

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF PUBLIC WELFARE

AUG 03 2007

SPECIAL TRANSMITTAL

**SUBJECT:** Protocol to Address Domestic Violence (DV) in Families  
With Child Welfare Involvement

**TO:** County Children and Youth Administrators  
Chief Juvenile Probation Officers  
Private Children and Youth Agencies  
Other Interested Parties

**FROM:** Richard J. Gold, Deputy Secretary  
Office of Children, Youth and Families

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PURPOSE:

The purpose of this transmittal is to provide child welfare staff and DV advocates with a protocol to use when working with children and families who are active with both the child welfare and DV systems. The focus of the protocol is to assure the immediate and ongoing safety of the children and the non-abusing parent in these cases, while recognizing the distinct roles and responsibilities of the DV advocate and the child welfare caseworker.

BACKGROUND:

The Department of Public Welfare's (DPW) mission is to promote, improve and sustain the quality of life as well as to serve and protect vulnerable citizens. Currently, DPW actively assists victims of DV through the Pennsylvania Coalition Against Domestic Violence (PCADV) by offering programs and interventions to raise awareness and lessen the risk of DV.

By issuing practice protocols such as this, the Office of Children, Youth and Families (OCYF) hopes that child welfare agencies across the Commonwealth will closely examine their current practices in working with families experiencing DV and incorporate the protocols outlined in this Special Transmittal into their practices.

In June of 2002, the Administration for Children and Families held a Northeast Regional Leadership Forum on Improving Outcomes for Children and Families Affected by Domestic Violence and Child Maltreatment in Philadelphia. The Forum was sponsored by the National Association of Public Child Welfare Administrators in partnership with other national groups addressing child maltreatment and DV. Pennsylvania was invited to this meeting and sent a team of representatives from OCYF, PCADV, the Office of Social Programs and the Administrative Office of Pennsylvania Courts.

The goal set by the Pennsylvania team at the Leadership Forum was to begin work at the state level on collaboration and problem-solving related to the overlap of DV and child maltreatment.

The group has been meeting since 2002 and has expanded its representation to include the Pennsylvania Children and Youth Administrator's Association (PCYA), the Pennsylvania Coalition Against Rape (PCAR), the Office of Mental Health and Substance Abuse Services (OMHSAS), the Pennsylvania Child Welfare Training Program, and the Pennsylvania Council of Children, Youth and Family Services.

An identified purpose of this collaborative group is to identify issues and work together to improve child welfare policies and procedures on a statewide level where families are impacted by DV and child maltreatment. Another identified purpose is to address the training of child welfare workers on DV and domestic advocates on the child welfare system and child abuse.

### **DISCUSSION:**

The collaboration of this group has revealed the concern that some child welfare agencies and DV centers have little to no common practices to guide them in effectively working together when serving families who may be involved in both systems.

DV is a serious and widespread public health crisis in the United States in terms of prevalence, cost and associated health and social consequences. DV is pervasive in our society; it has no economic, ethnic or social boundaries. According to the Commonwealth Fund's 'A Survey of Women's Health', approximately 1 in 3 (31%) women reported being victims of DV during their lifetime. This equates to approximately 3.9 million women who are physically abused each year.

Another factor to be considered is the impact that DV has on children. Research published in the *Journal of Family Violence* suggests that in an estimated 30 to 60 percent of the families where either DV or child maltreatment is identified, it is likely that both forms of abuse exist. In addition, children exposed to DV are at an increased risk of being abused themselves and of becoming perpetrators of DV. In a national survey of over 6,000 American families, researchers found that 50 percent of men who frequently assaulted their wives also abused their children. To treat children and families effectively, child welfare agencies and DV organizations must improve their collective response to meet the needs of these children and families.

These concerns, among others, led to the development of the attached protocol to address DV in families with child welfare involvement. DPW requests that you review the protocol and incorporate its principles into your practice.

Questions regarding this protocol should be directed to your respective OCYF Regional Office Directors as follows:

- Central Region: Kathryn Bard at (717) 772-7702 or by electronic mail at [kbard@state.pa.us](mailto:kbard@state.pa.us);

- Northeast Region: Edward Coleman at (570) 963-4471 or by electronic mail at [ecoleman@state.pa.us](mailto:ecoleman@state.pa.us);
- Western Region: Roseann Perry at (412) 565-5728 or by electronic mail at [rosperry@state.pa.us](mailto:rosperry@state.pa.us); and
- Southeast Region: Roberta Trombetta at (215) 560-2249 or by electronic mail at [rtrombetta@state.pa.us](mailto:rtrombetta@state.pa.us).

Enclosure

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Mr. James Anderson

# PROTOCOL TO ADDRESS DOMESTIC VIOLENCE IN FAMILIES WITH CHILD WELFARE INVOLVEMENT

## A. GUIDING PRINCIPLES:

The primary focus of child protection intervention in domestic violence cases is the immediate and ongoing safety of children. The preferred way to protect children in most domestic violence cases is to work with the adult victim in safety planning and to hold the abusive partner accountable. It is important for systems to work collaboratively while at the same time protecting the privacy and confidentiality of all involved individuals as required by law. It is important to recognize that, in most cases, the adult victim has the ability to assess the dangers they and their children face and to identify obstacles to achieving safety and the resources they need.

Privacy and confidentiality are cornerstones of a domestic violence program's advocacy with domestic violence victims. It is important to understand the legal and ethical requirements of domestic violence programs in protecting the privacy and confidentiality of all involved individuals as required by law. Domestic violence program employees are mandated reporters of child abuse and must make a report, as required by law, when they have reasonable cause to suspect a child has been abused.

Under Pennsylvania's Protection from Abuse Act, 23 Pa. C.S. §6116, domestic violence programs cannot disclose any additional information about a victim of domestic violence and/or their children to any third party, without that individual's prior written consent.

## B. GOALS:

- All family members will be safe from harm.
- Abused parents/caretakers will receive assistance through non-coercive and supportive interventions to protect themselves and their children.
- The abusive partner, not the adult victim, will be held responsible for stopping the abusive behavior.
- Children will have safe and stable relationships with nurturing parents or caregivers.
- The incidence of child maltreatment co-occurring with domestic violence will be reduced.

## C. DEFINITION OF DOMESTIC VIOLENCE:

Domestic violence is a pattern of coercive control in an intimate partner relationship, punctuated by one or more acts of intimidation, physical violence, sexual assault or credible threat of physical violence. This pattern of control and intimidation may be predominantly psychological, economic, or sexual in nature or may rely primarily on the use of physical violence. Note: This is a common practice definition of domestic violence and does not fully parallel the Pennsylvania Statute.

Under Pennsylvania's Protection from Abuse Act, 23 Pa. C.S. §6101 et seq., abuse is

defined as the following:

“Abuse.” The occurrence of one or more of the following acts between family or household members, sexual or intimate partners or persons who share biological parenthood:

- (1) Attempting to cause or intentionally, knowingly or recklessly causing bodily injury, serious bodily injury, rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault, indecent assault or incest with or without a deadly weapon.
- (2) Placing another in reasonable fear of imminent serious bodily injury.
- (3) The infliction of false imprisonment pursuant to 18 Pa. C.S. § 2903 (relating to false imprisonment).
- (4) Physically or sexually abusing minor children, including such terms as defined in Chapter 63 (relating to child protective services).
- (5) Knowingly engaging in a course of conduct or repeatedly committing acts toward another person, including following the person, without proper authority, under circumstances which place the person in reasonable fear of bodily injury. The definition of this paragraph applies to proceedings commenced under this title and is inapplicable to any criminal prosecutions commenced under Title 18 (relating to crimes and offenses).

**D. INFORMATION SHARING/CONFIDENTIALITY BETWEEN DOMESTIC VIOLENCE PROGRAM ADVOCATES AND CHILDREN AND YOUTH CASEWORKERS**

- a. Procedures will comply with state statutes and case law governing what information child protection and domestic violence programs can share and with whom.
- b. Domestic violence program employees are mandated reporters of child abuse or suspected child abuse and must make a report, as required by law, when they have reasonable cause to suspect a child has been abused. Under Pennsylvania’s Protection from Abuse Act, 23 Pa. C.S. §6116, domestic violence programs cannot disclose any additional information about a victim of domestic violence and/or their children to any third party, without a prior written release from that individual. Anytime releases are used, the information to be shared will be explicit, and have direct relevance to the case.

**E. ROLE OF CHILDREN AND YOUTH CASEWORKERS:**

- a. Safety and Risk Assessments  
The focus of PA Safety and Risk Assessment is the threat of harm and impending danger to a child; therefore, caseworkers must routinely screen for possible domestic violence when receiving reports of child maltreatment. The assessments should look for issues of power and control, isolation, intimidation, threats of homicide or suicide, stalking, weapons, violence increasing in frequency or severity, as well as other types of abuse. Screening should be ongoing since violence could occur at any point during an investigation or intervention.
- b. Investigation and Contacts  
The dynamics of domestic violence are based on the perpetrator’s maintaining power and control over his/her partner. Challenges to that power and control, including a child protective service investigation, may increase the likelihood of escalating violence. In

addition, the risk of being seriously harmed or killed often increases when the abused person makes the decision to leave the perpetrator. Given this dynamic, contacts with the victim and any dependent children should be planned carefully when domestic violence is known to be an issue. Keep in mind that the investigation and subsequent contacts may increase the risk to the child (ren) and the adult victim.

c. Interviewing the adult victim

- Whenever possible, the worker will interview the adult victim without the abusive partner's knowledge and outside of his/her presence in order to assess the level of dangerousness to the adult victim if specific questions about domestic violence are asked.
- Caseworkers who experience difficulty in interviewing the adult victim alone should recognize this as a signal of the level of control of the abusive partner.
- Caseworkers will use questions from *the Domestic Violence Screening tool*, and if appropriate, *The Danger Assessment*, included in *A Compendium of Rapid Assessment Instruments* when interviewing the adult victim, documenting responses. General relationship questions will be asked first including:
  - Questions to assess risk to children in domestic violence situations;
  - Questions about the controlling behaviors and the victim's freedom to act independently;
  - Questions to determine the level or presence of verbal, emotional, physical or sexual abuse;
  - Questions to assess the victim's help-seeking history and current willingness to seek help.

d. Interviewing the child

Family members should be interviewed separately; however, if the caseworker feels after interviewing the victim of domestic violence, that there is extreme danger and the child/ren have learned to cope by identifying with the abusive parent, then questioning of the child(ren) should be postponed.

Children living with an abuser may be present during episodes of physical violence, may see the aftermath of physical violence, such as bruises, cuts, painful movements, broken household items; hear yelling, arguing or name-calling; feel silent anger or tension; experience directly or indirectly controlling behaviors of the abuser; or attempt to intervene between the parental figures. Any or all of these aspects of domestic violence can be termed "witnessing." There may be possible mitigating factors with regard to the degree of impact on the child; therefore, it is important to make no assumptions regarding the degree of harm to the child.

Remember that a child may take responsibility for the abuse, side with the perpetrator, blame the victim, try to assist that victim or be as uninvolved as possible. Assure the child that the abuse is not the child's or the victim's fault; however, do not make negative comments about the abuser. Older children may minimize the violence while younger children may be less guarded and more spontaneous. Depending on the age of the child, tell the child what information will be shared and with whom.

e. Interviewing the abusive partner

- The caseworker will decide when and how to interview the abusive partner based on secondary information and information gathered from interviewing the adult victim and children.
  - The worker will consider his/her own safety as well as that of the adult victim and children.
  - Be aware that domestic violence perpetrators are not a reliable source of information about their violent behavior or their use of power and control tactics. Better sources of information include the adult and child victims, police reports or other collateral contacts.
  - Do not ask the alleged perpetrator about domestic violence in front of his/her partner.
  - Do not give the alleged perpetrator information provided by the victim or child without first informing the victim and child(ren) and developing a safety plan.
- f. Family Service Plan
- Use optional or voluntary services for the adult domestic violence victim to every extent possible.
  - Write individual family service plans and service goals that strengthen the autonomy of the adult victim and hold the domestic violence perpetrator responsible for the abusive behavior and for stopping it.
  - Schedule individual meeting(s) with the victim, without the perpetrator to develop a family service plan.
  - Focus on the concrete supports victims need (housing, financial assistance, legal protection – if they want it) as well as supports that counteract coercive tactics used by the batterer. Identify with the victim specific tactics used by the perpetrator such as isolation or humiliation to help identify the support services needed.
  - Develop a logical and achievable family service plan by prioritizing service needs.
  - When writing family service plans, discuss anything that might be included in any court order.
- g. Services for adult victims and children
- Referrals to domestic violence programs will not be mandatory.
  - Children and Youth Services will make every effort, consistent with assuring the safety of the child, to assist adult victims in securing safety for themselves and their children before coercive measures such as citing for failure to protect are considered. Such measures will be used as a last resort after all interventions aimed at holding the abusive partner accountable for stopping the violence have been implemented and all efforts to protect the child and the adult victim from the abuser have been exhausted.
  - CYS will seriously consider the adult victim's opinion that a particular service option will increase the danger to the victim and the children and is, therefore, inappropriate. Couples counseling, mediation, family group counseling and anger management programs for the abusive partner may increase the level of danger to the adult victim and children.
- h. Service plan tasks for the abusive partner  
Service plan tasks for the abusive partner may include:
- Leaving the home

- Not behaving in a manner that is verbally, emotionally, sexually or physically abusive toward one's partner and/or children.
  - Not involving the children in attempts to control one's partner or force children to witness or participate in abusive tactics.
  - Participating in education regarding the effects their violent behavior may have on children, learn new behaviors and non-violent discipline techniques.
  - Attending a batterer's program, following all recommendations.
  - Following all conditions of court orders and probation.
- i. Specified services to which the abusive partner may be referred include:
- Approved batterer's treatment program, which lasts at least 26 weeks, with progress and completion monitored and documented through development of a working collaboration with the treatment program staff.
  - Specialized classes on parenting which emphasize the effects of domestic violence on children, the responsibility to parent non-violently and the skills to do so. At no time should the non-offending parent be required to attend such classes at the same time and place as the offending parent.
  - Substance abuse services.
  - Cooperation with police and probation, when involved.

#### F. ROLE OF THE DOMESTIC VIOLENCE PROGRAM ADVOCATE:

1. Expand expertise and provide advocacy to a parent/caretaker involved in the child welfare system.
2. Explain rights and legal issues to a parent/caretaker involved in the child welfare system.
3. Provide information to the parent/caretaker regarding availability of advocacy throughout the duration of the case including:
  - a. Education regarding the child welfare process;
  - b. At the request of the parent/caretaker, advocate attendance at meetings and court hearings regarding the child protection case;
  - c. Provide safety planning options for parent/caretaker and their children.
  - d. Inform the parent/caretaker of services that are available, including:
    - Individual and group support and domestic violence education for parents/caretakers and their children;
    - Parenting education and support specific to the needs of the non-abusive parent/caretaker (i.e. skills related to behaviors exhibited by children exposed to domestic violence and skills to discipline without re-victimizing or perpetuating the cycle of abuse).
    - Legal advocacy
    - Emergency shelter
    - Crisis intervention
    - Assistance with filing for a Protection From Abuse order;
    - Safety planning;
    - Single parenting issues: loneliness, lack of resources, dating, budgeting, childcare,
    - Safety planning specific to being a single parent, etc.
    - Other services to help prevent out of home placement.



4. Where appropriate, assist the parent/caretaker in seeing a situation as an opportunity to receive services that might benefit the entire family.
5. Where requested by the parent/caretaker and with a release of information, provide input to Children and Youth Services regarding assessment, investigation, service and case planning.
6. When asked to do so by the parent/caretaker, consult with the county Children and Youth Service when a particular course of action they advise would be dangerous. For example, where C&Y requirements create a hardship or in cases where petitioning for a Protection From Abuse order may increase risk and make other recommendations on a case when requested by the parent/caretaker.
7. Assist the parent/caretaker in determining whether they and/or the children are eligible for services. For example, mental health or developmental disability services for children with behavior problems.
8. Inform parent/caretaker of risks and benefits of agreeing to voluntary placement.
9. Assist with making concrete changes like changing locks on doors, windows, food and safe shelter.
10. If a child is removed in an emergency help the parent/caretaker enforce their right to visitation with their child. Stress importance of complying with case plans such as visitation schedule; if the adult victim recognizes a problem, attend meetings with children and youth caseworker and the adult victim.
11. Assist a parent/caretaker in asking for a re-determination of finding of maltreatment or if that fails, advise/assist them with seeking counsel to appeal a decision.
12. Develop internal policies regarding cases where there is suspected maltreatment of children and train personnel accordingly, including:
  - a. Creating supportive interventions for parents/caretakers who maltreat their children via abuse or neglect.
  - b. Consulting with a child protection/domestic violence expert who has in depth understanding of the multiple and complex problems that arise in families where there is suspected overlap to answer questions regarding a particular case, while at the same time adhering to strict confidentiality requirements.
13. Provide information to parents/caretakers about the effects of violent behavior on children and what constitutes child maltreatment.
14. Develop and improve child-friendly environments, child-welcoming atmospheres and child-friendly policies.
15. Re-examine the needs of parents/caretakers and children over the age of 12 and develop programming accordingly.
16. Connect families with community resources, including mental health and substance abuse services, child visitation centers, parenting groups, etc. Offer training to such groups on the dynamics of domestic violence.
17. Develop and make available child protective services brochures/information packets regarding available services for domestic violence victims involved in the child welfare system.
18. Maintain agency autonomy in order to enhance safety and security for victims of domestic violence and their children.
19. Report child abuse or suspected child abuse in accordance with the Title 23 Pa. C.S.A. Chapter 63, Section 6311, Persons Required to Report Suspected Child Abuse.