

Effective Intervention in Domestic Violence & Child Maltreatment Cases

A Summary of Recommendations for Child Welfare Agencies

INTRODUCTION

Historically, interventions to stop adult-to-adult domestic violence have been viewed as separate from the goal of protecting maltreated children. Responding to incidences of child abuse and neglect was the task of the child welfare system, while the job of protecting battered women belonged to community agencies, law enforcement and the courts.

Current research and experience from clinical practice paint a different picture – that child maltreatment and domestic violence are often intertwined – and so compel child welfare, community agencies and juvenile and family court judges to incorporate new coordinated responses to family violence.

Domestic violence is pervasive in the child welfare caseload. Without interventions for parents, child protective agencies and court will simply be forced to place ever increasing numbers of children experiencing domestic violence in foster care. Or, cases will reenter the protective system again and again as hidden domestic violence escalates, leading to child injuries and deaths.

Children are put at-risk by domestic violence in several ways. Studies demonstrate that domestic violence places children at high risk for physical abuse; men who frequently abuse their wives also frequently abuse their children. Domestic violence has also been linked to severe and fatal cases of child abuse.

Physical abuse of children by domestic violence perpetrators is only one way that these families enter the protective services caseload. Some children are injured when they try to stop an assault against their mother. Domestic violence also co-occurs with other problems – parental substance abuse and mental illness, for example – that lead to child abuse and neglect.

Finally, there are a growing number of children who are never directly assaulted or neglected by parents but who are emotionally harmed as a result of witnessing repeated assaults and threats against their mothers. Evidence strongly suggests that this repeated exposure to violence creates elevated symptoms of depression, anxiety or aggression for some children.

Creating safety for children experiencing domestic violence is inseparable from trying to create safety for their mothers and reducing the risk from the domestic violence perpetrator. With a coordinated response to family safety, children in the welfare caseload can be protected from experiencing the serious effects of domestic violence, battered mothers will get the help they need without losing custody of their children, and domestic violence perpetrators will receive intervention to help stop or reduce their violence and coercive behavior.

EFFECTIVE INTERVENTION IN DOMESTIC VIOLENCE & CHILD MALTREATMENT CASES: GUIDELINES FOR POLICY AND PRACTICE

It has become increasingly clear that it is in the best interests of women and their children for child protection agencies and domestic violence advocates to collaborate in more effective ways.

To date, community institutions and families have been offered few resources and tools to resolve the complex issues raised by overlapping domestic violence and child maltreatment in a family. The task of *Effective Intervention in Domestic Violence & Child Maltreatment Cases: Guidelines for Policy and Practice (Effective Intervention)* is to offer a more comprehensive set of responses to eliminate or decrease the enormous risks that caseworkers, individual battered mothers, and judges must take on behalf of children.

As communities work to improve their responses to families experiencing domestic violence and child maltreatment, *Effective Intervention* offers a framework for developing interventions and measuring progress. Leaders of communities and institutions should use the principles and recommendations in this book as a context-setting tool to develop public policy aimed at keeping families safe and stable.

Effective Intervention includes the perspectives of different social and legal systems – in developing the book, the National Council of Juvenile and Family Court Judges convened an Advisory Committee of diverse professionals from the courts, child welfare and domestic violence services, federal agencies, and the academic community. Over a series of three meetings, spanning a period of seven months, the Advisory Committee met to discuss draft recommendations developed by the authors, Susan Schechter and Jeffrey L. Edleson. These deliberations guided and informed the authors in the development of the principles and recommendations summarized below.

Effective Intervention focuses on three primary systems: the child protection system, the network of community-based domestic violence programs, and the juvenile or other trial courts which have jurisdiction over child maltreatment cases.

CORE PRINCIPLES

Community leaders should join together to establish responses to domestic violence and child maltreatment that provide meaningful help, supports, and services for families. Simultaneously, communities should hold violent perpetrators responsible for their behavior and provide legal interventions and services to stop this violence.

This first principle is an overriding one from which flows most other principles and recommendations in the book. Other leading principles:

- Three core values should guide the implementation of this guiding principle – interventions should be designed to create safety, enhance well-being, and provide stability for children and families.
- To ensure stability and permanency, children should remain in the care of their non-offending parent (or parents), whenever possible. Making adult victims safer and stopping batterers' assaults are two important ways to do this.
- To provide safety and stability for families, a community service system with many points of entry should be created.
- Community leaders should design interventions and responses that are appropriate to the diverse range of families experiencing domestic violence and child maltreatment.
- Every community should have a mechanism to close gaps in services, coordinate multiple interventions, and develop interagency agreements and protocols for providing basic services to families. Existing coordination efforts should be expanded to include active involvement of domestic violence advocates, child protection workers, and community residents.
- Every community should make a commitment to building internal capacity to respond effectively to families experiencing domestic violence and child maltreatment.
- Agencies and courts should develop memos delineating the mandates of each system, their confidentiality requirements, and agreements for sharing information.
- Policy makers and program developers should support the development of information gathering and evaluation systems to determine the intended and unintended outcomes of collaborative efforts.

GUIDELINES FOR CHILD PROTECTION AGENCIES

Child protection workers will be able to protect children only if they know how to identify domestic violence; assess its nature, severity, and impacts; plan for client safety; and learn how to effectively utilize community services and legal protections. Properly using these resources makes it possible to protect many battered women and their children, thus allowing them to stay safe and together as a family.

In the last decade, understanding has grown within the child welfare system of the need to pay greater attention to parents and to address violence between adult partners. In 1993, the Family Preservation and Support Program, later the Promoting Safe and Stable Families Act, provided new resources for community based early intervention and prevention services focused on the entire family. Family preservation services, developed to intervene with the family to avert removing a child from home, were designed on the premise that intensive attention to the needs of the other family members was necessary if children were going to be able to stay safely at home or return home after time in foster care.

Other states and communities also have begun to develop new tools to address domestic violence within the child welfare system. Some states have enacted legislation to address those situations in which both domestic violence and child maltreatment are present in families.

But, while some states are testing new strategies that recognize the shared safety needs of women and children, few evaluations have been conducted, practices are not widespread, and there is as yet no uniform policy that provides family protection and support in cases where both a child and a parent are subject to abuse.

The vision of the principles and recommendations that follow is a child protection system that collaborates on the goals of safety, stability, and well-being with a variety of existing, new, or strengthened community resources and takes leadership with others to ensure such collaboration. They are based on the overriding concept that the goal of protecting children and creating stable families requires that child protection agencies develop the capacity to respond effectively to domestic violence.

- *Leadership.* Child protection services and community-based child welfare agencies should collaborate with domestic violence organizations and juvenile courts to provide leadership in promoting family safety by: developing new services and publicly articulating the need for additional resources; assessing the availability of resources in the community and developing new responses; and monitoring the effectiveness of community programs.
- *Screening and Training.* Child protection services should improve their capacity to promote safety for all family members. They should develop screening procedures for domestic violence during child protection intake and assessment. Staff should have ongoing and routine training about domestic violence assessment and intervention provided by a team of child welfare and domestic violence professionals.
- *Safety.* Child protection workers should develop service plans and referrals that focus on the safety, stability, and well-being of all victims of family violence and that hold domestic violence perpetrators accountable. Agency policy must state clearly the criteria under which children can remain safely with non-abusing parents experiencing domestic violence; the assessment required to determine safety; and the safety planning, services, support, and monitoring that will be required in these cases.
- *Appropriate Services.* Child protection services should avoid strategies that blame a non-abusive parent for the violence committed by others and should avoid using, or use with great care, potentially dangerous or inappropriate interventions such as couples counseling, mediation, or family group conferencing in cases of domestic violence.

Child protection services should make every effort to develop separate service plans for adult victims and perpetrators – regardless of their legal status vis-à-vis the child. They should assess thoroughly the possible harm to a child resulting from being maltreated or from witnessing adult domestic violence and should develop service plans to address this harm.

- *Coordination.* Domestic violence specialists should be available inside the child protection agency to consult with workers and supervisors, develop safety plans for high risk cases, and establish effective linkages with the domestic violence service community, batterer intervention programs, the police and the courts.
- *Safe Placements.* Child protection services should avoid placing a child in foster care or kinship care with persons who have a documented history of domestic violence. Court records on protection orders should be checked as well as criminal convictions.
- *Differential Responses.* Child welfare agencies should support the development of differential responses for children and families experiencing domestic violence. Although all children suffer when they witness assaults against their mothers, not every child witness to violence is in need of child protective services. In some less serious cases, the family can be helped by a community agency.

Two decades of research have confirmed that adults and children often are victimized in the same family, but little was made of this finding until recently. Child welfare agencies know from experience that they alone cannot keep children safe. A coordinated response by child welfare agencies, domestic violence advocates and family court judges is the best way to keep children safe.

GUIDELINES FOR DOMESTIC VIOLENCE AGENCIES AND FAMILY COURT JUDGES

Following is a brief overview of the guidelines for domestic violence agencies and family court judges. For more information on these communities, please see the full text of *Effective Interventions*.

Guidelines for Domestic Violence Agencies

- Domestic violence programs should take the leadership role in promoting collaborations, developing new resources for adult and child safety and well-being, and leading a community dialogue about the prevention of family violence
- Domestic violence organizations should create supportive interventions for battered women who maltreat their children, and provide child-friendly environments for the families they serve. All domestic violence organizations, especially shelters and safe homes, should have well-trained, full-time children's advocates on staff to provide services or develop referral linkages.
- Interventions with perpetrators of domestic violence should be part of larger, coordinated networks of criminal justice responses and community services, address the safety and well-being of both child and adult victims, and hold perpetrators accountable for stopping violent and threatening behavior.

Guidelines for Family Court Judges

- Juvenile courts must have sufficient judicial and staff resources to allow appropriate time and attention for each case, treat each case with the highest priority, adopt recognized best

practices in administering the juvenile court, and collaborate with other courts that may be dealing with family members and others involved in the case, including criminal court, civil court, and domestic relations and family court.

- The juvenile court should take a leadership role to ensure cooperation among all parts of the juvenile court system, identify needed resources to serve families experiencing domestic violence, and develop strategies to obtain these resources.
- Petitioners in child protection proceedings should allege in petitions or pleadings any domestic violence which has caused harm to a child. The juvenile court should prioritize removing any abuser before removing a child from a battered mother, and work with child welfare and social service agencies to ensure that separate service plans for the perpetrator and the victim of domestic violence are developed.