

Domestic Violence Handbook

FOR WISCONSIN CHILD PROTECTIVE SERVICES WORKERS

Department of
Children and Families



Division of Safety
and Permanence

2010

A note on language: because research shows that domestic violence is mostly committed by men against their female partners, this Handbook refers to abusers as “he” and victims as “she”. However, we recognize that men can also be victims of domestic violence and that domestic violence occurs in same-sex relationships.

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Introduction



This handbook was created by a group of Child Protective Services (CPS) and domestic violence (DV) professionals to provide useful information to CPS staff for cases in which domestic violence coexists with child maltreatment.

This information is not intended to replace existing policies or practices, but to build on them. Additionally, the handbook is not intended to replace, but complement and be coordinated with training for CPS workers and supervisors, from pre-service to specialized training.

How to Use This Handbook

The Handbook is not meant to be an encyclopedia on everything a CPS worker needs or wants to know about domestic violence, but rather a handy reference guide on some of the most important points to keep in mind when working with families. The Handbook provides information on situations where domestic violence is known, as well as those where CPS is assessing for the possible presence of domestic violence.

CPS workers do not need to become experts in domestic violence. They can, however, gain information on issues related to domestic violence that provide a basis for good practice and for working collaboratively with DV counterparts.

This Handbook can be used to:

- **Raise general awareness on domestic violence;**
- **Provide a basic foundation and resource guide when domestic violence issues arise in practice;**
- **Identify topics for further training or for an in-service at a staff meeting; serve as a basis for a meeting and discussion with a local domestic violence counterpart.**

Acknowledgements

This project was nurtured and guided by a group of CPS supervisors and domestic violence advocates who met over the course of 18 months to share their wisdom, experience, and expertise. This project would not be what it is without their considerable efforts.

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Focus Groups with Battered Women



The creation of this Handbook began with listening to the voices of battered women. As a kick-off to this project, the Wisconsin Coalition Against Domestic Violence conducted focus groups with 26 women who have been involved with the Child Protective Services due to alleged maltreatment of their own children. All were victims of domestic violence, and volunteered to participate after being contacted by a local domestic abuse agency. In most cases, the alleged maltreater was the participant's abusive partner. Focus groups were conducted from July, 2006 through June, 2007 at domestic abuse programs in Wausau, Chippewa Falls, Lac du Flambeau, Milwaukee, Racine and Green Bay.

Focus group participants reported a wide variety of experiences with county child welfare and Indian Child Welfare agencies, both positive and negative. However, there were two reoccurring observations across all groups:

1. Many women felt child protection workers failed to recognize their efforts to keep their children safe.
2. Many also felt that Child Protective Services failed to hold their abusive partners accountable for their actions. *

**It should be noted that while it is true that CPS is limited in its ability to sanction batterers, there are ways to think about abuser accountability that are discussed later in this handbook.*

The women identified the following actions by Child Protective Services workers that they found helpful:

- **Demonstrated an understanding of domestic violence.**
- **Tried to view her life from her perspective.**
- **Listened and offered support without judgment or blame.**
- **Encouraged her to take care of herself in order to better care for her children**
- **Provided the resources she needed to leave her abuser.**
- **Helped her continue to receive services from a domestic violence program.**
- **Helped her stay in touch with her children while they were in placement.**

These women also identified the following actions by Child Protective Services staff as not helpful to their efforts to improve their situation or regain custody of their children:

- Didn't believe her safety concerns about her partner, including threats to the safety of her children.
- Didn't understand how domestic violence affected her efforts to protect her child.
- Lack of assistance regarding managing safety threats presented by her abusive partner.
- Blamed her for not leaving her partner.
- Pressured her to separate from her partner without providing practical support to help her leave.
- Failed to help her understand child welfare policies and procedures.

Participants offered the following suggestions for child welfare staff who are working with battered mothers:

- Learn about domestic violence and how it affects mothers and children. This was a frequent suggestion.
- Intervene with the father as well as the mother. Offer him services and expect him to change as well. This was another frequent comment.
- Take time to listen and understand what battered women have been through.
- Understand that for families affected by domestic violence, helping mothers stay safe also helps children be safe.
- Assist her to leave her violent relationship without blaming her for how difficult it is to do this.
- Ask about her safety and help provide protection from the abuser, such as not disclosing information that would facilitate stalking, offering an escort for court appearances, and using visitation and safe exchange programs.

Selected Comments by Focus Group Participants

One woman described a relationship with a social worker that became a lifeline for her through some very difficult times. She said that despite their differences (she is a poor African American woman and he is a middle class white man), he took the time to listen to her and “tried to be in my shoes.” He respected her choices while making sure that her kids were safe.

**When asked what CPS workers need to know:
“Victims do not cause the abuse against them. If we were powerful enough to make them abuse us, we would be powerful enough to stop them.”**


Another woman said that her social worker looked beyond the abuse of her children to recognize and understand domestic violence. The social worker provided the resources this woman needed to leave her abusive partner, something she would have been unable to do on her own.

“I would want them (CPS workers) to have mandatory training in domestic violence issues. To understand the kinds of things abusers almost always do. Manipulate the system, to keep their control. I keep hearing over and over again that victims are called on the carpet. If the dad abuses the kids, the mom has to go to parenting classes. Abusers are not held responsible.”

“They helped me out a great deal. I’ve been trying to keep my kids away from their dad. They give me a place to talk. Every step I took, they were there. Even today, the kids needed to talk, so they came over.”

“It’s good that they look into everything. But I want them to look into our concerns as well. It’s not just a divorce situation.”

“CPS workers need to step in and say, the mother did this, but they make no effort to intervene with the dad. They need to put some demands on the dad.”



“Don’t just rely on what is on paper. Take time to listen to what has gone on in the past, not just now.”

“I wanted them to know (about the domestic violence). The more aware they are, the better off I am.”

“When we didn’t feel safe, they put us in a motel when dad blew up during visitation. If I needed somewhere to go, they would always make sure we had a place to go.”

“I had been in abusive relationship for years, reported to the police. The one time I lashed back, I hurt the man. They stepped in and took my kids. They locked me up. Ever since then I’ve only received classes from them. The classes are helpful, but it’s ‘You get out of the relationship or you lose your kids.’ It’s not easy to get out of a violent relationship.”

“Workers should have more knowledge about domestic violence, alcohol and drug issues, more than just physical abuse—the emotional/verbal abuse is often worse.”

Guiding Principles

In 2000, the Department of Health and Family Services published “Mutual Respect and Common Understandings: A Report of the Domestic Violence - Child Welfare Collaboration Group”. The Collaboration Group was formed to establish principles for domestic violence programs and child protective services intervention that can guide each system individually and serve as the focus for collaboration.

Developing durable relationships based on mutual respect and collaboration between Child Protective Services and domestic violence programs is fundamentally important for each system to effectively fulfill its role. It is a critical relationship because domestic violence and child maltreatment so often occur within the same families. When we separate concerns for child and adult victims, we distort the real essence of the dynamics of a family and our limited understanding compromises the effectiveness of our intervention. Our interventions with the same family can be disjointed or, at worst, contradictory, and can heighten the danger to an individual in that family. We can't expect families to reconcile the difficult issues that the professional fields too often avoid.



The principles identified by the workgroup are as follows:

- When working with families experiencing domestic violence and child maltreatment, we have an obligation to provide safety for children and an obligation to aid battered women to achieve safety.
- Child safety can often be improved by helping the mother to become safe and by supporting the mother's efforts to achieve safety. Our first strategy should be considering means to provide safety for the child and battered woman together.
- Safety for battered women and children is enhanced when batterers are held accountable for their actions.



- CPS and DV staff should consider the impact of their interventions on all family members. Whenever possible, we should not take action that increases the danger to or vulnerability of another family member. When this cannot be avoided, we should attempt measures to address this resulting increase in risk.
- When making decisions and policies about information disclosure, we should recognize (a) CPS staff need to have sufficient information to identify children who may have been maltreated and, when necessary, provide safety for those children and (b) battered women need information kept confidential that would jeopardize their ability to maintain and plan effectively for their safety.
- Policies, protocols and decision making should recognize that families experiencing domestic violence and child maltreatment vary in dynamics, family situation and the impact of abuse on its victims and provide a range of response appropriate to the family's circumstances.
- CPS and DV agencies should assure that all staff understand and respect the roles, values, capacity, policies, needs and limitations of local services to facilitate effective collaboration.
- DV and CPS agencies should coordinate their efforts on the local level in order to assure appropriate reporting and referrals, develop protocols for serving families together, use existing resources creatively, provide community outreach and education, identify and address gaps in resources and provide support for staff.

The full report can be obtained at: <http://dcf.wisconsin.gov/children/DomV/publications/default.htm>

Background Information



What is Domestic Violence?

“Domestic violence” is an ongoing pattern of related behaviors that one intimate partner or spouse exerts over another as a means of control. A perpetrator of domestic violence typically considers himself entitled to have his needs met first within the family.

Domestic violence may include:

- physical violence
- coercion
- economic abuse
- threats
- intimidation
- isolation
- stalking
- verbal and emotional abuse
- sexual abuse
- spiritual abuse

Frequently, perpetrators use children by:

- harming or abducting the children, or threatening to do so
- forcing the children to witness or participate in the abuse of the victim
- using child visitation to harass or monitor victims
- undermining the ability of the non-abusing parent to care for or effectively parent the children
- fostering disrespect towards the other parent
- modeling abusive behavior
- initiating protracted custody battles to punish victims.

Some of the behaviors and tactics of a domestic violence perpetrator are criminal and some are not. For more information, see “Additional Wisconsin Laws on Domestic Violence”, pages 72-73.

Power and Control Wheel

The Power and Control Wheel is a helpful tool in understanding the overall pattern of abusive and violent behaviors which are used by a batterer to establish and maintain control over his partner. The Wheel was developed by the Domestic Violence Intervention Project in Duluth, MN and has become one of the most referenced educational tools of the domestic violence movement. The Wheel has been adapted to speak to the experiences of people from many different cultures and communities, including, Native American, Hispanic, immigrant, teens, persons with disabilities, gays and lesbians.

To view different versions of the Wheel go to:

<http://www.duluth-model.org/>



Some Basic Facts About Domestic Violence



Prevalence of Domestic Violence

- Nearly 1/3 of American women report being abused by their husband or boyfriend at some point in their lives.¹
- Over 40,000 persons are served by Wisconsin domestic abuse programs every year.²
- An estimated 85 to 90 percent of domestic violence victims are female.³
- Women of all races are about equally vulnerable to violence by an intimate partner.⁴
- Women with disabilities and Deaf women are twice as likely as non-disabled women to experience abuse.⁵
- Studies show that over 25% of lesbian, gay, bisexual and transgendered persons are abused by their intimate partners and that social discrimination and marginalization may complicate their attempts to seek help, thus increasing the risk of serious abuse.⁶

¹⁻⁴The Commonwealth Fund, *Health Concerns Across a Woman's Lifespan: 1998 Survey of Women's Health*, May 1999.

² *Domestic Abuse Report*, WI Department of Children and Families, 2007.

³ Bureau of Justice Statistics Crime Data Brief, *Intimate Partner Violence*, 1993-2001, February 2003.

⁴ Bureau of Justice Statistics, *Violence Against Women: Estimates from the Redesigned Survey*, August 1995.

⁵ Stimpson, L., and Best, E., *Courage Above All: Sexual Assault and Women with Disabilities*, prepared for DisAble Women's Network (DAWN) Toronto, 1991.

⁶ Renzetti, C., and C. Miley, *Violence in Gay and Lesbian Domestic Partnerships*, New York: Hayworth Press, 1996).

Separation Violence and Risks

- When a battered woman leaves her abuser, there is a 50% chance that her standard of living will drop below the poverty line.⁷
- The most dangerous time for a victim of domestic violence is when she takes steps to leave the relationship.⁸
- Separated and divorced women are 14 times more likely than married women to report having been a victim of violence by their spouse or ex-spouse.⁹

Domestic Violence and Custody

- Fathers who batter the mother are twice as likely to seek sole custody of their children than are nonviolent fathers, and three times as likely to be in arrears in child support.¹⁰
- Studies show that batterers have been able to convince authorities that the victim (the mother) is unfit or undeserving of sole custody in approximately 70% of challenged cases.¹¹

Co-occurrence of Domestic Violence and Child Abuse

- 40-60% of men who abuse women also abuse their children.¹²
- Battered women are twice as likely as non-battered women to maltreat their children, although once out of the relationship, the odds of them maltreating their children are reduced.¹³
- Daughters are 6 times more likely to be victims of sexual abuse in homes where their mother is being abused.¹⁴

7. ("Women and Violence," Hearings before the U.S. Senate Judiciary Committee, August 29 and December 11, 1990, Senate Hearing 101-939, pt.2, p.95)

8. Ronet Bachman and Linda Salzman, Bureau of Justice Statistics, *Violence Against Women: Estimates From the Redesigned Survey 1* (January 2000).

9. Bureau of Justice Statistics: *Female Victims of Violent Crime*, 1991

10. American Psychological Association. (1996). *Report of the American Psychological Association Presidential Task Force on Violence and the Family*. Washington, DC.

11. American Judges Association, "Domestic Violence and the Courtroom: Understanding the Problem . . . Knowing the Victim." <http://aja.ncsc.dni.us/domviol/page5.html> (at "Forms of Emotional Battering. . . Threats to Harm or Take Away Children")

12. American Psychology Association. Violence and the Family (1996) Report of the American Psychological Association Presidential Task Force on Violence and the Family, Washington D.C.

13. Straus, M. A., & Gelles, R. J. (1990). *Physical Violence in American Families*. New Brunswick, NJ: Transaction Publishers.

14. (Bowker, L.H., Arbitell, M., & McFerron, J.R., "On the Relationship Between Wife Beating and Child Abuse." In K. Yllo & M. Bograd, *Feminist Perspectives on Wife Abuse*, Sage, 1988)

Myths About Domestic Violence



Myth:

Only poor, uneducated women are victims of domestic violence

Fact:

Victims of abuse can be found in all social and economic classes and can be of either gender. They can be wealthy, well educated, and prominent, as well as less educated or financially destitute.

Myth:

Domestic violence is “losing control”.

Fact:

Violence is a choice. This is not an issue of anger management. Abusers use violence to control the victim. Domestic violence is about having control over someone else; it is not losing control. Abusers know what they are doing.

Myth:

Domestic violence is caused by substance abuse.

Fact:

Substance abuse does not cause or excuse domestic violence; however, it can increase the lethality of the violent behavior, which must be considered in safety issues for the victim, children, and community. Just because a perpetrator of domestic violence stops using alcohol or drugs doesn't mean he will stop being abusive. The two problems need to be dealt with separately, as overlapping but independent issues.

“Victims do not cause the abuse against them. If we were powerful enough to make them abuse us, we would be powerful enough to stop them.”

–Participant,
Focus Groups
with Battered Women

Myth:

Victims of domestic violence suffer from low self-esteem and psychological disorders.

Fact:

A majority of victims do not have mental disorders, but may suffer from the psychological effects of domestic violence, such as post-traumatic stress disorder or depression.

Myth: Domestic Violence is a family dynamic and it is each family member's responsibility to stop the violence.

Fact: Only the perpetrator of domestic violence has the ability to stop it. Many victims of domestic violence change their behavior time after time in the hope that something will stop the abuse. However, they find that does not work. Battering is a behavioral choice for which the batterer must be held accountable. Change in family members' behavior will not cause the batterer to be non-violent.



Key Points

- Domestic violence is a learned behavior.
- Domestic violence involves repeated behaviors encompassing different types of abuse.
- The batterer-not the victim, substance abuse, or stress- causes domestic violence.
- Danger to the victim and children is likely to increase at the time of separation.
- The victim's behavior is often a way of ensuring survival.

Impact of Domestic Violence on Children and Youth



All children who live with domestic violence are affected by the experience. The nature and extent of the effects vary greatly. Some children are severely traumatized, particularly if they are among the many who are also victims of child abuse. Others are able to cope well, and go on to live healthy, productive lives.

Children are not just eye witnesses to battering. They are actively involved in trying to understand the abuse, predict when it will happen, protect themselves, their mother or their siblings, and worrying about the consequences. They live in homes where the dynamics of their households are dominated by domestic violence. Fear and secrecy dominate family relationships, and survival becomes the primary goal of nonabusing family members. The focus on day to day survival may leave little room for fun and relaxation, meeting basic needs or planning for the future. They grow up in a climate of anxiety, vigilance, helplessness and unpredictability rather than one of structure, nurture and emotional and physical safety.

Children are exposed to domestic violence in many different ways:

- Seeing mother threatened, demeaned or battered
- Being involved in the incident due to proximity, because the abuser intends it, or because the child tries to intervene
- Overhearing conflict and battering
- Seeing the aftermath, such as mother's injuries and trauma reactions
- Living in a household dominated by tension and fear
- Being raised by parents whose ability to care for them is compromised by domestic violence
- Being used and manipulated by the abuser to hurt the battered parent
- Suffering the consequences of economic abuse
- Police intervention and seeing one or both parents arrested

Effects of exposure to domestic violence can include:

- Believing the abuse is their fault
- Turning against mother or father or having ambivalent feelings about both parents
- Feeling that they are alone, that there is no one who understands them

- Being afraid to talk about the abuse or express their feelings
- Developing negative core beliefs about themselves and others
- Developing unhealthy coping and survival reactions, such as mental health or behavior problems
- Believing that the world is a dangerous and unpredictable place
- Being isolated from people who might find out about the abuse or offer to help.
- Feeling guilty for disclosing abuse or not being able to stop it.

Children also learn lessons such as:

- Violence and coercion are normal and justifiable.
- Abusive tactics are effective ways of getting what you want.
- There are two ways to solve problems: aggression and passivity.
- Victims are responsible for what happens to them.
- People who hurt others don't face consequences for their actions.
- It's OK to blame problems on someone else.
- People who are supposed to take care of you cannot always be trusted.
- Women are not worthy of respect.

The potential symptoms childhood exposure to domestic violence can be characterized as either externalized or internalized symptoms. Externalized symptoms are more visible and often manifest as behavioral problems. Internalized symptoms are less visible and more likely to be characterized as mental health problems. This is similar to what you might see in children who are abused or neglected.

Externalized symptoms of children's exposure to domestic violence include:

- Aggression
- Lower social competence, including less empathy with others
- Lower verbal, cognitive and motor abilities
- Restlessness, impulsivity and difficulty concentrating
- Behavioral and academic difficulties in school
- Immaturity, delays in development and regression to earlier developmental stages

Internalized symptoms of children's exposure to domestic violence include:

- Depression, anxiety and hyper-vigilance
- Fearful, withdrawn and inhibited behavior
- Low self esteem
- Shame and feeling responsible for the abuse
- Post Traumatic Stress Disorder

Long term effects of exposure to domestic violence include a higher risk for alcohol and drug abuse, sexual acting out, running away, and suicide. Boys who grow up with domestic abuse are more likely to abuse their intimate partners, and girls are less likely to seek help if they become victims in their adult relationships

Factors which exacerbate the impact on children of exposure to domestic violence are:

- Abuse that is recent, severe or prolonged
- Exposure that begins when children are very young
- Exposure to domestic violence combined with child abuse
- Poor parenting
- Additional stressors such as poverty, community violence, parental substance abuse or mental illness and disruptions in family life.

Factors which promote resiliency in children exposed to domestic violence include:

- A positive, nurturing relationship with the nonabusing parent or other significant adult
- A supportive social network
- Strong cultural identity and ethnic pride
- The child's own positive coping skills and experience of success
- Family access to health, education, housing, social services and employment



Key Points

- Children react to domestic violence in various ways.
- Some children will show resiliency.
- Children's exposure to domestic violence has been associated with externalized symptoms (behavioral problems) and internalized symptoms (mental health issues).
- Each child exposed to domestic violence is unique, and despite the fact that many may display negative consequences or great resiliency, each must be assessed carefully and individually to determine the exact consequences of exposure.

Good parenting requires that parents do not undermine each other, are willing to make sacrifices, and put the needs of their children ahead of their own. Domestic batterers seek to dominate their households, controlling their families and insisting that their needs come first. While they may love their children and display strengths as fathers, these qualities of control and entitlement make them seriously flawed parents. In their book The Batterer as Parent, Lundy Bancroft and Jay Silverman identify the following qualities of partner-abusing fathers:

Qualities of Abusing Fathers

Authoritarian:

Batterers can be rigid and intolerant, are unwilling to negotiate or accept feedback, and often view children as their personal possessions.

Irresponsible, Neglectful and/or Under Involved:

Batterers expect the rewards of parenting without the challenges and sacrifices. They often have unreasonable expectations of their children due to a lack of knowledge of their developmental needs.

Self Centered:

They lack empathy for family members and expect children to meet their needs.

Manipulative:

Batterers blame partners for their own destructive behavior and create confusion in children regarding who is responsible for the abuse. Batterers may have “superdad” episodes where they lavish attention and money on their children in an effort to look and feel good and make their partners look worse by comparison.

Undermining the Mother and Using Children against Her:

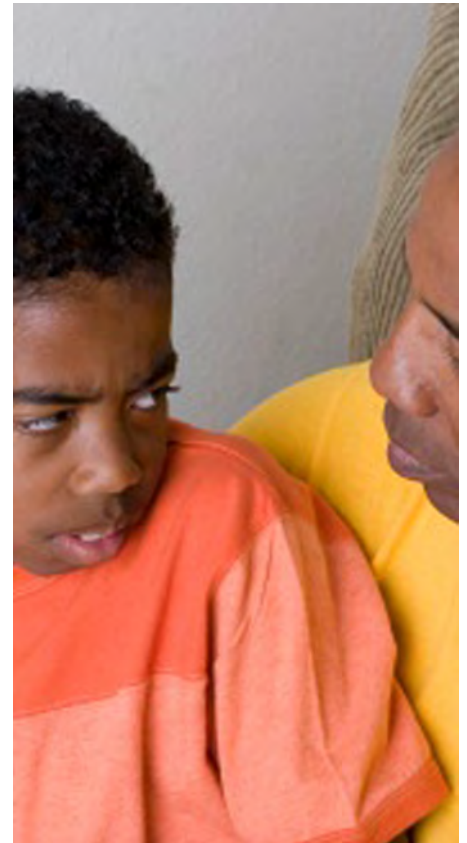
Abusers criticize and over-rule their partner’s parenting in front of their children and foster the children’s lack of respect for her. They may require children to report on their mother, or threaten to harm or abduct them if she fails to obey him.

Ability to Perform Well under Observation:

They are typically successful at appearing to be good parents, including at supervised visitation and in contacts with professionals. This positive performance often elicits a warm response from children, who are eager for their father’s nurturing attention and know that with surveillance comes safety.

The consequence is that the abuser’s poor parenting compounds the trauma of witnessing domestic violence for the children. Children may adopt the batterer’s values, suffer painfully conflicting feelings about their parents, exhibit emotional and behavioral problems, and blame themselves for the abuse.

Parenting By Abusers



Parenting By Battered Women



Many women stay in violent relationships because they have limited options, and given their circumstances, do what they think will be best for their children. Women may choose to stay for many reasons, some of which are:

- They are worried that they will be unable to monitor the abuser's contact with their children. The majority of separated abusers are granted unsupervised visitation. Risks to children of unsupervised contact with batterers may include physical, psychological and sexual abuse, parenting that is self-centered and neglectful, and efforts by the abuser to undermine the mother's parenting.
- They fear that the abuser will kidnap the children or be granted sole custody. Although batterers are awarded custody of their children at the same rate as non-abusers, they are twice as likely to seek custody.
- They are worried about being able to make it on their own financially and the impact that may have on their children.
- They have heard about the risk factors for children of single parents, and believe that any father figure is better than none at all.
- They are concerned about the effects of relocation on their children and of disrupting their ties to important social supports such as school, extended family, friends and neighborhood and community resources.
- They fear that they will be stalked, assaulted or killed. The rate of domestic assault, including homicide, increases when victims leave partners and remains elevated for two years. Children are more likely to witness assaults that occur after a mother leaves.

Victimization erodes a battered woman's parenting

- A mother's functioning as a parent is undermined by the abuser's interference, by the impact of his degrading behavior, and by the resulting erosion of her authority with the children.
- Battering induced stress may result in child neglect or maltreatment. Research shows a battered mother's parenting often improves once she and her children are safe.
- Mothers may fear to recognize the extent of the effects of domestic violence on their children.
- A mother's shame and guilt about the abuse may inhibit her communication with her children.
- The abuser's dominance prevents a mother from parenting as she chooses or negotiating decisions about parenting with him.
- She may be forced to focus on safety, survival, and be required to meet the abuser's needs more than nurturing her children due to control by the batterer.
- She may suffer mental illness, drug or alcohol abuse or poor physical health triggered by the abuse.

Most battered mothers make efforts which they think will protect their children, minimize further violence and mitigate the impact of living with domestic abuse.

Efforts by battered mothers to protect their children may be difficult to understand or assess. Their protective actions may be invisible to observers, difficult to understand, or may look like poor parenting. In addition, battered mothers may be reluctant to explain themselves to outsiders, fearing that the abuser will retaliate or that others will misunderstand their behavior and take action against them.

Here are some examples of actions which could be misunderstood that a battered mother may take to protect herself and her children from more serious abuse.

A Battered Mother May ...	In Order to ...
Agree with her partner, try to please and placate him, comply with his demands, and urge the children to do the same.	Avoid angering him and provoking an assault against herself or her children.
Try to distract and soothe the children and normalize a chaotic or unsafe situation.	Calm their fears and minimize the impact of their exposure to domestic violence.
Avoid or lie to friends, family, CPS workers, and other professionals.	Avoid shame, embarrassment, and judgment.
Assume blame for family problems, try to reason with her partner or improve the relationship.	Reduce risks to safety through bargaining or placating her partner.
Use force against her partner. Challenge her partner's attitude.	Defend herself and her children. Be an assertive role model for her children.
Encourage her partner to drink until he passes out.	Enhance safety through trying to avoid escalating a risky situation.
Endure physical assault, sexual assault and property damage by the abuser.	Be the target of his assaults so he will not hurt the children.
Drink with her partner or use alcohol and drugs herself.	Numb her own pain and continue to function.
Use denial, escapism and disassociation.	Cope with the abuse.
Discipline the children severely.	Avoid worse punishment or abuse by her partner.



Practice Tips

Talking to Battered Women About Their Efforts As A Parent

- Begin with the assumption that her behavior is a survival mechanism, and that anyone might do the same in her circumstances.
- Tell her that you can imagine how difficult it can be to share parenting with a person who abuses her.
- Reassure her that you want to understand her situation from her perspective.
- Ask her what the abuser has done to manipulate her and the children and make parenting more difficult for her.
- Ask what actions she has taken to protect her children and how she may have changed her behavior to avoid violence. Answering this question might be difficult for her because of her defensiveness, fear of reprisals, or lack of faith in her own parenting.
- Don't blame her for attempts to protect her children that were not successful.
- Help her identify and connect with a support system. Isolating her and establishing himself as her only point of reference is how the abuser has controlled her and degraded her parenting.
- Let her know how important she is to her children's well-being and resiliency. Help restore her belief in her own parenting

Practice Applications Access



Policy Reference: Child Protective Services Access, Investigation, and Initial Assessment Standards. See pages 9 and 11; Appendix 5, page 102.

In all reports of child abuse or neglect,
information on the presence of
domestic violence, if applicable,
must be gathered and documented,
including the demonstration
of power and control and entitlement
within the home environment.

Why Ask About Domestic Violence During Access?

Because of the high correlation between the domestic violence and child abuse, it is important at the point of Access to begin to identify the presence of domestic violence in a home. Knowledge about the presence of domestic violence serves several purposes for CPS. The information assists the agency in understanding safety threats and risk to the child(ren), provides critical information relevant to relationship building with the caregiver/non-offending parent in cases where domestic violence is present, determines how CPS should proceed, and provides information pertinent to assessing the protective capacities of the caregivers.

How Do I Ask About Domestic Violence?

As a routine part of gathering information during the Access process, staff should ask questions of the reporter about the possibility of domestic violence in the home. The following sample questions can help determine if the reporter has information about domestic violence and can be adapted to your interviewing style.

- Do you know if anyone else in the home besides the child has been hurt or assaulted? If yes, who?
- Have the police ever been called to the house to stop fighting among the family members? If yes, tell me about that.
- Have the children said that one of their caregivers is a victim of violence or is acting violently in the home?
- Do family members appear to be afraid of or intimidated by the alleged maltreater?

If the answers to the above four questions indicate the presence of domestic violence in the home, or if it appears that that a family member is violent, aggressive, or controlling, these additional questions can assist with assessing the risk of danger to family members.

- Has the violence changed or increased over time?
How often does it happen?
- Has anyone made threats to hurt or kill him/herself, another family member or pets?
- Do you know if there any weapons in the home?
If yes, what kinds?
- Has the violent parent or caregiver threatened to run off with the child/children or threatened to take full custody of the child/children?
- Are you aware of circumstances in which the parent/caregiver has been criticized or threatened for seeking help or community resources, such as medical, mental health, parenting assistance, child care, etc.?
- Has a family member stalked another family member?
Has anyone ever taken a family member hostage?

If Domestic Violence Is Identified or Alleged, Do I Screen In the Report for Initial Assessment?

The presence of domestic violence does not in and of itself indicate that a report should be screened in for initial assessment. Although many children suffer when they are exposed to domestic violence, not every child exposed is in need of child protective services. As with all reports to CPS, a decision must be made during the point of Access if information supports a suspicion that the child may be unsafe, may have been abused or neglected, or may be at risk of abuse or neglect (threatened harm).

Absent a direct allegation of abuse or neglect to a child, a report of children exposed to domestic violence should be screened in as a CPS report according to the following criteria: A report is made in which there is reasonable cause to believe there is current domestic violence or the perpetrator has a history of domestic violence and:

- There is reason to believe the child is intervening or will intervene, placing him or her at risk of injury, or
- The child is likely to be injured during the violence (e.g., being held during the violence, physically restrained from leaving), or
- The alleged perpetrator does not allow the protective parent and child access to basic needs impacting their health or safety, or
- The alleged perpetrator has killed, substantially harmed or is making a believable threat to do so to anyone in the family, including extended family members and pets, or
- The child exhibits observable behavioral, emotional or psychological effects.

Other factors to consider in making a decision to screen a report include:

- There is serious injury to the non-offending parent (e.g., broken bones, internal injuries, strangulation, etc.), limiting protective capacity.
- Violence is increasing in frequency or severity.
- Weapons were used or threatened.
- Threats of kidnapping, suicide or homicide.

The decision to screen out a report at Access is not intended to minimize the seriousness of domestic violence. However, other agencies may be more appropriate to respond to support the victim or hold the perpetrator accountable. You may want to refer the caller to community partners, including:

- Domestic Violence Programs
- Voluntary Services through the local human/social services department
- Law Enforcement
- School Counselors
- Community Corrections (Probation and Parole)
- Batterer Intervention Programs

Practice Applications Initial Assessment and Investigation

Policy Reference: Child Protective Services Assess, Investigation, And Initial Assessment Standards. See Appendix 9.



Practice Tips

- Routinely inquire about domestic abuse during Initial Assessment/Investigation interviews with every adult family member, whether or not there are allegations of domestic abuse, and whether or not an adult male lives in the household. Explain that CPS routinely asks questions about domestic abuse with all families on the caseload.
- Safety for both the child and the adult victim should be a top priority when CPS workers conduct an initial assessment where domestic abuse may be present.
- Assess for domestic abuse by looking for patterns of power, control, coercion, and entitlement, in addition to physical violence.
- If there are allegations that the violence is mutual, look at the history of who has been the predominant aggressor. Although Wisconsin law discourages such practice, there are times when both parties may be arrested in a domestic abuse incident. Some things to consider include: who is afraid of whom; who controls or makes decisions in the relationship; who is more socially isolated; and who has more access to financial and economic resources. Keep in mind that there are times when a domestic abuse victim may act in self defense.



Caution!

Challenges to a domestic abuser's power and control, including a CPS investigation/assessment, may increase the likelihood of escalating violence. A victim faces an increased risk of being harassed, seriously harmed, or killed when an abuser's control is challenged or when she leaves the abuser. Children are also more at risk at this time. When domestic abuse is known or suspected, plan the assessment carefully and always take into consideration that the assessment may increase the risk to the child and the adult victim.



Practice Tips

- Do not leave domestic abuse resource information, letters, or voice mail messages asking to speak with the adult victim about the abuse. Such information can jeopardize the victim's safety.
- Conduct a records check through the Circuit Court Access Program (CCAP) and/or tribal courts for domestic abuse related charges or convictions, restraining orders/injunctions, and/or conditions of probation. Be aware that there may be a lag time in information entered into CCAP and that domestic abuse related charges/convictions are not always clearly designated as such (e.g. disorderly conduct, obstruction of justice). Absence of domestic abuse charges does not necessarily mean there is no history of domestic abuse.
- When domestic abuse is suspected or known, develop a plan for interviewing family members that takes into account the safety of all family members. Be aware of any aspects of the timing of interviews that may put a victim at more risk, and help her plan for safety accordingly.
- If domestic abuse is identified, consider using the resources of a local child advocacy center to interview the child.

Interviewing Children About Domestic Violence

- As developmentally appropriate, ask children questions about what happens when adults in their families disagree.
- Provide an atmosphere that supports children's comfort in discussing domestic abuse. Children receive messages, either directly or indirectly, that domestic abuse is a "family secret". It is usually uncomfortable or frightening for children to talk about the domestic abuse. Some children may be afraid that discussing domestic abuse may cause problems at home or lead to their removal from their home.
- Assure the child that the domestic abuse is not his/her fault or the adult victim's. Be aware that some children may align with the abuser or attempt to protect him by not discussing the abuse or by blaming the victim.
- If an interview with a child reveals domestic abuse, it is important that you contact the adult victim as soon as possible. If the child informs the abuser about this disclosure, the adult victim may be at increased risk for violence and retaliation. She needs to have this information and help (if necessary) in planning for safety for herself and her children.
- As possible and appropriate, tell the child what information you will be sharing and what might happen next.





Sample Questions for Interviewing Children About Domestic Abuse

- Adapt your questions to the developmental age of the child. If children are old enough, questions can be asked of them, including those below.
- It can be helpful to start with a broad-based statement before asking specific questions about the child's family. For example, "Sometimes when moms and dads (or boyfriends and girlfriends) fight, they get angry. Sometimes even too angry and they may start to yell at each other or even hit. I know fights can be scary. I want to ask you a few questions about when your parents fight and what you think about it".

Not all questions below need to be asked, nor do they need to be asked in exact order. Adapt the questions to your interviewing style and the particular situation.

Types and Frequency of Abuse

- Is there anyone in your home that you are afraid of?
Is there anyone else?
- What happens when mom and dad (or girlfriend or boyfriend) argue? How does it make you feel?
- Does anyone yell at each other or call each other bad names?
- Does anyone break or smash things when they get angry?
Who?
- Do they hit one another? What do they hit with?
Do you remember the last time it happened?
- How often do your mom and dad argue or hit?
- Have the police ever come to your home? Why?
- Did you ever see your mom or dad get hurt?
What happened?

- Have you ever been hit or hurt when mom and dad (or girlfriend or boyfriend) are fighting?
- Has your brother or sister ever been hit or hurt during a fight?
- Is your mom or dad afraid of anyone?

Risks Posed by Domestic Violence

- Have you ever been hit or hurt when mom and dad (or girlfriend or boyfriend) are fighting?
- Has your brother or sister ever been hit or hurt during a fight?
- What do you do when they start arguing or when someone starts hitting?
- Has anyone hurt a pet in your home?

Impact of Domestic Violence

- Do you worry about mom and dad (or girlfriend or boyfriend) fighting a lot?
- Do you worry about it while you are at school, while you're playing, when you're by yourself?
- How does the fighting make you feel?
- Are you afraid to be at home? To leave home? What or who makes you afraid?
- How would you describe your mom? How would you describe your dad?
- What could make things at home better?

Protective Factors

- What do you do when mom and dad (or girlfriend or boyfriend) are fighting?
- Have you ever called the police when your parents are fighting?
- Have you ever talked to anyone about your parent's fighting?
- Is there an adult you can talk to about what's happening at home?

Interviewing the Suspected Adult Victim of Domestic Violence



- Never ask a victim about domestic abuse in front of her partner. It will not be safe for her to disclose if he is nearby.
- If preliminary information suggests that the perpetrator is dangerous, workers should take appropriate measures to protect their own safety.
- Begin with open-ended questions about the adult victim's well-being. However, do express concern and ask questions about bruises or other visible injuries.
- Recognize that some victims may initially deny or minimize the abuse or may not identify their experiences as abuse. Work on building trust and rapport over time to create an atmosphere in which a victim feels comfortable talking about her experiences.
- Affirm to the adult victim that she does not deserve to be abused and that the abuse is never her fault. Point out the abuser's responsibility for the violence. Express concerns for her safety and the safety of her children.
- Ask the adult victim about what strategies she uses to reduce the risk of harm to herself and the child(ren). While personal resources vary among victims, many have developed survival skills and most have taken action to protect their children. Strategies that look like poor parenting may, in fact, be efforts by the victim to protect her family, based on her assessment of the situation. For example, a victim may comply with the perpetrator to reduce risk to the child.

- An adult victim may have had past experience with agencies or helping professionals that blame her for the abuse, minimize the seriousness of her situation, or revictimize her in other ways. This may make CPS intervention more difficult. It may be useful to ask her about previous attempts to get help and the results.
- Avoid “victim blaming” questions or statements that deepen a victim’s feelings of shame, guilt, or responsibility for the alleged abuser’s behaviors. Examples of victim blaming questions include: “Why don’t you leave?”; “Why did you go back?”; “What did you do to make your partner so mad?”; or “Why do you put up with the abuse?”
- Adult victims may be reluctant to talk with CPS because of fears of losing their children and/or retaliation by the batterer. Many times CPS intervention is the first time that domestic violence is revealed. This is often a disclosure that is “forced”, and not by the victim’s choice. Open-ended questions, patience, support, and education will help to build rapport and trust as you progress in the assessment.
- Work with the adult victim to develop safe alternatives for herself and her children. Do not demand that she leave the abusive relationship. Leaving can increase the risk to victims and their children as abusers can become increasingly violent during times of separation. Safety options can include obtaining a restraining order; working and consulting with a domestic abuse advocate, seeking shelter at a domestic abuse program; or developing a safety plan that details the steps to take if the abuser becomes threatening or violent.
- Revealing information that the adult victim shares with you to her partner may be dangerous to her. Consult with a supervisor about how to handle and document information that may put her or her children at increased risk.
- Let the adult victim know what will happen with the information gathered during the CPS initial assessment. A victim of domestic abuse may be particularly concerned about safety and privacy. Let her know that CPS may be required to share information about her situation in court proceedings should the worker be subpoenaed, or that the results of the Initial Assessment may be shared with the alleged maltreater. Consult with a supervisor about how to handle and document information that may put her or her children at increased risk.



Sample Questions to Ask in Interviews

The following are some sample questions to ask the adult victim for a general assessment of domestic abuse. Not all questions below need to be asked, nor do they need to be asked in exact order. Adapt these questions to your style and the situation.

General Assessment of Domestic Violence

- Tell me about your relationship.
- How do decisions get made?
- What happens when you and your partner disagree?
- How does your partner treat your pet? Your property?
- What happens when your partner feels jealous or possessive?
- Have you ever felt afraid of your partner? Tell me about that.
- Has your partner ever threatened to kill or harm himself, you, the children or a pet? Tell me about that.
- Has your partner threatened to take the children from your care if you leave him?
- Has your partner ever used force against you? Pushed? Shoved? Hit? Strangled you? If so, tell me about a time that stands out in your mind. Has the violence escalated over time?
- Has your partner pressured or forced you to engage in sexual activity? Tell me about that.
- Most people think of weapons as guns or knives, but other objects can be used to hurt someone. Has your partner used a weapon to threaten or harm someone in the family? Does your partner have access to a dangerous weapon or gun? If yes, tell me about that.
- On a scale of 1-10, where one equals very unsafe and 10 equals very safe, how safe do you feel in your relationship with your partner?

The following are sample questions can be asked to get more specific information on the level and impact of domestic violence affecting the victim. Again, not all questions below need to be asked, nor do they need to be asked in exact order. Adapt these questions to your style and the situation.

Power and Control

- What do you do during the day? Has your partner prevented you from going to work/school/church? Tell me about that.
- Who are your family and friends? How much contact do you have with them? Has your partner prevented you from seeing family and friends?
- Does your partner listen in on your phone calls or monitor your communication?
- How do you and your partner make decisions about money?
Can you spend money when you want to?
Whose name is on the accounts?
- How do you divide up household responsibilities?

Impact on Children

- Have the children even been hurt, either accidentally or on purpose? Tell me about that.
- Where are the children when the fighting happens?
- Describe how the children respond to the violence.
Have you noticed any effects?
- Describe any problems your child has in school, child care, or with friends.

- Have you had to move or change the child's school or child care because of the violence?
- Describe how your partner supports your parenting and how he interferes with your parenting.
- Does your partner call your child names. Insult them, or yell at them?
- Describe how your partner disciplines your child.
- If our child has visits with your partner, how has that been going? What does the child say about the visits? What happens at drop-off and pick-up times?

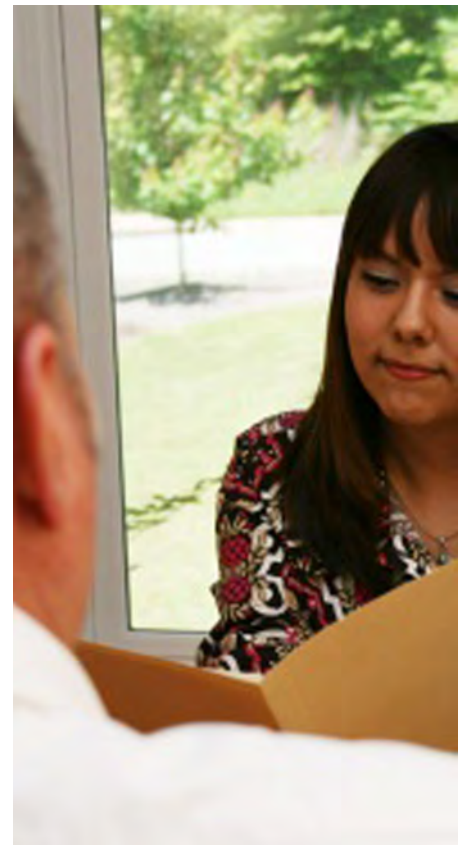
Help Seeking and Protective Strategies

- Describe what you do to keep yourself and your children safe.
- What has made it difficult for you to keep you and your children safe?
- Whom have you ever asked for help? What was the response?
- Have you ever called the police or 911? What was the response?
- Have you ever used a domestic violence shelter or services? Was it helpful?
- Have you ever left the situation? Where did you go? What happened?
- Have you fought back? What happened?
- Who are friends and family members you can talk to?
- What do you think needs to happen for you and your children to be safe?

(Questions adapted from Child Welfare Practices for Cases with Domestic Violence, Oregon Department of Human Services)

Interviewing the Alleged Perpetrator of Domestic Violence

- Do not ask the perpetrator about domestic abuse in front of his partner. Do not tell the perpetrator any information given by the victim or a child.
- The perpetrator may not be a reliable source of information about his violent behavior or his use of power and control tactics. Better sources of information include the adult and child victims, police reports, medical reports, and collateral contacts.
- Be aware that perpetrators of domestic abuse often appear very believable and controlled, especially during initial interviews. An abuser may also present himself as a victim of domestic abuse.
- Interview the perpetrator in a way that encourages him to disclose his own abusive conduct. Perpetrators routinely deny, minimize, or blame the victim for their violent behaviors. Ask specific questions about behaviors, as a perpetrator may not think of the things he does as violent or abusive. For example, he may believe that “violence” refers to a serious injury requiring medical attention, whereas pushing, slapping or hitting is simply “arguing” or “disagreeing”.
- If a suspected perpetrator denies domestic abuse, do not try to force disclosure, but move on to other subjects. Angry confrontations with domestic abuse perpetrators can result in retaliation against the child or adult victim. You do not need the perpetrator’s disclosure to confirm that domestic abuse has occurred. Such confirmation comes from adult and child victim statements, worker observations and other agency reports.





Sample Questions for Interviewing the Alleged Perpetrator about Domestic Violence

General Domestic Violence

You may want to reassure an alleged perpetrator that the domestic violence questions are a routine part of family assessment. These questions can also be used to screen for domestic abuse when it was not part of the allegation.

- Tell me about your relationship.
- How do decisions get made in your relationship?
- What happens when you and your partner disagree?
- Does your partner ever seem afraid of you?
- Do you or your partner use alcohol or drugs? How often?
How much do you use?
- Has your partner ever been hurt during an argument?
What happened?
- Have you ever used force against your partner? Pushed her?
Shoved her? Hit her? Strangled her? Bit her?
- If so, tell me about the worst episode. What was the most
recent episode? How frequently does this happen?
- Where are the children usually when you and your partner fight?
- Have the children ever been hurt?
- On a scale of 1-10, where one is very unsafe and ten very safe,
how safe do you feel in your family? How safe do you think your
partner feels? Your children?

Power and Control

- What does your partner do during the day?
- Who are her friends and family? How often does she see or talk with them?
- Do you listen to our partner's phone calls?
- Do you ever call your partner names and insult her or scream at her?
- How do you make decisions about money? Whose name is on the accounts?
- Describe how you discipline your children.
How does your partner?
- Who decides about household responsibilities?

Impact of Violence on the Children

- Describe any problems your child has in school or with friends.
- Describe activities your child is involved in.
- How often have you had to move or change your child's school?
- How does violence interfere with the care of your child?
- Describe how your partner disciplines the child.
- If your child visits you, how has that been going?
How much time do you spend together? Who, if anyone, helps care for your child on visits?

Accountability

- What have you done to stop the violence?
- Whom have you asked for help?
- What happened when you asked?
- Who are friends and family members you can talk to?

(Questions adapted from Child Welfare Practices for Cases with Domestic Violence, Oregon Department of Human Services)

Disclosure of Domestic Abuse



How can I create an atmosphere in which a woman feels safe to disclose?

- Provide messages that say you are a concerned, safe person to tell. Let her know you are ready to hear her answer.
- Recognize that disclosure is a process, not a single event.
- Be aware of cultural or religious factors that may make it difficult to disclose abuse. Work with trusted informants from her community to help you understand culturally sensitive ways to ask about domestic abuse.
- Be patient. She may need you to listen first, and then to work with her to take action.
- Explain that because domestic abuse is so common in many people's lives, CPS routinely asks all families about it.
- Never ask a woman about domestic violence in front of her partner. It will not be safe for a victim to disclose if the abuser is in the vicinity. Interviewing a woman separately from a controlling partner may be difficult and sometimes impossible. Creativity is usually required in designing strategies.
- See questions on page 38 for a general assessment of domestic violence.

Why might some victims of domestic violence not disclose the abuse?

Some reasons include:

- She may not recognize or identify her experience as abuse.
- She may minimize or deny the abuse as a survival mechanism.
- She may feel guilt and shame, especially if the abuser has convinced her that the abuse is her fault.
- She may be protecting her partner for many reasons, on whom she is financially dependent.
- She may fear that CPS will take her children, as this is a threat that abusers often make to control the victim.
- She may fear or have experienced retaliation from the batterer for disclosing.
- She may have had past experience with agencies or helping professionals that blame her for the abuse, minimize the seriousness of her situation, or revictimize her in other ways.
- Undocumented immigrants may fear deportation to their country of origin, which may involve returning to a dangerous situation or being separated from her children who may be U.S. citizens.

When a victim of domestic abuse discloses the abuse, what should I do?

- Listen to her; acknowledge and validate her experience. Let her know that it took courage for her to disclose.
- Believe her when she tells you she is in danger. Battered women are the best experts on their own safety. Never minimize the seriousness of the problem.
- Ask further questions to help you understand the dynamics of the abuse she is facing. (See questions on page 39)
- Allow her to make her own choices if the safety of the children can be assured.
- Refer her to the local domestic violence program to get help in safety planning and in exploring her options. Offer to help her make the call.
- Begin the process of planning with her for her safety and that of her children. (See section on Safety Planning, pages 60 - 62)
- Do not demand that she leave the abusive relationship! Leaving can increase the risk to victims and their children, as abusers can become increasingly violent during times of separation.
- Hold the batterer, not the victim, responsible for the violence.

What if I have information indicating that domestic violence is occurring or I suspect it, but the woman will not confirm it?

- Take the same safety precautions you would if domestic violence had been confirmed, e.g., avoid talking about abuse in front of her partner; be careful what is disclosed to the partner.
- Stress that domestic violence can happen to any woman. Try to reduce guilt and shame.
- Tell her about community resources to address domestic violence, including the local domestic abuse program. Ask if you can leave some information “in case she would ever need it”. Be aware, however, that it may not be safe for her to have domestic violence information in the house. A safer option is to develop general information about local resources that includes information about the domestic abuse program.
- Ask her what she would do if her partner were to abuse her. Try to do some “hypothetical” safety planning that allows you to give her information about safety strategies and resources.
- Respect her decisions. Your conversation with her may be part of a process that decreases isolation and helps her to increase her safety.
- Avoid labeling her as a “battered woman”. Acknowledge that all relationships have problems. Talk with her about the different types of abuse.

Both men and women can be victims of domestic violence, but in heterosexual intimate relationships, most batterers are men and most victims are women. There is also ample evidence that women get hurt far more often and more seriously in domestic violence incidents.

Perpetrators of domestic violence routinely accuse their partner of being equally abusive and claim to be the “real” victim. In some relationships, the use of force may even appear to be mutual. However, individual acts of physical force must be put in context. Closer examination often reveals that one partner is the predominant physical aggressor, and that this use of force is accompanied by a pattern of psychological intimidation and coercive control.

Because abusers feel entitled to have their needs and priorities come first in their families, they may portray themselves as the victims in their relationships. They are likely to minimize their own abusive behavior, blame the abuse on their partner, or portray their partner as the abuser. Here are some examples of behaviors that distinguish genuine victims from abusers presenting themselves as victims.

Determining the Predominant Aggressor

REAL VICTIMS	ABUSERS WHO PRESENT AS VICTIMS
Fear their partners.	Don't exhibit genuine fear of their partners.
Fear retribution from their partners if they challenge them or leave the relationship.	Don't fear retribution for challenging or leaving their partners.
Can see the relationship from their partners' perspective.	Unable or unwilling to see the relationship from their partners' perspective.
May attempt to explain or excuse their partner's behavior.	Criticize and blame their partners.
May analyze their contribution to the violence.	Keep the focus on their partners' behavior.
Want to change the relationship.	Want to prove their point and complain about their partners.
Have empathy for other victims of domestic violence.	Feel they have little in common with other victims of domestic violence.

In order to understand whether there is domestic violence and who is the abuser, assess for the following:

- History of physical and emotional abuse
- Severity of injuries or emotional distress
- History of threats
- Actions taken in self defense
- Who holds the power or makes decisions in the relationship
- Who's afraid of whom
- Who has more access to financial and economic resources
- If one person is more vulnerable to coercion and control due to immigration status, language access, or other barriers



Key Points

- Perpetrators of domestic violence often accuse their partners of being abusive.
- CPS workers who are uncertain about mutual domestic violence dynamics will need to take careful steps to identify the predominant physical aggressor. This requires CPS to actively collaborate with staff from law enforcement and domestic violence agencies.
- Women get hurt more often than men in domestic violence situations and with more serious results.
- Physical violence is often accompanied by a pattern of psychological intimidation and coercion.
- Be sure to look at individual acts in context.

Substantiation Decisions

It is important that substantiation decisions hold perpetrators of domestic violence responsible for their actions and the impact on the family. Holding domestic batterers accountable for their behavior will increase the likelihood that they are motivated to change, decreases the amount of blame a victim feels or experiences for a batterer's behavior, and demonstrates to the children that violent behavior has consequences.

Although all children suffer when they are exposed to domestic violence, the presence of domestic violence in the household does not always mean that children are at imminent risk of harm. In situations where a domestic abuser's violence does pose a significant safety threat to the child, a substantiation of neglect against the abuser may be appropriate. Criteria to use in making this decision may include:

- A child is held during or forcibly exposed to the violence, or is restrained from leaving, thereby increasing the likelihood of injury.
- A child is actively intervening in the violence.
- A child is exposed to violent behavior in the home that is increasing in frequency or severity.
- A child is exposed to violence in the home which involves the use of weapons, believable threats of suicide or homicide, or which results in substantial harm to any person present.

CPS may be able to substantiate neglect when one or more of the conditions above are present within the family. The statutory definition of neglect includes the following concepts:

- a caregiver is not providing care, food, clothing, shelter, medical or dental care to a child, and
- the care the child is not receiving is necessary, and
- the lack of care seriously endangers the physical health of the child.

Necessary care, as referenced above, includes protection from behaviors that seriously endanger a child's physical health. A caregiver has a responsibility to protect a child not only from dangerous situations or behavior of others, but also from any behaviors of the caregiver himself or herself that present an imminent threat of serious physical harm. Therefore, lack of necessary care includes when a caregiver negligently, recklessly, or intentionally commits an act against the child that places the child at substantial risk of harm, i.e., an act that a reasonable person could conclude would logically result in injury as defined in s. 48.02(14g), Stats., regardless of the actual outcome

Policy Reference: Appendix 2, Substantiating The Different Types of Maltreatment; Consideration for Cases with Domestic Violence



Practice Applications Ongoing Services

On-going Child Protective Services are usually provided after the case finding of an Initial Assessment/ Investigation. As with all cases, CPS intervention with families experiencing domestic violence requires ongoing assessment and safety planning to ensure that case plans are effective, practical, and achievable.



Practice Tips

- Safety is always the primary consideration. A key goal in providing on-going services in families experiencing domestic violence is to protect children by protecting and supporting the non-maltreating parent.
- Use individualized case plans and service goals that strengthen the autonomy of the adult victim and hold the domestic abuser, not the victim, responsible for the abusive behavior and stopping it.
- Involve the adult victim in case planning by validating her experiences, identifying strengths, and building on those strengths to help her gain control over her life. This approach can help avoid a victim's perception that she is being "forced" into receiving services. Use optional or voluntary services to the extent possible.
- Schedule individual meetings with the adult victim without the domestic abuser to develop the case plan with her.
- Beware of what information from the case record will be shared with the domestic abuser. Some information could be used against the mother or could be used to locate her. Certain recommendations may be threatening to domestic abusers and create additional risk to adult and child victims. Seek ways to legally redact information in plans that are shared with the abuser and the adult victim. On occasion, it may be necessary to go to court to authorize withholding information from the domestic abuser.
- Focus on the concrete support the adult victim may need (e.g., housing, financial assistance, legal protection), as well as the support that helps to counteract the coercive tactics used by the abuser.
- Work collaboratively with local domestic abuse programs. Advocates can provide advice on the feasibility of recommended services and assist CPS workers with creative ways to engage and help the adult victim and her children. For more information, see the section on "Working with Domestic Violence Programs".

Some examples of case planning activities for families experiencing domestic violence are:

For Adult Victims

- Safety planning with CPS and service providers
- Individual or group counseling with the local domestic abuse program or a therapist who is knowledgeable about domestic violence
- Safe shelter or transitional living services
- Legal advocacy, transportation, housing, medical, economic, and child care services
- Visitation or safe exchange services
- Parenting support groups
- Mental health or AODA referrals, if needed

For Children

- Safety planning that is coordinated with the mother's safety plan
- Groups or individual counseling designed for children who have been exposed to domestic violence
- Safe visitation and exchange services
- Referrals to child care or Head Start
- Community-based enrichment programs
- Mentoring, after-schools programs, academic readiness or academic assistance programs

For Domestic Abusers

- Participation in a Batterer Intervention Program (BIP). Anger management classes or other types of therapy are not a substitute for a BIP
- Safe visitation and exchange services
- Compliance with probation and parole, restraining orders, and custody orders
- Parenting programs that focus on domestic violence issues
- Substance abuse and mental health referrals, if needed

Documenting Domestic Violence in Case Records

All documentation of domestic violence (e.g., case records, court petitions, court reports) should be written in a way that holds the abuser responsible and avoids blaming the victim. Case records should accurately identify the victim and perpetrator of domestic abuse, document the effects of the abuse on adult victim and children, and specify the domestic violence tactics that are posing a threat to family members. Document the impact of the domestic abuse on the victim's ability to parent and steps the victim has taken to protect the child.

Examples of Problematic Case Documentation

"Domestic violence is occurring between the parents." This implies that domestic violence is mutual and does not hold the abuser accountable for the violence.

"The mother will prevent the children from witnessing domestic violence." The victim cannot stop the violence. It is the abuser's responsibility to end the abusive behavior.

"The mother will call the police when the abuser violates the restraining order." This forces the victim to provide sanctions for the abuser's behavior and places her at potential risk for harm by the abuser.

Examples of Helpful Case Documentation

"The abuser will not verbally, emotionally, or physically harm the adult victim or children."

"The abuser will not use coercive or threatening tactics against the adult victim that compromise her or the child's safety."

"The abuser will take responsibility for his coercive, threatening and abusive behaviors by participating in and successfully completing an approved Batterers' intervention Program."

Interventions To Avoid

- Options for the protection of the mother that in her estimation increase the level of danger for herself and her children
- Couples counseling or family therapy unless the domestic abuser has successfully completed a Batterers' Intervention Program and no longer presents a threat to the adult victim or children
- Mediation programs
- Anger management programs for abusers that do not focus on stopping power and coercive control over an intimate partner
- Visitation and exchange arrangements that endanger the mother or children.

Family Interaction

Policy Reference:

Before face-to-face family interaction is implemented, the agency worker must assess if there are present or impending danger threats to child safety. The agency worker must also assess for current or prior domestic violence in the relationships of the adults involved in the case.



Domestic violence cases are complex and can affect children on a deep emotional level even if they are not physically harmed. Risks to a victim of domestic violence and her children increases when there is a major change in family circumstances, such as separation or out-of-home placement of children, and the batterer attempts to regain control over the family. When domestic violence is present in combination with other forms of abuse, the impact on the child can be severe. Batterers may use a variety of controlling and manipulative tactics, such as using children as a vehicle to harm or control the victim, interfering with the relationship between the child and the adult victim, or deliberately creating or feeding family tensions.

In addition to safety considerations, family interaction plans should take into account whether a batterer is likely, based on past behavior, to use these tactics.

The following considerations can help promote the safety and well-being of the child, as well as protect the safety of all family members.

- Check on possible restraining orders, no-contact orders or conditions of probation/parole that would have an impact on family interaction and plan for safety accordingly.
- Assure that family interaction plans take into account the safety of all family members. When necessary, safety measures can include, but are not limited to: supervised family interaction, arranging different schedules, using a safe drop off/pick up location, developing a safety plan for situations in which the batterer appears unexpectedly, and arranging for a signal that ends the interaction if necessary. Consult with the domestic violence victim to learn about safety strategies that work and the propensity of the batterer to inflict further violence.
- Separate family interaction schedules can allow a victim of domestic violence to have uninterrupted parenting time with the children.
- Those supervising face-to-face family interactions should have training, education, or information on the dynamics of domestic violence, its impact on children and on family relationships, the tactics that batterers use with their partners and children; and their roles and responsibilities as supervisors.
- Relatives should be used to supervise family interaction only when:
 - the relative understands and acknowledges the risks presented by the perpetrator, and
 - the relative does not blame the victim for the violence; and
 - the relative is able to identify and resist coercion or manipulation by the batterer.
- In some cases of domestic violence, even supervised family interaction may not be sufficient to assure physical and emotional safety for the child.

Enhancing the Bond Between Child Witnesses of Domestic Violence and Their Most Protective Parent

One of the many troubling consequences of domestic violence is the damage it does to the relationship between children and their most protective parent. A batterer's dominance prevents protective parents, usually mothers, from parenting as they choose or negotiating child rearing with their partners. Domestic abuse can diminish a mother's ability to parent well, and abusers often manipulate children and attempt to turn them against their mothers. Many formerly battered women talk with sadness and regret about the harm done to their relationships with their children by both the actions of the domestic abuser and their own batterer dominated parenting.

In order to rebuild relationships damaged by batterers, mothers and children need:

- Opportunities to heal from the trauma of domestic violence.
- To discuss their experiences of abuse with each other in a safe, nonblaming manner.
- Opportunities to have fun together.

In addition, a battered mother needs:

- Restoration of her authority as a parent and confidence in herself as a mother.
- Support for challenging the values her children have learned from the abuser.





Practice Tips:

Helping Battered Mothers Strengthen Their Relationships with Their Children

- Discuss her experience of batterer dominated parenting. Ask about what she gave up or ways that she was forced to parent that she did not like. Talk with her about what kind of parent she'd like to be.
- Identify and reinforce her strengths as a mother and support her to build on small successes.
- Provide information about the common effects of domestic violence on battered women and children. Reassure her that like many other families, her family can recover from the effects of living with an abuser.
- Assist her in finding ways to strengthen her authority as a parent and regain the respect of her children. Help her establish workable house rules and a predictable daily schedule. Help her think about how she will enforce rules and what she will do if her children resist.
- Encourage her to find ways to talk with her children about their experiences of the abuse. These conversations may be difficult at first. If she listens to their feelings and lets them know that the abuse was not their fault, it can help everyone heal and feel closer as a family.
- Help her find a parenting class or parent support group. Make sure that she is ready for this and assist her in finding a group where she will feel comfortable and supported.
- Domestic violence specific therapy or support groups for both mothers and children can help them heal from trauma. As with parenting classes, help her choose a therapist or group that she feels is right for her family.

- Offer respite child care and other resources for self care and stress relief. A mother who takes care of herself will be able to take better care of her children.
- Support her efforts to challenge the values that her children have learned from the abuser. Help her think of ways that she can teach her children to think critically and learn principles of respect and nonviolence without putting down their father.
- Support her efforts in sharing the values and traditions of her culture with her children.
- Encourage her to talk with her children about family issues so that everyone feels heard and understood.
- Discuss with her the adverse effects on children of talking with them about adult issues and saying negative things about the other parent.
- Strategize with her for managing transitions before and after children spend time with their father.
- Help her think of things, big and small, that her family can do to have fun together. Provide information about free family activities in her community, and assist with free passes, transportation or scholarships whenever you can.
- Suggest that she read When Dad Hurts Mom: Helping Your Children Heal the Wounds of Witnessing Abuse by Lundy Bancroft (G.P. Putnam's Sons). This book offers advice and encouragement for mothers whose families have been hurt by domestic violence.

Account -ability for Abusive Men

Many battered women involved with the Child Protective Services system say that child protection workers do not hold their abusive partners responsible for their behavior or expect them to change. CPS workers often counter that they don't have the capacity or authority to hold batterers accountable for their actions. It is true that CPS is limited in its ability to sanction batterers. However, there are ways to think about abuser accountability that point to actions that are well within the reach of CPS.

Within the context of child welfare practice, holding abusive men accountable can be defined as:

- Assigning responsibility to the batterer for his own actions and consequences.
- Holding him to a standard of safe and responsible parenting. Supporting safety and autonomy for the victim to enhance her ability to be a responsible parent.

Here are a few steps CPS workers can take to hold a batterer accountable:

- Expect him to stop abusing his partner physically and emotionally. Monitor compliance by checking with those in a position to evaluate his conduct, including his partner.
- Require that he become educated about the effects of domestic violence on children and youth.
- Talk with the abuser about the effects of his abusive behavior on children in his home. Expect him to admit responsibility for the impact his abuse has had on his family and take steps to heal his relationship with his children.
- Demand that he show respect for his partner and stop undermining her parenting.
- Assess the abuser's involvement with his partner and children for the potential for him to control or manipulate them and sabotage his partner's efforts as a parent. Include information from his partner in this assessment.
- Talk with the victim about ways in which her parenting choices are a reaction to coercion or threats by the abuser.
- Establish individualized case plans for the adult victim and the batterer and carefully document progress or problems with compliance. However, there may be supportive services that are offered to the adult victim that are not formally documented in case plans as a safety precaution.



- Intervene with abusers directly. Don't expect the victim to change the abuser's behavior.
- Communicate with the abuser's probation or parole officer and support conditions of probation or parole that relate to safety of family members. Ask for additional conditions that enhance compliance with CPS.
- Become knowledgeable about domestic abuse restraining orders. Insist that the abuser comply with all court orders, both civil and criminal.
- Refer the victim to a domestic violence program for assistance with safety planning. Review her safety plan with her and do whatever you can to help her implement it. When possible, offer assistance regarding managing risks, such as escorting her to court or other encounters with the abuser, limiting abuser access to information that could be used against her, or assisting with in obtaining a restraining order.
- Use the services of a supervised visitation and safe exchange program. If no program exists in the area, identify a reliable individual to supervise visits and exchanges. Make sure that the supervisor or program staff understands the particular safety concerns for each family and discuss with them their role in managing risks presented by the abuser.
- Refer him to a Batterer Intervention Program (BIP). Anger management classes or other types of therapy are not a substitute for batterers' treatment. Understand that completion of a BIP does not necessarily signify that the abuser has changed. Seek independent evidence of change and confirm this with the victim.
- Refer abusers to parent education programs, ideally facilitated by someone knowledgeable about domestic violence. Be aware that if an abuser is still intent on undermining his partner's parenting, he can put information gained from parenting classes to use in this manner.
- Demand that he support his children's participation in therapy or support group.
- Require him to lock up or remove weapons any time children are present.
- Expect him to seek help for mental health or substance abuse problems as needed.

Some material adapted from "Batterer Accountability: Responding to Child Maltreatment and Domestic Violence" by Margaret Hobart, Washington State Coalition Against Domestic Violence, published in the Inside Scoop, November 2006.

"CPS workers do need to step in and say, the mother did this, but they make no effort to intervene with the dad. They need to put some demands on the dad."

–Participant,
Focus Groups with
Battered Women

Domestic Violence Safety Planning



Domestic violence advocates may use the term “safety plan” differently than a CPS worker. A domestic violence safety plan is an individualized plan that helps victims develop tools in advance of potentially dangerous situations. Safety plans of domestic abuse victims will vary depending on whether they are separated from the abuser, thinking about leaving, returning to, or remaining in the relationship.

Safety plans are not intended to hold victims responsible for preventing future abuse. Rather, these plans can help victims feel empowered and provide concrete steps to help avoid or positively respond to abusive action.

Ideally, a domestic violence victim should be invited to discuss her situation with an advocate from a local domestic violence program. There are several reasons for this:

- A domestic violence advocate has the specialized knowledge to build a thorough, realistic plan.
- A victim may be more willing to share details with someone outside of the Child Protective Services system.
- With an independent advocate, the woman may feel less pressure to do what she thinks someone wants her to do and more empowered to make her own choices.
- She may already have a relationship with a domestic violence advocate, or this connection may be useful to her in the future.

Sometimes, the CPS worker will need to make an interim safety plan with the victim. Domestic violence safety planning must be individualized. The adult victim can best assess which options may increase her safety and which may increase her risk. Domestic violence safety plans should never be shared with the abuser. The following are suggestions that may be helpful to victims in different circumstances. *(adapted from Safety Planning for Victims of Domestic Violence, Wisconsin Coalition Against Domestic Violence)*

Safety During an Explosive Incident

- Try to avoid rooms that don't have exits (bathrooms), or that contain weapons (kitchens). Try to stay in a room with a phone, TTY or keep a cellular phone with you.
- Be aware of things in your house that could be used as weapons. Have a plan for protecting yourself from weapons in the house. Know where guns, knives and hunting weapons are kept.
- Keep your purse or wallet and keys ready to leave suddenly.
- Practice getting out of your home safely with your children. Visualize several escape routes.
- Plan a safe place to go if you have to leave suddenly.
- Practice a code word or signal with your neighbor, children and family for when you need them to help.
- If you are being attacked, curl up and protect your head. Teach your children/ grandchildren to do the same.
- If you have a disability that limits your mobility and impacts your safety during an explosive incident, think about how you might access assistance for protection or to flee.

Preparing to Leave

- Hide a bag packed with essential items, copies of important documents, and any medications or assistive devices you need with someone you trust. If possible, pack a few comfort items for yourself or your children.
- If you have a car, make a habit of backing the car into the driveway and keeping it fueled. Keep the driver's door unlocked and others locked for a quick escape.
- Create several plausible reasons for leaving the house at different times of the day or night so your abuser does not suspect your plans to leave.
- Open a bank account or credit card in your own name or have money stored in a secret place. Make sure your accounts have passwords that your abuser cannot guess.
- Be aware that your abuser can discover your plans or location by monitoring your phone or TTY, checking your e-mail or internet searches, or by placing a hidden recorder, camera or locator device in your personal belongings or car.
- Consider getting a Domestic Abuse, Harassment and/or Child Abuse Restraining Order.

**Safety plans
should be
reviewed
regularly with
an expert in
Domestic
Violence
safety
planning**

After Leaving

- **Consider getting caller ID, an unlisted phone number or cell phone.** Be aware and cautious of ways cell phones, TTY machines, cordless phones and internet use can be tracked. Many domestic abuse programs can assist with obtaining 911 cell phones.
- Keep your **Restraining Order document** with you at all times and give a copy to your children's schools.
- **Rent a post office box** for your mail so you can receive deliveries confidentially.
- **Change the locks** on your doors. Get more locks, safety devices, and lighting.

Safety & Emotional Health

- If you are thinking of leaving or returning, **discuss your plan with someone you can trust to support you.**
- If you have to communicate with your abuser, arrange to do so in the way that you feel safest.
- **Attend a support group** or call the domestic abuse program hotline for information and support.

General Safety Tips

- Be aware of how technology may both help you and hinder your safety. Use public computers such as those in your library rather than in your home.
- Be aware that cellular phones can contain GPS tracking devices or that calls can be intercepted.



Key Points

- Victims of domestic violence are usually in the best position to determine what measures will increase or decrease their safety and the safety of their children.
- Safety plans do not guarantee safety. They are a tool to increase that possibility.
- Safety plans need to be updated regularly as the situation changes.
- Following a safety plan should not be used as a basis for measuring compliance of a service plan. Safety planning is fluid and should change as circumstances change.

Identifying and Managing Safety Threats

A thorough understanding of child safety decisions and actions is essential and relevant throughout the life of a CPS case. CPS workers must continually assess, plan and manage for child safety. In addition, there are specific times when CPS must formally assess safety; one of these is at the conclusion of an initial assessment/investigation of alleged maltreatment by a primary caregiver. Assessment of and awareness of the dynamics of domestic violence will help a CPS worker to make appropriate safety decisions.

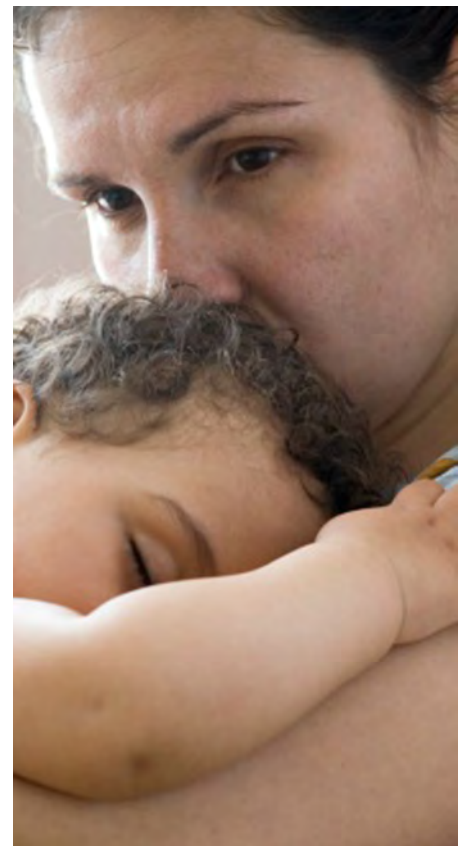
The basis for assessing child safety at the conclusion of the initial assessment/investigation is the identification of impending danger threats.

Impending Danger Threats

Policy Reference: Child Protective Services Safety Intervention Standards; Safety Appendix 6, The Safety Threshold and Impending Threats to Child Safety

The impending danger threat directly related to domestic violence is “one or more parents are violent.” In situations where domestic violence is present, this threat may be illustrated in the following ways:

- Parent/caregiver physically assaults an intimate partner in the presence of the child; the child witnesses the activity and is fearful for self and others.
- Parent/caregiver threatens, attacks, or injures both an intimate partner and the child.
- Parent/caregiver threatens, attacks, or injures an intimate partner; the child attempts/may attempt to intervene.
- Parent/caregiver threatens, attacks, or injures an intimate partner; the child is harmed even though he/she may not be the actual target of the violence.
- Parent/caregiver consciously uses force, aggression, control, or violence to threaten, punish or intimidate.



Making The Safety Decision: Safe or Unsafe

Child is Safe

A child is safe when there are no present/impending danger threats or there is a parent/caregiver who routinely demonstrates protective capacities to assure that the child is protected from danger.

If impending danger has not been identified, but domestic violence is occurring in the family, be sure to still explore options with the mother for her safety. Refer her to a local domestic violence program and other available resources.

There are times when a threat has been identified and domestic violence is present, but the determination is made that the non-maltreating parent can and will protect the child and is able to manage the identified threats. These situations require careful assessment and consultation with a supervisor.

Child is Unsafe:

A child is unsafe when there is present/impending danger threats and parent/caregiver protective capacities are not sufficient to manage or mitigate the threats to child safety. CPS then looks to develop and implement a safety plan: either in-home or out-of-home.

Policy Reference:

“Safety Plan” as used in CPS Standards refers to “a written arrangement between parents/caregivers and CPS that establishes how impending danger threats will be managed. The safety plan is implemented and active as long as impending danger threats exist and parent/caregiver protective capacities are insufficient to assure a child is protected”.

In-home Safety Plan

Whenever possible, keep the protective parent and the child together safely. Work on strategies with the protective parent and other safe family members to support the efforts to manage safety of all family members. Build on the protective parent’s successful strategies and strengths.

Some factors that may allow the successful implementation of an in-home safety plan are listed below. Each of these factors does not need to be present, but can be part of an assessment of the specific circumstances in the family.

- The protective parent acknowledges the threats to child safety and demonstrates protective capacities or has attempted past protective behavior.
- The protective parent has a supportive extended family or community network.
- The protective parent has a DV safety plan or past survival strategies that have worked.
- The child has an age appropriate DV safety plan that is coordinated with the most protective parent.
- Other risk factors (e.g., substance abuse, mental health) do not pose a threat to child safety.
- The violence is not escalating and the domestic abuser does not have a history of serious violence. **Keep in mind that CPS intervention may escalate violence and increase danger.**
- The domestic abuser does not have access to the child (e.g., in jail, complying with a restraining order, or the most protective parent and child are in a shelter or other safe location). The abuser's access to the child may change, so the situation must be monitored closely and the safety plan updated accordingly.

Safety Service Provider Selection

When selecting individuals to provide safety services, CPS should choose individuals who are: trustworthy, suitable, committed, properly aligned with CPS, supportive and encouraging, have flexible access, and are promptly available. In addition, in cases where there is domestic violence, CPS should:

- Use providers who are knowledgeable about domestic violence. See section on Working with Domestic Violence Programs.
- Use providers who are supportive of the protective parent and do not blame the adult victim or child for the abuse or CPS intervention.
- Make sure all providers know what information CPS wants them to report concerning family dynamics and when and how to convey the information to CPS.

How Domestic Violence Programs Can Support Mothers and Assist Child Protective Services



In Wisconsin, victims of domestic violence in every county and tribal area have access a local domestic abuse program. Many cities and towns have a shelter which can provide temporary housing for victims and their children. Some communities and rural counties are served by nonshelter programs which can arrange for housing in safe homes or the nearest shelter. Become familiar with your local program; specific services may vary according to local resources and funding available. Services offered by most programs include:

Individual Counseling and Advocacy

- **Counseling:** Advocates with training and experience in domestic violence can provide crisis counseling, identification of options, and personal support for victims as they cope with the trauma of domestic abuse. Most domestic violence programs do not provide psychotherapy.
- **Advocacy:** DV advocates can assist with obtaining housing, employment, educational and financial resources, child care, medical care and applying for other services or benefits.
- **Legal Advocacy:** DV programs can answer legal questions, provide accompaniment for court appearances, and offer assistance with obtaining a restraining order and finding a lawyer.
- **Information and Referral** to community services appropriate for victims of domestic violence.
- **Parenting Support:** DV programs assist battered parents, individually and in groups, to meet the challenges of parenting children exposed to domestic violence.

Safety Planning to reduce the risk of assault for victims and their children. Some DV Programs also provide emergency cell phones, portable safety plans and help with managing other threats to safety.

Support Groups

DV programs provide regular support groups both for victims living with domestic violence and those coping with the aftermath of leaving their abusers. Many programs also offer specialized support groups for parents, older battered women or victims and survivors from specific cultural groups.

Programming for Children and Youth

- **Individual counseling** for children of all ages who have been exposed to domestic violence
- **Support groups** for all ages where children can learn about nonviolent problem solving, practice social skills and have fun.
- **Safety planning** appropriate to the age and circumstances of each child.
- **Educational arrangements** for school age children forced to relocate due to domestic violence
- **Assistance with referrals** for medical care, therapy, support services for children with disabilities and other services that enhance the well being of children from violent homes

24 Hour Crisis Line

DV programs offer phone counseling 24 hours a day, 7 days a week.

Temporary Shelter and Food

Shelters provide free, secure emergency shelter and food for victims and their families in crisis. Emergency transportation to shelter is also available. Many non-shelter programs offer safe home stays, temporary housing in hotels and assistance with access to the nearest shelter. In addition, some domestic abuse programs operate transitional housing programs for families fleeing domestic violence.

Services Which Are Accessible And Culturally Relevant

Domestic abuse services strive to provide services that are culturally sensitive and appropriate, often including bilingual/bicultural staff, interpreters for victims with limited English and culturally specific support groups. All services are accessible to people with disabilities.

Follow-Up Services

Domestic abuse programs often form extended relationships with victims and their families, providing ongoing support and services whether they leave or return to live with the abuser.

Community Education

Domestic violence programs are active in their communities, doing training and public speaking, writing articles and editorials, and presenting to school and community groups to increase public knowledge of and response to domestic violence.

Partnering With A Domestic Violence Program

For CPS workers involved with a family affected by domestic violence, referring to and partnering with the local domestic abuse program means that victims and their children can receive a variety of services that meet their specific needs. Domestic abuse programs have professional staff, many of whom are licensed counselors and social workers. All domestic abuse program staff are trained in domestic violence and child abuse and are skilled at providing support and advocacy to victims. In many programs, the work of staff is supplemented by trained volunteers.

Domestic violence programs offer services that are often not available elsewhere in the community. Referring to and collaborating with a domestic abuse agency can enhance the efforts of child welfare workers to meet the needs of families and keep children safe in their homes.

Domestic Abuse Advocates Can:

- Help support clients in meeting goals set by Child Protective Services.
- Form a supportive relationship with adult and child victims in homes where domestic violence and child abuse occur.
- Spend the time needed to assist victims in getting help and making changes.
- Be flexible in their service delivery and adapt to the individual needs of families.
- Form an open-ended relationship with victims that can last for months or more.
- Collaborate with CPS and other community agencies to help create a comprehensive network of services for families.

Questions To Help You Get To Know Your Local DV Program

- When we know or suspect a woman is experiencing domestic violence, how can we best connect her with your program?
- What help is available for victims of domestic violence? Does a victim need to request services herself? How do you handle referrals?
- What services are available for children?
- Are there multicultural and multilingual staff?
- For shelter programs, what are the policies about the use of shelter?
- What is the maximum stay? How easy is it to get a bed? What if the shelter is full? What are the rules for residents?
- What is your program's policy on reporting suspected child abuse and neglect?
- How can we work together to serve families experiencing domestic violence and child maltreatment?

**For information on local domestic abuse services, by county, go to the website of the Wisconsin Coalition Against Domestic Violence, <http://www.wcadv.org>
Click on "Get Help".**

Laws Affecting Privacy and Nondisclosure for Wisconsin Domestic Violence Programs



Issues regarding confidentiality can be major points of contention between domestic abuse programs and child welfare agencies. Child abuse reporting by domestic violence service providers is influenced by the following laws and policies:

- Wisconsin law (Sec. 995.67) states “No employee or agent of a domestic abuse services organization who provides domestic abuse services to a service recipient may intentionally disclose to any person the location of any of the following persons without the informed, written consent of the service recipient: the service recipient; any minor child of the service recipient; any minor child in the care or custody of the service recipient.”
- In addition, most Wisconsin domestic violence programs receive funding under the federal Family Violence Prevention and Service Act (FVPSA). This law prohibits FVPSA funded agencies from releasing client records without informed, time-limited consent. Both laws apply during and after receipt of services.
- If you call a domestic abuse program to ask for a particular client, you are likely to get the following response, “I’m sorry, but I cannot confirm or deny if she is here. I can take a message. If she is here, the message will be passed on to her”.
- Employees of domestic abuse programs are not included among those individuals designated as mandatory reporters of child abuse under Chapter 48. However, many domestic violence program staff are social workers, professional counselors, or members of other professions required to report child abuse. In addition, most domestic abuse programs have internal written policies requiring all staff to report suspected child abuse.
- Most domestic abuse programs encourage battered women to make any necessary reports to CPS themselves. They will also offer support and advocacy throughout the CPS process.

Domestic violence programs must operate according to state and federal laws on confidentiality and nondisclosure. They are not trying to make a CPS worker’s job more difficult.

A 1992 opinion from the Attorney General of Wisconsin addresses the relationship between the Wisconsin nondisclosure law for recipients of domestic violence services and mandatory child abuse reporting. The opinion states “the two statutes do not conflict, although compliance with the confidentiality requirements of section 895.67 (now 995.67) may frustrate the investigation of child abuse and neglect.”

The opinion goes on to say “the required report can be made without divulging the location of the child or mother in situations where the mother refuses to sign a waiver allowing this information to be disclosed.” Finally, it warns that “shelter workers run the risk of criminal prosecution if they reveal – even to CPS workers – the location of a service recipient or the recipient’s child.”

Most child protective services workers and domestic violence advocates would readily agree that compliance with domestic abuse nondisclosure laws “may frustrate the investigation of child abuse and neglect.” Frustration is common when domestic violence agencies report child abuse. If a domestic violence program is reporting child abuse, CPS workers can reasonably assume that the mother is their client and the program knows the family’s location. Receiving a report minus this crucial piece of information can be exasperating. For child welfare, knowing the family’s location is critical to insuring child safety, while for domestic violence advocates, honoring the nondisclosure laws is crucial to protecting the safety of battered women and their children.

In many counties, domestic abuse and child welfare agencies have created practices and protocols, both formal and informal, which ease the apparent impasse created by nondisclosure laws. These accommodations vary from county to county, and function best when created locally to address the specific needs and circumstances of each community. Domestic violence advocates and child protective services workers may want to consider these principles when initiating collaborations on child abuse reporting:

Mutual acknowledgement that:

- Domestic abuse advocates cannot violate nondisclosure laws for any reason.
- Access to information about the location of suspected victims of child abuse is critical to CPS investigations.
- Confidentiality can be a point of conflict between domestic abuse and child welfare agencies.

All staff of both agencies should be trained on both nondisclosure laws and procedures necessary for child abuse investigations.

When domestic violence programs obtain releases of information from service recipients, it should be time limited and the victim should understand who will receive information about her family and how it will be used.

Additional Wisconsin Laws on Domestic Violence



Mandatory Arrest

“Domestic abuse” means any of the following engaged in by an adult person against his or her spouse or former spouse, against an adult with whom the person resides or formerly resided or against an adult with whom the person has a child in common:

- Intentional infliction of physical pain, physical injury or illness.
- Intentional impairment of physical condition.
- A violation of first, second or third degree sexual assault.
- A physical act that may cause the other per

Law enforcement officer must arrest and take a person into custody if the officer has reasonable grounds to believe that the person is committing or has committed domestic abuse and that the person’s actions constitute the commission of a crime; and any of the following apply:

- The officer has a reasonable basis for believing that continued domestic abuse against the alleged victim is likely.
- There is evidence of physical injury to the alleged victim.
- The person is the predominant aggressor.

The statute requires law enforcement to arrest a suspect if an officer has probable cause that a person has violated a domestic abuse, child abuse or harassment restraining order or injunction or a foreign protection order.

If the crime is reported more than 28 days after the occurrence, arrest is discretionary.

Dual Arrest

Wisconsin law states that if a law enforcement officer identifies the predominant aggressor, it is generally not appropriate for a law enforcement officer to arrest anyone other than the predominant aggressor. Predominant aggressor is defined as the most significant, but not necessarily the first, aggressor in a domestic abuse incident.

Wisconsin's Mandatory Arrest statute can be found in its entirety in Wis. Stat. Sec. 968.075.

Advocate-Victim Privilege Law

Under Wisconsin law, there is a privilege for communications and information shared between a victim of abusive conduct (domestic violence, sexual assault, child abuse) and a victim advocate who works with an organization that provides free counseling, information or support. If a victim of domestic violence goes to a domestic violence program for help, communications made between the victim and advocate are protected by this law.

A victim advocate has the right to refuse to disclose and to prevent others from disclosing confidential communications with a victim advocate in court or certain administrative proceedings. If a victim wants the advocate to share information with the court, the victim can waive the privilege. Ideally, a victim should waive privilege only after an advocate has explained to her the consequences of the waiver.

The Advocate-Victim Privilege statute can be found in Wis. Stat. Sec. 905.045.

Domestic Abuse Restraining Orders



A domestic abuse **restraining order** is a court order that prohibits violent, threatening, harassing acts to another person or contact or communication with this person. A restraining order can:

- Order the abuser (respondent) to stop committing acts of domestic abuse against the victim (petitioner).
- Order the abuser to stay away from the victim's residence or any location temporarily occupied by the victim.
- Order the abuser to avoid contacting the victim through a third party, with the exception of the abuser's attorney or by any law enforcement officer.
- Order the abuser to hand over any firearms in his possession and prohibit him from buying firearms (mandatory). Grant other relief the court finds necessary for the protection of the victim.

An adult person may obtain a domestic abuse restraining order against another adult person, if they are in a one of the following relationships:

- Spouse or former spouse
- They share a child in common
- They are in a dating relationship
- Family member (by blood or adoption)
- The other person is their caregiver



Caution!

**A
restraining
order
does not
guarantee
safety!**

Some important points about restraining orders:

- A restraining order can be a useful part of a safety plan, along with other safety strategies. However, a restraining order does not guarantee safety, especially if the abuser will not be stopped by the threat of arrest and legal sanctions.
- A restraining order is an option to be explored, but not mandated, as part of a CPS service plan.
- For some victims, seeking a restraining order could increase the risk. In some relationships, the issuing of a restraining order can serve to further anger and inflame the abusive partner, especially if he starts to panic about the relationship being over.

Ask the victim about her experience with and knowledge of the perpetrator. She knows best the risk a restraining order may present. Questions to consider include:

- Is he a person who respects authority and will abide by the order?
- Will he see the order as a restriction or as a loss of his power and control over his family?
- Will filing a restraining order make the abuser more violent and put the victim and her children at greater risk?
- What other safety strategies has she considered and how have those worked for her?

The victim can weigh the risks and benefits of obtaining an order with the assistance of a domestic violence advocate trained in the areas of restraining orders and power and control dynamics. Refer her to your local domestic violence program.

Obtaining a restraining order is a two-step process. The court will decide whether or not to issue a Temporary Restraining Order (TRO) when a petition is filed. If a TRO is granted, the petitioner will be given a date to come back within 14 days to ask for the order (called an injunction) to be made final. The injunction can last for up to four years.

A valid restraining order can be enforced anywhere in the country. All protection orders issued in any state, tribal area or territory are enforceable anywhere in the country

Other types of restraining orders in Wisconsin include child abuse, harassment, and individual at risk. Contact a local domestic violence program for more information.

Wisconsin statutes on domestic abuse restraining orders can be found in their entirety at Wis. Stat. Sec. 813.12.



Key Points

- Restraining orders can be powerful tools, but they are not the answer for everyone.
- A restraining order does not guarantee safety; additional safety planning is needed.
- A restraining order may not be the safest option in every situation.
- A trained domestic violence advocate can help a victim weigh the advantages and disadvantages of getting a restraining order.

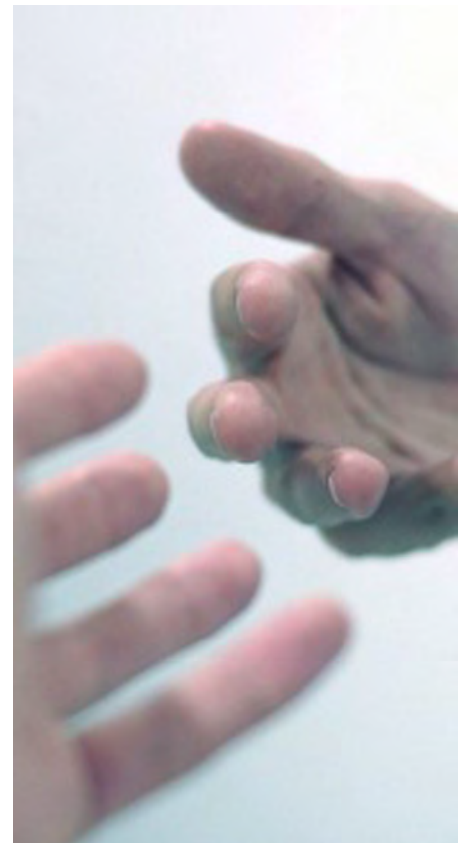
Batterer Intervention Programs

A common intervention for perpetrators of adult domestic violence is a Batterer Intervention Program (BIP). These programs are usually small group interventions that aim to change attitudes about the use of power and control in intimate relationships and to end abusive and threatening behavior. Batterer Intervention Programs help men who are violent in their intimate relationships eliminate violent and controlling behavior.

Batterer Intervention Programs also focus on the safety of victims and children. Most programs will include partner contact activities that provide safety planning and information. Partners receive education and information on what to expect from the Batterer Intervention Program, program limitations, and what to do if their partner reoffends.

Most men are referred to Batterer Intervention Programs through the criminal justice system, however other sources of referral include CPS, Community Corrections, or community based programs. Men who attend Batterer Intervention Programs are held accountable for refraining from further abuse of partners and children and for complying with program requirements.

While batterer intervention programs are useful in challenging the values and attitudes which underline abusive behavior and teaching alternative responses, the success of this intervention is highly dependent upon the involvement of the referral source in regard to accountability. Accountability is possible only when there is credible oversight and ability to impose swift, consistent, and meaningful sanctions for continued abusive behavior and/or noncompliance with program requirements. Program participants may be terminated from the group and reported to the court or Community Corrections. It is critical that CPS monitor weekly attendance in the program, and work with community partners to address noncompliance.



A list of certified Batterer Intervention Programs and the complete Standards may be found on the website of the Wisconsin Coalition Against Domestic Violence,
<http://www.wcadv.org>
Click on “Get Help”; “Local Services”
Certified Wisconsin Batterers Treatment Providers”.
The Standards can be found at:
<http://www.wcadv.org/?go=about/affiliates>.

The design and practice of Batterer Intervention Programs may vary greatly by agency. It is essential that CPS use only those programs that maintain a standard of quality in working with domestic abusers. The Wisconsin Batterer Treatment Provider Association (WBTPA) was formed in 2000 to provide a process for ensuring that quality programming for domestic batterers is provided in Wisconsin. In order to be a member of the WBTPA, batterer intervention programs must demonstrate compliance with the Male Batterers Treatment Standards for WBTPA Certified Domestic Abuse Batterers Treatment.

There is other programming that should not be confused with or substituted for Batterer Intervention Programs. This includes:

- **Anger Management** - These programs teach techniques for monitoring and stopping angry outbursts caused by a lack of control. This programming does not address the underlying reasons for perpetrating violence and maintaining coercive control over intimate partners. Anger management programs are not effective in holding domestic perpetrators accountable because it implies they only have a problem with “managing” their anger. Angry, violent or abusive outbursts are not the result of a lack of control, but a clear choice that batterers make.
- **Couples or Family Counseling** – Couples counseling is based on the assumption that partners with equal amounts of power can work together towards a solution. However, in abusive relationships, there is an unequal balance of power between victims and perpetrators, as well as a fear of physical violence or other retaliation on the part of the victim when the abuser feels challenged. Couples counseling may be dangerous for victims of domestic abuse.
- **Individual Psychotherapy or Substance Abuse Counseling** is a supplement and not a substitute for a BIP. These services can be inappropriate if they do not concentrate on stopping violent or abusive behavior and on maximizing safety for victims and children. In rare instances, individual counseling or programming may be offered to a domestic abuser who is too disruptive to function in a group setting.

Current research indicates that some men who complete Batterer Intervention Programs can stop their violent behavior and establish non-abusive patterns of behavior. However, a sizeable proportion of participants who complete groups continue abusing their partners. Attending and completing a Batterer Intervention Program does not guarantee that violence and other forms of abuse will end.

The most effective reduction in partner violence will occur in communities with a strong, coordinated community response that holds abusers accountable. Many communities have Coordinated Community Response or other interdisciplinary teams that include CPS workers.



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