



# **CJI Conference: Zealous Advocacy in CHIPS Cases: What Parents' Attorneys Need to Know to Effectively Advocate for their Clients**

## **DOMESTIC VIOLENCE CO-OCCURRENCE CASES**

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# What we'll cover in the next hour

- Overview of domestic violence
- Impact of domestic violence
- Intervention responses

# Co-occurrence

- There is a **very high rate of co-occurrence** of child maltreatment and domestic violence:
  - National research reports the rate at between 30 and 60%;
  - Survey of MN CP staff in April 2018 shows that CP staff estimate an average of 35% of their cases involve domestic violence against an adult caregiver.

# Prevalence

As we know well, there is an **epidemic of intimate partner violence** (domestic violence) in the US and around the world.

- More than **1 in 3 women** have experienced rape, physical violence, and/or stalking by an intimate partner in their lifetime.
- **1 in 5 women and 1 in 71 men** have experienced rape in her or his lifetime.
- **3 women killed** by a current/former intimate partner in US **every day**.

The overwhelming **majority of perpetrators of domestic violence are men**, and the overwhelming majority of victims are their current and former wives and girlfriends.

# Defining

It is important to **distinguish among healthy, unhealthy, and abusive** relationships.

- **Healthy:** shared power, responsibility, decision-making, communication
- **Unhealthy:** unequal distribution of power, responsibility, decision-making; lack of respectful communication; may involve “mutual couple’s combat”
- **Abusive/involving domestic violence:** motivated by sense of ownership, superiority, and entitlement; tactics used to isolate, belittle, and control partner, often involving threats and use of violence, economic dominance, and psychological abuse

# Key understandings about batterers

- The **choice to use violence and tactics of coercive control** (battering) against an intimate partner **is purposeful**, serves the function of maintaining dominance in the relationship, and **is grounded in beliefs of entitlement**.
- **Social norms** that reflect male dominance and historical gender roles embedded in the culture of the abuser **reinforce battering behavior**.

# What do batterers get out of it?

- See handout developed by Chuck Derry, who has been working with abusers for decades through running Batterer Intervention Programs/Services.
- Any surprises here?
- How would you describe the kind of person reflected in this handout?

# Characteristics of batterers

- Controlling
- Entitled
- Possessive
- Manipulative





# The batterer as parent

In general, batterers often tend toward **authoritarian, neglectful, and verbally abusive child-rearing.**

Batterers have a **negative impact** on children by:

- creating role models that perpetuate the violence
- undermining the mother's authority
- retaliating against the mother for her efforts to protect the children
- using the children as weapons against the mother
- destabilizing the family and household

# Psychological impact batterers have on kids

- Harm/trauma
  - Short-term (anxiety, depression, behavioral problems, physical health complaints, poor academic performance)
  - Long-term (anxiety, depression, substance abuse, self-destructive behaviors, chronic health problems)
  - Gendered (gender patterning by role models, boys externalize, girls internalize, repeat)

# What we need to better understand...

There is a substantial and growing body of research literature showing that **many children exposed to such traumatic events show no greater problems than non-exposed peers.**

- 1/2 to 2/3 of children exposed to trauma go on to achieve successful and well-adjusted lives.
- 37% to 50% of children exposed to DV show no greater problems than children not exposed.

# More protective factors = more resiliency

Resilience research demonstrates that as **assets in a child's environment increase**, the **problems they experience may actually decrease**.

- In other words, the impact of trauma depends on the **balance between risk factors and protective factors**.



# Protective factors



Protective factors are those factors that **mediate or offset the negative consequences of exposure to violence**, which increase a child's resiliency.

- If we **increase protective factors** in children's lives, we can **reduce the impact of trauma** they experience.

# Protective factors

Research consistently affirms that the most essential protective factor is an **enduring relationship with a supportive, caring adult, most frequently with the victimized parent.**



# Strengths-based approach to working with abused parents

A strengths-based approach requires us to know, in each case:

- ***What is the domestic abuse survivor doing to promote child and family functioning in response to, or in the context of the domestic abuse perpetrator's behavior pattern?***

# What should CP do in DV cases?

What does the law say that child protection caseworkers should do when domestic violence is reported?



Sources of legal authority:

- Minn. Stat. 626.556 and other statutes
- Screening Guidelines
- Best Practice Guide for the Co-occurrence of Child Maltreatment and Domestic Violence
- Court cases/precedent



# Typical CP response to domestic violence

Historically, the CP response to DV has been to allege against the abused parent for failing to protect her children from the actions of the abuser.



*Can anyone see a problem with this historic approach?*

# MN DHS 2019 Revised Best Practice Guide for the Co-occurrence of Child Maltreatment and Domestic Violence

## Guiding Principles

“...[I]t is essential that child protection caseworkers **partner with non-offending caregivers to enhance safety and strengthen their protective capacity**. Whenever possible, every effort should be made to keep a child safely in the care of a non-offending caregiver. Promoting safety of non-offending caregivers is best done through supportive, non-coercive, and empowering interventions.”

# MN DHS 2019 Revised Best Practice Guide for the Co-occurrence of Child Maltreatment and Domestic Violence

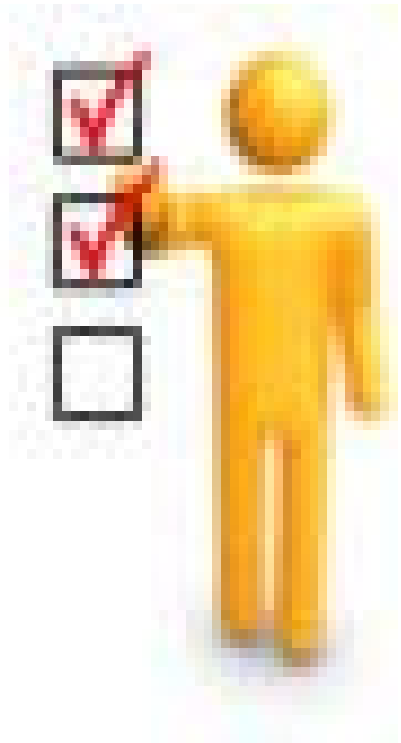
## Strength-based Practice

“Because children’s safety is inextricably linked to their non-offending caregiver’s safety, it is essential for caseworkers to work collaboratively with non-offending caregivers to **identify the many ways that caregivers are working to protect their children from an offender’s conduct, to nurture their children and help them heal, and to maintain stability and keep a family household functioning** despite an offender’s conduct.”

# MN DHS 2019 Revised Best Practice Guide for the Co-occurrence of Child Maltreatment and Domestic Violence

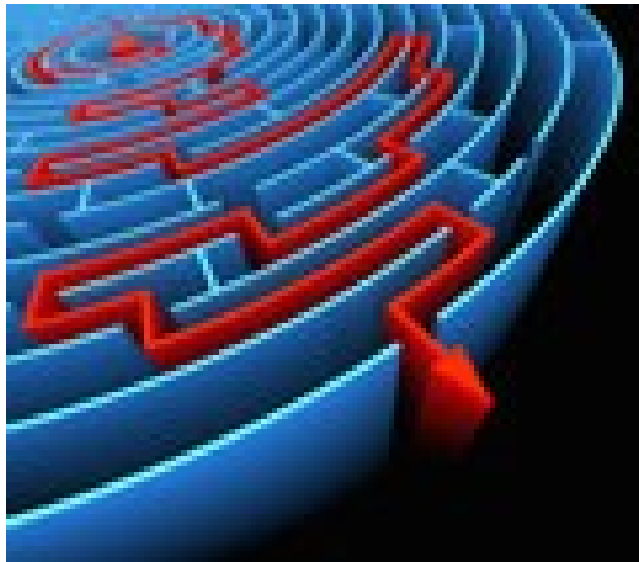
The “DV Guide” directs caseworkers to:

- 1. Partner with the abused parent** to safety plan and enhance **protective factors** in order to keep the child safe and cared for
- 2. Make allegation against the alleged offender and engage alleged offender in process to ensure accountability** through interviewing, safety planning, and case planning



# Protocols – interviewing adult victims, engaging offenders

The 2019 revised Best Practices Guide for the Co-occurrence of Child Maltreatment and Domestic Violence (“**DV Best Practice Guide**”) contains two key protocols:



- **Protocol for Interviewing Adult Victims of Domestic Violence in Child Maltreatment Cases**
- **Protocol for Engaging Domestic Violence Offenders in Child Maltreatment Cases**

# Work with domestic violence program advocates

Both the DV Best Practice Guide and the 2019 Screening Guidelines direct CP agencies to **partner with domestic violence programs** any time domestic violence is alleged or disclosed.



# Engaging the abuse offender



The DV Guide also directs caseworkers to include **coordination with other systems**, especially law enforcement and the courts, as part of the plan to ensure offender accountability.

- See Appendix C in the Guide for information about collaborating with probation/supervised release offices.

# Batterers intervention programs

- In particular, caseworkers are directed to include participation in a **Batterers Intervention Program (BIP)** as a required component of the service plan whenever possible.
  - Make sure BIP is compliant with the Duluth Model, which is a set of criteria for BIPs that ensure accountability and safety for participants' victims. (See [www.theduluthmodel.org](http://www.theduluthmodel.org) for more info on this.)



# Engaging the abuse offender – substance abuse

If substance use/abuse is an issue, include completion of appropriate treatment and rehabilitation in addition to participation in a BIP.

- Note whether the substance abuse treatment program takes into account offender's use of violence and coercion.
- Include random drug/alcohol testing.

# Engaging the abuse offender



What questions do you have about working with DV offenders?

# Domestic violence screening example

County child protection agency received a police report (cross-reported per statute) from a felony domestic assault case, indicating that when mom told boyfriend she was ending the relationship, boyfriend beat her so badly she was taken to the hospital. Her infant child was sleeping in a crib in the bedroom during the assault, and her other child was at school.

# Representing parents who are DV victims or offenders

If client is DV victim:

- Use Protocol from DV Best Practice Guide.
- Abuse allegations should be made against the DV offender, not victim.
- Look for protective factors and strategies—what is victimized parent doing before and after an assault to keep the kids safe? Who is doing what to maintain stability and keep the household running smoothly?
- The victimized parent is the expert in the safety of herself and her kids. Continually empower her to lead the decision making.

# Representing parents who are DV victims or offenders

If client is DV offender:

- Use Protocol from DV Best Practice Guide.
- Emphasize that abusing child's parent is itself a parenting choice that harms the children.
- Look for protective factors and strategies—what is victimized parent doing before and after an assault to keep the kids safe? Who is doing what to maintain stability and keep the household running smoothly?
- Promote accountability and behavior change for abusers, which requires engaging multiple systems to work together. Follow Protocol for finding and enrolling offender in Batterers Intervention Program/Services.

# Continuously think of context...

**Child safety = caregiver safety**



**Caregiver safety = stop violence**



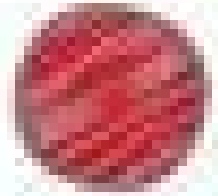
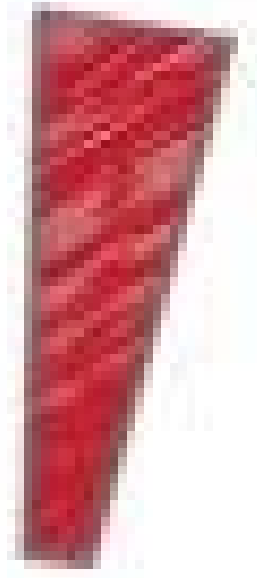
**Stop violence = accountability + consequences**



**Accountability + consequences = systems collaboration**



**Systems collaboration = YOU!**



**Contact me anytime!**

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