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NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES

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Executive Summary of *Effective Intervention in Domestic Violence & Child Maltreatment Cases: Guidelines for Policy and Practice*

Recommendations from the
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EXECUTIVE SUMMARY

I. Introduction

Although two decades of research have confirmed that adults and children often are victimized in the same family, little was made of this finding until recently. For years, in fact, most communities have treated the abuse of a woman and the maltreatment of a child in the same family as separate phenomena having little to do with each other.

Now, however, communities are asked to confront a new and compelling set of facts: (1) adult domestic violence and child maltreatment often occur together and (2) new responses are required of *everyone*, if violence within families is to stop.

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 individual battered mothers, caseworkers, 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.

II. Genesis of the Advisory Committee's Recommendations

To gain the perspectives of different social and legal systems, 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.

III. Summary of the Advisory Committee's Conclusions and Recommendations

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. Many other systems—including law enforcement, child welfare, faith institutions, schools, health care systems, extended families, and community-based agencies—contribute in important ways to the solutions outlined below, and many of the recommendations in *Effective Intervention* are relevant to these systems as well.

CHAPTER 1: GUIDING FRAMEWORK

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 flow most other principles and recommendations in the book.

Three core values. To implement this guiding principle, interventions should be designed to create safety, enhance well-being, and provide stability for children and families.

Children in the care of their non-offending parents. 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.

Community service system with many points of entry. To provide safety and stability for families, a community service system with many points of entry should be created. This service system should be characterized by the provision of services in appropriate settings as soon as problems are identified; services providers trained to respond meaningfully and respectfully; services designed to minimize the need for victims to respond to multiple and changing service providers; and adequate resources to allow service providers to meet family needs and avoid out-of-home placements.

Differential response. Community leaders should design interventions and responses that are appropriate to the diverse range of families experiencing domestic violence and child maltreatment. Families with less serious cases of child maltreatment and domestic violence should be able to gain access to help without the initiation of a child protection investigation or the substantiation of a finding of maltreatment. Because domestic violence encompasses a wide range of behaviors—from the extremely dangerous to the less serious—families require a range of interventions, some of them voluntary and some mandated.

CHAPTER 2: FOUNDATION PRINCIPLES AND RECOMMENDATIONS

Collaboration for the safety, well-being, and stability of children and families. 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.

Expansion and reallocation of resources to create safety, well-being, and stability. The services recommended in *Effective Intervention* require the expenditure of significant additional resources. Some of these services include placing battered women's advocacy and support services within courts and child protection services, locating family support services in domestic violence agencies, and providing services for every victim of domestic violence and child maltreatment who needs or requests them.

Respect and dignity for all people coming before agencies and courts. Agency leaders should make an ongoing commitment to fact-finding in order to determine whether children and families of diverse backgrounds are served fairly and capably by their agencies. Agencies and juvenile courts should develop meaningful collaborative relationships with diverse communities in an effort to develop effective interventions in those communities.

Commitment to building internal capacity to respond effectively to families experiencing domestic violence and child maltreatment. Every community should cross-train its service providers on identification, assessment, referral, and safety interventions. Agencies and courts should build staff capacity to attend more competently to clients from diverse communities and income levels.

Fact-finding and confidentiality. Agencies and courts should develop memos delineating the mandates of each system, their confidentiality requirements, and agreements for sharing information. Child protection services and the juvenile courts should support the principle and policy goal of privileged communication protections for battered women.

Development of information gathering and evaluation systems to determine the intended and unintended outcomes of collaborative efforts. Policy makers and program developers should support evaluation and research studies that directly inform policy and program decision-making.

CHAPTER 3: CHILD PROTECTION SYSTEM

Leadership in developing new services and publicly articulating the need for additional resources to promote family safety. Child protection services and community-based child welfare agencies should collaborate with others to assess the availability of resources in the community, develop new responses, and monitor the effectiveness of community programs.

Improvement in capacity to promote safety for all family members. Child protection services should develop screening and assessment procedures, information systems, case monitoring protocols, and staff training to identify and respond to domestic violence and promote family safety.

Development of service plans and referrals that focus on the safety, stability, and well-being of victims and hold domestic violence perpetrators accountable. Agency policy should state clearly when children can remain safely with non-abusing parents; the assessment required to determine safety; and the safety planning, services, support, and monitoring that will be required in these cases. Child protection services should develop separate service plans for victims and perpetrators, and assess thoroughly the possible harm to a child resulting from being maltreated or witnessing domestic violence and develop service plans to address this harm. Child protection services should avoid, or use with great care, disfavored practices that are enumerated in the book.

Community treatment programs. Community agencies providing services to families in the child protection services caseload should screen every family member privately and confidentially for domestic violence and provide help to them, including safety planning and meeting basic human needs. By policy, they should allow workers adequate time to assist domestic violence victims.

CHAPTER 4: DOMESTIC VIOLENCE SERVICES FOR FAMILIES

Leadership to promote collaborations and develop new resources for adult and child safety and well-being. Domestic violence programs should collaborate with others to develop new joint service models for families, develop joint protocols to remove interagency policy and practice barriers and enhance family safety and well-being, and improve access to services. Domestic violence organizations should develop a community dialogue about the prevention of family violence, and provide leadership to inform policymakers and funders about the economic, legal, emotional, and social supports that battered women and their children need to be safe and secure.

Development of internal capacity to respond to the safety and support needs of families.

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. They also should consider the needs of battered women with boys over the age of 12 who are often turned away and families with substance abuse and other mental health problems, as well as ways to provide community-based services to women who are referred to them voluntarily and involuntarily by child protection services and the juvenile court.

Programs for perpetrators of domestic violence. 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.

CHAPTER 5: COURTS

Full participation in national and local efforts to improve juvenile courts. 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.

Leadership to ensure that the goals of the juvenile court law are realized. 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. Judges should collaborate with others to determine what resources must be made available in the community. They also should have specific powers to enable them to ensure family safety and should use their judicial powers to see that adequate efforts to ensure safety for child and adult victims are provided. Where there is domestic violence in a child protection case, judges should make orders which keep the child and parent victim safe, keep the non-abusive parent and child together whenever possible, hold the perpetrator accountable, identify the service needs of all family members, and create clear, detailed visitation guidelines which focus upon safe exchanges and safe environments for visits.

Best practices for the management of cases involving child maltreatment and domestic violence. 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.