Addressing Domestic Violence in State CFSR Program Improvement Plans

The federal Child and Family Services Reviews (CFSRs) study and evaluate states’ overall performance in child protection cases, including their ability to achieve children’s safety, permanency and well-being. The resulting state Program Improvement Plans (PIPs) must address any identified deficiencies, which may include a state’s response to cases involving domestic violence. Courts, child welfare agencies, and domestic violence agencies should all work together to ensure that PIPs adequately address the unique circumstances and important legal and judicial dimensions of child welfare cases that involve domestic violence.

A growing body of clinical experience and research evidence reveals that there is a significant overlap between domestic violence and child maltreatment. Increased levels of child abuse and neglect are often found in families experiencing domestic violence. Various child welfare agencies have estimated that approximately 30% of their cases involve domestic violence, and this number is probably low because agencies do not routinely screen for domestic violence.

Despite this overlap, the assumption that exposure to domestic violence harms all children has led to a number of unnecessary and harmful abuse and neglect interventions. Children react differently to exposure to domestic violence. While some suffer grave psychological, behavioral and emotional harm, others show no deficits and still others display impressive coping skills. A child’s response may vary based on age and gender, time since exposure, or his or her connection to the non-offending caretaker.

Domestic Violence and State PIPs

The significant co-occurrence of domestic violence and child maltreatment highlights the need for states to consider domestic violence issues when working on their PIPs. Although the CFSR general outcomes and systemic factors do not specifically address domestic violence, many overlapping issues exist, including:

- a child’s safety (e.g., domestic violence protection orders can help protect a child from abuse and neglect by the battering parent)
- a child’s mental and physical well-being (e.g., protective orders can help prevent a child from exposure to intense hostility or bitterness between parents)
- the need for safe and permanent placements (e.g., diversion to domestic violence proceedings with a sound safety plan in place may eliminate the need to remove the child) and
- appropriate training for service providers (e.g., sensitivity to domestic violence issues may improve case handling by agencies and courts).

State agencies and courts can incorporate domestic violence issues into their PIPs and everyday practice in several ways. For example, it is important to screen for domestic violence at intake and throughout each case to determine whether there is a risk to the child and if special services and referrals are needed. Screening also helps establish whether a court case is indicated and can help agencies and courts assess whether the child can remain safely with the non-offending parent, and if so, how. Such attention to domestic violence may result in fewer repeat abuse cases, more fitting interventions, appropriate court involvement, and less time spent in the foster care system.

Several states have recognized the need to address domestic violence in their child abuse and neglect cases. Some CFSRs note that cases involving domestic violence are slipping through the agency’s cracks. Others state that while some cases and court interventions are not effective without coordination with domestic violence services. For instance, batterers might intimidate victims into not cooperating with court-ordered services, or case plans might not provide the targeted services a victim of domestic violence needs.

Several state PIPs have already begun to address such issues:

- Child welfare agencies in Louisiana, North Carolina, Arkansas, Delaware and Georgia collaborate with their local domestic violence agencies through grants or other government agencies.
- The District of Columbia’s child welfare agency created a new office that houses various professionals such as domestic violence advocates to serve as resources for its workers.
- Louisiana, the District, Delaware and Arkansas are developing training curricula on domestic violence for their child welfare professionals.

While these specific examples mostly involve agencies, courts also need to be involved, because court orders and enforcement are critical to any domestic violence or child welfare intervention. When child welfare agencies, domestic violence agencies and the courts work together, they can sort out how court proceedings can facilitate achievement of good outcomes. Such issues are fertile ground for court involvement in PIPs.

Recommendations

The following recommendations can help states address domestic violence in their PIPs even further:

- Build partnerships and collaborations among domestic violence organizations, child welfare agencies and courts.

To successfully incorporate domestic violence issues into child welfare practices and PIPs, it is essential to have input of professionals from the domestic violence field. Child welfare agencies, court representatives and domestic violence organizations should arrange joint meetings where members can meet and learn about each other and their organizations and begin to build trust. It is easier to collaborate when people have a better understanding of issues, common goals, and the roles and responsibilities of each profession.

- Establish a legal and judicial task force to work on legal issues related to child welfare and domestic violence.

A legal and judicial task force should be created for court personnel and attorneys to work on statutes and court rules that improve safety and permanency for children exposed to violence. Such a task force should include members with domestic violence expertise and can address issues such as:

  - initial removal of the children
  - reasonable efforts to prevent removal and to reunify families.
  - possible diversion of child maltreatment cases that involve a protective parent and a safety plan to domestic violence courts and
  - whether a parent’s progress in addressing domestic violence issues may represent a compelling reason not to terminate parental rights when children have been in care 15 of the last 22 months.

A task force could establish guidelines for when cases involving both domestic violence and child maltreatment should be handled by separate courts or consolidated into one proceeding. Some cases might be appropriate for a domestic relations or family court, while others might be best addressed by a special domestic violence court. Conversely, in some cases (i.e., those where children are suffering from some demonstrable harm or are in immediate danger), the child welfare court may be the (continued on back page)
best forum for intervention. Case-by-case determinations based on such guidelines can help achieve children’s safety and permanency.

- Hold joint training for child welfare, domestic violence and court professionals about the impact of domestic violence on children and the interplay of domestic violence and child welfare.

Professionals from each field should be involved in creating training curricula so that the issues are covered in a balanced way. The curricula can be specific to each profession or can be multidisciplinary depending on the needs of the state. The curricula should cover:

- understanding and recognizing domestic violence
- how domestic violence and child maltreatment are intertwined
- the importance of screening and safety planning
- which courts should be involved and whether to consolidate domestic violence and child maltreatment cases
- how to measure a battered parent’s progress under a case plan
- the impact of domestic violence on children and children’s resiliency factors and
- ways to help keep the child and the non-offending parent together safely.

All child welfare, domestic violence, legal and judicial professionals should receive training on these subjects. Training ideally would include instructors from each discipline to present a multi-disciplinary approach.

- Incorporate knowledge and information about domestic violence into child welfare screening tools.

Questions aimed at gathering information about possible violence in the home should be incorporated into screening tools at every stage of the child welfare case to help ensure that agencies and the courts handle such cases appropriately. Domestic violence service providers can help frame sensitive questions for different stages of a case, e.g., intake, investigation, and case plan. The answers to such questions can in turn provide invaluable information to the court.

- Child welfare agencies and domestic violence programs should set up joint guidelines for domestic violence and child maltreatment practice.

Some child welfare agencies and domestic violence service providers have also entered into memoranda of understanding. These agreements spell out each party’s role and responsibilities within the collaboration, as well as the joint goals of the agencies. Although no two protocols are the same, they share some key concepts:

- Routinely screen for domestic violence.
- Domestic violence alone is not sufficient to justify removal of the children.
- Safety for the mother can provide safety for the child.
- In some circumstances, removal may be appropriate.
- Change child welfare agency and court policies and practices to make them more supportive of battered women and their children.

Advocate for legislation that requires training on domestic violence for all professionals working in the child welfare field, including judges, lawyers, social workers and domestic violence advocates. Enact policies that allow for continued screening for domestic violence and, when necessary, safety planning at every stage of a child welfare case. Create a referral system and a network of services for child welfare workers so that they can be a source of information and support to victims and their children.

In conclusion

Although domestic violence is not specifically required in the CFSPs and PIPs, addressing family violence is an integral part of ensuring safety, permanency and well-being for children.

Recognizing when there is domestic violence in the home, assessing the impact of the violence on the children, determining safety plans, making proper referrals, and advocating for the battered mother and her children can make a huge difference in the lives of the children the system is designed to protect. These efforts, when supported by all professionals working in the child welfare system, can help restore the safety and stability of families affected by domestic violence.

Rachel Feldheim

Notes

1. See Child Court Works, Volume 5, Issues 2, 3 and 4 (2002) for more information on the impact of court involvement in CFSPs.

For more information on how the National Child Welfare Resource Center on Legal and Judicial Issues can work with your court or agency on the connection between domestic violence and child maltreatment, contact Jennifer Renne at 202/662-1731 or RenneJ@staff.abanet.org.

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