

WHEN CHILD WELFARE & DOMESTIC VIOLENCE INTERSECT: Intervention, Differentiation of Offenders, & Understanding Barriers to Safety

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Co-occurrence of Domestic Violence & Child Mistreatment:

- Estimates range from 30%-70% as to the co-occurrence of child mistreatment and domestic violence

Co-occurrence of Domestic Violence & Child Mistreatment:

- The American Psychological Association estimates that 40-70% of those who frequently abuse their domestic partners also abuse their children.

Co-occurrence of Domestic Violence & Child Mistreatment:

- Multiple studies indicate that child fatalities or critical incidents may have domestic violence as factor (as high as 2 out of 3)

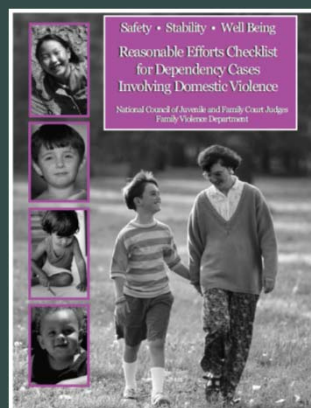
The Legal Context

- State and federal law require that reasonable/active efforts are made to prevent removal of a child from a parent and to reunify a child with a parent after removal.
- Reasonable/active efforts must be tailored to meet the reasons for removal and/or intervention by the child welfare system.

Development of Checklist re: Reasonable/Active Efforts in Dependency Cases Involving Domestic Violence

Children are profoundly affected by domestic violence.

Ensuring reasonable/active efforts should reduce the impact of domestic violence on children.



Copy can be downloaded at:

http://ncjfcj.org/sites/default/files/reasonable%20efforts%20checklist_web2010.pdf

Oregon Child Welfare Practices & Model for Cases Involving Domestic Violence

“Safe and Together”™

A model for shaping child welfare practice
to effectively respond to domestic violence

Developed by David Mandel & Associates, LLC

“Safe & Together”

Critical Components & Considerations:

- Perpetrator’s pattern of coercive control
- Actions taken by the perpetrator to harm the child
- Full spectrum of the non-offending parent’s efforts to promote the safety and well being of the child

“Safe & Together” Critical Components (cont’d)

- Adverse impact of the perpetrator’s behavior on the child
- Role of substance abuse, mental health, culture and other socio-economic factors

Research Shows Why Domestic Violence Matters:

- Child’s exposure to violence is a complex problem
- Child mistreatment and domestic violence overlap
- Removal poses additional risks for children from violent homes

Research Shows Why Domestic Violence Matters:

- Domestic violence impacts parenting
 - Depression/PTSD/anxiety/substance abuse
 - Loss of authority
 - Energy goes to addressing perpetrator rather than children
 - Interference with day to day routine and basic care

Research Shows Why Domestic Violence Matters:

- Domestic violence affects every segment of our population
- Abusers can assert control by various means
- Most batterers are abusive only to their family in the home
- Young children are at higher risk of exposure to domestic violence
- Children who witness violence learn to use aggression to resolve conflicts

Research Shows Why Domestic Violence Matters:

- Children's exposure to violence is pervasive
- Witnessing violence affects children in similar ways as direct violence
- Children exposed to one form of violence are at risk of further exposure to other violence
- Many factors determine the impact of violence on children
- Children in violent homes are subject to many other stressors as well: Some families may have multiple issues apart from domestic violence and child maltreatment

Research Shows Why Domestic Violence Matters:

- Children may show symptoms of PTSD
- Children may have chronic low self-esteem, anxiety, and self-destructive behaviors
- Brain development may be adversely affected
- Children may have learning disorders and do poorly in school
- Boys are more likely to become aggressive
- Girls display more depression-related responses

Research Shows Why Domestic Violence Matters:

- Effects on family:
 - Loss of income
 - Housing instability
 - Loss of contact with extended family
 - Educational and social disruptions

The severity of a child's response is affected by:

- Child's age and developmental stage
- Type and frequency of violence
- Proximity to violence
- Type of neighborhood and community response
- Quality of support from caregivers
- History of previous trauma
- Relationship of child to batterer
- Level of violence in the family
- Other stressors in child's life
- Child's resiliency

Why can't the child stay home?

- Does the adult victim have strategies to keep the child safe?
- Why aren't the strategies effective?
- Did the caseworker consult with a domestic violence expert?
- Did the caseworker consult with the batterer's probation or parole officer?
- Did the caseworker consult with the batterer's treatment provider?
- Did the caseworker assess the case to determine the likelihood of future violence?

Can the child go home today?

- Has the adult victim been offered assistance to keep herself/himself and the child safe and together?

This question goes to the heart of the reasonable/active efforts inquiry — what services and supports will prevent or eliminate the need for placement of the child?

Getting the Child Home

- What is needed to allow the child to return home safely?
- What services are needed to support the child's return?
- What is an effective safety plan?

CONTEXT

CONTEXT IS CRUCIAL IN DETERMINING
THE BEST INTERVENTIONS WHEN
DOMESTIC VIOLENCE IS A FACTOR

Differentiation of Offenders and Interventions: *CAVEATS*

- DV research is 20 years behind that of drug/alcohol and sex offender fields. There is much we do not know.
- Useful constructs for our discussions. Not definitive.
- Categories of offenders are NOT mutually exclusive.

Differentiation of Offenders and Interventions: *Caveats (cont'd)*

Critical:

- May only have 1 chance to intervene .
- Attempts to understand the violence contextually are essential.
- Thoughtful and thorough risk assessments are vital. *However NO risk assessment is a guarantee that future violence will not occur!*

Differentiation

Are all batterers the same?

- Distinguish “Battering” (a pattern of coercive control, intimidation, and oppression) from other forms of “domestic violence”
- “Domestic Violence” (a broader concept, often defined:
 - legally by specific statute or
 - imprecisely by community understanding)

“Domestic Violence” can refer to:**

“**Battering**”:

- An ongoing, patterned use of intimidation, coercion, and violence (as well as other tactics)
- Use of control to establish and maintain a relationship of dominance over an intimate partner.

**The following categories of domestic violence and PowerPoint text are adapted and quoted from: “Re-Examining ‘Battering’: Are All Acts of Violence Against Intimate Partners the Same?” by Ellen Pence & Samita Dasgupta, Praxis International, Inc., June 20, 2006 . For full article go to: http://www.njldv.org/images/pdfs/ejs/victim_and_perpetrator_behavior/reexamining_battering.pdf

Domestic Violence Can Refer to (cont'd):

“Resistive/reactive violence”:

- Use of violence by victims to resist domination and battering by using force or to retaliate.
- The major goals are to: (1) escape and/or stop violence that is being perpetrated against them, and (2) establish a semblance of parity in the relationship as a method of protecting themselves and their children against escalating abuse.
- Reactive violence on victims' part is in larger part resistance to ongoing battering and is seldom the first or only tactic (appeasement, threats, soliciting help, etc. have been tried first)

“Domestic Violence” can refer to (cont'd):

“Situational Violence”:

- An isolated incident of violence used to express anger, disapproval, or reach an objective
- Violence not part of a pattern
- Does not use a pattern of intimidation and violence to establish control or dominance over the victim
- Tends not to create any substantial fear in the victim
- Does not include efforts to limit what victim can do, whom victim can see, how victim should dress, etc.
- Both partners may use violence against each other but not instill any permanent fear in any one victim.

“Domestic Violence can refer to (cont’d):

“Pathological Violence”:

- Arises from substance abuse**, mental illness, neurological damage, physical disorder, etc.
- May target a specific person such as his/her spouse in one situation, but not typically focused on any particular person or gender
- Certain physical, mental and neurological disorders may also induce aggression and violence, for instance some people suffering from dementia, Alzheimer’s, or brain injuries may become physically aggressive.

**While drug and/or alcohol abuse often *co-occur* with domestic violence, it is *not* the *cause* of domestic violence or an excuse. Batterers who are alcoholics/addicts and use violence against their partners when they use will not typically stop their violence by getting clean and sober. Their need for domination is probably not tied to their belligerent behavior while under the influence. In contrast, a non-battering addict or alcoholic who uses random violence against a partner when in the throes of addiction, would benefit by giving up alcohol and drug use.

“Domestic Violence can refer to: (cont’d)

“Antisocial Violence”:

- Arises out of an antisocial personality disorder
- Is not restricted to a particular partner or gender
- May be abusive in a number of social settings: bars, work, home, sports field, etc.
- Such an individual may have little understanding of the consequences of his/her behavior and no feeling of shame or remorse regarding his/her violence.**

**Research indicates that nearly 25% of men who are court ordered to batterer’s programs could be classified as anti-social. Men who use anti-social violence may be similar to batterers as they use violence to establish relationships of dominance, but they are singularly resistant to change. These are individuals who might not benefit by attending existing batterers programs or complete these programs..

Remove the batterer -- not the child

How did the agency deal with the batterer?

- Did the agency seek to remove the batterer from the home—either through voluntary agreement or by court order?
- Will a Juvenile Court restraining order prevent removal?
- Do allegations in the petition hold the batterer accountable for the violence?
- See NCJFCJ's "*Checklist to Promote Perpetrator Accountability in Dependency Cases Involving Domestic*" at:

http://ncjfcj.org/sites/default/files/checklist-to-promote-accountability_0.pdf
http://ncjfcj.org/sites/default/files/checklist-to-promote-accountability_0.pdf

Case Plan Considerations:

- Domestic violence risk assessment for offender
- Therapy for victim parent and child
- Batterer Intervention Program for batterer
- Psychological evaluations as needed for all parties with follow-up of recommended services
- Safety planning for victim parent and child
- Community-based DV services for victim parent and child
- Housing, employment, and economic advocacy services
- Legal assistance with immigration issues for victim parent (and child if not a citizen)
- Supervised visitation
- Criminal violence assessment
- Substance abuse/mental health services
- Parenting classes incorporating information on the impact of violence on children
- Probation/parole contacts
- Translator/interpreter Services

Services Should Be:

- Accessible
- Provided by those with expertise
- Tied to an identified need
- Safe
- Useful
- Culturally appropriate
- In victim's language
- Responsive to cognitive needs

The Batterer and Services

- Batterers often are invisible in child welfare cases
- Adult victims and batterers should have separate case plans and separate counsel, even if they plan to continue their relationship
- The batterer's case plan should focus on safety risks to the child

Special Considerations re: Batterers

- Does the abuser have a pattern of sabotaging recovery efforts?
- Is there drug or alcohol abuse?
- Is he more violent when using or not using?
- Do probation or parole requirements compliment the child welfare case?
- Are there criminal charges pending? If so, if there a “no contact” order that needs to be amended to allow for supervised visits or other provisions of release that would affect case plan?

Children

- Safety first!
- Case plan should include assessment/therapy for the child
- Look at the long-term needs of the child
- Address visits with parents and siblings if child out of home
- Assess if relatives are safe place for the child
- Minimize the risks of re-traumatization by making reasonable/active efforts to leave child with victim
- Assure child it is not child's fault

If the victim stays:

- If the adult victim remains with the abuser, services should focus on safety for victim and child . A safety plan should be developed in order for the child to remain home if possible.

WHY DOESN'T S/HE LEAVE??

An Interactive 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

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.

■ Decide where to go

- Home
- DV shelter
- Apartment
- Homelessness
- Friend's Home
- Hotel

Cost

- green cards = \$ (financial costs)
- yellow cards = good will (cost of accepting assistance from friends, family, and others)

Ground Rules

- Ringing bell =
 stay and pay fare (again)
 or
 move and pay fare
- No more resources = go home or be homeless

Silence

No Questions or Comments

Questions for Discussion:

- How did it feel to maneuver through the different housing options?
- What obstacles were identified with each option?
- Did anyone try to cheat or steal? Is this seen as a survival strategy?
- Why was the exercise conducted in silence? (Answer: The silence is a tool to help participants empathize with the confusion and lack of information battered women confront when attempting to navigate the unknowns of the legal system while attempting to keep themselves and their children safe.)
- How would have the exercise have been different if you didn't understand English?

Questions for Discussion (cont'd):

- What were some examples of the reasons for returning home or staying home?
- How does this exercise apply to your role in the child welfare system?
- What decision would you make about removal of the children? What were your reasons for your decision?
- What would you want included in the case plan for mother, father, children, family?
- Are there gaps in resources in your community? Have you found creative ways to try to fill these gaps?

Conclusion: Reasons Why S/he Won't Leave or Returns

- 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 ; hopes or beliefs in the batterer's promises to 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
- Economic dependency/lack of employment and/or employment skills
- Complications of immigration (fear of deportation)
- Cultural, religious or familial values
- Lack of legal assistance
- Immobilization by psychological or physical trauma
- Ethnicity, language barriers, behavioral health, developmental needs, geographic location and economic status can all play roles
- Messages from others that the violence is the victim's fault and that she could stop the abuse by simply complying with his demands

Additional Resources

- Oregon Department of Human Services' "Child Welfare Practices for Cases with Domestic Violence":
 - <https://apps.state.or.us/Forms/Served/ce9200.pdf>
- The Children's Bureau of the Department of Health and Human Services Administration for Children and Families website provides information about federal programs that promote the economic and social well-being of families, children, individuals, and communities. Features include child welfare monitoring, laws and policy, and child welfare research.
 - <http://www.acf.hhs.gov/index.html>

Additional Resources (cont'd)

The Family Violence Department (FVD) of the National Council of Juvenile and Family Court Judges (NCJFCJ) offers resources, publications and other online assistance.

- <http://www.ncjfcj.org/our-work/domestic-violence>
- Download NCJFCJ publications:
 - <http://www.ncjfcj.org/resource-library/publications/domestic-violence>
- For a guide to community collaboration, see: NCJFCJ's "Civil Protection Orders: A Guide for Improving Practice" (CPO Guide) at: <http://www.ncjfcj.org/resource-library/publications/civil-protection-orders-guide-improving-practice>

Additional Resources (cont'd)

- “Cross-System Dialogue: An Effective Strategy to Improve Communication Between the Domestic Violence Community, Child Welfare, and the Courts” at: <http://www.thegreenbook.info/documents/crosssystemdialogue.pdf>
- The National Judicial Institute on Domestic Violence provides highly interactive, skills-based domestic violence workshops for judges and judicial officers nationwide. It is co-sponsored by the National Judicial Institute on Domestic Violence and the Family Violence Department of NCJFCJ. <http://www.njidv.org/>

Additional Resources (cont'd)

- Effective Interventions in Domestic Violence and Child Maltreatment Cases: Guidelines for Policy and Practice (commonly referred to as “the *Greenbook*”). <http://www.thegreenbook.info/>
- National Coalition Against Domestic Violence <http://www.ncadv.org/aboutus.php>
- Family Violence Prevention Fund offers programs for children, immigrant women and judges. Resources include a Children & Domestic Violence Toolbox and a special report targeting teens. <http://endabuse.org/>
- The Minnesota Center Against Violence and Abuse (MINCAVA) maintains an electronic clearinghouse featuring research on child abuse and neglect and domestic violence research and information. <http://www.mincava.umn.edu/>

- Institute on Domestic Violence in the African American Community (IDVAAC)
<http://www.idvaac.org/index.html>
- National Center on Domestic and Sexual Violence
provides training and consultation designed to end domestic and sexual violence.
<http://ncdsv.org/>
- Sacred Circle, National Resource Center to End Violence Against Native Women
<http://www.sacred-circle.com/resources.html>
- Sacred Circle Tribal Resources and Technical Assistance
<http://www.sacred-circle.com/resources.html>