

Vermont's Partnership Between Domestic Violence Programs and Child Protective Services

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A collaboration of the Vermont Network Against Domestic Violence and Sexual Assault, the Vermont Department for Children and Families, and the Vermont Center for Crime Victim Services.

Civil and Criminal
Responses to
Children and Youth
Who Experience
Domestic Violence:

A Model Policy Response for Vermont

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Background

In July 2001 representatives from the Vermont Network Against Domestic Violence and Sexual Assault, the Vermont Department of Social and Rehabilitation Services Domestic Violence Unit and the Office of the Attorney General began a series of meetings to discuss the various legal responses that have been proposed across the country to address child witnessing of domestic violence. With the support of the statewide Vermont Rural Domestic Violence and Child Abuse Project and the University of Vermont Department of Social Work the results of that discussion and background research are presented here.

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Purpose

The purpose of this paper is to provide organizations with well-documented information for policy development and to provide information to various interested parties and organizations including the Vermont Council on Domestic Violence to use in their efforts to better serve women and children affected by domestic violence and to hold batterers accountable.

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Executive Summary

Civil and Criminal Responses to Children and Youth Who Experience Domestic Violence: A Model Policy Response for Vermont

It is estimated that 3.3 to 10 million children between the ages of three and seventeen witness domestic violence in their homes each year in the United States.¹ According to reports by battered mothers, 90% of their children witnessed the mothers' abuse.² A number of states have responded to the disturbing realities of child witnessing by increasing the criminal penalties for perpetrators of domestic violence in the presence of a child. Some states created a new crime of child abuse when domestic violence is committed in the presence of a child³ and other states enhanced penalties for domestic violence offenses when children are present.⁴ There are two primary civil remedies that have been created to respond to the issue of child witnessing. One is a strategy to *expand the child maltreatment statute* to include child witnessing of domestic violence. The other is a *change to internal child protection policy* that specifies criteria for establishing when child witnessing constitutes child abuse.

Unintended Consequences of Criminal/Civil Remedies for Children Who Witness Domestic Violence

When creating criminal or civil laws or policy designed to assist children who witness domestic violence it is critical to adult and child safety that all of the potential implications be seriously considered.

General:

- **Victims of domestic violence may stop accessing services** designed to enhance safety for them and their children and **may stop reporting abuse.**
- **Re-victimization of victims of domestic violence.** Policies and practices that blame adult victims of the abuse inadvertently create additional safety risks and diminish opportunities for victims to access options for safety and support.

Criminal:

- **Children forced to testify.**
- **Victims may be charged** for assault when acting in self-defense.

Civil:

- **Children may be unnecessarily removed** from their homes. Bonds of healthy attachment and permanence may be damaged and subject to unpredictable experiences of children in the foster care system.
- **Inaccurate risk assessments** do not attend to the realities of safety and risk that exist for victims and their children in the context of domestic violence.
- **Unnecessarily saturate child protection system's limited resources.** Many families experiencing domestic violence do not need the assistance of the child protection system to access safety. Nor will they benefit from the intrusion necessitated by a child protection system response.

Recommendations:

1. Support a Differential Response to Children Who Witness Domestic Violence.

Consider additional resources for:

- Children's Program Services and Adult Victim Services in the Network
- SRS Domestic Violence Unit
- Supervised Visitation Programs with Domestic Violence Focus
- Mental Health services for children who experience trauma
- Prevention programs geared toward Anti-Violence Education

2. Consider Alternative ways to Improve Batterer Accountability:

- Statutory requirement that batterers obtain education regarding child witnessing
- Statutory requirement that batterers pay for treatment for children and victim
- Presumption against joint custody when Domestic Violence is present
- Create appropriate guidelines for Family and Criminal Court for determining appropriateness of supervised visitation in domestic violence cases.
- Institute child protection policies and practices that shift blame from victims of domestic violence to batterers.

3. Consider All Policy Changes Carefully to Create Positive Outcomes without Unintended Negative Consequences experienced by other States.

4. Evaluate the Impact of Any Policy Change on Adults and Children who Experience Domestic Violence.

¹ Ola W. Barnett et al., *Family Violence Across the Lifespan: An Introduction* 137 (1997)

² Honore M. Hughes, *Impact of Spouse Abuse on Children of Battered Women: Implications for Practice*, *Violence Update*, Aug. 1992, at 1.

³ Delaware Tit. 11 § 1102; Georgia: O.C.G.A. Sec. 16-5-70; Utah: U.C.A. Sec.76-5-109.1;

⁴ Alaska §§ 12.55.155 and 47.10.011; California Penal § 1170.76; Florida: § 921.0014; Hawaii: § 706-606.4; Idaho: I.D. § 18-918(7)(b); Ohio Rev. Code. Ann. § 2929.12,22; Okla. Stat. Ann. Title 21 § 644; Oregon: ORS § 163.160(3)(b); Washington: Rev. Code Ann. § 9.94A.390(2)(h)(ii).

Civil and Criminal Responses to Children and Youth Who Experience Domestic Violence: *A Model Policy Response for Vermont*

Introduction

Children affected by domestic violence have become a growing concern in the past ten years nationally among child protection agencies, domestic violence programs and others coordinating to respond to women and children experiencing domestic violence. During that time there has been an effort to address the lack of legislation and guidelines by organizations such as the National Council of Juvenile and Family Court Judges, the American Bar Association, the American Psychological Association and the American Medical Association (Weithorn, 2001). Domestic and sexual violence coalitions in partnership with government agencies have sought a variety of ways including task forces, conferences and policy group recommendation to address the policy issues related to protecting and assisting children exposed to domestic violence. Our review of the various legislation and guidelines developed in the United States presented a formidable challenge as both the definition of child “witnessing” and the responses to it vary from state to state and agency to agency.

Definitions of Child Witnessing and Domestic Violence

Child witnessing most often is meant to encompass the many ways in which a child is involved in a domestic violence incident. Witnessing may refer to a child’s visual or auditory witnessing of a violent act or acts perpetrated by the batterer against the child's mother. Witnessing may also include incidents when a child is in her mother's arms when the assault takes place. Older youth may intervene to protect their mother. When a child is directly assaulted during the mother's assault, these situations most often fall under child abuse statutes and are not usually defined as “child witnessing.” The terms “exposed” to, “affected” by and children who “experience” domestic violence are also used to describe, “witnessing.”

Domestic Violence for the purposes of this document is defined as a pattern of assaultive and coercive behaviors including physical, sexual, psychological, emotional, and economic coercion that an adult or adolescent uses to obtain and maintain control over their intimate partner. Research indicates that 95% of intimate partner violence is violence against a woman by a male partner⁵. Domestic violence does not typically include child abuse, child to parent violence, sibling violence or violence against elderly or vulnerable adults which are considered forms of family violence for our purposes.

⁵ U.S. Dept. of Justice, 2001

Effects of Domestic Violence on Children

Children who experience domestic violence have a range of individual experiences with impacts that range from mild to traumatic.

Children exposed to domestic violence have been found to exhibit some of the following effects: increased levels of anxiety, depression, anger and fear; aggressive and violent behaviors; lack of conflict resolution skills, lack of empathy for others and unhealthy peer relationships; poor school performance and cognitive functioning; higher rates of suicide, delinquent behavior, pregnancy and alcohol and illegal drug use; self blame, hopelessness, shame and apathy; post traumatic stress disorder symptoms such as hyper-vigilance, nightmares and intrusive thoughts and images of violence (APHS & NAPCWA 2001, p. 3).

However, research experts in children who experience domestic violence, The U.S. Department of Justice and others caution us to beware assuming that all children who experience domestic violence are traumatized. They advise us that there is evidence that many children supported by non-offending family members and other support systems can be very resilient.

Several states have developed policy responses attempting to better address the needs of children who experience domestic violence. The responses vary from state to state and include *criminal policies* that are characterized by enhanced penalties, upgrading in charges and additional charges related to domestic assault in the presence of a child as well as *civil policies* which are characterized by equating child witnessing to child maltreatment and indicate that child witnessing places a child at risk of harm. These policies affect children, families, the agencies designed to serve them, the criminal justice system, child protection and the community in a myriad of ways. As with other attempts to create a better policy response to a major social problem, there are often unintended consequences, not all of which would be beneficial to the women and children most affected. Thus it is imperative that we proceed with creating a better policy response for children exposed to domestic violence very carefully and with much thoughtful consideration. In Vermont there has been a dedicated team reviewing possible responses and the potential impact it would have on the abused women and children in our state.

Vermont's Current Response to Children Affected by Domestic Violence

In Vermont, the state's domestic and sexual violence coalition, The Vermont Network Against Domestic Violence and Sexual Assault (The Network) and the state's child protection agency, The Vermont Department of Social and Rehabilitation Services (SRS) via the Domestic Violence Unit has worked for the past several years to better coordinate their individual and collective response to women and children affected by domestic violence especially in those situations where domestic violence and child abuse coexist. Recognizing the complicated intersections between the abuse of women and children and working on both services and policy responses, this partnership has allowed for important dialogue to take place about how to best serve the needs of children affected by domestic violence without unintended consequences that penalize the children or their abused mothers. A continuum (Appendix 1) was jointly developed to portray the complex relationships among a child's exposure to domestic violence, the impact of

this violence and the resulting service response and guiding principles were developed as a foundation for further efforts. These principles are:

- **Children who grow up with domestic violence have unique experiences and needs.** To move forward as a community toward providing meaningful responses to children, it is important for the community at large to acknowledge that children are impacted differently depending on both their unique experiences and on the existence or non-existence of mediating factors (support networks, coping mechanisms, etc.) in their individual lives. The best response **avoids** offering a ‘one size fits all’ approach.
- **Be proactive in designing a coordinated response to children who have witnessed domestic violence that works toward positive outcomes for children, adult victims and perpetrators.**
- **Minimize unintended negative consequences** by learning from the experiences of states and agencies that have enacted laws and policies that have attempted to provide positive outcomes for children who witness domestic violence. Too often these attempts have resulted in unintended negative consequences for battered women and their children as well as for systems at large.
- **Design responses that examine and build on the successes and strengths of current responses. Honor Vermont’s tradition as a culture that values equally community action and individual experience.**

This framework has become the foundation for multiple statewide collaborative efforts to develop best practices for children who experience domestic violence including in addition to this paper:

- The SRS Domestic Violence and Child Maltreatment Advisory Board Report (2003)
- Vermont’s Model Protocol: Law Enforcement Response to Children at the Scene of a Domestic Violence Incident (2004)
- A Knowledge and Best Practices Document for Mental Health Practitioners and Early Childhood Educators on responding to Children who Experience Domestic Violence (2002)
- Collaborative cross training and advanced training on teen dating violence, batterer’s as parents and mental health responses to children who experience domestic violence (1998-present)
- Domestic Violence Guidelines for Supervised Visitation Programs (1999)
- A Statewide Plan for Responding to the Mental Health Needs of Children Who Experience Domestic Violence (in progress)
- A Work Plan for the Children’s and Domestic Violence Subcommittee of the Vermont Council on Domestic Violence (in progress)

Partners in these efforts have included The Network, SRS, the Office of the Attorney General, The Vermont Criminal Justice Training Council, The Vermont Council on Domestic Violence, The Department of Developmental Disabilities and Mental Health among others (Appendix 2).

Criminal and Civil Responses

This paper highlights the research on various *policy responses in both the criminal and civil arenas* and captured in discussion between the Network, the SRS Domestic Violence Unit and the Office of the Attorney General in our joint effort to propose a model policy response to Vermont children/youth who experience domestic violence.

In the past several years, a number of states have passed statutes with the explicit purpose of protecting children exposed to domestic violence. These statutes vary, however, in language and scope, and with respect to the mechanisms they employ to achieve their stated and apparent purposes. (Weithorn, 2001, p. 12)

Related to these statutes, there are both criminal and civil responses developed by policymakers to achieve outcomes such as better accountability for the perpetrator, more assistance for child victims and safer homes for women and their families. It is important to note that there is little information available regarding the impact of these responses especially in the criminal justice system response on whether the intended outcomes for any of these statutes have been achieved. There is more evidence of how the civil responses have impacted both the adult and child victims of domestic violence and the systems of services that respond to them. However the extent of this impact remains unclear. Without the benefit of adequate evaluation, the purposes of this discussion are to present examples of some state responses, outline some of the issues that may accompany these responses and propose a model response for the State of Vermont.

Criminal Response

It is estimated that 3.3 to 10 million children between the ages of three and seventeen witness domestic violence in their homes each year in the United States.⁶ According to reports by battered mothers, 90% of their children witnessed the mothers' abuse.⁷ A number of states have responded to the disturbing realities of child witnessing by increasing the criminal penalties for perpetrators of domestic violence in the presence of a child.

Some states created a new crime of child abuse when domestic violence is committed in the presence of a child⁸ and other states enhanced penalties for domestic violence offenses when children are present⁹ Note also that the definitions of " in the presence of " vary from simply

⁶ Ola W. Barnett et al., *Family Violence Across the Lifespan: An Introduction* 137 (1997)

⁷ Honore M. Hughes, *Impact of Spouse Abuse on Children of Battered Women: Implications for Practice*, *Violence Update*, Aug. 1992, at 1.

⁸ Delaware Tit. 11 § 1102; Georgia: O.C.G.A. Sec. 16-5-70; Utah: U.C.A. Sec.76-5-109.1;

⁹ Alaska §§ 12.55.155 and 47.10.011; California Penal § 1170.76; Florida: § 921.0014; Hawaii: § 706-606.4; Idaho: I.D. § 18-918(7)(b); Ohio Rev. Code. Ann. § 2929.12,22; Okla. Stat. Ann. Title 21 § 644; Oregon: ORS § 163.160(3)(b); Washington: Rev. Code Ann. § 9.94A.390(2)(h)(ii).

having knowledge that a child is present and may see or hear to requiring actual viewing. The definition of "presence" has a significant impact in the breadth of these criminal statutes. Examples of these criminal statutes are discussed in the following section. In addition, this section summarizes a Wisconsin Law Review Article (Kent, 2001), which discusses the disadvantages of enforcing criminal laws in cases where children are present during domestic violence, and offers alternative ways in which the legal system can address the harm and potential harm to children.

Separate Crime for Child Witnessing

1. Georgia

Georgia's statute at O.C.G.A. Sec.16-5-70 is entitled Cruelty to Children and states in relevant part:

- (c) Any person commits the offense of cruelty to children in the second degree when:
 - (1) Such person, who is the primary aggressor, intentionally allows a child under the age of 18 to witness the commission of a forcible felony, battery, or family violence battery; or
 - (2) Such person, who is the primary aggressor, having knowledge that a child under the age of 18 is present and sees or hears the act, commits a forcible felony, battery or family violence battery.

(e) A person convicted of the offense of cruelty to children in the second degree shall be punished as for a misdemeanor upon the first or second conviction. Upon conviction of a third or subsequent offense of cruelty to children in the second degree, the defendant shall be guilty of a felony and shall be sentenced to a fine not less than \$1000.00 nor more than \$5000.00 or imprisonment for not less than one year no more than three years or shall be sentenced to both fine and imprisonment.

Prior to April 22, 1999, the law applied only to crimes involving a forcible felony. The law was broadened in 1999 to cover instances of family violence battery.¹⁰ For example, in Sims v. State, 234 Ga.App. 678, 507 S.E. 2d 845 (1998), the cruelty to children conviction was upheld based on the facts that the father repeatedly stabbed the children's mother in the presence of the children. Sims was an example of a forcible felony whereas now the Georgia statute would apply to a less serious offense committed in the sight or earshot of a child under the age of 18.

2. Utah

Utah's statute at UT ST § 76-5-109.1 states in relevant part that:

- (2) A person is guilty of child abuse if he:
 - (a) commits or attempts to commit criminal homicide ... against a cohabitant in the presence of a child [third degree felony]; or

¹⁰ Family violence battery is when "the offense of battery is committed between past or present spouses, persons who are parents of the same child, parents and children, stepparents and stepchildren, foster parents and foster children, or other persons living or formerly living in the same household". O.C.G.A. Sec.16-5-23.1 (f)

- (b) intentionally causes serious bodily injury to a cohabitant or uses a dangerous weapon ... or other means of force likely to produce death or serious bodily injury against a cohabitant in the presence of a child; or
- (c)... commits an act of domestic violence in the presence of a child [class B misdemeanor]

The statute defines in the presence of a child as: "in the physical presence... Or having knowledge that a child is present and may see and hear an act of domestic violence." UT ST § 76-5-109.1 (1) (b).

Also the statute specifies that a charge under the section is separate and distinct from, and is in addition to, a charge of domestic violence where the victim is the cohabitant. Either or both charges may be filed by the prosecutor. UT ST § 76-5-109.1 (4).

In State v. Casey 29 P. 3d 25 (Utah 2001) the defendant was convicted of domestic violence in the presence of a child in violation of the statute above. He was also convicted of attempted murder and aggravated assault. In Casey the defendant shot three times at his girlfriend in the presence of her son.

3. Delaware

Delaware's statute at Title 11 § 1102 states in relevant part:

that a person is guilty of endangering the welfare of a child when: ... (4) the person commits any violent felony, or reckless endangering second degree, assault third degree, terroristic threatening, or unlawful imprisonment second degree against a victim, knowing that such a felony or misdemeanor was witnessed by a child less than 18 years of age who is a member of the person's family or the victim's family.

The penalty for the crime is dependent upon the injury ranging from felony level if death or serious physical injury results and in all other cases a misdemeanor.

The case law in Delaware relating to this statute is minimal. However, in a recent poll of Delaware prosecutors, they indicated that defining the term "witness" has been a consistent problem resulting in both overcharging and undercharging. The prosecutors cited a recent homicide case where the endangering charge was dismissed by the judge because the children were in a different room than the murdered mother and thus the children were not "witnesses" as required by the statute as they did not perceive the event first-hand. As a result there were attempts to amend the statute to expand witnessing to include "aural perception" but that effort failed.¹¹

Enhanced Criminal Penalties for Child Witnessing

1. Oregon

Oregon's statute at O.R.ST § 163.160 states in relevant part:

¹¹ State Responses to Protect Children Who Witness Domestic Violence, National Association of Attorneys General, 2002, at 14

- (1) A person commits the crime of assault in the fourth degree if the person: (a) intentionally, knowingly or recklessly causes physical injury to another; or (b) with criminal negligence causes physical injury to another by means of a deadly weapon.
- (2) Assault in the fourth degree is a Class A misdemeanor.
- (3) Notwithstanding subsection (2) ... assault in the fourth degree is a class C felony if the person commits the crime of assault in the fourth degree and:...
 - (c) the assault is committed in the immediate presence of or is witnessed by the person's or the victim's minor child or stepchild or a minor child residing within the household of the person or victim.
- (4) For the purposes of subsection (3) ... an assault is witnessed if the assault is seen or directly perceived in any other manner by the child.

In State v. Glaspey 184 Or.App. 170, 55P.3d 562 (2002 Oregon), the defendant's two minor children witnessed his assault on his wife. The Court held that the defendant was properly charged and sentenced with two counts of the statute as he committed the offense in the presence of two children and each child was considered a victim of his actions. The Court concluded that "children who witness a domestic assault [should] be considered victims for purposes of determining whether the defendant may be separately punished for each conviction arising from the assault." 55 P.3d 567.

2. Hawaii

Hawaii's statute at Section 706-6-6.4 provides that it is an aggravating factor in determining the particular sentence to be imposed if:

- (a) the defendant has been convicted of committing or attempting to commit an offense involving abuse of a family or household member;
- (b) the defendant is or has been a family or household member of either a minor referred to in (c) or the victim of the offense; and
- (c) the offense contemporaneously occurred in the presence of a minor.

"Offenses" are defined as assaults in first and second degree, sexual assaults in first, second or third degree and abuse of family or household members.

"Presence" is defined by statute to mean in the actual physical presence of a child or knowing that a child is present and may hear or see the offense.

There are no reported cases citing this statute.

Case Study: Wisconsin

In Wisconsin, in the 2000 legislative session, two criminal responses to child witnessing were proposed. One created a separate offense for committing an act of domestic violence in the presence of a child and the second proposed a penalty enhancement bill.

Senate Bill 219 would have made it a crime for an individual to commit an act of domestic violence in the presence of a child. The Bill stated that a person is guilty of a class e felony if he/she commits an act of domestic abuse in a place where or in a manner in which the act is observable by or audible to a child or is in the presence of a child and he or she knows or has reason to know that the act is observable by or audible to a child or is in the presence of a child.

Assembly Bill 169-2000 would have increased the sentence for felony battery offenses by not more than five years if all the identified conditions applied. The proposal required that the crime is an act by an adult person against a spouse or former spouse, or against an adult with whom the defendant resides or formerly resided or against an adult with whom the adult person has created a child. At the time of the crime, a natural, adopted, foster, treatment foster or stepchild of the adult person or the victim must be present at the place where the crime was committed.

Laurel A. Kent, in a comprehensive law review article entitled Addressing the Impact of Domestic Violence on Children: Alternatives to Laws Criminalizing the Commission of Domestic Violence in the presence of a Child (Law Review 2001 Edition) discusses the disadvantages of Wisconsin's bills and proposes alternatives. **Kent advises that although the proposed criminal statutes are designed to protect children who witness domestic violence the statutes in practice may result in negative consequences to the children and their mothers who are often the victims in the underlying domestic assaults.** The law review article also cautions that new child-witnessing criminal statutes by themselves will not reduce child witnessing and will not address all the effects of child witnessing. Furthermore, the article encourages states to consider implementing alternatives to criminal statutes and argues that the single most effective way to address child witnessing is to provide immediate and extensive treatment to the children. Kent concludes that the proposed criminal statutes will not solve this crisis and may in fact exacerbate it. The disadvantages and proposed alternative solutions as suggested by Kent (2001) are summarized below.

Unintended Consequences of Proposed Criminal Remedies for Children Who Witness Domestic Violence

- **Children forced to testify:** If defendants are charged with committing an assault in the presence of a child, the children are critical witnesses to determine presence at the alleged offense. For example, in Wisconsin alone, approximately 6,880 children were present during a domestic violence incident in 1997. Arguably, all of these children are witnesses and may be required to testify in court against a parent or a loved one. As critical witnesses, children would be subject to all the elements of the adversary process (i.e. questioning by police, attorneys and the court; being photographed, video taped and subpoenaed, etc.), which may result in re-victimization of the child.
- **Victims charged:** The National Council of Juvenile & Family Court Judges opposes laws that criminalize the commission of domestic violence in the presence of a child as they argue that victims of domestic violence will be arrested for acting in self-defense and/or for failing to protect their child from exposure to the violence. In Wisconsin in 1997, a dual arrest was made in 20% of all domestic violence incidents. If dual arrests occur as

frequently as this then potentially both parents could be charged criminally with committing an assault in the presence of a child. This would require the child to be a witness against both parents even if one of the parents were acting in self-defense. If the law does not attempt to determine the primary or dominant aggressor in the incident the child will risk being removed from their home by the fact that both parents are defendants.

- **Law will encourage victims not to report abuse:** The National Coalition Against Domestic Violence estimates that up to 90% of battered women never report their abuse. Laws criminalizing domestic violence in the presence of a child will create another barrier to reporting as mothers will fear that their children will be compelled to testify and will be placed in foster care. Some parents will fear being charged if they bring the criminal behavior to the attention of the authorities.
- **Batterers may not be educated as to the effects of domestic violence on children:** Although these criminal statutes may temporarily end the child's exposure to violence, the criminal charge alone will not educate the batterer as to the effect of this behavior. A broader perspective is urged in order to end the cycle of violence.

Alternatives to Criminal Policy Response

- **Mental Health Responses for children who witness:** Kent (2001) argues that the most effective way to address the impact of domestic violence on children is to respond immediately to the behavioral, cognitive, emotional, physical and social effects of witnessing. She states that immediate counseling can help children recover from trauma and lessen the likelihood that they will become violent adults. She discusses two model programs that address the counseling needs of children. In Illinois, by statute, offenders convicted of domestic violence are held liable for the counseling of children who witnessed the domestic violence. In Cleveland and Boston, there are mental health programs designed to work specifically with children who witness domestic violence. In Cleveland, the police responding to a domestic violence incident contact program social workers who are available 24 hours a day and the worker starts working with the family immediately. The program has 15 agencies that provide follow-up care and counseling for all parties including the abuser. The Boston project is at Boston Medical Center and provides treatment for children who witness abuse and consults and trains police, social service agencies and child care agencies.
- **Statutory requirement that batterers obtain treatment regarding children witnessing:** In order to stop batterers from further violence treatment is a necessity and Kent specifically argues that batterers should also receive treatment regarding the effects of violence on children. She cites two models. Washington State has a statute requiring that treatment programs for batterers who have children or whose victims have children must include education regarding the effects domestic violence has on children. A second example is Ohio, where their statutes require that all batterers convicted of domestic violence in the

presence of children receive treatment on the issue. Ending violence is the ultimate safety measure for all children and families.

- **Presumption against joint custody when Domestic Violence is present:** The National Council of Juvenile and Family Court Judges advocate that in cases where domestic or family violence has occurred the violence raises a rebuttable presumption against sole or joint custody with the perpetrator of family violence. As of 2000, 17 states enacted this Model Code language.
- **Expansion of Visitation/Drop off centers:** Create visitation and drop off centers where partners may drop off their children and avoid contact with the batterer. Visitation with the children could be supervised within this setting to maintain safety and comfort of the child.
- **Increased funding for children's programming in shelters and community:** Kent (2001) identifies the dire need for adequate advocacy and emergency services for children and adult survivors of domestic violence.
- **Incorporate Domestic Violence Curricula into the school curriculum:** Including this on school campuses will assure that children learn at all ages how to be safe and stay safe.
- **Enhancing services for victims:** In order to give victims hope for their future and their child's future victims must be offered safe, stable and nurturing environments.

Civil Response

There are two primary civil remedies that have been created to respond to the issue of child witnessing. One is a strategy to *expand the child maltreatment statute* to include child witnessing of domestic violence. The other is a *change to internal child protection policy* that specifies criteria for establishing when child witnessing constitutes child abuse.

Expanded Statute Definition of Child Maltreatment

Minnesota and Alaska are two states that have utilized the first strategy and expanded their child maltreatment statutes to include child witnessing of domestic violence.

In 1999 Minnesota expanded their child maltreatment statute to include circumstances in which children are exposed to domestic violence and as such incorporated children who witness domestic violence within the definition of reportable child abuse and neglect. This change triggered an immediate and dramatic increase in reports to Minnesota's child protection agency.

As a result of this change, county child welfare agencies in the state found themselves inundated with child neglect reports from police and court personnel. The Minnesota Association of County Social Service Administrators estimated that counties would need \$30 million per year in additional resources to respond to these reports (Christian, 2002, p. 4)

Within a year of enacting the original law, Minnesota legislature repealed it. Current draft language for this statute is in place and awaiting the assignment of necessary funds for implementation (Minnesota Statute 626.5552 Child Exposed to Domestic Violence).

In 1998 Alaska expanded their child maltreatment statute to include circumstances in which children are exposed to domestic violence.

Alaska changed CPS laws to include the following: (a)...a child may be in need of services if that child has experienced reported exposure to conduct by a household member...against another household member that is a crime or an offense under a law or ordinance of another jurisdiction (domestic violence is a 4th degree assault classified as a class A misdemeanor)

(www.mincava.umn.edu/link/statutes.asp)

This state proposed a remedy to the widespread concern that expanded statutes may prevent women from accessing services by including a caveat in the mandated reporting clause which does not require a report to child protection “if the reporter has reasonable cause to believe that the child is safe and not in danger of mental injury” (Christian, 2002, p. 5)

In summary, the experiences of these two states indicates that broadening the definition of child maltreatment within state statutes to include children who witness domestic violence may have little if any positive impact on these children. First, many children who witness domestic violence are not at serious risk and fail to show significant developmental or emotional effects of witnessing the violence; Second, these laws and policies fail to address the unique safety and resource needs of the children’s caretakers-victims of domestic violence; Lastly, the system does not possess the knowledge or capacity to effectively respond to the complexity of factors this situation presents.

Internal Child Protection Services Policy Changes

In 1989, following an infant’s tragic murder by the mother’s abuser, the Massachusetts Department of Social Services (DSS) instituted Project Protect, an initiative aimed at improving the child protection response to domestic violence. The central focus of this initiative was a revision in DSS policies and procedures to state that domestic violence was an indication of child abuse. However, this change in internal policy was believed to have had several unintended consequences including an increase in child abuse reports and a decrease in women accessing community response systems and services due largely to fears of being investigated and losing their children to the child protection system. “ While Project Protect was abandoned as both ineffective and sometimes dangerous, it did help launch a new agency-wide domestic violence program” (Family Violence: Emerging Programs for battered mothers and their children, National Council of Juvenile and Family Court Judges, Packard Foundation, p. 15, 1998).

In 1997, Vermont followed suit and established its own specialized domestic violence unit within the Department of Social and Rehabilitation Services (SRS) in order to improve the agency’s response to domestic violence and to better address the needs of families where domestic violence and child abuse coexist (Appendix 3). In 2002, the SRS Domestic Violence Unit convened the Domestic Violence and Child Maltreatment Advisory Board, which assisted the department in its

efforts to clarify its role regarding domestic violence. Current SRS policy in this area is being considered as a model for other child welfare agencies in the nation (in Appendix 2). In 2003, the Advisory Board issued a report outlining recommendations for continued improvement of departmental response to families where there is domestic violence (Appendix 4).

Failure to Protect: Policy Change or Practice Shift?

Historically, child protection agencies and numerous other community response systems have held many punitive and blaming attitudes about victims of domestic violence. This is especially evident when there is question as to the existence of detrimental effects of domestic violence on children. The principle of “failure to protect” characterizes a parent’s inability to act or the omission of an expected action to prevent a child from being harmed. This concept is a manifestation of the blame and punishment we are so adept at assigning and is a response that has become ingrained and central to the discussion of child safety in the context of domestic violence. The existence of this belief system creates several problematic scenarios for victims of domestic violence the most significant of which is the fear that their own victimization will lead to the removal of their children. The application of expanded statutes continues an historical focus on blame and punishment, presupposes that the practice of characterizing failure to protect is a tangible and effective response for children, and overlooks the possibility for the development of effective policy options designed to hold batterers accountable and ultimately increase safety for adult and child victims of domestic violence.

In the now famous, New York City class action case, Nicholson V. Williams, Judge Jack B. Weinstein, of Federal District Court in Brooklyn, found that the city’s child protection agency-the Administration for Children’s Services (ACS) participated in widespread, unnecessary and cruel practices that punished abused mothers for their own victimization and the ramifications of this abuse on their children. ACS policy regarding children witnessing domestic violence stated that “if the non-offending parent is not ready or able to accept services and the offender’s behavior renders services insufficient to protect children from imminent danger [caseworkers must] take the necessary protective measures”. (www.lansnerkubitschek.com/news/whatsnew-03.html). In many of these cases, the petitions that were filed explicitly charged the victims of domestic violence with having failed to protect the child from witnessing domestic violence. This action often resulted in the removal of children from their homes guided by the supposition that removal was necessary to protect the child. The ruling by Judge Weinstein, which is currently under appeal, states "The pitiless double abuse of these mothers is not malicious, but is due to benign indifference, bureaucratic inefficiency, and outmoded institutional biases. . . . The resulting denial of constitutional rights of both mothers and children cannot go unchecked." (www.lansnerkubitschek.com/news/whatsnew-03.html). Among various other ramifications of this lawsuit, ACS has been ordered to review and reform the agency’s policies and practices related to domestic violence. This case illustrates the dangerous prevalence of policies and practices that rely on the principle of “failure to protect” and the resulting need for a shift toward policies and practices that hold batterers accountable, keep children with their non-offending parents whenever possible and increase safety for adult and child victims of domestic violence.

Unintended Consequences of Proposed Civil Remedies for Children who Witness Domestic Violence

- **Women may stop accessing services** designed to enhance safety of them and their children and may stop reporting abuse.
- **Re-victimization of victims of domestic violence.** Policies and practices that blame adult victims of the abuse inadvertently create additional safety risks and diminish opportunities for victims to access options for safety and support.
- **Children may be unnecessarily removed** from their homes. Bonds of healthy attachment and permanence may be damaged and subject to unpredictable experiences of children in the foster care system.
- **Inaccurate risk assessments** do not attend to the realities of safety and risk that exist for victims and their children in the context of domestic violence.
- Unnecessarily saturate **child protection system's limited resources.** Many families experiencing domestic violence do not need the assistance of the child protection system to access safety. Nor will they benefit from the intrusion necessitated by a child protection system response.

A Model Response for Vermont

Vermont continues to make tremendous progress in designing coordinated community responses to domestic violence in our state. An ideal response to children who experience domestic violence would align with the guiding principles of a differential response and build on the collaborative work that has already been done. Advocacy organizations (Appendix 5), human services, and education communities are continuing to look at ways to provide and expand services and support for children who experience domestic violence. A model Vermont response would see these systems working together to further identify and develop their roles on the continuum of response for families and in support of the following recommendations.

Recommendations

1. Support a Differential Response ¹² to Children Who Witness Domestic Violence.

Consider additional resources for:

- **Children's Program Services and Adult Victim Services in the Network**
- **SRS Domestic Violence Unit**
- **Supervised Visitation Programs with Domestic Violence Focus**
- **Mental Health treatment services for children who experience trauma**
- **Prevention programs geared toward Anti-Violence education**

¹² A *differential response* provides a coordinated community response that offers children a continuum of services and responses. These responses are contingent upon the level of harm and risk children experience and range from voluntary community-based services to child protective services intervention.

The Vermont community (Law Enforcement, Advocates, SRS, Legislators, State's Attorneys, Courts, Mental Health Providers, Schools, Medical Professionals, Childcare Providers, etc.) should continue to move toward providing differential responses to children who witness domestic violence. Differential responses would include the provision of support services and interventions that honor children's individual circumstances and consider their particular experiences and needs.

2. Consider Alternative ways to Improve Batterer Accountability:

- Statutory requirement that batterers obtain education regarding children witnessing
- Statutory requirement that batterers pay for treatment for children and victim
- Presumption against joint custody when Domestic Violence is present
- Create appropriate guidelines for Family or Criminal court for determining appropriateness of supervised visitation in domestic violence cases.
- Institute child protection policies and practices that shift the blame from victims of domestic violence to batterers.

3. Consider All Policy Changes Carefully to Create Positive Outcomes without Unintended Negative Consequences experienced by other States.

When looking to change policy in statute or in an organization regarding children who witness domestic violence seek the advice of Domestic Violence survivors, the Network, the SRS Domestic Violence Unit and the Assistant Attorney General who specializes in domestic violence.

While designing responses, Vermont systems should continue to work toward achieving positive outcomes through policy and practice while avoiding unintended consequences. The best way to avoid unintended negative consequences for children who are experiencing domestic violence is to address the safety and well-being needs of all family members while holding batterers accountable for the abuse.

4. Evaluate the Impact of Any Policy Change on Adults and Children who Experience Domestic Violence.

Provide resources for an evaluation to measure the effectiveness of any policy change on abused women and children.

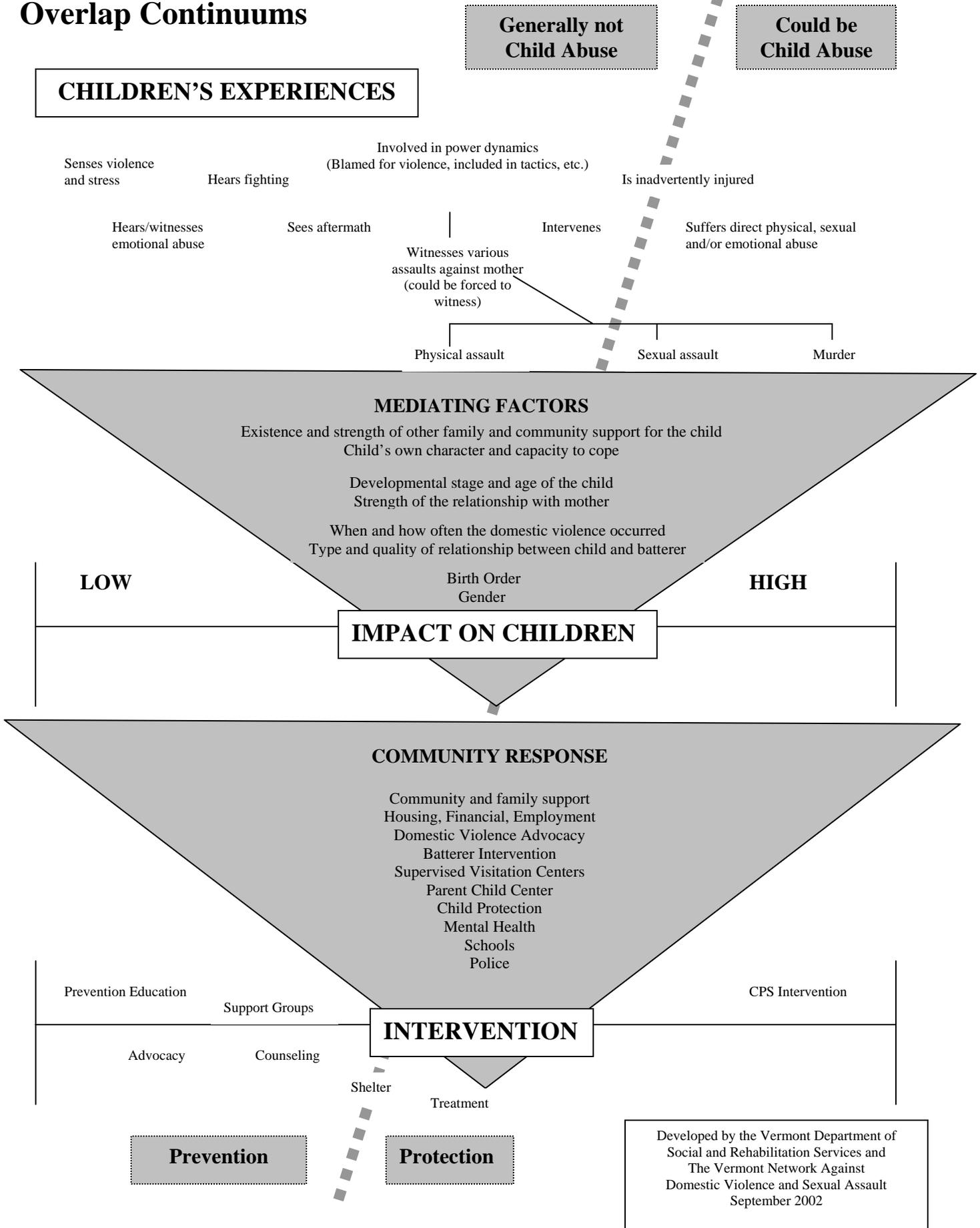
If the above recommendations and suggestions guide the policy development we believe unintended consequences could be mitigated and there will be a greater chance of creating policy, which helps children who witness domestic violence. And while we believe there is still more work to be done, we also believe Vermont is on its way to creating a model response to children who experience domestic violence.

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Domestic Violence and Child Abuse Overlap Continuums

Appendix 1



APPENDIX 2

CURRENT RESPONSES AND COLLABORATIVE EFFORTS IN VERMONT FOR CHILDREN WHO WITNESS DOMESTIC VIOLENCE

Advocacy

The Vermont Network Against Domestic Violence and Sexual Assault

With the understanding that children who experience domestic violence appear across many systems in Vermont, the programs of the Vermont Network Against Domestic Violence and Sexual Assault and other statewide domestic violence programs continue to expand and coordinate cross trainings and service provision with organizations such as child protection, children's mental health practitioners, law enforcement, schools, childcare providers, youth services, etc. It is only through building relationships and understanding between systems that children who witness domestic violence will get the responses that they need regardless of where in the system they are identified.

Domestic violence programs in Vermont are often in a unique position to be the first substantive responders to children who witness domestic violence. In light of this, programs continue to secure funding to expand advocacy services for children who witness domestic violence. In addition to emergency shelter and court advocacy, additional children's services might include the expansion of support groups and individual support, innovative children's programming (like peer counseling programs), programs which seek to reach traditionally underserved populations of children and their families, and the expansion of broad support to battered women. Comprehensive services would clearly also include programming that designs and presents expansive domestic violence prevention education to all of Vermont's children and youth.

Human Services (Mental Health, TANF Assistance & Child Protection)

The Vermont human service community including mental health, social welfare, and child protection, continue efforts towards increasing available resources for children and adult victims of domestic violence as well as enhancing internal domestic violence policies. There have been increasing statewide efforts to provide training and resources about domestic violence and responses to children for staff and practitioners in these fields. Collaboration and coordination among these systems of care and local domestic violence programs has grown and is thriving in many areas of the state. In addition to continued training, future efforts might include the creation of a bank of affordable mental health resources for children and families dealing with domestic violence as well

as system specific policy enhancements which would seek to analyze and address how domestic violence and related safety issues are responded to internally.

Child Protection: Vermont Department of Social and Rehabilitation Services (SRS):

The creation of effective civil legal remedies for children who witness domestic violence is contingent on numerous contextual factors, political realities and individual experiences. The continuum of experiences and potential responses to child witnesses of domestic violence referred to at the beginning of this document outlines how difficult it can be to assess risks to children. Without a thorough understanding of the complex interconnections of child protection, adult victim safety and offender accountability, well-intended yet short-sighted remedies could create more barriers to safety than they attempt to create. Within the past 10 years, many states including Vermont have instituted valuable programming that addresses both policy and practice as it relates to the intersection of domestic violence and child abuse and the rising concern for the needs of children who witness domestic violence. This programming includes an internal domestic violence unit within the state's child protection agency, SRS, (discussed earlier) which focuses on the provision of case consultation services, training and technical assistance to agency staff and systems and individualized advocacy on behalf of women who are battered and their children. These services exist within an approach that serves to enhance the safety of all members of the family while holding offenders accountable and acting in partnership with the community.

The philosophical framework that guides the policy development and casework practice of Vermont's child protection agency in the area of domestic violence centers on the following belief system.

It is critical to the safety and well being of children that the Department of SRS actively works towards achieving safety for all family members.

Given this, SRS will adopt practices and policies that:

- Removes blame for domestic violence from victims;
- Examine and implement strategies to support victims of domestic violence in providing safety and well-being for their children;
- Hold offenders responsible for the violence and the corresponding risk that violence poses to children."

(Domestic Violence and Child Maltreatment Advisory Board Final report, September 2003)

Furthermore, policies that do not incorporate these principles risk endangering the safety, well-being and permanency needs of those children at risk of and experiencing the effects of child abuse and neglect.

In May of 2003, SRS implemented a new component in its Risk of Harm Policy (Number 55, 5/20/03) that incorporates concerns related to children who witness domestic violence. The current policy includes specific guidelines for determining the acceptance of cases where children are at risk due to the presence of domestic violence in the home. This policy serves three purposes:

1. It clarifies that the department **does not** investigate situations where the only allegation is that the child has witnessed or been exposed to domestic violence; and
2. It provides for an SRS response when children who witness or are exposed to domestic violence are placed at significant risk of harm.
3. It suggests that the SRS role in a differential response is most effective when used only when necessary in a protective capacity.

Although this change appears to broaden the policy to include attention to domestic violence it serves largely to increase clarity and specificity in decision-making when domestic violence is present. It is important to recognize however, that specification of SRS policy does not accomplish the overarching task of creating a response to children who are affected by domestic violence. These children should be offered voluntary, community based-services and assessments that address the safety and well-being of all family members -- a task suited for the entire community.

Education

Schools:

As Vermont schools begin to intentionally link health with learning and move toward developing *coordinated school health programs*, it is critical that the issue of domestic and dating violence be counted as health and learning concerns for children. As school districts work to form school health programs and school health councils, it is important that they include their local domestic violence programs as participants. Domestic Violence programs can collaborate by providing prevention education programs to children and youth, offering resources of support for children and families, and providing technical assistance for developing school trainings and policies about domestic violence, dating violence, sexual violence, harassment, and bullying. It is also paramount that school staff are well trained in domestic violence, its dynamics, and its effects of children in order to best respond to children and families in their communities.

Childcare Providers/Early Childhood Educators:

In recent years, through collaboration with *Children's Upstream Services*, many of Vermont's Early Childhood Educators and Childcare Providers and Early Childhood Mental Health Clinicians have received concentrated training and learning materials specifically about domestic violence. Materials and trainings

have included information on detailed strategies for supporting children and adult victims of domestic violence, designing policies and practices that consider safety issues, and community resources. Future efforts might include closer collaboration and cross trainings between local early childhood communities and local domestic violence programs to ensure coordinated and seamless responses to families experiencing domestic violence.

Batterers' Intervention Services

Quality batterer's intervention services are available through the Vermont Coalition of Batterer's Intervention Services. The Domestic Abuse Education Project based in Chittenden County recently developed an innovative curriculum on parenting for their batterer's intervention programs delivered in four counties of the state.

Criminal Justice System

Vermont's Criminal Justice System continues to work collaboratively with other government agencies and non-profit organizations toward a common goal of holding offenders responsible and protecting and supporting their victims.

A criminal justice system preferred response to domestic violence would continue movement towards effectively:

- Holding domestic violence offenders accountable through prosecutions in the judicial system in District and Family Court.
- Training prosecutors, victims advocates, law enforcement and other relevant groups regarding domestic violence and child witnessing regarding the needs to reach positive outcomes for children, victims and perpetrators and to recognize the specific needs and experiences of each child and family; and
- Identifying avenues for early intervention and drawing on the continuum of available services and responses available in community while holding the offender accountable and supporting the safety and well-being of all family members.

Law Enforcement:

In 2002, a multidisciplinary group of Vermont law enforcement officers and trainers, domestic and sexual violence advocates and the child protection domestic violence unit staff, collaboratively designed a best practice protocol for law enforcement response to children at domestic calls. This document, entitled *Best Practice Recommendations for Law Enforcement Response to Children at the Scene*

of a Domestic Violence Incidents, its acceptance and implementation, along with subsequent training curricula for officers specifically about police response to children represent criminal justice related collaborative work currently underway in Vermont.

The Vermont Council on Domestic Violence

The Vermont Council on Domestic Violence, a multi-disciplinary council co-appointed by the Governor and Chief Justice, exists to support the work of local Domestic Violence Task Forces in the efforts to eliminate domestic violence by facilitating the coordination of services, information and education. The council is a statewide resource for any program, system, or agency that wishes to strengthen its partnership with other systems and become part of a stronger coordinated community response to domestic violence in our state.

In June of 2003, the Vermont Council on Domestic Violence adopted a proposal to establish a statewide subcommittee on children and domestic violence in order to enhance the statewide capacity for an effective and differential response to children affected by domestic violence. The development of a differential response (“continuums of care that range from community-based services and support to child protective services intervention” p. 6 National Guidelines) to children affected by domestic violence attends to the unique needs of children who experience domestic violence by engaging all members of the community in the response (education, childcare, mental health, parent-child-centers) rather than relying solely on the child protection and/or the criminal justice system as the preferred response for so many families with so many needs. The Council instituted a subcommittee on children and domestic violence to:

- Facilitate dialogue on the development of a differential response system for children who are exposed to domestic violence. This system would encompass a continuum of responses and services that are contingent upon children’s individual experiences and range from community-based interventions and support to child protective services intervention.
- Create a tangible link between systems designed to respond to the needs of children and systems designed to respond to their parents. Offer support and technical assistance to Council members, task forces and community members on the involvement of children in the coordinated community response, the relationship between domestic violence and child abuse and the resources and services needed to effectively respond to children experiencing domestic violence.

Appendix 3
State of Vermont
Social and Rehabilitation Services



Domestic Violence Unit

Vermont's Department of Social and Rehabilitation Services (SRS) Domestic Violence Unit (DV Unit) is an internal SRS unit that provides case consultation, technical assistance, training, and assessment services to SRS staff and community agencies/programs as well as direct services and advocacy for families on cases where domestic violence and child abuse co-exist. The Domestic Violence Unit develops program and policy initiatives designed to effectively address and respond to the overlap between domestic violence and child abuse and issues pertaining to children and youth who experience domestic violence.

Purpose: To enhance the safety of abused children, youth, and battered women and to hold batterers accountable in partnership with others involved in a coordinated community response to end domestic violence and child abuse. Specialists serve as liaisons between SRS and domestic violence programs in an effort to better advocate and increase access to services for women and children affected by domestic violence and child abuse.

Goals: SRS Domestic Violence Specialists provide systems advocacy and case-specific recommendations to SRS staff to improve casework practice and enhance internal and external system response to women who are battered and their children.

The Domestic Violence Unit:

- Provides case consultation, technical assistance, and problem solving related to the overlap of domestic violence and child abuse issues.
- Assists in the identification of domestic violence within child abuse cases, the assessment of the safety of child and adult victims, development of interventions that increase safety and support to adult and child victims, and hold offenders accountable.
- Provides advocacy and support services to adult and child victims of domestic violence.
- Designs strategies for offender accountability.
- Identifies services gaps and related areas for resource development.
- Provides case specific recommendations, ongoing consultation, and follow-up as needed.

How to contact a Specialist: Many of the cases referred to the Domestic Violence Unit come from local community agencies and programs. Domestic violence program advocates, sexual assault program advocates, community service providers, service users, and others interested in accessing assistance related to domestic violence and child abuse may contact the Domestic Violence Unit. Cases do not have to involve SRS to be referred to the Domestic Violence Unit.

Contact information: The unit is comprised of a Coordinator, three Domestic Violence Specialists, and an Administrative Assistant. Each Domestic Violence Specialist is based in one office in an assigned region and covers three additional district offices throughout the region. Specialists travel between the four district offices in the region for which they are assigned and are available by phone or email during business hours.

Appendix 4

Domestic Violence and Child Maltreatment Advisory Board Final Report

Prepared by Jill Richard
Coordinator, SRS Domestic Violence
Unit
September, 2003

Background

In June of 2002, the Domestic Violence and Child Maltreatment Advisory Board was convened to assist the Department of Social and Rehabilitation Services (SRS) in the development of best practice and policy for domestic violence and child maltreatment. The Advisory board is multi-disciplinary with members participating from domestic violence advocacy, children's advocacy, child protection and batterers intervention fields as well as members from the Office of the Defender General and Office of the Attorney General. (For Membership List please see Appendix A).

The charge of this group follows:

1. Assist the Department with the determination and implementation of best practices and policies as they relate to domestic violence and child maltreatment;
2. Provide a community-based, multi-disciplinary perspective to the development of domestic violence/child maltreatment practice; and
3. Enhance the capacity for an effective and differential community response to children who witness domestic violence.

The following report provides a summary of Advisory Board accomplishments and recommendations for SRS to further its work in the area of domestic violence and child maltreatment.

Recommendation #1

Adopt Summary Policy Statement

There are three central tenets that must guide the development of any SRS policy related to domestic violence. For purposes of determining and implementing further and ongoing policy development and best practice standards it is recommended that SRS adopt the following policy statement:

It is critical to the safety and well being of children that the Department of SRS actively work towards achieving safety for all family members. Given this, SRS will adopt practices and policies that:

- *Removes blame for domestic violence from victims;*
- *Examine and implement strategies to support victims of domestic violence in providing safety and well-being for their children;*
- *Hold offenders responsible for the violence and the corresponding risk that violence poses to children.*

Policies that do not incorporate these principles risk endangering the safety, well-being and permanency needs of those children at risk of and experiencing the effects of child abuse and neglect.

Recommendation #2

Provide leadership to the Council on Domestic Violence Subcommittee on Children and Domestic Violence in order to enhance the statewide capacity for an effective and differential response to children affected by domestic violence.

The development of a differential response (“continuums of care that range from community-based services and support to child protective services intervention” p. 6 National Guidelines) to children affected by domestic violence contains several components of interest to SRS and highlighted by the Advisory Board.

A. Risk of Harm Policy: The current policy (No. 55, 5/20/03) includes specific guidelines for determining the acceptance of cases where children are at risk due to the presence of domestic violence in the home. This policy serves three purposes:

4. It clarifies that the department **does not** investigate situations where the only allegation is that the child has witnessed or been exposed to domestic violence; and
5. It provides for an SRS response when children who witness or are exposed to domestic violence are placed at significant risk of harm.
6. It suggests that the SRS role in a differential response is most effective when used only when necessary in a protective capacity.

B. Specification of SRS policy does not accomplish the overarching task of responding to children who are affected by domestic violence. These children should be offered voluntary, community based-services and assessments that address the safety and well-being of all family members-- a task suited for the entire community. The Advisory Board recommended and the Council on Domestic Violence agreed to situate a multi-disciplinary subcommittee within its structure to address and develop a community-wide differential response to children who are affected by domestic violence.

Recommendation #3

Integrate the role of the Juvenile Court into current domestic violence initiatives aimed at improving the response to domestic violence and child maltreatment.

The work of Juvenile Court is central to the achievement and sustainability of any significant and meaningful policy and practice change internal to SRS. Juvenile Court Judges and staff must be informed of and prepared to address the complex issues presented in families experiencing domestic violence and child maltreatment. Given that the impact of domestic violence on child safety, permanency and well-being is significant when it exists in a child protection case, the role of the judge in such cases can be the determining factor in the establishment of safe and viable solutions for abused women and their children. With the assistance of the National Council of Juvenile and Family Court Judges, large federal initiatives have identified specific strategies for court improvement in the area of domestic violence and child maltreatment. With the support of SRS and the Court, utilization of these strategies, tailored to Vermont's specific needs, would greatly improve chances for long term positive outcomes for children and families.

(See Appendix C for a Summary of Court Recommendations)

Recommendation #4

Support initiatives directed at improving batterer accountability as a strategy to enhance safety, stability and well-being for adult and child victims.

Dedicating resources and ensuring that policy and practice incorporate the principles and ideals of batterer accountability is central to creating safety, improves case specific outcomes and shifts cultural ideals toward support and responsibility. Two specific areas to focus SRS attention in the coming years are:

- Improve partnerships with Department of Corrections Intensive Domestic Abuse Program (IDAP), independent Batterers Intervention Programs (BIPS) and others to incorporate batterer accountability strategies into casework practice and policy. (See Appendix E DRAFT DAEP/SRS Protocol)
- Provide consultation and training to batterers intervention programs on incorporating the needs and interests of children into policy and practice decisions.
- Dedicate resources to the development of prevention programming for young men at risk of becoming domestic violence offenders. Utilize the Relationship Abuse Prevention Program (RAPP) as a model.
-

Recommendation #5

Integrate the work of the Domestic Violence Unit into SRS planning, priorities and development.

Institutionalization of domestic violence advocacy and batterer accountability principles into the framework of a child protection agency requires many years and much dedication and diligence. For the past seven years, the Domestic Violence Unit has implemented program services and structures that have consistently albeit slowly improved SRS response to victims of domestic violence and their children. The recent creation of Policy 51A – Utilization of the Domestic Violence Unit – (See Appendix D for details) illustrates the Department’s support for the Unit’s expertise. There are several issues, four of which are identified here, which require the resources and support of the Department to ensure the Unit’s continued success.

1. Development of Data Collection System and Case Tracking Forms. This will serve the purposes of ongoing statistical analysis and program evaluation.
2. Continued policy review. Specifically in relation to ongoing casework practice.
3. Resources for the development of a comprehensive training plan as a strategy to enhance local capacity for responding to domestic violence. Currently, a very small percentage of staff, including management and supervisory staff have participated in training on domestic violence. Training on domestic violence should be integral to the development and implementation of safe and effective child protection strategies.
4. Support the work of the Unit on a national level by encouraging and allowing for participation at national meetings, trainings and initiatives designed to promote and enhance resource and program development in the domestic violence and child maltreatment field.
5. Identify and assist with the integration of Domestic Violence Unit expertise into the Department’s childcare services programming and initiatives including training, consultation on investigations and licensing regulations.

Next Steps

Members of the Domestic Violence and Child Maltreatment Advisory Board will continue as such for periodic feedback, advice and leadership to SRS on the continued implementation of domestic violence into child protection policy and practice.

Thank you to all community partners who participated in making this report and process a successful and well accomplished endeavor.

Appendix 5

**VERMONT NETWORK AGAINST
DOMESTIC VIOLENCE AND
SEXUAL ASSAULT**

Statewide Office:

*P.O. Box 405, Montpelier VT 05601 Phone: (802) 223-1302 FAX:
(802)223-6943 TTY: 223-1115 VtNetwork@vtnetwork.org*

Statewide Hotline Numbers:

Domestic Violence: 1-800-228-7395

Sexual Violence: 1-800-489-7273

Network Member Programs and Hotlines Numbers

AWARE (Domestic/Sexual Violence) Hardwick area	472-6463
Battered Women's Services and Shelter (Domestic Violence shelter and services) Barre/Montpelier area	1-877-543-9498
Clarina Howard Nichols Center (Domestic/Sexual Violence shelter and services) Morrisville area	888-5256
New Beginnings (Domestic/Sexual Violence) Springfield area	885-2050
PAVE (Domestic/Sexual Violence) Bennington area	442-2111
Rutland County Women's Network (Domestic/Sexual Violence shelter and services) Rutland area	775-3232

VERMONT NETWORK AGAINST DOMESTIC VIOLENCE AND SEXUAL ASSAULT

Network Member Programs and Hotline Numbers Continued

Sexual Assault Crisis Team (Sexual Violence shelter and services) Barre/Montpelier area	479-5577
Safeline (Domestic/Sexual Violence) Orange and N. Windsor Co.	1-800-639-7233
Step ONE (Domestic/Sexual Violence) Newport area	1-800-224-7837
Umbrella (Domestic/Sexual Violence) St. Johnsbury area	748-8141
Voices Against Violence/Laurie's House (Domestic/Sexual Violence shelter and services) St. Albans/Franklin & Grand Isle area	524-6575
WomenSafe (Domestic/Sexual Violence) Middlebury area	1-800-338-4205
WISE-Women's Information Service (Domestic/Sexual Violence shelter and services) White River Junction, VT area/Lebanon, NH	603-448-5525
Women Helping Battered Women (Domestic Violence shelter and services) Burlington/Chittenden Co. area	658-1996
Women's Crisis Center (Domestic/Sexual Violence shelter and services) Brattleboro area	1-800-773-0689
Women's Rape Crisis Center (Sexual Violence) Burlington/Chittenden Co. area	863-1236