

Vermont Department for Children and Families  
Family Services Division

**Protocol for Conducting Child Abuse Investigations When Domestic Violence and Child Abuse/Neglect Co-occur\***

**Purpose:**

The purpose of this protocol is to provide additional guidance to assist supervisors and investigators in managing cases involving domestic violence.

**Definition:**

**Domestic Violence:** 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.

Domestic Violence does not typically include child abuse, child to parent violence or sibling violence which are considered forms of family violence for our purposes.

**Guiding Principles:**

It is critical to the safety and well being of children that the Family Services Division actively work towards achieving safety for all family members. The primary focus of FSD 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 the mother in safety and support and to hold the offender responsible for the risk that his violent behavior poses to children.

In addition, in cases where domestic violence and child abuse co-exist the investigation should:

- Enhance adult domestic violence victim's capacity to protect;
- Attend to the principle that the safety of adult victim has a direct impact on the safety of the child;
- Minimize risk due to FSD intervention;
- Create opportunities to escape the violence.

**Investigation:**

When domestic violence is identified in a case being accepted for investigation the social worker should follow this protocol to the extent reasonable. Safe intervention when child abuse and domestic violence co-occur requires addressing risks to both children and adults who fear retaliation or harm by the batterer as a result of our intervention.

1. Perform a DOC check on all parties (include the reporter as well in situations where a non-mandated person reports).

2. If intake references police involvement, contact PD for copy of their police report and to see if they have any prior history with the family related to domestic violence.
3. Case consultation with the Domestic Violence Unit is strongly recommended *prior* to making contact with the family.
4. Consider the safety of family members when structuring interviews. Make reasonable efforts to interview all household members separately, and if it does not compromise child safety begin with the adult victim, then the child, then the battering parent.

### Interview of Adult Victim

**Interview adult victim first when possible but at least before the battering parent.**

- Interview adult victim in safe location
  - Establish safe contact via 3<sup>rd</sup> party, when necessary—utilize reporter and/or other service providers when planning for safe contact.
  - Notify victim ahead of time to establish safe location.
- Offer resource information to adult victim – safety planning, emergency and non-emergency resources- legal, financial, services, etc. (It is important to give multiple resource options across a range of issues not just one, such as an APO).
- Explain the role of Domestic Violence Specialist and possibility of working with DVS or local domestic violence advocate if involved throughout the investigative process and as part of the investigation.
- Let the adult victim know that you are concerned for her safety as well as the safety of her children. Inquire about specific strategies the adult victim has utilized regarding safety for herself and her children that have been effective in the past.
- Convey non-blaming attitude of victim; Employ supportive interventions/responses.
  - a. Validate the victim’s experiences;
  - b. Build on the victim’s strengths;
  - c. Help the victim regain control over her life;
  - d. Help the victim to explore her options. (Ask the victim what she thinks would be helpful? Who her supports are? Formal and informal?)
- Notify victim parent of additional interviews, process of the investigation, what to expect, especially as the investigation relates to the battering parent or partner. Convey your concern for her continued safety.
- (If appropriate) plan with adult victim a safe strategy for interviewing the battering partner (when ,where, how, what to anticipate, resources needed to plan for safety?). For

example victim may know whether it is better to contact her partner at work or home, or whether to call him into the district office.

- Develop safety plans in collaboration with the adult victim and children that address their unique immediate and future safety needs. If the adult victim tells you that a certain safety strategy may increase risk to her and her children (such as contacting police or probation office about her partner), consider other alternatives. Mandating specific actions such as acquiring a Relief From Abuse Order, going to a shelter or leaving for safety purposes may increase risk in many circumstances - *Before requiring any specific external action to ensure safety, consultation with the DV Unit is strongly recommended.*
- When documenting information regarding domestic violence, the social worker should avoid language that blames the adult victim for the batterer's abusive behavior.

### Interview of the Child(ren)

When questioning children about domestic violence in the home, focus on the following areas:

1. The child's account of what they saw and how they understand the violence.
2. The impact of witnessing the violence.
3. The child's worries about safety.
4. What actions the child takes when the adults are fighting (for example, does child go next door, upstairs, tries to intervene). This is a good time for the interviewer to provide some concrete safety strategies if appropriate. (Safety planning with children in domestic violence cases is most effective when done in collaboration with the victim parent).

Information gathered from this interview should always be shared with the victim parent to help heighten her awareness of the effects of domestic violence on her children and assist with referrals to appropriate resources for them (as long as the children's safety will not be compromised).

### Interview of Battering Parent

Discussing domestic violence with a batterer could create significant risks and safety considerations for the victim. Prior to the interview, inquire as to correctional system involvement that can be used to create further safety and enhance accountability (conditions of release, probation conditions). Assessing the dangerousness of offenders is important in order to protect FSD staff as well as lessen the risk for children and victim parents. **If you obtain information that indicates an interview with the batterer is too dangerous (for you or the family), consult with the Child Safety Assessment Manager or Child Protection Director and the Domestic Violence Unit.** If CSU and the DVU determine that it is not in the best interest of the child to interview the batterer, document the reasons in the case record.

If a determination has been made that the offender can be safely interviewed incorporate the following guidelines:

- Do not confront the batterer about domestic violence. (“So, you like to slap your partner around”).
- Use quotes from batterer or collaterals (police reports, affidavits, provider information, etc...) to discuss details of abuse.
- Conduct a structured interview with limited goals.
- Avoid debate, accept disagreement, do not pressure, back off.

If the adult or child victim shares specifics about the domestic violence, care should be taken to protect the confidentiality of the child and adult victim, revealing only what is absolutely necessary. Direct disclosures about domestic violence should not be shared with the alleged perpetrator of domestic violence.

Investigators should also be alert to batterers who may try to gain information about their partners or children from FSD staff. Batterers may also attempt to manipulate the interview and use it as a forum to report on their partner’s parenting rather than focusing on issues specific to their own parenting.

### **Guidelines to Enhance Safety for Investigators and Staff**

- Conduct interviews or meetings with perpetrators in the agency office or other public setting. If you must go to the perpetrator’s residence or workplace, bring a co-worker, supervisor or law enforcement officer.
- Take note of your surroundings when leaving the office and park in a safe place.
- Notify supervisors and co-workers that a potentially dangerous client is visiting the office and safety plan with staff accordingly.
- Ensure you always have an accessible exit when meeting with a perpetrator.

### **Documentation**

- Maintain confidentiality of any information disclosed by the adult victim or children regarding domestic violence. Instead utilize collateral reports of the abuse in FSD reports. *The Vermont State Police report responding to the domestic assault on 12/25/04 described Ms. Smith’s injuries as severe and requiring medical attention.*
- Do not include safety planning or other detail that could be discovered and increase risk to adult victim (within investigative series, court documents or other documentation). Instead use general language such as: *Ms. Smith is working with service providers regarding safety and resource options.*

- Court documentation should not include subjective assessment of battered women’s actions related to domestic violence. For example, there are times when domestic violence may place children at imminent risk of physical danger and the non-offending parent may appear to be non-protective of the children. The information should be conveyed to the court in a factual manner, (i.e. the mother plans to remain in the home with a safety plan), rather than subjective assessment (i.e. the mother is minimizing the abuse and not protecting).
- Documentation should focus on holding the batterer accountable for his choice to commit violence. **Be aware that most of the information in investigation reports is discoverable in the court process or in the appeals process.** Documentation should be sufficient to reflect the facts, in addition it is important to use discretion about naming the witnesses you interview (instead of “Jane Smith said, ” use “Witness #1”) .
- Batterers Intervention Program referral protocol should be utilized whenever possible to establish a baseline and appropriate service mechanism for cases with domestic violence.
- Avoid language that blames the adult victim or frames the issue in a way that holds both parties equally responsible for the batterer’s abusive behavior. (Instead of “*parents engage in domestic violence*” or “*mother continues to expose her children to domestic violence*”, use “*Mr. Jones pushed Ms. Smith into the kitchen wall, punched her in the face and grabbed her by the throat in front of their three children*”).

**Consultation Teaming with Domestic Violence Unit:**

**What is the difference between the work of the Domestic Violence Unit and the work of a Vermont Network Against Domestic and Sexual Violence program?**

- There is overlap. Both programs provide direct service, safety planning, collaboration & advocacy with community agencies. VT Network Programs provide 24 hour/ 7 day a week, hotline services. The Domestic Violence Unit staff are available during state office hours. The primary purpose of VT Network programs is to provide direct services to battered women and children and although the DV Unit also provides some direct service, our primary function is to provide case consultation with DCF staff. In addition, the DV Unit provides systemic advocacy through policy and protocol development as well as training. There are also differences in levels of confidentiality. While the confidentiality policies and practices of Network programs vary, Advocates in VT Network programs are covered in statute by crisis worker privilege, DV Specialists are not.
- Case Consultation for FSD cases. The DV unit screens all intakes that come into the FSD system if domestic violence is indicated as an “immediate concern” or “family contributing factor”. The DV specialist can offer case consultation on both "accepted" and "non-accepted" intakes when appropriate and safe to outreach. Our unit also consults with caseworkers on ongoing cases.

- Access to information: The Domestic Violence Unit has access to information within the FSD system and we the have ability to check the Department of Corrections information & notes.
- Training: We also provide an annual training for FSD staff to provide specific case planning information, educate on the difference between Batterers Intervention Programs (BIP) and anger management, the different theories of domestic violence, and the batterer as parent, with the intent to improve case practice.

### When and How should Investigators and DV Specialists work together?

- Maintain consultation/advocacy duality within Domestic Violence Specialist role. It is important to not default to only referring women to the Specialist and not incorporating consultation. Direct service with a client is most beneficial when coupled with ongoing consultation between the Investigator and DV Specialist. As Policy 61 states:

*Case consultation by the Domestic Violence Unit is a necessary component to identify specific strategies to achieve child safety in cases where domestic violence is present. Social workers and supervisors are expected to utilize case consultation provided by the Domestic Violence Unit. The goal of consultation is to maximize resources, improve consistency of response and achieve outcomes of safety, permanency and well-being.*

- Consultation should always occur when a report is accepted under ***Risk of Harm due to Domestic Violence*** and when domestic violence is a significant factor in the case. Policy 55 states:

*Risk of harm investigations may involve co-occurring domestic violence. In such cases, although our primary duty is to ensure child safety, consultation with the domestic violence unit is strongly recommended to plan investigative strategies that do not increase risk to victims of domestic violence.*

- The substantiation decision and communication of the decision, presents safety and accountability issues for victims of domestic violence. When deciding upon and processing a substantiation decision that involves domestic violence, consultation with a Domestic Violence Specialist is strongly recommended.
- Similarly, court involvement complicates and compounds the safety needs and experiences of victims of domestic violence. When involving the court on cases where domestic violence and child abuse coexist, consultation with a Domestic Violence Specialist is strongly recommended.
- Particularly disturbing allegations of child abuse and neglect or risk of harm situations may impede an investigator's ability to regard the domestic violence victim with ample

objectivity. In these and other circumstances in which investigators' attitudes or opinions may limit the exercise of the general principles and parameters outlined above consultation should be sought at the earliest possible time.

\*some information adapted from the MA Department of Social Services Domestic Violence Protocol

