Guideline Goals

- Enhance advocates’ knowledge about complexities of co-occurrence
- Foster cross-system collaboration to increase safety for abused mothers and hold batterers accountable for intimate partner violence
- Offer flexible guidelines on how to respond to child maltreatment when either the adult victim or batterer is responsible for child abuse
- Find creative and supportive ways to assist battered mothers who maltreat their children

The Context: What We Have Learned

- Well-intentioned systems aimed at protecting children in co-occurrence cases sometimes re-victimize the abused parent
- Systems may not recognize a survivor's efforts to protect her children as “protective”
- While some children are negatively impacted by domestic violence, many are not
Why Advocates Often Avoid Talking About Child Maltreatment

Fear that system involvement will have negative consequences:
- Non-offending parent will be accused of failure to protect and
- Offending parent will not be held accountable
- Retaliation or safety threats
- Further harm to the children

Potential Dangers of CPS Involvement

Battered mothers may be more vulnerable to:
- Manipulation from batterers
- Termination of parental rights
- Economic hardship
- Pressure to compromise on access to children

Reframe: CPS Involvement

Domestic violence advocates must be ready to assist abused women in understanding how best to work with CPS to:
- Minimize these potential dangers
- Keep the safety of adult victims and their children implicitly linked.
<table>
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<tr>
<th>The Context: System Change</th>
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<tr>
<td>- Child’s safety is linked to the safety of abused parent</td>
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<td>- Systems must hold the battering partner accountable, not the victim, for violence in the home</td>
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<td>- Systems and professionals should preserve victim confidentiality</td>
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<td>- Each individual’s experience must be taken into account when assisting families</td>
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<th>Understand CPS Potential &amp; Reality</th>
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<td>- Know the practices in your county</td>
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<td>- Advocate proactively</td>
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<td>- Advocate reactively</td>
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<th>Guiding Assumption of Guidelines</th>
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<td>Battered mothers should receive ongoing and supportive assistance from domestic violence organizations despite the existence of child maltreatment, even if it is at her hands.</td>
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Getting Started: Internal Questions About Mandatory Reporting

- How will the agency determine if a child is in danger?
- If a child is in immediate danger, how will the agency respond?
- What is the procedure for making a report?
- Who should be notified and when?
- What information should be supplied to the adult victim about next steps?
- In what ways can advocates continue to support battered mothers throughout this process if she or her abusive partner is reported?

Sample Determining Factor: Resiliency

- Research, so far, indicates that some children who witness domestic violence show no measurable behavioral or emotional difficulties. This suggests that resilience is also possible. 
  Simmons School of Social Work, 2005
- Longitudinal studies reveal that 50 – 75% of children growing up in families where domestic violence is present demonstrate "resilience and triumph".

Sample Determining Factor: Mandatory Reporting Laws

- California Penal Code § 1165.3:Mandated reporter must report...willful child endangerment or the willful infliction of unjustifiable physical pain or mental suffering on a child
- In the context of domestic violence, a mandated reporter must consider whether there is a risk of physical or emotional harm to the child
- The fact that a child's parent has been/is the victim of DV is not in and of itself a sufficient basis for reporting suspected child abuse or neglect. 
  Michael Clark, Lead Deputy County Counsel, SCC
Case Study: Teisha and Sophy

- A mandatory report is necessary
- How do we support Teisha?
- How do we support Sophy?
- What are long term advocacy plans?

Talking to Her About Child Abuse

- Show that you believe what she is saying
  - If child abuse is disclosed, do not use terms like “the alleged abuser.”
  - Give her an opportunity to talk about how it feels to know that her children have been harmed.
- Make sure to hold the correct person accountable.
- Make sure to validate her parenting and do not blame her for abuse if someone else has abused her children.

Supportive Advocacy: Before CPS Report

- Inform her that you are making a report
- Tell her how you determined a report was necessary
  - Include statutory obligations and concern for her and her children
- Discuss if and how she would like to participate in report, including making a report herself
- Provide information about what CPS will do next
- Inform her of contacts CPS will have with her abusive partner; brainstorm safety strategies
Supportive Advocacy: Your Involvement

- Inform her that you will work with her to avoid unnecessary involvement with CPS by providing a thorough report.
- Assure her that you will advocate with her throughout her involvement with CPS.
- If she is not in a residential program, let her know when you will contact her next.
- Remind her that she can contact you any time with her concerns.
- Work with her to develop ongoing safety plan for her and her children.

Safety Planning Before CPS Report

- Talk to her about her concerns about potential retaliation.
- Identify people who could take care of the child safely, if out-of-home placement necessary.
- Link her to an attorney to discuss options.
- Offer addresses/phone numbers where victim and her child can be safely contacted.
- If possible, have her present during call so she hears what is reported.

Safety Planning About CPS Response

- If the mother is in a shelter or in hiding, is her address written anywhere in the case record? How will the system protect it?
- Are there safe places for CPS workers or the court to contact her – both in person and by mail?
- Is it necessary to have separate CPS service plans so the abuser does not see the woman’s plan?
- What interventions/services are in the service plans? Do they fit the woman’s safety needs? Are they culturally appropriate?
Safety Planning About CPS Response

- Are there things the children may relay to her abuser that may cause an increased risk to her and her children?
- If she and her abuser reside together, how can she remain safe if a CPS representative comes to the house?
- If she decides to initiate a report, what steps will she have to take to keep her and her children safe when he finds out?
- If court is involved, has she informed DJO of safety concerns and need for confidentiality?

Making the Call: Hotline Information

- Provide context about domestic violence
- Identify and document her past and present protective strategies
- Make clear who is the perpetrator of intimate partner violence and child abuse/neglect
- Only include information after safety planning with victim
- Remove agency number from report if victim is still living with abuser

Advocacy Practices When Reviewing Case File Documentation

- Is there a description of domestic violence that both the adult victim and children have experienced?
- Is her version of events is accurately reflected and recorded?
- Is her behavior fairly represented or is it represented as dysfunctional?
- Is she Native American? If so, consult the Indian Child Welfare Act
- Are there any needed corrections or additions? If so, provide explanations to CPS caseworker
Supportive Advocacy: Working with CPS

- Ensure separate service plans
- Discuss if adult or child protection order will increase her and her children’s safety
- Advocate with CPS for strategies that shift responsibility for abuse to batterer
- Determine whether safety plan provisions are accessible & appropriate
- Help analyze if specific interventions may place her or her children at risk or when other services may be more helpful
- Examine how the individual needs of her children are accounted for in any recommendations/evaluations

Supportive Advocacy: Working with CPS

- Recommend that CPS workers use language that focuses on the perpetrator’s role in creating harm or risk to the children. Example:
  - Despite the mother’s efforts to protect the children, the perpetrator is creating conditions injurious and harmful to the children (CT Collaborative)

Supportive Advocacy: After The Report

- Help her prepare for home visits by CPS
- Help her with visitation schedule
- Attend court hearings and other meetings if she would like you there
- Offer child care during her appointments
- Ask her how else you can assist her
- Value her expertise in knowing her family
Source References

- Helping St. Louis County Families (2007) Litton, L.
- St. Louis County Families: A Guide for Court Professionals on the Co-Occurrence of Domestic Violence and Child Abuse/Neglect

Powerpoint Note

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