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# **Protocol for Response to the Co-occurrence of Child Maltreatment and Domestic Violence**

Representatives of the Mille Lacs County Family Services, PEARL Battered  
Women's Resource Center

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## **Mission Statement**

Through commitment to collaboration between Mille Lacs County Family Services and PEARL Battered Women's Resource Center we will integrate our expertise to effectively protect battered women and maltreated children.

## **Guiding Principles**

The primary focus of child protection intervention in domestic violence cases is the ongoing safety of children. The preferred way to protect children in most domestic violence cases is to join with the adult victim in safety planning and to hold the abusive partner accountable. It is important to work closely with battered women's programs, the criminal justice system, and the batterer's treatment providers, while protecting the privacy of all involved individuals as required by law.

## **Goals**

- All family members will be safe from harm.
- Abused parents will be assisted to protect their children and themselves using non-coercive and supportive interventions.
- The abusive partner, not the adult victim, will be held responsible for stopping the abusive behavior.
- Children will have safe and stable relationships with nurturing parent(s) or caretaker(s). Repeated out of home placements caused by domestic violence will be reduced.

- Maltreatment will be reduced.

## **Definition**

Domestic violence is the establishment of control and fear in a relationship through the use of violence and other forms of abuse. The adult committing domestic violence may use physical abuse, emotional abuse, sexual abuse, economic oppression, isolation, threats, intimidation, and maltreatment of children to control the other person. Relationships involving domestic violence may differ in terms of the severity or pattern of abuse but control is the primary goal of all abusive partners.

## **Confidentiality Procedures**

- Procedures will comply with state statutes and case law governing what information child protection and domestic violence programs can share with whom.
- Include provisions that articulate the regulations governing confidentiality for each agency, including the types of information on families that will be shared between the child protection agency and local domestic violence programs.
- PEARL will have a written policy in place to keep records confidential as required by the Victim's of Crime Acts (VOCA).
- When CPS or Law Enforcement are asking the whereabouts of a woman, PEARL will respond by saying if they have contact with her, they will give her the message.
- Anytime releases are utilized, information to be shared will be explicit, have direct relevance to the case, and include Tennessee warnings.

## **Mille Lacs County Family Services (Child Protective Services, CPS)**

### **Screening**

1. Using selected questions on pages nine (9) and ten (10) from the MN Guidelines to the Co-occurrence of Child Maltreatment and Domestic Violence (hereafter DHS Guidelines), CPS agrees to screen all referrals for domestic violence at intake.
2. CPS agrees to include a short list of questions that should be asked to screen for domestic violence. (Eg, Are you aware of any other concerns in the family?; Does anyone else in the family get hurt physically?)
3. CPS agrees to advise callers of specific options and resources for domestic violence such as crisis centers, shelters and police, even if the call is not referred for assessment.

## **Assessment**

Using suggestions from pages eleven to fourteen (11-14) of the DHS Guidelines, assess for domestic violence.

1. Every referral will be assessed for domestic violence.
2. As part of the assessment, the worker will contact law enforcement to determine whether previous incidents of domestic violence have been reported.
3. CPS will do everything possible to ensure the use of culturally appropriate resources and referrals.
4. All phases of involvement with a family from initial intake through rehabilitation and reunification will include a domestic violence assessment.
5. Prior to interviewing the family, the worker will investigate the criminal history of the abusive partner.
6. The caller will be asked if the child is Native American.
7. If yes, and the child is enrolled with a tribe, the reservation will be notified.
8. At the family's request, the investigation will include tribal family services.

## **Interviewing the Adult Victim**

To the extent that the law allows, the adult victim will be interviewed without the abusive partner's knowledge and outside of his presence to assess the level of dangerousness to the woman if specific questions about domestic violence are asked. Difficulty in interviewing the adult victim alone will be seen as a signal of the level of control of the abusive partner. To the extent that statute allows, the worker will assure the adult victim that information she gives will be kept from the abusive partner.

Interviewer will ask selected questions (from among those listed below from the DHS to assess the adult victim's freedom to act independently.

Has your partner:

- prevented you from going to work/school/church?
- prevented you from seeing friends or family?
- listened in on your phone calls or violated your privacy?
- followed you?
- accused you of being unfaithful?

- Acted jealous?
- Controlled your money?
- Stolen your money?

These questions will help you to assess the patterns of verbal, emotional, physical or sexual abuse.

Has your partner:

- called you degrading names?
- emotionally insulted you?
- humiliated you at home? in public?
- destroyed your possessions (e.g. clothes, photographs)?
- broken furniture?
- pulled the telephone out?
- threatened to injure you, himself, your children or other family members?
- hit, slapped, pushed, kicked, choked or burned you?
- threatened to use a weapon or used a weapon?
- threatened to kill you?
- hurt your pets?
- engages in reckless behavior (e.g., drove too fast with you and the kids in the car)?
- behaved violently in public?
- been arrested for violence crimes?
- forced you to perform sexual acts that made you feel uncomfortable?
- prevented you from using birth control?
- withheld sex?
- hurt you during pregnancy?
- forced you to engage in prostitution or pornography?
- forced you to use drugs?

Has your child:

- overheard the yelling and/or violence?
- behaved in ways that remind you of your partner?
- physically hurt you or other family members?
- tried to protect you?
- tried to stop the violence?
- hurt him/herself?
- hurt pets?
- been fearful of leaving you alone?
- exhibited physical/behavioral problems at home/school/day care?

These questions will help you to understand the women's past help-seeking behavior and willingness to seek help.

Have you:

- told anyone about the abuse? what happened?
- seen a counselor? what happened?
- left home as a result of the abuse? where did you go? did you take the children? if not, why?
- called the police? what happened?
- pressed criminal charges? what happened?
- filed a restraining order? what happened (e.g. did your partner respect the order)?
- used a battered women's group or shelter? was it helpful?
- fought back? what happened?

General Questions

- How dangerous do you think your partner is?
- What do you think he's capable of?
- Do you have any current injuries or health problems?

- How has this relationship affected how you feel about yourself, your children, the future?
- How to explain the violence to yourself?
- How do you believe your children understand the violence?
- What do you believe would help keep you and/or your children safe?

Once the mother's interview is complete, you should have an understanding of the power structure within the family. If there is extreme danger for the woman, and her children have learned to survive by identifying with the offender (e.g., cannot keep confidentiality from the offender) the direct questioning of children may be postponed until safety can be achieved. This same thinking applies to interviewing offenders. If a woman is fearful of the consequences of questioning of the offender, then it should not be done until safety can be achieved. Safety always comes first.

## **Interviewing the Children**

### Child's Account of What They Saw

Note: Older children are more likely to minimize reports of parental fighting out of loyalty to parents. Younger children may be more spontaneous and less guarded with their reports.

#### Suggested Questions:

- What kinds of things do Mom and Dad (boyfriend, partner) fight about?
- What happens when they fight?
- Do they yell at each other?
- Do they hit each other?
- How does the hitting usually start?
- What do you do when this is going on?
- What do you think about when this is happening?
- Do you ever get hit or hurt when Mom and Dad are fighting?

#### Assessment of Impact of Exposure:

- Do you find that you think about your parents fighting a lot?
- When do you think about it?
- What do you think about?

- Do these thoughts ever come in school or while you are playing?
- Do you ever have trouble sleeping at night? Do you have nightmares?
- Why do you think Mom and Day (boyfriend/partner) fight so much?
- What would you like them to do to make it better?

Child worries about safety

- What do you do when Mom and Day (boyfriend/partner) are fighting?
  - stay in the same room
  - go to an older sibling
  - leave/hide
  - ask parents to stop
  - phone someone
  - run out/get someone
  - other
- When Mom and Dad are fighting, what do you worry about the most?
- Have you talked to any other grown ups about this problem?
- In an emergency, who would you call?
- Their phone number is: \_\_\_\_\_.
- What would you say: \_\_\_\_\_

If the children don't have some idea of whom to call, the social worker should give them some basic information or help Mom think where they could go.

### **Interviewing the Abusive Partner**

Interview the abusive partner pursuant to MN statute #626.556, using the following questions from the DHS Guidelines, page twenty-one and twenty-two (21-22).

- Tell me about your relationship.
- How does your family handle conflict?

- What kinds of things do you expect from your partner/family?
- What do you do when you don't get your way?
- Have you ever been so angry that you wanted to physically hurt someone?
- Can you think of any times in your life that you have been emotionally abusive?
- If yes, do you think you have a pattern of being emotionally abusive?
- Can you think of any times in your life that you have been verbally abusive?
- If yes, do you think you have a pattern of being verbally abusive?
- Can you think of any times in your life that you have been physically abusive?
- If yes, do you think you have a pattern of being physically abusive?
- Can you think of any times in your life that you have been sexually abusive?
- If yes, do you think you have a pattern of being sexually abusive?

All batterers are potentially lethal. The following is a list of indicators to assess a batterer's potential to kill:

- Threats/attempts of homicide or suicide
- Fantasies of homicide/suicide (seen as the only solution)
- Depression (especially if loss of the partner represents total loss of hope for a positive future)
- Use, threat of use, possession or access to weapons
- Criminal activity/violation of Temporary Restraining Order (TRO) - (may indicate little concern for consequence of arrest/jail time; hostile toward authority)
- History of violence with partner/children/pets - evaluate severity, frequency, duration (the longer, more frequent, and/or severe, the higher the risk)
- Status of the relationship. Most life-endangering rage erupts when the batterer believes the victim has just left the relationship or is about to leave
- Drug or alcohol consumption (risk of lethality may increase).

Batterer characteristics relevant to lethality:

- Obsessiveness about partner or family (e.g., to the point of monitoring the partner's calls, questioning the children)

- Possessiveness and jealousy used to monitor, control, and isolate the victim, harbors fear of losing the victim: "If I can't have you, no one will."
- Cannot tolerate separation from the victim
- Inflicts severe pain or torture (such as burning, starving, or beating her for hours) without warning or apparent provocation
- Derives pleasure out of creating pain
- Takes offense easily - a look, a questions, or even reasonable/mild attempt at limit setting by others can trigger a violence response
- Has criminal history or violence
- Generally violence personality
- Conflicted and belligerent relationships with authority figures

### *Services*

1. CPS will begin safety planning for both the child and the adult victim immediately once the allegations are supported. The protocol will include a list of specific questions for the worker to ask the child and the adult victim.
2. The worker will not compel the adult victim to select any one safety option and will reinforce effective safety strategies used in the past.
3. Safety planning will include an analysis and assessment of both batterer-generated and life-generated risks. **\*Note:** When safety planning with the non-abusive parent and/or criminal justice intervention does not reasonably provide for children's safety in the context of domestic violence, appropriate safety interventions, including temporary foster care placement, will be made.
4. Safety planning will include a discussion of the above note.
5. Case plans will be written with separate tasks listed for the adult victim and the children. Such tasks may include:
  - a. Individual or group support
  - b. Counseling
  - c. Housing assistance
  - d. Emergency financial assistance
  - e. Supervised visitation services for the children

- f. Specialized assessment for domestic violence effects on children and adult victims
  - g. Day care for children while adult victim seeks assistance and employment.
  - h. Education for the adult victim on the dynamics of abuse and the effects of domestic violence on herself and her children.
  - i. Voluntary referrals to PEARL
6. Pursuant to MN Statute, case dispositions will include as many of the following ways as possible of holding the abusive partner accountable for stopping his violence towards the adult victim (or towards the children and the adult victim).
- a. Upon establishing a preponderance of evidence, CPS will substantiate cases on abusive partner for physical endangerment and/or neglect of children.
  - b. When possible, CPS will substantiate cases on the batterer for emotional maltreatment for exposing children to domestic violence.
  - c. When possible, CPS will substantiate cases against non-residing abusive partners (intimate partners) in the same way as cases against any other caretaker of the children could be substantiated.
7. The abusive partner's service plan will hold him accountable. Tasks to which the abusive partner may be ordered include:
- a. Leaving the home if that is the adult victim's wish.
  - b. Participating in a batterers program and following all recommendations, attending, completing and paying for the program.
  - c. Not behaving in a manner that is verbally, emotionally, sexually or physically abusive toward partner and/or children.
  - d. Not involving the children in attempts to control his/her partner or force them to witness or participate in abusive tactics.
  - e. Attending educational classes regarding the effects of domestic violence on children.
  - f. Following all conditions of court orders and probation.
8. Specified services to which the abusive partner may be referred include:
- a. Approved batterer's treatment program, which lasts at least six months, with progress monitored through development of a working collaboration with the treatment program staff.

- b. Specialized classes on parenting which emphasize the effects of domestic violence on children, men's responsibility to parent non-violently, and skills to do so.
  - c. Substance abuse services.
  - d. Parenting time center services.
  - e. Cooperation with police and probation when involved.
9. If the adult victim believes interventions such as couples counseling, mediation, family group counseling, and anger management programs for the batterer will increase the level of danger, other interventions, including referral to PEARL, will be used.
  10. The adult victim and children will be offered services regardless of whether the adult victim chooses to remain with the abusive partner.
  11. Issues regarding documentation will be written so that it is clear that the abusive partner is solely responsible.
  12. With a preponderance of evidence, if a failure to protect determination is substantiated against the adult victim, the abusive partner will also be cited for endangering the children (in cases where child protection has jurisdiction over the abusive partner).

## **PEARL Battered Women's Resource Center**

1. PEARL'S staff and volunteers will expand expertise and provide advocacy to women involved in the child protection system, including:
  - a. As appropriate, explaining rights and legal issues to women involved in the child protection system or making appropriate referrals.
  - b. Providing information, at her request, (and/or referral to legal services) to battered women regarding availability of advocacy throughout the duration of the case, including advocate attendance at meetings and court hearings regarding the child protection case.
  - c. Providing safety-planning options for battered women and their children.
  - d. Informing women of services that are available to them, including individual and group support for children and women, legal advocacy, emergency housing, crisis intervention, assistance with filing an OFP, etc.
  - e. Assisting, providing or making referrals to some of those services to the battered woman that could help prevent an out-of-home placement.
    - Assisting with filing Orders For Protection (OFP)
    - Information about Indian Child Welfare Act rights

- Information about rights to a Native American Guardian ad Litem
  - Information about the family violence waiver
  - Support and education groups for both the adult victim and her children
  - Safety planning
  - Refer to parenting education groups that focus on the effects of violence on children.
  - Helping find family members or friends who may take the child on a temporary basis to prevent juvenile court involvement.
  - Addressing "Stop the Clock", The Alternative Employment Plan.
2. When appropriate, assisting battered woman in seeing a situation as an opportunity to receive services that might benefit the entire family.
  3. When requested by the woman, providing input to child protection regarding assessment, investigation, service and case planning.
  4. Intervening with the county at the woman's request when a particular course of action they advise would be dangerous.
  5. Information and referral concerning whether she and/or her children are eligible for services. For example, mental health, developmental disability, or services for children with behavior problems.
  6. Informing parent of the risks and benefits of agreeing to voluntary placement.
  7. Advising on the risks and benefits of alternative response and helping women determine the best way to proceed or going with them to meet with CPS.
  8. Assisting with making such concrete changes as changing locks on doors and windows and providing food and safe shelter.
  9. If child is removed in an emergency, helping parent understand and establish visitation rights.
  10. Assisting a battered woman in asking for a re-determination of finding of maltreatment or if that fails, advise/assist them with seeking counsel to appeal a decision.
  11. When multiple issues (chemical dependency, mental illness, etc) are present, PEARL and/or the Mille Lacs Band Women's project advocates will dialog with CPS about how to best meet the needs of the children in the long run.

12. Helping a parent determine if his/her child is enrolled or if they are eligible for enrollment in an Indian tribe. If so, the advocate will contact the Indian Child Welfare worker assigned to that tribe to determine what help is available.
13. Contacting ombudsperson authorized to investigate concerns involving African American, American Indian, Asian, Pacific-Islander, and Chicano/Latino children when there are complaints regarding systems and those communities .
14. Contacting compliance review team established to investigate complaints of non- compliance with ICWA and MN Indian Family Preservation Act (see appendix).
15. PEARL will develop internal policies regarding cases where there is suspected maltreatment of children, and train personnel accordingly, including:
  - a. Creating supportive interventions for battered women who maltreat their children via abuse or neglect.
  - b. Consulting with child protection liaison or other child protection expert who has in-depth understanding of the multiple and complex problems that arise in families where there is suspected overlap to answer questions regarding a particular case, while adhering to strict confidentiality requirements.
  - c. Utilizing auxiliary forms, which provide context for battered women's experience when making mandatory reports to child protection (see Advocate Report Form).
  - d. Providing information to battered women about the effects of violence on children and what constitutes child maltreatment.
  - e. Developing or expanding existing parenting groups for battered women, to include topics on:
    - The effects of violence on children
    - How to help the recover
    - How the violence is related to single parenting
    - Fears of inadequacy
    - Loneliness
    - Lack of resources
    - Dating
    - Budgeting

- Other topics as needed
16. Promoting development of parenting classes for abusers that stress the impact of domestic violence on the children (as opposed to programs that teach abusers how to parent *despite* the violence).
  17. Developing and improving child-friendly environments, including child-welcoming atmosphere, child friendly policies.
  18. Connecting families with community resources, including mental health and substance abuse services, child visitation centers, parenting groups.
  19. Collaborating with ICWA workers regarding cases of overlap involving Indian women and children.
  20. Developing and making available to child protection brochures/information packets regarding available services for battered women involved in the child protection system for distribution to battered women.
  21. Maintaining agency autonomy in order to enhance safety and security for women and their children.
  22. Work with Mille Lacs County to ensure that Alternative Response services offered are appropriate and promote the safety of both the adult victim and her child.
  23. When participating on the child protection team, using only hypothetical statements to address issues being discussed in order to maintain confidentiality roles, advocating for limited sharing of information regarding the identity of individuals, and maintaining focus on class and systems advocacy.

## All Involved Agencies

The Child Protection Supervisor from Mille Lacs Family Services and the Executive Director from PEARL will serve as a *liaison* to the other agency to:

1. Increase knowledge of battered women's program, child protection philosophies and practices across systems to become a resource for your own agency and other collaborators regarding cases of overlap between domestic violence and child maltreatment.
2. Develop expertise about model initiatives (or resources for learning about them) for collaboration between child welfare and domestic violence agencies.
3. Respond to complaints and requests for general information and regarding specific cases, from collaborators while adhering to confidentiality requirements.
4. On a regular basis, review confidentiality requirements with existing and new staff and volunteers.

5. Participate in interagency networking sessions/meetings and coordinate agency activities regarding collaborative effort.
6. Provide updates and coordinate training activities as needed for collaborators.

## **Case review/Consultation/Sharing Information Between Mille Lacs County Family Services and PEARL Battered Women's Resource Center**

1. Mille Lacs County Family Services will review ongoing cases on a quarterly basis pursuant to the child protection case plan.
2. For PEARL, case review and consultation:
  - a. Will only occur when there has been a request or permission granted by the battered woman.
  - b. Will only occur when there is a signed release.
  - c. Will include only information that is strictly relevant to the case.
  - d. When possible, will occur in a hypothetical context.
3. PEARL will only share identifying information needed to make a mandatory report or if the battered woman requests it, in which case consent will be secured.
4. If a representative from Law Enforcement, Child Protection or another agency is seeking the whereabouts of a woman that PEARL may or may not be working with, advocates will respond by saying, "If we hear from her, we will let her know you called."

## **Training**

1. Collaborators will participate in annual cross-training on:
  - a. Information about the dual issue of child maltreatment and domestic violence.
  - b. Child maltreatment and mandatory reporting laws
  - c. Confidentiality
  - d. Child protection practices, assessment, intervention
  - e. Indian Child Welfare Act (ICWA)
  - f. Information on dynamics of domestic violence
  - g. Assessment intervention

- h. The elements of this protocol
- 2. The training team will be comprised of Mille Lacs County child protection staff and PEARL staff and. The MBWP will be invited to provide ICWA and other related training.
- 3. Between annual trainings, PEARL and Mille Lacs County Child Protection Agency staff will provide cross-training for all new staff and volunteers.
- 4. PEARL and Mille Lacs County Child Protection Staff will provide training opportunities and outreach and education materials will be offered to service providers in private practice as needed.

## **Networking/Ongoing Meetings**

- 1. Collaborators will meet quarterly beginning in December, 2002 to:
  - a. Retain current and develop new relationships.
  - b. Discuss philosophical and practical similarities and differences.
  - c. Discuss commitment to the synthesis of new and creative ideas.
  - d. Discuss personal commitment to the elimination of ineffective responses based on outmoded and outdated thinking.
  - e. Define and clarify confidentiality issues that will arise as a result of collaboration.
  - f. Develop, review and update guidelines for conflict resolution.
  - g. Identify and plan for individual agency/joint training needs, community education/training efforts.
  - h. Continue to clarify and implement the referral and reporting policies of each agency.
  - i. Share information regarding individual services, joint efforts, new initiatives and innovations being tried locally and elsewhere.
  - j. Identify and define on an ongoing basis, safety issues and intervention strategies that meet the safety and security needs of battered women and abused children from all cultural and ethnic backgrounds, and each agency.
  - k. Examine criminal and civil legal remedies available for holding abusive partners accountable in child protection and domestic violence cases; the effectiveness of their application locally and county wide, and strategies for removal of local, county and state barriers to their effective utilization.

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- l. Review institutional responses tried elsewhere that harmed children and their battered mothers, identify the source of the problem(s), and institutionalize changes that would prevent similar occurrences in the future.
- m. Identify joint goals for creating institutional changes, audit existing community resources, and expand collaboration to other community professionals to enhance safety for battered women, hold offenders accountable, and create a general deterrent in the community.
- n. Review, evaluate, and update the protocol annually.

We, the undersigned agencies, agree to follow the concepts addressed in this protocol.

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Mille Lacs County Family Services Date

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PEARL Battered Women's Resource Center Date