

Reasonable Efforts in Domestic Violence Cases

Through the Eyes of a Child
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Learning Objectives

At the end of this session, you will be able to

- Describe what reasonable efforts findings are and how domestic violence inquiries can be woven into them
- Describe how court and agency practice mesh with making reasonable efforts findings
- Articulate ideas for how to use the publication

[Permanency Pop Quiz]

Why is it important to make reasonable efforts?

- a) Expeditious permanency for children is a goal of the court system and the child welfare system
- b) The federal Adoption and Safe Families Act requires it
- c) Federal funding for the Agency depends on it
- d) All of the above

[Reasonable Efforts]

- What are they?
- When are they made?
- Why are they made?
- What is “reasonable?”
- Why does domestic violence matter?

[*“Comings and Goings”*]

An Exercise about Choices

As a result of this exercise you will be better able to identify the complex reasons a victim might choose to remain in or return to an abusive relationship

Adapted from an exercise by the National Clearinghouse on Abuse in Later Life

[Your role]

- You are a 35 year old woman who has been married for 15 years.
- You have three children, Gabriella, age 5, Maya, age 8 and Luis, age 14.
- You work part-time as a nurse's aide while your kids are at school.
- You are devoutly religious. You have a modest home in a rural area.
- Your husband works in construction.
- You love your 3 year old dog.

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[A game about choices...]

- Interactive exercise about choices
- Role
- Facts
- Decide where to go
 - Home
 - DV shelter
 - Apartment
 - Homelessness
 - Friend's Home
 - Hotel

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[A game about choices]

- Cost (green cards, yellow cards)
- Conditions
- Ground Rules
 - Movement = pay the fare
 - Ringing bell = pay fare or move
 - No more resources = go home
 - **Silence**

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[Large group discussion:]

- How did it feel to make these choices?
- What obstacles did you face?
- Did anyone cheat or steal?

move to next slide

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[Questions]

- Why was the exercise conducted in silence?
- What were some reasons for returning home or staying home?
- How does this exercise apply to your role as a judge?

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[Basic human needs]

- Physiological (food, shelter, sleep, etc.)
- Safety (security, protection fr. abuse, etc.)
- Social (connection, friendship, etc.)
- Esteem or Ego (self respect, autonomy, achievement, attention, agency)
- Hope
- Self-Actualization (action) **MASLOW**
Stability-economic viability-protection

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[Conclusion/Learning points:]

- A victim's decision-making may be affected by:
 - Economic dependency,
 - Religion,
 - Family pressure,
 - Need for the children to have a father,
 - Need to protect family from exposure (loss of abuser's job, etc.),
 - Lack of alternatives,
 - Hope that things will change,
 - Continuing to love the abuser though not the abuse,
 - Fear and a conviction that it is safer to stay,
 - Distrust that the system can protect or offer a realistic way out,
 - Complications of immigration (fear of deportation)

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[Why domestic violence matters]

- Removal poses additional risks for children from violent homes
- Domestic violence affects parenting
- Some families may have multiple issues apart from domestic violence and child maltreatment

[More specifically ...]

- The Reasonable Efforts Checklist encourages judges to consider the relationship between reasonable efforts and domestic violence
- Decision points: removal, reunification, permanency

[Two scenarios]

- If the adult victim has chosen to end the relationship, services should address the long-term barriers to leaving that have stood in her way.
- If she opts to remain with the perpetrator, services should be focused on creating a safe environment within the home for her and her child.

[Removal Hearing]

- How did the family come to the attention of the agency?
- Did the agency screen and assess for the presence of domestic violence?
- What injury to the child is the Agency alleging (physical, emotional, undetermined)?
- Has the agency been previously involved with the family?

[Removal Hearing, continued]

- Is the alleged perpetrator of the domestic violence the alleged primary perpetrator of the abuse or neglect?
- Was the adult victim offered assistance to keep herself and her children safe and together? What services and supports could have prevented the need for child placement?
- Can the child go home today?

[Adjudication Hearing]

- Does the exposure to DV form the sole/primary basis for seeking jurisdiction?
- What services have been offered to the family since the removal hearing?
- Has the agency assessed the impact of the DV on the child?
- Did the agency identify protective factors in the child's life?
- How about the risk factors in the child's life?

[Disposition Hearing]

- Are there separate case plans?
- What services being offered to the child and each of the parents directly relate to the DV and other allegations that brought the child into care?
- Is the case plan practical and realistic?
- Must the child remain in out-of-home care in order to be safe?

[Review Hearings]

- As with all dependency reviews:
 - Is the plan still accurately reflect the needs of the family?
 - Are services continuing to be made available to all family members?
 - In what manner are the family members availing themselves of these services
 - Are changes occurring in the child's conditions and circumstances as a result of these services?

Review Hearings, continued

- Are the perpetrator's actions and behaviors coloring the assessment of the victim parent's ability to care for the child?
- What ongoing safety issues require the child to remain a ward of the child and/or in an out-of-home placement?

Resources

- The Child Welfare Information Gateway:
<http://www.childwelfare.gov/index.cfm>
- For information specific to child welfare and domestic violence:
http://www.childwelfare.gov/systemwide/service_array/domviolence/
- The *Greenbook* website:
<http://www.thegreenbook.info>