

Appendix D

DOMESTIC VIOLENCE PROTOCOL

Purpose:

The purpose of this protocol is to provide additional guidance to assist staff in managing cases involving domestic violence, especially during investigation, assessment and service planning.

Definition:

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

Facts You Should Know:

Domestic violence is the leading cause of injury to women between the ages of 15 and 44 in the United States - more than car accidents, muggings and rapes combined.

Ninety-five percent of all spousal assaults are committed by men against women. Domestic violence can also occur in gay and lesbian relationships.

Domestic violence cuts across all class, race and socioeconomic lines.

Women and children are often victims within the same family. Children who live in homes where domestic violence occurs are abused at a rate that is 1500% higher than the national average.

Leaving an abusive relationship can be very dangerous. Women are five times more likely to be killed during or after separation from the offender.

Witnessing domestic violence is the single best predictor of juvenile delinquency and adult criminality for males.

Guiding Principles:

The primary focus of DSS intervention in domestic violence cases is the ongoing assessment of the risk posed to children by the presence of domestic violence. The preferred way to protect children in most domestic violence cases is to join with mothers in safety planning and to hold offenders accountable. It is important to work closely with battered women's programs, the criminal justice system and batterer's treatment providers.

Investigation:

In order to effectively identify domestic violence in families, all families must be screened.

If allegations of domestic violence are not contained in the 51A report, ask general questions of mother alone regarding the presence of a boyfriend/partner and the quality of their relationship (e.g., What happens when they disagree, Does she feel safe in the relationship, Has she ever felt afraid, Has he ever used force?). If the mother is afraid of her partner and/or force has been used in the relationship, proceed as described below).

If allegations of domestic violence are contained in the 51A report, proceed as follows:

1. Whenever possible, hand deliver entry letters to alleged victims when they are home alone.
2. Do a CORI check on alleged offender.

3. Contact the police to see if they have responded to reports of domestic violence at the victim's address.
4. Consider the safety of family members when structuring interviews. Make reasonable efforts to interview all household members separately, beginning with the victim (see Interview of Mother), children (see Interview of Children), and alleged offender. Do not confront the offender with information obtained from the victim or children - focus on information contained in the 51A and other third party reports (e.g., police reports).
5. Obtain case specific releases of information from the alleged offender to assist in the assessment process.
6. Assess the impact of domestic violence on the children. See Safety Assessment and refer to the Risk Factor Matrix. Domestic violence does not warrant the automatic removal of children.
7. If allegations are supported, begin safety planning, support and education with the non-offending parent and children right away. Provide the victim with written information about her rights under Chapter 209A and about local programs for battered women, such as hotline, shelter, counseling and advocacy services. Services should be offered even if the client chooses to remain in the relationship. Do not force a victim of domestic violence to select any one option for safety.
8. If the non-offending parent is not ready or able to accept services and/or the dangerousness of the offender renders services insufficient to protect children from imminent risk, explore options in consultation with your supervisor. You may consult with a Domestic Violence Specialist for additional guidance.
9. In removal situations, consult the police and/or request their assistance. Offer the battered mother options for her own protection. Advise a battered woman of her right to have her own attorney, even if she is living with the offender.
10. In new cases where the risk posed by the offender is no longer present, (e.g., the mother has gone to a shelter or obtained a restraining order) and there are no other protective issues, the case may be supported and closed or opened for voluntary services. It is important to offer information about support and treatment resources to battered women and their children to promote ongoing recovery.
11. When writing the investigation conclusion and rationale, accurately identify the perpetrator in supported domestic violence cases (e.g., battered women are often reported as neglectful, when the actual abuse and cause of the neglect is to the behavior of the offender).

Safety Assessment:

I. Interview of Mother

- Always interview mother alone. Interviewing battered women separately from their offenders can be difficult and sometimes impossible. Creativity is usually necessary in designing these interventions (e.g., meeting mother at her office, coffee shop, park, etc.). However, being unable to talk to a mother alone may be a signal of danger and related to the level of control the offender has over the family. You should always consult with your supervisor before you proceed further with gathering information from the family.
- Assure mother that you are concerned about her safety as well as her children's safety.
- Assure mother that you will not confront the alleged offender with information she has shared, but explain the limits of confidentiality.
- Ask mother the following questions:
 1. Tell me about your relationship?
 2. How do decisions get decided in your relationship?
 3. Do you feel free to do, think, believe what you want?
 4. Does your partner ever act jealous or possessive? If yes, tell me more about that.
 5. Have you ever felt afraid of your partner? In what ways?

6. Has your partner ever physically used force on you (e.g., pushed, pulled, slapped, punched or kicked you)?
7. Have you ever been afraid for the safety of your children?

Through this line of questioning, and careful listening, you should be able to get a feel for the tone of the relationship. If you ascertain that violence and/or severe control is or may be present in the family, you should then begin an assessment of severity. These questions will help you determine if the pattern of incidents is changing, if the abuse is escalating in frequency, and if the victim(s) is in danger.

The following questions will help you identify the offender's controlling behaviors and the amount of freedom a woman has to act independently.

Has your partner:

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

The following questions will help you identify patterns of verbal, emotional, physical and sexual abuse.

Has your partner:

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

The next group of questions will help you assess the level of risk to the children.

Has your partner:

- called your child degrading names (e.g., "stupid")?
- threatened to take the child(ren) from your care?
- called or threatened to call DSS?
- accused you of being an unfit parent?
- threatened to hurt or kill your child?
- hurt you in front of the children?
- hit your child with belts, straps or other objects?
- touched your child in a way that made you feel uncomfortable?
- assaulted you while you were holding your child?
- asked your child to tell him what you do during the day?
- treated one child significantly differently from another?
- forced your children to participate in or watch his abuse of you?

Has your child:

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

The last section of questions will help you to understand the woman's history seeking help.

Have you:

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

General questions:

- how dangerous do you think your partner is?
- what do you think he's capable of?
- do you have any current injuries or health problems?
- how has this relationship affected how you feel about yourself, your children, the future?
- how do you explain the violence to yourself?
- how do you believe your children understand the violence?

- what do you believe would help keep you and/or your children safe?

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

II. Interview of the Child(ren)*

Questions in this section will focus on three areas:

1. The child's account of what they saw and how they understand the violence.
2. The impact of witnessing violence.
3. The child's worries about safety.

* Adapted from materials written by the Child Witness to Violence Program, Boston City Hospital

A. Child's Account of What He/She Saw

Worker: Sometimes when parents fight they get angry...maybe too angry and they may start to yell at each other or even hit each other. We know this is scary for children. I want to ask you a few questions about when your parents fight and what you think about it.

Note: Older children are more likely to minimize reports of parental fighting out of loyalty to parents - they will protect parents.

Younger children may be more spontaneous and less guarded with their reports.

Questions:

1. What kinds of things do Mom and Dad (boyfriend, partner) fight about?
2. What happens when they fight?
3. Do they yell at each other?
4. Do they hit one another?
5. How does the hitting usually start?
6. What do you do when this is going on?
7. What do you think about when this is happening?
8. Do you ever get hit or hurt when Mom and Dad are fighting?

B. Assessment of Impact of Exposure to Violence

1. Do you find that you think about your parents fighting a lot?
 - a. When do you think about it?
 - b. What do you think about?
2. Do these thoughts ever come in school or while you are playing?
3. Do you ever have trouble sleeping at night? Why? Do you have nightmares?
4. Why do you think Mom and Dad (boyfriend, partner) fight so much?

5. What would you like them to do to make it better?

C. Child's Worries About Safety

1. What do you do when Mom and Dad (boyfriend, partner) are fighting?

_____ stay in the same room

_____ go to older sibling

_____ leave/hide

_____ ask parents to stop

_____ phone someone

_____ other

_____ run out/get someone

2. When Mom and Dad are fighting, what do you worry about the most?

3. Have you talked to any other grown-ups about this problem?

4. In an emergency, who would you call?

a. Their phone number is: _____

b. What would you say: _____

If children don't have some idea of whom to call, the social worker should give them basic information or help Mom think where they could go if their parents are fighting or engaged in assaultive behavior. Could they go to another room? A neighbor's house? Information gathered from this interview should always be shared with the mother to help her understand the effects of domestic violence on her children, as long as the children's safety will not be compromised.

III. Assessment of Offender Lethality

Although all offenders are potentially lethal, some are more likely to be highly dangerous. The typical offender blames his partner and/or other systems and attempts to excuse or deny his behavior, but some have empathy for their partners and may eventually admit to violent and coercive behaviors. However, if the offender fits one of the three profiles below, there is more serious cause for concern.

A. The obsessed offender. This person **cannot seem to tolerate separation from his spouse**; he is very **jealous**, even to the extent of making irrational accusations, and he frequently **monitors** his spouse's whereabouts through calls, questioning the children and others, drive-by check-up visits, etc. He makes **threats** to kill or harm her if she leaves him, asks for a separation, divorce, etc. He often says, "If I can't have you, no one will." This type of offender is **most likely to stalk, kill or injure his partner, even months or years after she has left him**, obtained restraining orders, etc.

B. The sadistic offender. This person's pattern of violence is vengeful and has a **bizarre, depersonalized** character. He treats his partner with a **profound absence of consideration of her as a person**. For instance, he forces to have sex just after an operation or childbirth, or he chokes her by stuffing her head in a drawer and closing it. His violence usually involves **inflicting severe pain or torture**, such as burning her, starving her, beating her for hours, etc. These offenders often **assault their spouses without any warning or apparent provocation**. Usually, a sadistic offender terrifies his spouse profoundly through torture and continuous degradation and (understandably) she is not likely to attempt to flee. He is very likely to **retaliate against her** even when he appears to accept what you say. This type of offender frequently does not have a criminal record. He is usually

employed and may have a prestigious position in the community. He is capable of injuring his partner severely.

- C. **The hyper-violent offender.** This offender **takes offense easily**; a look, a question, even the most reasonable or mild attempts at limit-setting by others can trigger a violent response. He feels all "challenges" place his manhood and courage in question and that he **must always prove himself**. He often has a **long criminal record** resulting from bar fights, brawling, assault and battery charges, etc.; he is **generally violent**. This offender can be very dangerous to his partner, particularly if she fights back (not an usual response for many victims). He usually has **very conflicted and belligerent relationships with authority figures** and **HE MAY ASSAULT YOU** if he feels strongly or directly challenged. It is extremely important to set limits very clearly with this sort of offender and to refuse to continue to work with them if there are threats or attempts to intimidate you.*

(* Written by Fernando Mederos, Common purpose, Inc.)

If an offender resembles any of the profiles listed above, and you suspect current alcohol or drug abuse, access to weapons or training in martial arts/boxing, there is increased potential for danger.

Assessing the dangerousness of offenders is important in order to protect yourself and to lessen the risk for children and their mothers. Lessening the risk for yourself and for a battered woman and her children will mean safety planning. (See attached Safety Plans.) If you obtain information that indicates an interview with the offender is too dangerous (for you or the woman and children), consult with your supervisor and/or Domestic Violence Specialist before you proceed. If you decide not to interview the offender, as it is not in the best interest of the child, document your reasons in the case record. Third party reports are critical in these instances. If you determine from your interview of mother and/or children, that the offender can be safely interviewed, proceed with the following preliminary line of questioning to determine the offender's perception of the problem.

1. Tell me about your relationship.
2. Tell me three things you like about your partner and family.
3. How does your family handle conflict?
4. What kinds of things do you expect from your partner/family?
5. What do you do when you don't get your own way?
6. Have you ever been so angry that you wanted to physically hurt someone?
7. Have you ever forcefully touched anyone in your family? In what way?
8. Have you ever been told that violence is a problem for you? By whom?

IV. Planning An Intervention Strategy

After you've completed interviews and made collateral contacts, the next step is formulate an understanding of the problem.

Is the mother or the offender denying or minimizing the abuse? Do they offer similar or different accounts of the incident(s)? What have the children reported?

Is mother afraid and openly asking for help? Does she fear disclosure of the of the abuse because she doesn't want to lose her children? because she doesn't want the offender to retaliate? and/or because she doesn't believe real help is available because of past non-responsiveness by family members or agencies?

Has mother been so severely traumatized that her ability to assess danger is impaired? Does she believe that she is at fault or that he can change with counseling? Tell her that the violence is not her fault and that she doesn't deserve to be beaten.

If the mother is openly asking for help, move immediately to safety planning. Inform the mother of appropriate community resources, such as family supports, battered women's programs, legal services, welfare and housing advocacy, mental health services, etc.

If the mother appears uncooperative or resistant, it is counter-productive to attempt to force a disclosure. Reiterate your concern for her safety and the safety of the children and continue to educate the mother about available options and services. In these situations, it is more important than ever to pay attention to safety and to err on the side of caution. Most often these women and children are in the greatest danger and the mother is protecting the family by keeping the silence. Outside intervention will increase risk and it is critical to inform mother in advance of any plans by the Department. In these complex situations, you may want to contact your Domestic Violence Specialist for support and guidance.

V. Additional Considerations in Domestic Violence Assessments

It is important to identify the influence of a family's culture as it pertains to domestic violence. Issues regarding family roles, male dominance, and other beliefs must be understood in order to do an accurate assessment and effective intervention. If you are unaware of the values of a certain culture consult your supervisor, Domestic Violence Specialist, or local community group for assistance.

Does mother have a history of childhood abuse and/or has she found herself in repeated battering relationships? Does she look to each new partner for a sense of safety and security? Does she lack family support? Does she lack access to information? Women who have experienced chronic abuse may need greater assistance accessing resources and strong reinforcement for positive service outcomes.

Does mother present as severely depressed? If so, assess carefully for suicidal ideation. Does she present as passive and cooperative, yet nothing changes? Depression is symptomatic of trauma and may not subside until safety is achieved. Interventions and services should be decided in partnership with the woman to promote a personal sense of competence and power.

Does the relationship appear to involve **battering by both partners**? Does mother behave in aggressive and violent ways? This can be confusing when we are trying to ascertain who is the primary initiator of the violence within the relationship. To assess self-defense and other responses to violence accurately, examine who holds the control in the relationship, who has been injured, who is afraid, and who has access to resources. Court records, police reports, and documentation from probation and batterer's treatment may provide critical information.

Substance abuse may exacerbate, but does not cause domestic violence. Does substance abuse impede the woman's ability to assess the level of danger in the home? Impede her ability to safety plan for herself and her children? How does the offender use his partner's substance abuse to exercise control? Does the offender offer his substance abuse problem or his partner's as an excuse for violent behavior? Does the woman blame herself for the violence? Does she feel a deep sense of shame and hopelessness? Always assess for the potential of self harm. Safety planning is critical. Never confront the offender or victim when they are under the influence of substances. Refer to the Substance Abuse Protocol for further details.

Service Planning Activities:

The primary goal of service planning with battered women and their children is to promote enhanced protection for victims and to have offenders take responsibility for their own behavioral change.

Service plan tasks for women and children may include:

1. Parent will participate in an evaluation and counseling to address personal safety issues in order to protect self and children from abusive partner;
2. Parent will participate in safety planning for self and children;
3. Parent will participate in supportive counseling for self and children to ameliorate the negative effects of domestic violence;

4. Parent will participate in educating herself regarding the affects of domestic violence on children;
5. Parent will not use excessive discipline with the children; and
6. Children will have a safety plan that is consistent with their willingness, age and development.

Services may include:

1. Individual/group counseling through battered women's program/or other community services;
2. Legal, housing, welfare advocacy;
3. Shelter and transitional living services;
4. Visitation Center services;
5. Specialized assessment services focusing on issues of domestic violence;
6. Day care; and
7. Parent support groups

Service plan tasks for offenders may include:

1. Offender will not behave in a manner that is verbally, emotionally, sexually, or physically abusive toward partner and/or children.
2. Offender will not involve the children in attempts to control his/her partner or force them to witness or participate in other abusive behaviors;
3. Offender will participate in an evaluation and specialized treatment program, if indicated, and follow all recommendations;
4. Offender will be educated regarding the affects of domestic violence on children; and
5. Offender will follow all conditions of court orders and probation.

Services may include:

1. DPH approved treatment programs;
2. Visitation Center services;
3. Specialized assessment services focusing on issues of family violence; and
4. Cooperation with police, probation and parole when involved.

The following services/interventions are not appropriate in cases involving domestic violence:

1. Options for protection for mother that in her estimation increase the level of danger;
2. Couples or family therapy;
3. Court mediation/divorce mediation;
4. Anger management groups and other non-DPH approved batterers'treatment options; and
5. Visitation arrangements that endanger mothers and/or children.

To ensure that information regarding the victim's whereabouts and safety plans are not disclosed to the offender, it may be appropriate to have two service plans - one for the non-offending parent and child(ren) and one for the offender.

Documentation And Disclosure:

The documentation and disclosure of domestic violence may dramatically increase risk for women and children. The following guidelines may help to reduce risk when information must be shared.

- Any information in the case record pertaining to a confidential address of a battered woman should be redacted (e.g., shelter, or re-location to new housing).
- Any disclosures made by a battered woman or her children regarding their safety should not be shared with the offender.
- When information must be shared, such as in court proceedings, battered women should be notified so that they may plan for their safety.
- When disclosure of domestic violence is made during care and protection proceedings, attorneys may want to privately share with the judge the possible consequences of such disclosure.
- All documentation of domestic violence, e.g., affidavits, should be written in a manner that holds the offender responsible.
- Safety of mothers and children must be considered when planning case transfers (e.g., notifying offender of mother's and child's whereabouts is dangerous).