal rules, a CASA/GAL should not expect the domestic violence specialists/advocates to share information without waivers being signed by victimized parents. The exception to this privilege is that all advocates are mandatory reporters of child abuse and/or neglect.

Another program CASA/GALs should be aware of is the Address Confidentiality Program through the Attorney General's office. Individuals attempting to escape from domestic violence, sexual assault or stalking situations frequently establish new addresses in order to prevent their assailants from finding them. The New Hampshire Address Confidentiality Program (ACP) allows victims who move to a new location the opportunity to keep that address confidential. ACP assists in that endeavor in several ways, such as allowing: state and local agencies to respond to requests for public records without disclosing the location of a victim; participants to use the ACP substitute address whenever they obtain state and local services (a driver's license, food stamps, Medicaid, car registration etc.); participants to have other first class mail forwarded to them from the substitute address to their actual, confidential, location.

The *Greenbook* dedicates several recommendations to confidentiality recognizing that it is a critical aspect to preserving safety. A few of these are:

When making decisions and policies about information disclosure, juvenile courts and child protection agencies should balance (a) the need for information required to prove the occurrence of child maltreatment and to keep children safe with (b) the need of battered women to keep information confidential in order to maintain and plan effectively for their safety. Principle VI

When courts and agencies exchange information concerning family members, the safety and privacy concerns of all parties must be balanced carefully with the need for access to such potentially harmful information. Recommendation 52

Child protection services and juvenile courts should support the principle and policy goals of privileged communication protections for battered women. Recommendation 14

## Services for the Family:

Here are some general principles for a CASA/GAL volunteer to consider:

- 1) Interventions that require discussion of the domestic violence with both the perpetrator and victim present should never be recommended, such as mediation or joint/family counseling. These services can increase the danger to the adult victim and children and provide a skewed view of the dynamics within the family.
- 2) Research has demonstrated that batterer intervention programs (BIP) are the preferred intervention for perpetrators of intimate partner violence. There are other services in the community that sound similar, such as anger management, but they are very different. Anger management programs teach techniques for monitoring and interrupting angry outbursts caused by a loss of control. These techniques do not address the underlying reasons for perpetrating violence against intimate partners. Conversely, BIPs approach their services from the standpoint that violence against women is grounded in power and control. Their mission is to end the violent, abusive, and controlling behavior, and hold batterers accountable for their behaviors. BIPs often make provisions for the safety of victims of domestic violence and their children and collaborate with other agencies in the community to stop intimate partner violence.

Unfortunately, batterer intervention programs are not available in all areas of New Hampshire. While individual counseling is not a substitute for group batterer intervention programs, it may be the only appropriate alternative as long as the individual counseling uses a psycho-educational model as opposed to a psycho-analytical model.

- 3) When searching for absent parents in any case, ask about any history of domestic violence in that relationship. Check police records, restraining order information and other sources. If the battered parent is concealing her whereabouts from him for safety reasons, refer her to a domestic violence advocate for safety planning, and take necessary precautions when preparing written information and court documents. Promoting contact between children and a violent ex-spouse may create an opportunity for renewed domestic violence through visitation and exchange of children.
- 4) Children will need assistance to begin the emotionally charged process of reevaluating their understanding of the battering that their parent experienced. As a CASA/GAL, recommend the children be evaluated and treated at programs that specialize in working with children exposed to domestic violence.
- 5) If the situation permits, share with the adult victim or her attorney in advance the recommendations that you are considering placing in the report in order to ascertain whether they could potentially raise safety concerns for her or her children. This practice is not designed to change the recommendations, but to strategize if necessary on how to present the information in a way that minimizes any potential safety risk without jeopardizing the credibility of the report. Additionally, it is important to never include particulars of either the victimized parent's or child's safety plan in a court report or share that information with others. The rationale is that if the battering partner has information about the safety plan, then the plan is no longer viable.



- 6) Maintain a working knowledge of what resources are available in the community and how they can be accessed. In domestic violence cases, families may need a multitude of resources, such as housing, support groups, financial assistance, job training, health care, child care, etc.

Local domestic violence service providers (also known as crisis centers) offer a range of services, including emergency shelter, information and referral, peer support and advocacy. A number of programs also have transitional housing programs and services for children. Services through domestic violence service providers are voluntary, confidential and free. Some things to find out from local domestic violence providers are:

- ✓ What help is available for victims of domestic violence?
- ✓ Are there services specifically for children?
- ✓ Are there multicultural and multilingual staff?
- ✓ Does the organization provide advocacy for court, housing, and financial services?
- ✓ How do families access services?
- ✓ For residential services, can victims bring their children and are there any restrictions on this? What is the maximum stay? How easy is it to get a bed? What are the rules for residents?

#### Visitation/Placement Recommendations

Visitation in child abuse/neglect cases usually focuses on the safety of the child. In co-occurrence cases, visitation presents additional safety concerns for the adult victim and for the children because of the risk posed to the adult victim. Depending upon the circumstances of the case, the CASA/GAL may need to provide recommendations to the court regarding visitation between: the child and both parents, the child and victim parent, or the child and battering parent. These are all very different situations that require attention to reunification, access, and safety.

In developing recommendations for parent-child contact, consider measures that meet the safety needs of both the child and the victimized parent. When available, measures should include, but not be limited to, arranging different visiting schedules, using supervised visitation and exchange services or a safe drop-off/pick-up location, and including provisions in a safety plan in case the batterer unexpectedly appears. Other factors to consider are whether there has been: serious injury to the adult victim; threat of child abduction; reports of an increase in either the frequency or severity of the violence; stalking; the use or threat of use of weapons; or threats of suicide or homicide. Statutorily recognized risk factors in New Hampshire include:

Any proposed caretakers for the child, including the non-custodial parent, any relative or kin, or foster parent, should be assessed for child maltreatment, criminal history, domestic violence, substance abuse, and their willingness to work with the court, social service agencies, and the battered woman concerning the needs of the children.

Recommendation 49, the Greenbook

A. RSA 597:2:

- ✓ threats of suicide;
- ✓ acute depression;
- ✓ history of violating protective orders;
- ✓ possessing or attempting to possess a deadly weapon in violation of an order;
- ✓ death threats or threats of possessiveness toward another;
- ✓ stalking, as defined in RSA 633:3-a;
- ✓ cruelty to or violence directed toward pets.

B. RSA 173-B:5 I(b)(6):

- ✓ the degree to which visitation exposes the adult victim or the children to physical or psychological harm;
- ✓ whether the risk of physical harm or psychological harm can be removed by ordering supervised visitation;
- ✓ whether visitation can be ordered without requiring the adult victim and batterer to have contact regarding the exchange of children.

The perpetrator's relationship as a parent presents complex issues. The perpetrator may not have been physically abusive to the children. However, the domestic violence can produce a traumatic climate for both the adult victim and children. In addition, the tactics of manipulation and control may be present in the perpetrator's relationship with the children. CASA/GALs should check for existing restrictions that may impact visitation through protective orders, conditions of probation, or other court orders. If the children are out of the care of both parents, the CASA/GAL should recommend that separate visits occur or that exchange happen under the supervision of a professional. If an absentee parent has become re-involved in the child's life through the child abuse/neglect proceeding, the CASA/GAL should check to see if there were previous domestic violence incidents or restrictions placed on his/her access to the children and if safety may be a concern to be brought to the court's attention.

Relatives are commonly used to assist with visits or exchanges or are considered as possible placement options. When there is the intersection of domestic violence and child abuse, it is incumbent on professionals to determine if:

- The relatives understand and acknowledge the risks presented by the perpetrator.
- The relatives do not blame the victim for the violence.
- The relatives will not collude with the batterer against the adult victim.
- The relatives understand or are willing to learn about the effects of domestic violence on the children.
- There is a history of domestic violence by any person in the household.
- The relatives can work with intervening professionals to provide continued safety, including complying with all the court orders.
- Additional services and supports are needed.

### Expectations of the Court

Similar to this document, the New Hampshire District Court has developed a Guide for the handling of co-occurrence cases. The Court Guide lays out expectations about case plans and services when there is an overlap of domestic violence and child abuse. It is important that as a CASA/GAL, you are aware and ready to respond to these expectations. Some of these requirements are that:

- ✓ The adult victim has privacy in the specifics of her own case plan, to reduce the opportunity for coercion and intimidation.
- ✓ Case plans are consistent with the unique, identified needs of family members.
- ✓ Consent decrees have been reviewed by attorneys and CASA/GALs to ensure that they were not entered into under duress or compromise safety.
- ✓ Services are provided by those who are knowledgeable about the effects of domestic violence whenever possible.
- ✓ Court orders are crafted based on what the family has identified as their needs, including the adult victim's perception of what will enhance her and her children's safety.
- ✓ The victimized parent has had the opportunity to engage in meaningful safety planning throughout the life of the case with someone skilled in doing so.
- ✓ If the primary issue creating safety concerns for the children is not domestic violence, assure that issues pertaining to the domestic violence are still accounted for in interventions and that they are being addressed by professionals who have a core competence in intimate partner violence.
- ✓ Visitation arrangements are safe for the child and do not allow for the perpetrator to exert influence over the relationship and interaction of the adult victim and child.

Juvenile courts must treat each case with the highest priority, ensuring that safe placements and services are identified immediately and that safety-enhancing orders are made for children and other family members.

Recommendation 45, the Greenbook

### Holding Batterers Accountable

Accountability means placing responsibility for abusive and controlling behavior on the perpetrators of such behavior. It is the opposite of blaming adult victims or expecting them to control or to protect against the effects of another's behavior. In co-occurrence cases, accountability means that either the batterer stops behaving in a manner that is violent or, depending on the severity of abuse and the surrounding circumstances, the batterer loses access to his children or access is restricted or monitored. As the case proceeds, the court should hold batterers accountable for violations of protective orders and for non-compliance with case plans and other orders. In accordance with the Court Guide, CASA/GALs should not let the non-compliance of batterers influence their recommendations or assessment of the compliance and progress of adult victims.

Ways in which the court can relay the message that the responsibility for domestic violence and its damaging impact on children lies with the batterer is to:

- ✓ Order the batterer out of the home under provisions in RSA 169-C:16, I(d)(1) and RSA 169-C:19, II (a)(1)
- ✓ Inquire of DCYF whether there are any criminal cases pending, and if so, inquire as to the status of the charges.
- ✓ Write orders in a way that clearly delineates who is responsible for creating and changing the abusive behavior that led to concerns for the children's safety.
- ✓ Find out what steps have been taken to hold perpetrators accountable when they are not within the jurisdiction of the family division of the district court.

## Role of CASA Supervisors

CASA supervisors are responsible for the recruitment of volunteers, the overall daily operation of the local CASA office, and promoting the delivery of consistent and professional services to the court and community. As a course of standard practice, supervisors review reports before they are submitted to the court. When domestic violence is a factor, supervisors should specifically examine reports for information that may compromise the safety of the child and/or victimized parent and assist volunteers in organizing how to present information to the court in a manner that minimizes further risk. In co-occurrence cases there are several strategies for supervisors to utilize in order to improve and maintain practices that support the Court Guide and *Greenbook* philosophy.

The juvenile court should ensure that all participants in the court system are trained in the dynamics of domestic violence, the impact of domestic violence on adults and children, and the most effective and culturally responsive interventions in these cases including safety planning

Recommendation 47, the Greenbook

Specialized knowledge. Supervisors should try to identify CASA/GALs who have previous experience in the domestic violence field and can serve as volunteers on cases where domestic violence is an issue. Collaborative partners are a good resource for locating community members who may be well suited for co-occurrence cases.

Ongoing domestic violence training. The issue of domestic violence should be incorporated into in-services and ongoing training sessions for CASA/GALs. The information provided in the initial CASA volunteer training serves only as an introduction of the topic. The complexities of co-occurrence should be continued to be explored. Additional training areas could include the following:

- ✓ State domestic violence laws and how they are interpreted and applied by police, the court system, and child welfare agencies in the community.
- ✓ Understanding patterns in response to violence, battered women's decision-making, and post-separation violence.
- ✓ Working with a family when the batterer is involved (i.e. family wants to stay together).
- ✓ Effective ways to offer support and safety to adults and to children.
- ✓ Questions to ask if domestic violence is suspected.
- ✓ Effects of domestic violence on children.
- ✓ Safety planning for children and adults.
- ✓ Community resources.

It is recommended that CASA supervisors work with skilled domestic violence trainers to conduct trainings and in-services. These trainers can be found through local crisis centers or by contacting the New Hampshire Coalition Against Domestic and Sexual Violence.

Establish relationships and partner with domestic violence organizations. It is important to get to know the domestic violence network in your community including making the opportunity to visit local domestic violence agencies, building relationships with front line workers, and learning how the referral process works for families. Building relationships with crisis centers will lead to cohesive and comprehensive services to families. There are several ways in which to work together:

- ✓ Conduct cross-training so that roles and responsibilities of CASA/GALs and advocates are better understood.
- ✓ Have information on local domestic violence resources available through the CASA/GAL program.
- ✓ Check-in and consultation. This work is very difficult. The best path to ensuring safety is not always clear. Consulting with other professionals who have experience with domestic violence will assist CASA/GALs think through their course of action and provide extra support to the volunteer who is helping victims of abuse.

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## APPENDIX A

### EXAMPLES OF WAYS IN WHICH A PERSON MAY BE VICTIMIZED

#### Emotional Abuse

- Telling the victim's family or friends lies about her
- Belittling, embarrassing, or humiliating her in front of family and friends
- Making her feel guilty for all the problems in the family
- Accusing her of trying to attract or of sleeping with other people

#### Economic Abuse

- Preventing her from getting or keeping a job
- Forcing her to work "under the table" when she does not have a work permit or threatening to report her for working illegally
- Preventing her from obtaining job training or schooling
- Forcing her to sign papers that she does not understand, including legal documents
- Requiring her to ask for money or taking the money she has earned
- Preventing access to bank accounts or other income
- Not filing papers in order for her to gain legal or working status in the country

#### Intimidation

- Making her afraid by using looks, actions, gestures
- Destroying property, including items with special meaning to her or the children
- Abusing pets
- Displaying or past use of weapons
- Hiding or destroying important papers, including health care cards, driver's license, passport, or immigration papers

#### Coercion and Threats

- Making or carrying out threats to do something to hurt her, her children, friends, or family members
- Threatening to harm or harass her employer or co-workers
- Threatening to leave her or to commit suicide if she leaves
- Threatening to withdraw immigration papers that legalize her residency or report her undocumented status to the authorities
- Threatening to take the children away or out of the country
- Threatening to make her look crazy and like she is a bad parent by calling police, children's services, or a psychiatrist about her if she tells anyone about the abuse



## Isolation

- Controlling what she does, who she sees, what she reads, and where she goes
- Limiting her involvement outside the home
- Not allowing her to learn English or keeping her from friends or family who speak her language
- Using jealousy to justify actions
- Not permitting her to partake in activities that are important to her

## Minimizing, Denying & Blaming

- Making light of abuse and not taking her concerns about it seriously
- Denying that the abuse is happening
- Shifting responsibility for the abusive behavior
- Saying she caused the violence

## APPENDIX B

### EXAMPLES OF EFFECTS OF DOMESTIC VIOLENCE ON CHILDREN

#### Emotional

Feeling guilty for the abuse and for not stopping it  
Grieving for family and personal losses  
Confusion regarding conflicting feelings toward the parents  
Fearful of abandonment, expressing feelings, the unknown, or of personal injury  
Angry about the violence and the chaos in their lives  
Depressed, feeling helpless and powerless  
Embarrassed about events and dynamics at home

#### Cognitive

Believe they are responsible for the violence  
Blame others for their own behaviors  
Believe that it is acceptable to hit people they care for to get what they want, to express their anger, to feel powerful, or to get others to meet their needs  
Have a low self concept originating from a sense of family powerlessness  
Do not ask for what they need, let alone what they want  
Do not trust  
Feeling angry is bad, because people get hurt  
Rigid stereotypes, for example to be a boy means...to be a girl means..to be a man, woman, husband, wife means

#### Behavioral (often seen in opposite extremes)

Act out vs. withdraw  
Overachiever vs. underachiever  
Refusal to go to school  
Caretaking, more concern for others than self - parent substitute  
Aggressive vs. passive  
Rigid defenses (aloof, sarcastic, defensive, "black and white thinking")  
Excessive attention seeking (often using extreme behaviors)  
Bedwetting and nightmares  
Out of control behavior, not able to set own limits or follow directions

## Social

Isolated from friends and relatives  
Relationships are frequently stormy, start intensely and end abruptly  
Difficulty in trusting, especially adults  
Poor conflict resolution and anger management skills  
Excessive social involvement (to avoid home life)  
May be passive with peers, or bully peers  
Engage in exploitive relationships either as perpetrator or victim  
Play with peers gets exceedingly rough

## Physical

Somatic complaints (headaches, stomachaches)  
Nervous, anxious and a short attention span  
Tired, lethargic  
Frequently ill  
Poor personal hygiene  
Regression in development tasks (bedwetting, thumb sucking - depending on age)  
Desensitization to pain  
High risk play and activities  
Self abuse

## APPENDIX C

The following are some potential questions and tips when speaking to a battered parent. It is not the role or responsibility of the CASA/GAL to find out whether there is domestic violence happening within a family.

### Tips:

- ✓ Reassure her that the violence is not her fault and that you believe her.
- ✓ Listen
- ✓ Do not push her to speak about the violence.
- ✓ Connect her to a domestic violence advocate outside of the child abuse and neglect case.
- ✓ Provide her with a written list of written community resources. Make sure they are in a language that she understands.
- ✓ Ask her about things she does to protect herself and her children. Approach the parent from a strength-based perspective.
- ✓ Inform the battered parent that your conversation is not confidential and that it is your job to make recommendations to the court what is in the best interest of her child(ren).
- ✓ Discuss with the victimized parent what you will do with the information you have gathered, including what if anything will be disclosed with the perpetrator.
- ✓ Don't ask her what she did to provoke him.
- ✓ Don't tell her what she needs to do next.
- ✓ Consider how her actions have been survival strategies. For example, staying with the perpetrator may be safer than leaving.

### Questions:

- ✓ I'm worried about you. Is everything okay at home?
- ✓ I noticed (an injury). Is that something you want to talk about?
- ✓ What happens when your partner gets angry, you have conflicts, or differences of opinion?
- ✓ Have you ever spoken to anyone about the violence?
- ✓ Is there anything I can do to help?
- ✓ Has anyone ever spoken to your partner about the violence? How has he reacted?
- ✓ Have you ever thought of leaving? How do you think your partner would respond?
- ✓ What things do you do when your partner is angry or abusive to protect yourself? Your children?
- ✓ How does your partner treat your children? How do your children respond to your partner?
- ✓ Are you worried about your children? How so?
- ✓ Are you concerned about the children having contact with him?
- ✓ What things can we put in place to help protect you and the children during visitation?
- ✓ Do you think your children are aware of your partner's violence or abuse toward you?

## APPENDIX D

The following are some potential questions and tips when speaking to children who are coming from homes where there has been intimate partner violence. It is not the role or responsibility of the CASA/GAL to determine whether child abuse or neglect has happened

### Tips:

- ✓ Find out how the children are keeping themselves safe – do they have access to a phone? Do they know about 911? Can they go to a neighbor's house? Be sure they know it's not safe to try to stop the violence, even though they might really want to.
- ✓ Reassure the children that the violence is not their fault nor is it the fault of the parent being hurt.
- ✓ Try not to speak negatively about the perpetrator. Children often love him. They just want the violence to stop.
- ✓ Acknowledge and validate children's pain, fear, sadness and anger (age appropriate—meet them where they are at).
- ✓ Find out if there is someone they can talk to about the problem if they need to (e.g., from family, school, faith community, sports team, summer program). Help them think of two or three people. Try to get each child connected to an ongoing support system outside of the home.
- ✓ Assist children in understanding their experience and their mother's experience to help them recover respect for her. For example, let them know that you are proud of their mother for seeking help because you know she wants to protect herself and protect them.
- ✓ Acknowledge that the children may miss their father, but wait until you have built some trust before gently letting them know that his behaviors are not okay, that hitting hurts and that mom (or anyone) doesn't deserve to be hit, scared or made fun of.
- ✓ Support and reinforce the children's closeness to their mother.

### Questions:

- ✓ What do you do or where do you go when the fighting happens?
- ✓ What happens when they fight?
- ✓ Are you ever afraid when your parents fight?
- ✓ Have you ever been hurt by any of their fights? Has anyone else ever gotten hurt?
- ✓ What do your brothers or sisters do during a fight?
- ✓ Do you talk to anyone about the fighting at home? Do you feel safe at home?
- ✓ Have you felt like hurting yourself or someone else?
- ✓ Have the police ever come to your house because of a fight? Have you seen anything broken in the house because of fighting?
- ✓ What happens when you do something wrong? How are you disciplined?
- ✓ Are you afraid to talk about this?

## APPENDIX E

### SELECTED NEW HAMPSHIRE STATUTES *(statutes appearing below were selected due to their relevance to the Guide and don't necessarily appear in their entirety)*

173-B:1 Definitions. – In this chapter:

I. "Abuse" means the commission or attempted commission of one or more of the following acts by a family or household member or current or former sexual or intimate partner and where such conduct constitutes a credible threat to the plaintiff's safety:

- (a) Assault or reckless conduct as defined in RSA 631:1 through RSA 631:3.
- (b) Criminal threatening as defined in RSA 631:4.
- (c) Sexual assault as defined in RSA 632-A:2 through RSA 632-A:5.
- (d) Interference with freedom as defined in RSA 633:1 through RSA 633:3-a.
- (e) Destruction of property as defined in RSA 634:1 and RSA 634:2.
- (f) Unauthorized entry as defined in RSA 635:1 and RSA 635:2.
- (g) Harassment as defined in RSA 644:4.

IV. "Contact" means any action to communicate with another either directly or indirectly, including, but not limited to, using any form of electronic communication, leaving items, or causing another to communicate in such fashion.

VI. "Cross orders for relief" means separate orders granted to parties in a domestic violence situation where each of the parties has filed a petition pursuant to this chapter on allegations arising from the same incident or incidents of domestic violence.

IX. "Domestic violence" means abuse as defined in RSA 173-B:1, I.

X. "Family or household member" means:

- (a) Spouses, ex-spouses, persons cohabiting with each other, and persons who cohabited with each other but who no longer share the same residence.
- (b) Parents and other persons related by consanguinity or affinity, other than minor children who reside with the defendant.

XI. "Firearm" means any weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by force of gunpowder.

XV. "Intimate partners" means persons currently or formerly involved in a romantic relationship, whether or not such relationship was ever sexually consummated.

XVI. "Mutual order for relief" means an order restraining both parties from abusing the other originating from a petition filed by one of the parties and arising from the same incident or incidents of domestic violence.

XVII. "Program" means services or facilities provided to domestic violence victims.

173-B:4 Temporary Relief.

I. Upon a showing of an immediate and present danger of abuse, the court may enter temporary orders to protect the plaintiff with or without actual notice to defendant. The court may issue such temporary orders by telephone or facsimile.

VII. Such temporary relief may direct the defendant to relinquish to a peace officer any and all firearms and ammunition in the control, ownership, or possession of the defendant, or any other person on behalf of the defendant for the duration of the protective order. Other temporary relief may include:

(a) Protective orders:

(1) Restraining the defendant from abusing the plaintiff.

(2) Restraining the defendant from entering the premises and curtilage where the plaintiff resides, except when the defendant is accompanied by a peace officer and, upon reasonable notice to the plaintiff, is allowed entry by the plaintiff for the sole purpose of retrieving toiletries, medication, clothing, business equipment, and any other items as determined by the court.

(3) Restraining the defendant from withholding items of the plaintiff's personal property which are specified in the order. A peace officer shall accompany the plaintiff in retrieving such property to protect the plaintiff.

(4) Awarding custody of minor children to either party or, upon actual notice, to the department when it is in the best interest of a child.

(5) Denying the defendant visitation, ordering that visitation shall be supervised, or ordering a specific visitation schedule. Visitation shall only be ordered on an ex parte basis where such order can be entered consistent with the following requirements. In determining whether visitation can be safely ordered, the court shall consider the following factors:

(A) The degree to which visitation exposes the plaintiff or the children to physical or psychological harm.

(B) Whether the risk of physical or psychological harm can be removed by ordering supervised visitation.

(C) Whether visitation can be ordered without requiring the plaintiff and defendant to have contact regarding the exchange of children.

(6) Restraining the defendant from contacting the plaintiff or entering the plaintiff's place of employment, school, or any specified place frequented regularly by the plaintiff or by any family or household member.

(7) Restraining the defendant from abusing the plaintiff, plaintiff's relatives, regardless of their place of residence, or plaintiff's household members in any way.

(8) Restraining the defendant from taking, converting, or damaging property in which the plaintiff may have a legal or equitable interest.

(9) Directing the defendant to relinquish to the peace officer, in addition to the relief specified in RSA 173-B:4, I, any and all deadly weapons specified in the protective order that are in the control, ownership, or possession of the defendant, or any other person on behalf of the defendant, for the duration of the protective order.

(b) Other relief, including but not limited to:

(1) Awarding to the plaintiff the exclusive use and possession of an automobile, home, and household furniture, if the defendant has the legal duty to support the plaintiff or the plaintiff's minor children, or the plaintiff has contributed to the household expenses. The court shall consider the type and amount of contribution to be a factor.

(2) Restraining the defendant from taking any action which would lead to the disconnection of any and all utilities and services to the parties' household, or the discontinuance of existing business or service contracts, including, but not limited to, mortgage or rental agreements.

II. The defendant may be prohibited from purchasing, receiving, or possessing any deadly weapons and any and all firearms and ammunition for the duration of the order. The court may subsequently issue a search warrant authorizing the peace officer to seize any deadly weapons specified in the protective order and any and all firearms and ammunition, if there is probable cause to believe such firearms and ammunition and specified deadly weapons are kept on the premises or curtilage of the defendant and if the court has reason to believe that all such firearms and ammunition and specified deadly weapons have not been relinquished by the defendant.

RSA 173-B:5 Relief.

I. A finding of abuse shall mean the defendant represents a credible threat to the safety of the plaintiff. Upon a showing of abuse of the plaintiff by a preponderance of the evidence, the court shall grant such relief as is necessary to bring about a cessation of abuse. Such relief shall direct the defendant to relinquish to the peace officer any and all firearms and ammunition in the control, ownership, or possession of the defendant, or any other person on behalf of the defendant for the duration of the protective order. Other relief may include:

(a) Protective orders:

(1) Restraining the defendant from abusing the plaintiff.

(2) Restraining the defendant from entering the premises and curtilage where the plaintiff resides, except when the defendant is accompanied by a peace officer and is allowed entry by the plaintiff for the sole purpose of retrieving personal property specified by the court.

(3) Restraining the defendant from contacting the plaintiff or entering the plaintiff's place of employment, school, or any specified place frequented regularly by the plaintiff or by any family or household member.

(4) Restraining the defendant from abusing the plaintiff, plaintiff's relatives, regardless of their place of residence, or plaintiff's household members in any way.

(5) Restraining the defendant from taking, converting, or damaging property in which the plaintiff may have a legal or equitable interest.

(6) Directing the defendant to relinquish to the peace officer, in addition to the relief specified in RSA 173-B:5, I, any and all deadly weapons specified in the protective order that are in the control, ownership, or possession of the defendant, or any other person on behalf of the defendant.

(b) Other relief including, but not limited to:

(1) Granting the plaintiff the exclusive use and possession of the premises and curtilage of the plaintiff's place of residence, unless the defendant exclusively owns or leases and pays for the premises and the defendant has no legal duty to support the plaintiff or minor children on the premises.

(2) Restraining the defendant from withholding items of the plaintiff's personal property specified by the court. A peace officer shall accompany the plaintiff in retrieving such property to protect the plaintiff.

(3) Granting to the plaintiff the exclusive right of use and possession of the household furniture, furnishings, or a specific automobile, unless the defendant exclusively owns such personal property and the defendant has no legal duty to support the plaintiff or minor children.

(4) Ordering the defendant to make automobile, insurance, health care, utilities, rent, or mortgage payments.

(5) Awarding temporary custody of the parties' minor children to either party or, where appropriate, to



the department, provided that:

(A) Where custody of the parties' minor children with the department may be appropriate, the department shall receive actual notice of the hearing 10 days prior to such hearing provided that, if necessary, such hearing may be continued 10 days to provide the department adequate notice.

(B) The department may move at any time to rescind its custody of the parties' minor children.

(6) Establishing visitation rights with regard to the parties' minor children. The court shall consider, and may impose on a custody award, conditions necessary to assure the safety of the plaintiff and minor children. This may include orders denying visitation or requiring supervised visitation, where such order can be entered consistent with the following requirements. In determining whether visitation shall be granted, the court shall consider whether visitation can be exercised by the non-custodial parent without risk to the plaintiff's or children's safety. In making such determination, the court shall consider, in addition to any other relevant factors, the following:

(A) The degree to which visitation exposes the plaintiff or the children to physical or psychological harm.

(B) Whether the risk of physical or psychological harm can be removed by ordering supervised visitation.

(C) Whether visitation can be ordered without requiring the plaintiff and defendant to have contact regarding the exchange of children.

(7) Directing the defendant to pay financial support to the plaintiff or minor children, unless the defendant has no legal duty to support the plaintiff or minor children.

(8) Directing the abuser to engage in a batterer's intervention program or personal counseling. If available, such intervention and counseling program shall focus on alternatives to aggression. The court shall not direct the plaintiff to engage in joint counseling services with the defendant. Court-ordered and court-referred mediation of cases involving domestic violence shall be prohibited.

(9) Ordering the defendant to pay the plaintiff monetary compensation for losses suffered as a direct result of the abuse which may include, but not be limited to, loss of earnings or support, medical and dental expenses, damage to property, out-of-pocket losses for injuries sustained, and moving and shelter expenses.

(10) Ordering the defendant to pay reasonable attorney's fees.

II. The defendant shall be prohibited from purchasing, receiving, or possessing any deadly weapons and any and all firearms and ammunition for the duration of the order. The court may subsequently issue a search warrant authorizing a peace officer to seize any deadly weapons specified in the protective order and any and all firearms and ammunition, if there is probable cause to believe such firearms and ammunition and specified deadly weapons are kept on the premises or curtilage of the defendant.

III. Reconciliation after a previous order, prior to filing the current action, shall not be grounds for denying or terminating a new or existing protective order. Furthermore, the court shall not deny the plaintiff protective orders based solely on a lapse of time between an act of domestic violence and the filing of a petition, provided that the underlying act presents a credible threat to the plaintiff's current safety.

IV. No order made under this section shall supersede or affect any court order pertaining to the possession of a residence; household furniture; custody of children pursuant to RSA 169-B, 169-C, or 169-D; support or custody made under RSA 458; or custody of children of unwed parents as determined by a superior court, probate court, or family division court, or title to real or personal property.

V. (a) Mutual orders for relief shall not be granted. A foreign mutual order for relief shall only be granted full faith and credit in New Hampshire if it meets the requirements set out in RSA 173-B:13,

(b) Cross orders for relief may be granted only if:

- (1) The court has made specific findings that each party has committed abuse against the other; and
- (2) The court cannot determine who is the primary physical aggressor.

VI. Any order under this section shall be for a fixed period of time not to exceed one year, but may be extended by order of the court upon a motion by the plaintiff, showing good cause, with notice to the defendant, for one year after the expiration of the first order and thereafter each extension may be for up to 5 years, upon the request of the plaintiff and at the discretion of the court. The court shall review the order, and each renewal thereof and shall grant such relief as may be necessary to provide for the safety and well-being of the plaintiff. A defendant shall have the right to a hearing on the extension of any order under this paragraph to be held within 30 days of the extension. The court shall state in writing, at the respondent's request, its reason or reasons for granting the extension. The court shall retain jurisdiction to enforce and collect the financial support obligation which accrued prior to the expiration of the protective order.

VII. Both parties shall be issued written copies of any orders issued by the court, and all orders shall bear the following language: "A willful violation of this order is a crime, as well as contempt of court. Violations of the protective provisions shall result in arrest and may result in imprisonment." Orders shall clearly state how any party can request a further hearing and how the plaintiff may bring a criminal complaint if there is a violation of any court order.

VIII. (a) No order issued under this chapter shall be modified other than by the court. Temporary reconciliations shall not revoke an order.

(b) If either party wishes the defendant to be excused from any provisions of an order of protection, the remedy is to petition the court for modification of such order.

(c) A defendant who is restrained from contacting the plaintiff or entering the premises of the plaintiff is prohibited from doing so even if invited by the plaintiff unless the restraining order has been modified by the court.

(d) This paragraph shall give unequivocal direction to peace officers that orders for protection are to be enforced as written and that no action by a party relieves them of the duty to enforce the order.

VIII-a. Upon issuing an order against a defendant, in which a defendant is restrained from having any contact with the plaintiff, the court shall advise the plaintiff that it would be unwise and possibly unsafe for the plaintiff to contact the defendant. If the plaintiff wishes to contact the defendant for any reason, the court shall advise the plaintiff that such contact be made only after petitioning the court for a modification of the order. In an emergency situation, the plaintiff or plaintiff's family may request that the local police department notify the defendant and the local police may accompany the defendant to a designated location, such as a hospital, if appropriate.

RSA 169-C:2 Purpose.

I. It is the purpose of this chapter, through the mandatory reporting of suspected instances of child abuse or neglect, to provide protection to children whose life, health or welfare is endangered and to establish a judicial framework to protect the rights of all parties involved in the adjudication of child abuse or neglect cases. Each child coming within the provisions of this chapter shall receive, preferably in his own home, the care, emotional security, guidance and control that will promote the child's best interest; and, if the child should be removed from the control of his parents, guardian or custodian, adequate care shall be secured for the child. This chapter seeks to coordinate efforts by state and local authorities, in cooperation with private agencies and organizations, citizens' groups, and concerned individuals, to:

- (a) Protect the safety of the child.
- (b) Preserve the unity of the family whenever possible.
- (c) Provide assistance to parents to deal with and correct problems in order to avoid removal of children from the family.
- (d) Take such action as may be necessary to prevent abuse or neglect of children.
- (e) Provide protection, treatment and rehabilitation, as needed, to children placed in alternative care.

II. This chapter shall be liberally construed to the end that its purpose may be carried out, to wit:

- (a) To encourage the mental, emotional, and physical development of each child coming within the provisions of this chapter, by providing him with the protection, care, treatment, counseling, supervision, and rehabilitative resources which he needs and has a right to receive.
- (b) To achieve the foregoing purposes and policies, whenever possible, by keeping a child in contact with his home community and in a family environment by preserving the unity of the family and separating the child from his parents only when the safety of the child is in danger or when it is clearly necessary for his welfare or the interests of the public safety and when it can be clearly shown that a change in custody and control will plainly better the child; and
- (c) To provide effective judicial procedures through which the provisions of this chapter are executed and enforced and which recognize and enforce the constitutional and other rights of the parties and assures them a fair hearing.

RSA 169-C:3 Definitions.

When used in this chapter and unless the specific context indicates otherwise:

II. "Abused child" means any child who has been:

- (a) Sexually abused; or
- (b) Intentionally physically injured; or
- (c) Psychologically injured so that said child exhibits symptoms of emotional problems generally recognized to result from consistent mistreatment or neglect; or
- (d) Physically injured by other than accidental means.

XIV-a. "Household member" means any person living with the parent, guardian, or custodian of the child from time to time or on a regular basis, who is involved occasionally or regularly with the care of the child.

XIX. "Neglected child" means a child:

- (a) Who has been abandoned by his parents, guardian, or custodian; or
- (b) Who is without proper parental care or control, subsistence, education as required by law, or other care or control necessary for his physical, mental, or emotional health, when it is established that his health has suffered or is very likely to suffer serious impairment; and the deprivation is not due primarily to the lack of financial means of the parents, guardian or custodian; or
- (c) Whose parents, guardian or custodian are unable to discharge their responsibilities to and for the child because of incarceration, hospitalization or other physical or mental incapacity;

Provided, that no child who is, in good faith, under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall, for that reason alone, be considered to be a neglected child under this chapter.

XXI. "Parent" means mother, father, adoptive parent, but such term shall not include a parent as to whom the parent-child relationship has been terminated by judicial decree or voluntary relinquishment.

XXI-a. "Party having an interest" means the child; the guardian ad litem of the child; the child's parent, guardian or custodian; the state; or any household member subject to court order.

XXII. "A person responsible for a child's welfare" includes the child's parent, guardian or custodian, as well as the person providing out-of-home care of the child, if that person is not the parent, guardian or custodian. For purposes of this definition, "out-of-home care" includes child day care, and any other settings in which children are given care outside of their homes.

RSA 169-C:10 Attorneys and Guardians ad Litem.

I. In cases brought pursuant to this chapter involving a neglected or abused child, the court shall appoint a guardian ad litem or Court Appointed Special Advocate (CASA) guardian ad litem for the child. The court shall not appoint an attorney for any guardian ad litem appointed for the child, but may appoint an attorney or any other qualified individual as the guardian ad litem for the child. The CASA guardian ad litem shall have the same authority and access to information as any other guardian ad litem.

II. (a) In cases involving a neglected or abused child under this chapter, where the child's expressed interests conflict with the recommendation for dispositional orders of the guardian ad litem, the court may appoint an attorney to represent the interests of the child. In any case of neglect or abuse brought pursuant to this chapter, the court shall appoint an attorney to represent an indigent parent alleged to have neglected or abused his or her child. In addition, the court may appoint an attorney to represent an indigent parent not alleged to have neglected or abused his or her child if the parent is a household member and such independent legal representation is necessary to protect the parent's interests. The court shall not appoint an attorney to represent any other persons involved in a case brought under this chapter.

(b) When an attorney is appointed as counsel for a child, representation may include counsel and investigative, expert and other services, including process to compel the attendance of witnesses, as may be necessary to protect the rights of the child.

III. The New Hampshire supreme court shall adopt rules regarding the duties and responsibilities of the CASA guardian ad litem or other guardian ad litem appointed for the child.

#### RSA 169-C:16 Preliminary Disposition.

I. If the court finds sufficient facts to sustain the petition, at a preliminary disposition, the court may:

- (a) Permit the child to remain with the parent, relative, guardian, or other custodian, subject to such conditions and limitations as the court may prescribe.
- (b) Transfer legal supervision to a child placing agency.
- (c) Transfer protective supervision to a child placing agency.
- (d) Issue an order of protection setting forth conditions of behavior by a parent, relative, guardian, custodian, or a household member. Such order may require any such person to:
  - (1) Stay away from the premises, another party, or the child.
  - (2) Permit a parent or other named person to visit the child at stated periods and under such conditions as the court may order.
  - (3) Abstain from harmful conduct with respect to the child or any person to whom custody of the child is awarded.
  - (4) Correct specified deficiencies in the home that make the home a harmful environment for the child.
  - (5) Refrain from specified acts of commission or omission that make the home a harmful environment for the child.

I-a. Notwithstanding RSA 169-C:25, a copy of each protective order issued pursuant to RSA 169-C:16, I(d)(1) shall be transmitted to the administrative office of the courts electronically or by facsimile. The administrative office of the courts shall enter information regarding the protective order into the state database, which shall be made available to the police and sheriffs' departments statewide. It shall also update the database upon expiration or termination of the order.

VI. When the party subject to the order has an obligation to support the child in question, the court may order such party to remain out of the residence of the child. When the party subject to the order has no duty to support the child and solely owns or leases the residence of the child, the court may order such party to remain out of the residence of the child for a period of no more than 30 days.

#### RSA 169-C:19-e Custody Hearing for Parent not Charged With Abuse or Neglect.

A parent who has not been charged with abuse or neglect shall be afforded, upon request, a full hearing in the district or family court regarding his or her ability to obtain custody. At the hearing, the parent shall be provided the opportunity to present evidence pertaining to his or her ability to provide care for the child and shall be awarded custody unless the state demonstrates, by a preponderance of the evidence, that he or she has abused or neglected the child or is otherwise unfit to perform his or her parental duties.

#### RSA 170-G:8-a Record Content; Confidentiality; Rulemaking

I. The case records of the department consist of all official records, regardless of the media upon which they are retained, created by the department of health and human services in connection with a report received pursuant to RSA 169-C:29, or cases brought under RSA 169-B, 169-C, 169-D, or 463, or services provided to the child or family without a court order pursuant to RSA 170-G:4, including intake and assessment reports, service or case plans, case logs, termination reports and a list of persons or entities providing reports to the department or services to the child or family. Such records do not include:

- (a) Records created as part of an action brought pursuant to RSA 170-B or 170-C.
- (b) Records submitted to or maintained by the courts, or records created by third parties, such as psychologists, physicians, and police officers, even if such records are prepared or furnished at the request of the department. Requests for access to court records and records created by third parties may be made directly to the court or to the third party who created the record. Nothing in this section

shall restrict or limit access to records filed pursuant to RSA 169-C:12-b.

(c) Reports contained in the central registry of abuse and neglect reports maintained pursuant to RSA 169-C:35.

(d) The name of a person who makes a report of suspected abuse or neglect of a child pursuant to RSA 169-C:29, or any information which would identify the reporter.

II. The case records of the department shall be confidential.

(a) The department shall provide access to the case records to the following persons unless the commissioner or designee determines that the harm to the child named in the case record resulting from the disclosure outweighs the need for the disclosure presented by the person requesting access:

(1) The child named in the case record.

(2) The parent of the child named in the case record, as defined in RSA 169-C:3, XXI.

(3) The guardian or custodian of the child named in the case record.

(4) Another member of the family of the child named in the case record, if disclosure is necessary for the provision of services to the child or other family member.

(5) Employees of the department and legal counsel representing employees of the department for the purpose of carrying out their official functions.

(6) Persons made parties to judicial proceedings in New Hampshire relative to the child or family, whether civil or criminal, including the court with jurisdiction over the proceeding, any attorney for any party, and any guardian ad litem appointed in the proceeding.

(7) A grand jury, upon its determination that access to such records is necessary in the conduct of its official business.

(8) The relevant county.

(b) The department shall disclose information from case records or provide access to case records to the following persons or entities, if such information or access is not harmful to the child and is necessary in order to enable the person or entity requesting information or access to evaluate or provide services, treatment or supervision to the child named in the case record or to the family:

(1) A person or entity requested by the department or ordered by the court to perform an evaluation or assessment on or to create a service plan for the child named in the case record, the child's family, or an individual member of the child's family.

(2) A person or entity requested by the department or ordered by the court to provide services to the child named in the case record or the child's family.

(3) The superintendent of schools for the school district in which the child named in the case record is then, or will, according to the child's case plan, be attending school.

(4) The person or entity with whom the child resides, if that person is not the child's parent, guardian, or custodian.

III. The commissioner shall adopt rules, pursuant to RSA 541-A, governing the procedures regulating access to all of the records of the department. Such rules shall contain provisions relative to:

(a) Access to case records by persons named in paragraph II of this section.

(b) Access to case records by a physician who has examined a child who the physician reasonably suspects may be abused or neglected.

(c) Access to case records by a law enforcement official who reasonably suspects that a child may be abused or neglected, and who is participating with the department in a joint investigation.

(d) Access to case records by a state official who is responsible for the provision of services to children and families, or a legislative official who has been statutorily granted specific responsibility for oversight of enabling or appropriating legislation related to the provision of services to children and families, for the purposes of carrying out their official functions, provided that no information identifying the subject of the record shall be disclosed unless such information is essential to the performance of the official function, and each person identified in the record or the person's authorized representative has

authorized such disclosure in writing.

(e) Access to case records by a person conducting a bona fide research or evaluation project, provided that no information identifying the subject of the record shall be disclosed unless such information is essential to the purpose of the research, each person identified in the record or an authorized representative has authorized such disclosure in writing, and the department has granted its approval in writing.

(f) Access to case records by any person making a report of suspected child abuse or neglect pursuant to RSA 169-C:29, provided that such disclosure is limited to information about the status of the report under investigation, or information reasonably required to protect the safety of such person.

(g) Access to all other records of the department which are not case records as defined in paragraph II. IV. Additional access to case records and all other records of the department shall be granted pursuant to the terms of a final order issued by a court of competent jurisdiction.

V. It shall be unlawful for any person entrusted with information from case records to disclose such records or information contained in them. Notwithstanding the previous sentence, it shall not be unlawful for a parent or child to disclose case records or the information contained in them to persons providing counsel to the child or family. It shall be unlawful for any person who receives case records or the information contained in them from a parent or a child to disclose such records or information. Any person who knowingly discloses case records or information contained in them in violation of this paragraph shall be guilty of a misdemeanor.

VI. Notwithstanding the foregoing:

(a) Any person who is entitled to access a case record pursuant to this section may share such information with any other person entitled to access pursuant to this section, unless the commissioner or a designee shall specifically prohibit such additional disclosure in order to prevent harm to a child.

(b) Nothing in this section shall be construed to require access to any records in violation of the order of a court of competent jurisdiction.

RSA 173-C:1 Definitions. – In this chapter:

I. "Confidential communication" means information transmitted between a victim, as defined in paragraph VI, of an alleged sexual assault, alleged domestic abuse, alleged sexual harassment, or alleged stalking, and a sexual assault or domestic violence counselor in the course of that relationship and in confidence by means which, so far as the victim is aware, does not disclose the information to a third person. The presence of an interpreter for the hearing impaired, a foreign language interpreter, or any other interpreter necessary for that communication to take place shall not affect the confidentiality of the communication nor shall it be deemed a waiver of the privilege. The term includes all information received by the sexual assault or domestic violence counselor in the course of that relationship.

II. "Domestic violence center" means any organization or agency which would qualify as a direct service grantee under RSA 173-B:21.

III. "Domestic violence counselor" means any person who is employed or appointed or who volunteers in a domestic violence center who renders support, counseling, or assistance to victims of domestic abuse or attempted domestic abuse, who has satisfactorily completed 30 hours of training in a bona fide program which has been developed by a center as defined in RSA 173-C:1, II.

IV. "Rape crisis center" means any public or private agency, office, or center that primarily offers assistance to victims of sexual assault and their families and provides all the following services:

(a) Crisis intervention to victims of sexual assault 24 hours per day.

(b) Support services to victims of sexual assault by trained volunteers during the hospital examination, police investigation, and court proceedings.

(c) Referral of victims of sexual assault to public and private agencies offering needed services.

(d) The establishment of peer counseling services for the victims of sexual assault.

- (e) The development of training programs and the standardization of procedures for law enforcement, hospital, legal and social service personnel to enable them to respond appropriately to the needs of victims.
- (f) The coordination of services which are being provided by existing agencies.
- (g) Education of the public about the nature and scope of sexual assault and the services which are available.
- (h) Development of services to meet the needs of special populations, for example, children, the elderly, and minorities.
- (i) Court advocacy through the criminal justice system.

VI. "Victim" means any person alleging sexual assault under RSA 632-A, domestic abuse as defined in RSA 173-B:1, stalking under RSA 633:3-a, or sexual harassment as defined under state or federal law, who consults a sexual assault counselor or a domestic violence counselor for the purpose of securing support, counseling or assistance concerning a mental, physical, emotional, legal, housing, medical, or financial problem caused by an alleged act of sexual assault or domestic abuse, stalking, or sexual harassment, or an alleged attempted sexual assault or domestic abuse.

#### RSA 173-C:2 Privilege.

I. A victim has the privilege to refuse to disclose and to prevent any other person from disclosing a confidential communication made by the victim to a sexual assault counselor or a domestic violence counselor, including any record made in the course of support, counseling, or assistance of the victim. Any confidential communication or record may be disclosed only with the prior written consent of the victim. This privilege terminates upon the death of the victim.

I-a. The privilege and confidentiality under paragraph I shall extend to:

- (a) A third person present to assist communication with the victim.
- (b) A third person present to assist a victim who is physically challenged.
- (c) Co-participants in support group counseling of the victim.

II. Persons prevented from disclosing a confidential communication or record pursuant to paragraph I shall be exempt from the provisions of RSA 631:6.

#### RSA 173-C:3 Assertion or Waiver of Privilege.

The privilege may be claimed or waived in all civil, administrative, and criminal legal proceedings, including discovery proceedings, by the following persons:

I. The victim or an attorney on the victim's behalf.

II. The guardian of the victim, if the victim has been found incompetent by a court of competent jurisdiction.

III. A minor victim who is emancipated, married, or over the age of 15, unless, in the opinion of the court, the minor is incapable of knowingly waiving the privilege. A guardian ad litem shall be appointed in all cases in which there is a potential conflict of interest between a victim under the age of 18 and his parent or guardian.



RSA 173-C:6 Locations of Centers Privileged.

Notwithstanding any other provisions of this chapter, the location and the street address of a rape crisis center or domestic violence center are absolutely privileged.

RSA 173-C:10 Counselor's Duty to Report Child Abuse.

The domestic violence or sexual assault counselor shall have the same reporting duties under RSA 169-C:29 as other professionals, providing that this duty shall not apply where a minor is seeking relief pursuant to RSA 173-B:3 for abuse by a spouse or former spouse of the minor, or by an intimate partner who is not related to the minor by consanguinity or affinity. As used in this section, "abuse" and "intimate partners" shall be as defined in RSA 173-B:1.

## APPENDIX F

### CASE SCENARIOS

#### Scenario 1

You have been appointed as a CASA/GAL for Sydney, an 8 year old girl who was placed in the temporary custody of Twyla, her paternal grandmother, after the court found she was neglected due to her parents' alcohol abuse.

Janice and Dan have been married for 15 years, but separated once during their marriage. Sydney is their only child. Janice and Dan have presented a unified front throughout the case. Twyla blames Janice for all the family's problems but does her best to try to refrain from saying things in front of Sydney.

As part of their case plans, Dan and Janice had to complete alcohol counseling, attend AA, and remain sober. Janice has completed her alcohol counseling and has remained sober for 5 months. Dan has attended a few AA meetings but has done nothing more. He is actively drinking and has been charged with disorderly conduct on another matter since this case has been opened. Janice makes many excuses for Dan and always tries to protect him.

After building a rapport, Sydney tells you in confidence that her father and mother frequently argue at home and her father has hurt her mom on several occasions. She wants you to promise not to tell anyone as she is afraid her dad will hurt her mom more if he finds out she revealed the family secret.

Janice and Dan have been visiting Sydney together weekly at Common Ground, the local supervised visitation center. According to the case plan and CPSW, Janice is now eligible for unsupervised visits due to her progress. Janice wants to pursue those and have Dan present as well, with her taking responsibility for the visits. Twyla said if necessary she would supervise the visits between Sydney and her parents.

Sydney has told you that she is afraid of her father and worries about her mom. She does not think her father will hurt her, but dreams that he is going to kill her mother. She wants to spend as much time as she can with her mother.

#### *Questions for Discussion:*

- ✓ As the CASA/GAL what other information gathering, if any, would you conduct before forming any recommendations?
- ✓ What would you do with the information you learned from Sydney?
- ✓ What considerations are there in the case?
- ✓ What recommendations would you make in regard to visitation? Placement? Other orders?
- ✓ If you reveal the information to the court, what steps would you take to protect Sydney? Janice?

## Scenario 2

You have been a CASA/GAL for 8 months. During that time you have handled two cases as a volunteer. Tina, the CASA supervisor, has just contacted you about another case. There are three children – Samuel, age 10, Joshua, age 9, and Sarah, age 5. All three are in foster care after being removed for abuse and neglect. Joshua was unintentionally hurt when he got in the middle of a fight between his mother Margie and her live-in boyfriend, Doug. Joshua cut his leg on broken glass from a mirror that was thrown by Doug at Margie. The other two children witnessed the domestic violence and all three reported that this was the first time they saw a domestic violence incident.

Although he is not their biological father, Doug has been the only father the children have ever known. Samuel and Joshua's father died in a car accident. Sarah has had no contact with her father except for an occasional call or card. Margie states she does not know where Sarah's father, James, is and regardless he would only be a bad influence on Sarah. The court managed to find James and he has filed a motion for visitation and custody of Sarah. James has been extremely cooperative with your request for information from him.

The CPSW has informed you that Margie told her that Doug is now living outside of the home, but her gut is telling her it is not true. She found out that the police have been to their residence 3 times in the past two years for domestic disturbance. The children have been visiting their mother unsupervised one day a week (no overnights) on the condition that Doug is not present. The children miss Doug and want to see him. He has not shown up to court since the first hearing but is in communication with the CPSW. He has told her that Margie is bi-polar and often does not take her medication. That is what led to the fight that night.

You have called Margie several times to try to schedule a time to speak with her. She called you back after 5 messages. She plans to come to the CASA office to speak with you but already indicated it was an inconvenience because she had to take work off. Margie is 15 minutes late to your appointment. She is agitated during the interview and says she already told the CPSW and her counselor everything you are asking her.

### *Questions for Discussion:*

- ✓ What would be your first reaction to this situation? How would you process it?
- ✓ What do you need more information about? How would you get it?
- ✓ What considerations are there in the case?
- ✓ What recommendations would you make in regard to visitation, placement, and other orders for Margie? Doug? James?

### Scenario 3

Rosa and Peter Carson's children were adjudicated neglected due to the fact that they missed more than 20 days of school, they have been outside in winter without the proper attire, and the household is very messy. Their children are Tiffany, age 7 and Carlos, age 9. They were placed in the temporary custody of DCYF two months ago and the dispositional hearing is quickly approaching.

As the CASA/GAL you went to the Carson home in order to speak with Rosa and Peter and see what the home looks like. During your visit, you noticed Rosa was very quiet and Peter seemed to answer most of the questions for the both of them. Peter indicated that he married Rosa 12 years ago after they met when he was in the military. He described Rosa as a bit emotional and apt to fly off the handle. He says he and the children try to placate Rosa so there are no "problems." Both Rosa and Peter work and struggle to meet their monthly bills. They often take extra shifts which makes child care and supervision an issue. Peter tells you that his children are strong-willed and that Rosa has no control over them. They only listen to him. The house appears clean but you notice that there are a few holes patched up in the walls. Peter indicated the children wrecked the walls when they were rough-housing.

You speak with the children. They talk about how great their father is and that their mother is crazy and does not know how to cook. They brag that they are grown up and able to take care of themselves. They want to see their father.

#### *Questions for Discussion:*

- ✓ Are there other interviews you would conduct? If yes, with whom? If no, what other information would you need to formulate your report and recommendations?
- ✓ If you decide to speak with Rosa again, how would you approach her?
- ✓ What considerations are there in the case?
- ✓ What other professionals would you speak to in order to help you design next steps and process the information you have received?
- ✓ What recommendations would you make in regard to visitation? Placement? Other orders?