Helping Battered Women and Their Children:
A Guide for Domestic Violence Advocates on the Co-Occurrence of Domestic Violence and Child Maltreatment

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Forward

A woman experiencing intimate partner violence comes into a domestic violence program and expresses concern that she suspects her children are also experiencing abuse.

A domestic violence advocate witnesses a child displaying behaviors that may be linked to sexual maltreatment.

Advocates are faced every day with the challenge of how best to respond to the co-occurrence of domestic violence and child maltreatment. What is the advocate's role? How can advocates actively work for the safety of the adult *and* child survivor? Domestic violence advocates have identified these challenging issues since the beginning of the movement and were some of the first voices recognizing the connection between domestic violence and child abuse. As a response to these issues, the St. Louis County Greenbook produced this comprehensive document, "Helping Battered Women and Their Children: A Guide for Domestic Violence Advocates on the Co-Occurrence of Domestic Violence and Child Maltreatment" which explores more deeply the connection between domestic violence and child maltreatment, defines the role of the domestic violence advocate, and explores information sharing and mandatory reporting.

The birth of this document dates back to 2003 when advocates participating in St. Louis County Greenbook's Domestic Violence Workgroup identified that because domestic violence programs play a key role in helping children experiencing abuse whose mothers are also being abused, we needed a comprehensive training and education piece that would give advocates the tools to effectively serve children experiencing co-occurrence. Nicole Baran produced an excellent draft document in 2004 that was put aside as Greenbook partners worked through the challenges of collaboration. However, the co-occurrence guide was never forgotten and thanks to the tireless efforts of several domestic violence advocates and Norma Ellington-Twitty in 2007 the document was given to a Greenbook consultant, Lauren Litton to finalize, in collaboration with Nicole Baran and an advocate review committee. The challenges facing the St. Louis County Greenbook project created growth and learning that made this a more comprehensive and usable guide.

It is our sincere hope that this guide will be used to provide training to new advocates and implemented in programs throughout the St. Louis area. We are grateful for the efforts of Nicole Baran, Lauren Litton, Meg Schnabel, participants of the St. Louis County Greenbook Domestic Violence Workgroup, Norma Ellington-Twitty, the St. Louis County Greenbook Steering Committee, and for all the domestic violence advocates in the St. Louis area who touch the lives of women and children struggling with the issues of co-occurrence with integrity and compassion each day.

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Helping Battered Women and Their Children: A Guide for Domestic Violence Advocates on the Co-Occurrence of Domestic Violence and Child Maltreatment

Introduction

Domestic violence advocates have a critical, difficult and demanding job. Those working in the domestic violence field act to protect victims' rights, promote safety of victims and their children, increase community awareness of intimate partner violence, improve and expand services, and remove existing barriers to those services. Understanding how intimate partner violence impacts a battered mother's safety, well-being, and decision-making is complex. Issues like substance abuse, mental health, child abuse and neglect, poverty, and immigration add obstacles and complications that can affect the safety of the victimized parent[1] and her children and must be considered by domestic violence advocates in their work.

St. Louis County had the opportunity to participate in a federal initiative that examined the intersection of domestic violence and child maltreatment. St. Louis County was one of six communities funded by the U.S. Departments of Justice and Health and Human Services to implement the recommendations and principles found in the publication, *Effective Intervention in Domestic Violence & Child Maltreatment Cases: Guidelines for Policy and Practice* (more commonly referred to as the *Greenbook*).[2] Focusing on child welfare agencies, domestic violence organizations, courts, and other service providers, the *Greenbook* urges systems to work together in order to create better experiences and outcomes for victims of domestic violence and their children who require system

[1] Throughout this document, several different terms are used to refer to the victim of domestic violence such as: victim, mother, battered mother, victimized parent, and adult victim. Gender specific language is used because intimate partner violence is committed more often by men against their female partners. This in no way is meant to minimize the fact that men can be victims of domestic violence and that intimate partner violence occurs in same-sex relationships.

[2] Principles and recommendations from the Greenbook are scattered throughout this document in text boxes. Schechter, Susan & Edleson, Jeffrey L. Effective Intervention in Domestic Violence & Child Maltreatment Cases: Guidelines for Policy and Practice (NCJFCJ 1999).

intervention and to seek ways to reduce exposure to these very systems for others. There are 16 principles and 67 recommendations to guide communities in addressing system response to the overlap of child abuse/neglect and domestic violence (known as co-occurrence). The publication emphasizes that:

- Enhancing safety, well-being, and stability for victims of domestic violence and their children;
- Individual systems or organizations cannot meet all the needs of families experiencing both domestic violence and child maltreatment.
- Keeping children whenever possible in the custody of their non-offending parents;
- Holding batterers accountable for the violence;
- Increasing collaboration and cross-training; and
- Treating families with respect and dignity.

For six years, the domestic violence community along with the Family Court of St. Louis County, the St. Louis County Children's Division of the Missouri Department of Social Services (DSS), and community-based agencies convened in order to develop and implement policies and procedures that promote cross-system training and collaboration, improve batterer accountability, leverage resources to families, and reduce adult and child re-victimization in co-occurrence cases. During this process, the various entities not only worked together as partners to identify where they could improve responses and outcomes, but they also met within their given disciplines to address this issue. Numerous lessons have been learned from these reform efforts, including:[3]

- A child's safety is often linked to the safety of the abused parent;
- While some children are negatively impacted by domestic violence, many are not;
- Well-intentioned systems aimed at protecting children in co-occurrence cases sometimes employ mechanisms that unintentionally re-victimize the abused parent;
- Systems must hold the battering parent/partner responsible, not the victim, for the violence that has occurred in the home;
- Batterers frequently use courts, child protection agencies, service providers, and their own children to maintain power and control over the victimized parent;
- It is essential to work with families from a strengths-based perspective;
- Systems have not historically identified or labeled the ways in which a victim of domestic violence protects her children as "protective";

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[3] Litton, Lauren, Helping St. Louis County Families: A Guide for Court Professionals on the Co-Occurrence of Domestic Violence and Child Abuse/Neglect, Family Court of St. Louis County (2007).

- Each individual's experiences must be taken into consideration when assisting families and members within the same family;
- Ongoing collaboration and cross-training are necessary for a coordinated response and effective service delivery;
- Children should remain in the custody of the abused parent whenever possible;
- Systems and professionals should preserve victim confidentiality;
- Reasonable efforts must include cultural, accessible, and available services; and
- Even though domestic violence may be occurring at home, not all families need or want system intervention.

From these lessons, the initiative supported the development of several documents that will guide St. Louis County professionals in their work in co-occurrence cases. The domestic violence community identified two primary areas that they could address to improve service delivery in co-occurrence cases:

1) Enhance their knowledge about the programs, mandates, and inner workings of the child protection system; and
2) Regularly examine their policies, procedures, and philosophies through a lens that included child maltreatment.

This document specifically speaks to the second issue listed above and is a companion piece to the *Manual for Domestic Violence Advocates: Negotiating Programs Administered through the Missouri Department of Social Services*[4] that outlines the purpose, function, and procedures of DSS.

This guide was developed by and for domestic violence advocates in St. Louis County. Domestic violence service providers have a historical commitment to helping battered women and their children. In fact, the message 'keeping a mother safe will also keep her child safe' originated from the domestic violence movement. The advocacy community believed it was imperative for their sector to produce a document that could assist advocates to think through how to improve their approach and understanding of co-occurrences cases.[5]

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[4] Saint Louis County Greenbook Initiative, Manual for Domestic Violence Advocates: Negotiating Programs Administered Through the Missouri Department of Social Services (2005).
[5] Representatives from the local project had the opportunity to provide feedback on this Guide as this product is part of a larger effort to create positive outcomes for families.

In St. Louis County, there are more than 25 agencies delivering varying types of domestic violence services.[6] Every advocacy program has strengths and challenges that relate to their ability to provide services for victims of domestic violence and their children.[7] It is the responsibility of each domestic violence organization to use this document in the most meaningful way possible. This document should be used by domestic violence agencies to:

- Enhance advocates' knowledge about the complexities of cases in which domestic violence and child maltreatment are present;
- Ensure domestic violence advocates will have the resources they need to respond effectively to child maltreatment;
- Foster cross-system collaboration to increase safety for abused mothers and their children and hold the batterer responsible for stopping the intimate partner violence;
- Offer flexible guidelines for domestic violence service providers on how to respond to child maltreatment when either the adult victim or the batterer is responsible for the child abuse or neglect; and
- Find creative and supportive ways to assist battered mothers who maltreat their children.

Co-Occurrence of Domestic Violence and Child Maltreatment

What is Co-Occurrence?

Just as there are subtleties and variations of how power and control tactics can present in intimate partner relationships, defining what constitutes child abuse and neglect is equally complex. Sometimes, there are no clear cut answers about what is happening to children. Child maltreatment is a term that covers child abuse and/or neglect and it can take many forms. Under the state statute, abuse and neglect for purposes of child protection are defined as:

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[6] Batterer's intervention programs (BIPs) are a valuable component in the effort to end domestic violence and in St. Louis may be operated by or considered a domestic violence agency. However, BIPs face a unique set of variables that distinguish them from traditional domestic violence organizations that provide services specifically for battered women and their children. This document was written by for advocates working in a more traditional role.

[7] Some of the agencies have children programs and others do not. One thing they do have in common is that all agencies come into contact with battered mothers. Patterson, Lupita, Model Protocol for Working with Battered Women Impacted by Substance Abuse, Washington State Coalition Against Domestic Violence (February 2003).

Abuse: any physical injury, sexual abuse, or emotional abuse inflicted on a child other than by accidental means by those responsible for the child's care, custody, and control, except that discipline including spanking, administered in a reasonable manner, shall not be construed to be abuse RSMo §210.110(1)

Neglect: failure to provide, by those responsible for the care, custody, and control of the child, the proper or necessary support, education as required by law, nutrition or medical, surgical, or any other care necessary for the child's well-being. RSMo §210.110(12)[8]

For the purposes of this document, co-occurrence exists when a child is independently abused or neglected in a family where domestic violence is also occurring. The abuse or neglect may or may not be related to the domestic violence. However, in most states, including Missouri, a child living in the home where there is intimate partner violence in and of itself is not a sufficient basis for reporting suspected abuse or neglect.

There are several ways that co-occurrence becomes evident when working with battered mothers. Some of the most common scenarios are: a domestic violence victim accesses community-based services and informs the advocate/service provider that there is either an investigation or open case with the Children's Division (CD) or that she is concerned that the batterer is abusing her children;[9] as part of ongoing power and control tactics, the batterer makes a false report to CD; a CD representative contacts the domestic violence agency requesting that the agency confirm whether a particular victim: resides at the shelter; accessed or participated in services; or has obtained a protection order; a domestic violence advocate witnesses the battered mother abuse or neglect her children; a domestic violence advocate believes the children are at risk or are being abused/neglected; or a child protection order is in place, indicating some family court involvement.

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[8] See Appendix F for a compilation of state statutes that have either been cited or relate to this document.
[9] The Children's Division is the section of the DSS that handles child abuse and neglect cases, including reporting, investigations, and case management.

Why is Co-Occurrence Important?

The co-occurrence of child maltreatment and domestic violence is a reality. There have been studies confirming the connection and the two are linked in a number of important ways that have serious consequences for the safety of both children and the victimized parent. It is important for domestic violence organizations to learn and address child maltreatment for the following reasons:

Statistics:

Greenbook Requires Domestic Violence Agencies to Actively Collaborate in order to:	
Principle XI	Provide leadership to promote collaborations and develop new resources for adult and child safety and well-being.
Recommendation 28	Develop new joint service models for families experiencing domestic violence and child maltreatment.
Recommendation 29	Develop joint protocols to remove interagency policy and practice barriers for battered women and their families and to enhance family safety and well-being.
Recommendation 30	Improve access to services.

- Research has consistently shown that a high proportion of children living in homes where there is intimate partner violence are themselves being abused (either physically or sexually) by the same perpetrator with studies indicating that in 30% to 60% of families where child maltreatment or adult domestic violence is occurring, the other form of violence is also present. Approximately 50 percent of men who frequently assaulted their wives indicated they also abused their children.[10] Studies suggest that: 3.3 to 10 million children witness domestic violence annually.[11] Children can be injured as a direct or indirect[12] result of domestic violence. It is believed that more than half of the children living in homes where there is domestic violence are threatened with physical abuse and one-third are injured accidentally. *Additional Considerations:*
- Lack of coordination between domestic violence agencies and CD can contribute to disjointed, contradictory, and sometimes harmful interventions for families experiencing co-occurrence. This is especially true when the mandates of both conflict and leave battered mothers to navigate the services themselves, feeling that the domestic violence organization may not: understand the child maltreatment issues, provide help for her children, or demonstrate bias in their approach when her children have been harmed.
- Recent recognition of the effects of domestic violence on children has given rise to calls for collaborative interventions and community and system responses to co-occurrence have been the subject of major litigation.[13] Thus, an understanding of a woman's experiences of

[10] Family Violence Prevention Fund, The Facts on Children and Domestic Violence.
[11] Id.
[12] Children can unintentionally be injured in a variety of ways. For example, they may try to intervene during the incident as a way to end the violence or protect their mother; they may be harmed if they are being carried by one parent at the time of the incident; or they could be injured if objects are thrown and glass or other materials hit the child.
[13] See Nicholson v. Williams, the full citation appears in the bibliography.

battery and experiences of mothering is necessary in order to develop sensitive and effective collaborative interventions.[14]

- Involvement with CD can lead battered mothers to become vulnerable to: further manipulation from their batterers; depression and feelings of shame; termination of parental rights; economic hardship; pressure to compromise on access to children; and the feeling that they must choose whose safety to prioritize – their children's or their own – as they make decisions. Domestic violence advocates must be ready to assist battered women in understanding how best to work with CD representatives so as to minimize these potential reactions and keep the safety of adult victims and their children implicitly linked. The legal system is effectively used by batterers as a way to exert and maintain control over a victim through continual litigation on child custody and visitation issues. Litigation is an opportunity to reassert the control batterers feel themselves losing as the relationship ends. Batterers can attempt to intimidate their partners by threatening to take the children away (e.g. by making false reports to CD, kidnapping, or maintaining ongoing litigation around custody or parent-child contact).[15]
- Shifts in policy have created shorter and stricter timeframes within which courts and child protection agencies have to make permanent decisions about the care and custody of children.[16] In Missouri, courts are obligated to seek alternative and permanent placement, when a child has been in foster care for fifteen of the most recent twenty-two months. RSMo §211.447.2(1).
- Domestic violence shelters may have rules that prohibit families with older male children from accessing services, leaving victims and children at ongoing risk for harm.
- The intimate partner violence exerted by the batterer can undermine the victimized parent-child relationship. For example, children may receive messages that their mothers cannot protect them since they are themselves being harmed or as a result of abuse, mothers can become depressed, lethargic, overwhelmed, and angry. Battered mothers sometimes do abuse or neglect their children. In these situations, it is even more critical for domestic violence agencies to pay attention and respond to co-occurrence as victims may not seek services because they are ashamed or afraid of losing their children and the children are at risk for further harm. Advocates should develop creative interventions to continue to serve the victimized mother while addressing the issues of child maltreatment.
- Failure to assist children can lead to greater consequences in the future for battered mothers. Battered mothers and their children's needs are not necessarily harmonious and services must be tailored to each individual member of the family.
- While a response/intervention to child abuse may be initially effective, the impact of that intervention may soon be sabotaged if domestic violence is not identified and addressed in a

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[14] Davies, Linda & Krane, Julia, Collaborate with Caution: Protecting Children, Helping Mothers, Critical Social Policy, Vol. 26:2, 412-425, 420 (2006).

[15] Hastings, Cynthia Grover, Letting Down Their Guard: What Guardians Ad Litem Should Know About Domestic Violence in Child Custody Disputes, 24 Boston College Third World Law Journal 283 (Spring 2004) and Cuthbert, Carrie, et al., Battered Mothers Speak Out: A Human Rights Report on Domestic Violence and Child Custody in the Massachusetts Family Courts, Women's Rights Network (2002).

[16] In response to children who were languishing and growing up in the foster care system, the Adoption and Safe Families Act (42 U.S.C. Sec. 671(a)15) was passed which reduced timeframes children are out of home care before permanent alternative placements decisions are required.

way where the perpetrator is held accountable for stopping the violence and the adult victim is protected and her autonomy respected.[17]

- A battered parent involved in the child protection or court system will have to manage complex and conflicting demands. She may have to weigh the threat of the removal of her children against the potential retaliation the perpetrator may exact if she complies with the requirements of a service plan. For a battered parent there may be no clear decision to make or all choices may seem dangerous.

Effects of Domestic Violence on Children

The perpetrator, through the use of intimate partner violence, creates an environment of fear and intimidation that can affect every member of a family, including children.[18] Each child responds to intimate partner violence in their own way and even children within the same family can be affected differently. There is no one generalized reaction and some children demonstrate little to no impact.[19] Many children have developed sophisticated strategies to protect themselves from being physically and emotionally injured. However, children exposed to intimate partner violence are more likely to exhibit behavioral and physical health problems.[20] It is important for domestic violence organizations to pay attention to children and watch for warning signs of effects on a child's physical or emotional health. Some of the ways children may react include:[21]

Sleeping disorders

Anxiety

[17] Carter, Janet & Schechter, Susan, Creating Community Partnerships For Safe Families Suggested Components of an Effective Child Welfare Response to Domestic Violence, Family Violence Prevention Fund (November 1997).
[18] YWCA, Through Their Eyes: Domestic Violence and Its Impact on Children, YWCA Works, p. 6 (2007).
[19] For example, one study found that 31% of children exhibited no negative internalizing or externalizing behaviors where another found ninety percent of those exposed to some form of violence had reactions characterized as traumatic stress (i.e. having nightmares, thumb-sucking, or bed-wetting), and 20% were at high risk for developing post traumatic stress disorder. See, Graham-Bermann, Sandra A. & Seng, Julia, Violence exposure and traumatic stress symptoms as additional predictors of health problems in high-risk children, The Journal of Pediatrics, 147:3 (March 2005) and Grych, John, et al., Patterns of Adjustment Among Children of Battered Women, Journal of Consulting and Clinical Psychology, 68(1) 84-94 (February 2000).
[20] Suderman, M., & Jaffe, P.G. Children and Youth who Witness Violence: New Directions in Intervention and Prevention (appearing in Child Abuse. D.A. Wolfe, R.J. McMahon, and R. Peters, eds. Thousand Oaks, CA: Sage Publications, 1997).
[21] See Appendix A for a more comprehensive list of potential effects/behaviors exhibited by children.

Physical ailments	Aggressive behavior
Acting much younger or older than they are	Post traumatic stress
Use or abuse of alcohol/drugs	Low self-esteem
Use of violence as means to resolve problems	Bedwetting
Committing crimes/becoming delinquent	Isolation
Self-harming behavior, such as cutting	Eating disorders
Truancy or problems as school	Depression

Research demonstrates a critical connection between resiliency and a strong relationship between the child and the victimized parent. The impact of intimate partner violence on children can be magnified or reduced by a number of determinants, with some children showing great resilience in the face of adversity. These factors include age and gender of the child, other violent experiences, severity and frequency of the violence, social supports available and the extent to which the child can accept support. This notion of resiliency is described "as a pattern of successful adaptation in individuals despite challenging or threatening circumstances."[22]

Researchers have suggested that three areas contribute to resilience: (a) dispositional attributes in the child (e.g., temperament, personality, physical health and appearance, cognitive style); (b) family factors (e.g., family warmth, support, organization); and (c) extra-familial support factors (e.g., supportive network, success in school). Consistent with contemporary conceptualization of resilience, daughters of battered women in this research described both risk factors and protective processes that contributed to productive and successful adulthood. Although each category of protective disposition is addressed separately, the process that contributes to resilience is dynamic and involves characteristics of the child, supportive aspects of her family, and external forces. The study's findings suggest that resilience in children of battered women will be

[22] Humphreys, Janice C., Growing Up in a Violent Home: The Lived Experience of Daughters of Battered Women, Journal of Family Nursing, Vol. 7 No.3, 244-260, 245 (2001).

enhanced by a comprehensive approach that attends to personal, family, and environmental factors.[23]

Impact of Domestic Violence on Parenting

An often overlooked impact on children is the influence that the batterer exerts over the child's relationship with the victimized parent. Victims of domestic violence may be undermined in their parenting role. The battering can corrode the battered parent's relationship with her children. A batterer may: involve the children to further control or harm the victim (e.g. have the children monitor the victimized parent); sabotage the other parent's authority through constant criticism or negative remarks; engage in activities with the children that the abused parent has forbidden; destroy the children's belongings when the abused parent counters his authority; control the finances to prevent the abused mother from engaging in therapeutic and recreational activities conducive to healing and family bonding; or tell the children that the victimized parent does not love or want them.[24]

Battered mothers frequently display acts of courage and prioritize their children's well-being above all. While many acknowledge that their parenting capacity has been undermined by the batterer, advocates should be aware that not every battered mother's parenting is compromised. One study indicated that a victim's experience of physical and emotional abuse had no direct impact on their level of parenting or use of discipline.[25]

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[23] Id.

[24] See Appendix B for a more comprehensive list of ways that perpetrators of intimate partner violence involve their children in the abuse.

[25] Sullivan, C.M., et al., Beyond Searching for Deficits: Evidence that Physically and Emotionally Abused Women are Nurturing Parents, Journal of Emotional Abuse, 2(1), 51-71 (2000). Researchers suggested that batterers be mandated to take parenting classes instead of mothers. Instead, mothers who want or need help with parenting should have access to assistance, but it should not be assumed that is a necessity for women with abusive partners.

Role of the Domestic Violence Providers in Co-Occurrence Cases

Domestic violence advocates and programs are ideally situated to engage in early, preventative, and integrated work with families experiencing or vulnerable to child maltreatment. In order to empower and support victimized parents, domestic violence organizations need to properly equip staff; examine their policies, standards, and procedures; screen for child maltreatment; build local networks; integrate programming for both children and adult victims; challenge abusive behaviors, including child abuse; and link with other systems, resources, and professionals. As local domestic violence organizations begin to examine their own responses, a few guiding principles should remain at the forefront, including:

- Support and safety;
- Confidentiality;
- Working with the battered mother and child as a unit; and
- Striving for cultural competency.

Supportive Interventions

The primary focus of domestic violence service providers is support and safety for battered mothers and their children. Operating from the perspective of woman-defined advocacy, domestic violence service providers recognize that the victim knows best what will keep her and her children safe. Woman-defined advocacy "means advocacy that starts from the woman's perspective, integrates the advocates knowledge and resources into the woman's framework, and ultimately values her thoughts, feelings, opinions and dreams."[26] Battered mothers should receive ongoing and supportive assistance from domestic violence organizations despite the existence of child maltreatment, even if it is at her hands. It is important that the care and support is not removed or reduced if an allegation of child maltreatment is made against her, if the family is involved with the

[26] Davies, Jill, et al., Safety Planning with Battered Women: Complex Lives/Difficult Choices (Thousand Oaks: Sage 1998).

child protection system, or if the domestic violence organization decides a report should be made to CD. Domestic violence organizations should work from a strength-based perspective and should avoid a blanket response that assumes everyone has the same parenting styles or service needs.

> Domestic violence organizations should create supportive interventions for battered women who maltreat their children at the same time that they ensure safety and protection for abused or neglected children.
>
> Recommendation 35

A strength-based approach creates an opportunity for people to become active participants in the helping process, and builds upon the belief that all people have strengths which are either untapped or unrecognized.[27] It is an empowering alternative to traditional methodologies which typically describe clients or family functioning in terms of diagnoses or deficits and avoids the use of stigmatizing language or terminology[28] Instead, it fosters hope by focusing on what is or has been historically successful for that individual, thereby exposing precedent successes as the groundwork for realistic expectations. It inventories the positive building blocks that already exist in the battered mother's environment that can serve as the foundation for safety, growth and change. When looking at strengths it is important to take into consideration a persons':

Talents	Skills
Knowledge	Interests
Creativity	Connections
Culture	Passion
Dreams/Hopes/Goals	

What does this mean for practice? Even though advocates work to fight injustice everyday, they can become overwhelmed, tired, jaded, and skeptical. It is important that these feelings do not translate into language or behaviors that can be perceived as negative (e.g. using words that would convey that a battered mother is resistive or oppositional). It is important that advocates look at the

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[27] The concept emerged from the field of social work as a set of ideas, assumptions, and techniques. Saleebey, Dennis, The Strengths Perspective in Social Work Practice (Longman: White Plains, NY 1992).
[28] Wikipedia, Strengths-Based Social Work Practice.

language they are using to describe battered mothers who have harmed their children or whose children have been harmed by the abusive partner and avoid stigmatizing labels and client behavior descriptors. Language used in reference to other systems and professionals should also be considered as this may send a message to victims that may not be helpful for her in the future.

Screening & Creating an Accepting Atmosphere

Traditionally, advocates have asked victims about other issues that could impact her safety, but have not always actively incorporated the existence or risk of the co-occurrence of child abuse or neglect into that conversation. Some reasons child maltreatment may not be discussed by battered mothers or domestic violence organizations are:

> Domestic violence organizations should train staff regularly to understand, recognize, and respond to child maltreatment.
>
> Recommendation 34

- Fear that it will lead to system involvement that would have negative consequences, like termination of parental rights.
- Lack of knowledge about the complex maze of regulations and procedures of DSS and the juvenile court system.
- Concern that any information shared will be used in custody or visitation proceedings.
- Not wanting to really know if a mother knew about or contributed to the abuse of her children because of these fears.
- Belief that it will harm the children further by talking about the issues.
- Fear that there may be retaliation or safety threats if the child maltreatment is exposed.

Research has demonstrated that not addressing co-occurrence hampers mothers and their children in repairing their relationship even after the intimate partner violence has ended and they are living in a violence-free environment.[29] Domestic violence agencies have the opportunity to minimize the long term damage through early identification and support to both the battered

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[29]Humphreys, Cathy, et al., Talking to My Mum: Developing Communication Between Mothers and Children in the Aftermath of Domestic Violence, 6:1, Journal of Social Work, 53, 57 (2006).

mother and children. Advocates should become comfortable with facilitating conversations with battered women about child maltreatment and any involvement with the child protection system. Incorporating inquiries at the inception of service (e.g. during intakes) sets the tone and establishes an atmosphere for ongoing discussions and the possibility of disclosure of co-occurrence issues.

By discussing co-occurrence issues with victims, advocates can help: address concerns before system intervention is needed; protect and aid children who are being abused (sexually, physically, or emotionally) or neglected; engage in advocacy for mothers when system involvement is a reality; and enhance safety of both the victim and her children. Standardizing conversations about the intersection of domestic violence and child maltreatment and making them part of everyday advocacy work will create a more accepting environment for victims to disclose and discuss whether child abuse and neglect is a concern. For example, talk about how CD's services can help in certain situations, discuss the risks of becoming involved in the system, and describe how the domestic violence agency continues its support and advocacy for clients who are involved with CD. Another recommendation is for domestic violence organizations to display information related to child maltreatment and navigating the child protection system in accessible areas of the agency and shelter.

It is **not** the role of domestic violence agencies to investigate or determine if a child has been abused or neglected. However, advocates should not ignore red flags or acts of neglect or abuse they witness. Screening differs considerably from an assessment. Assessment uses diagnostic instructions and processes to determine if a child has been neglected or abused, whereas screening is used to elicit information in order to determine if a referral for further assessment is necessary.[30]

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[30] Mental Health and Systems of Care, Frequently Asked Questions**,** Screening vs. Assessment: What is the Difference? (April 2006).

The process of screening for child maltreatment is similar to screening for domestic violence. It should be incorporated into all normal business activities and is built upon rapport that is developed with a battered woman and her children. One goal of screening is to address emergent or urgent needs. If, through screening, a concern arises about a child's well-being, steps should be taken to protect the children and link the family with further resources (e.g. assessment, counseling, parenting skills, or formal intervention).[31] Here are some tips:

- Inform family members of the confidentiality limitations and reporting requirements **before you speak with them**.
- Use open-ended questions that allow women and children to speak about other aspects of their lives besides violence.
- Hold interviews in a safe, private, and comfortable setting.
- Provide child care for mothers during intakes and other sensitive conversations.
- Express concerns for her safety and the safety of her children.
- Make sure mothers have an opportunity to express positive things about their children and their parenting skills.
- Continually integrate safety planning.
- Ask her opinion of what resources or supports she would like for her and her children.

Effective advocacy requires that trust is established between an advocate and a battered mother and that safe spaces are created for women to discuss their experiences that are in turn met with compassion. The subsequent questions are a sampling that can be used to guide discussions about co-occurrence. Be sure to frame them without judgment and from an empowerment perspective that recognizes the strengths of the battered woman and her children and to explain that the more you understand about her situation, the more you can work together to think through her options and next steps.[32]

- What are your hopes and dreams for your children?
- Are there things you would like to focus on while you are working with us?

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[31] Advocates should speak to adult victims about the concerns and also consult with organizations that work with children to determine some next steps.
[32] For more information about this topic refer to Appendices C and E.

- What are your concerns for your children? Have you talked to your children about what they saw or heard at home? Do they display signs of trauma or distress?
- Has someone ever contacted you from a child protection agency? What happened? Did your batterer know about the contact? If so, how did he react?
- Have you ever been to court concerning the custody or welfare of your children? If so, what was the case about?
- Has your batterer ever threatened or made calls to CD as part of the battering tactics?
- Was violence ever directed at your children? Did your abuser threaten to hurt or kill your children if you left or sought help?
- Do you have children that you did not bring with you to the shelter? Do you have children that are not in your custody? Do you get a chance to visit with them?
- Have you ever been concerned that something you did to the children could be used against you? What was that?
- Do you have a case open with CD or another child protection agency? Do you know if your case was filed with the court? If so, did you have an attorney with you? What is the name of the attorney? What children are involved in the case? Do you have a copy of the CD service plan? Is this something you would like assistance with? What other steps have you taken on your own behalf regarding the case?
- What strategies have you used in the past to protect your children?
- How do you feel about the father/batterer having visits or access to his children? Are there certain conditions or circumstances that would make you feel more or less comfortable with him having visits with the children?

Support for Mothers

Battered mothers need support and guidance in strengthening their relationships with their children. The exercise of power and control by one person over another is the fundamental dynamic of domestic abuse and therefore, work to support the victimized parent must occur. Having confidence in one's parenting abilities is difficult in the context of intimate partner violence where mothers' autonomy and self-esteem are regularly undermined. Restoring the parent-child bond is fundamental to the well-being of both victims and their children.[33] The work to rebuild trust and reestablish a positive parent-child relationship is challenging and needs to be supported on an

[33] Cheshire Domestic Abuse Partnership, Cheshire's Children's Centres and Domestic Abuse Integrating Early and Preventative Responses.

ongoing basis, long after the intimate partner violence ends. Domestic violence organizations can work with mothers to increase parenting and coping skills so as to reduce future interactions/referrals to child welfare agencies. Victimized parents need reassurance that their child's behavior and reactions to the domestic violence or to shelter life is normal given the circumstances and should be provided guidance on when they should seek professional help for their children.

Advocates can assist victims in communicating with their children about their experiences. Battered mothers often have difficulty talking to their children about the domestic violence they have experienced in their homes. They may feel they should already know the right thing to say to their children. Advocates should consider introducing the subject with mothers. Here are some things domestic violence organizations can do to support a victimized parent and to help restore her parenting role/bond:[34]

> Domestic violence organizations should consider ways to provide community-based services to women who are referred to them voluntarily and involuntarily by child protection services and juvenile courts.
>
> Recommendation 39

Create opportunities for mothers to:

- Talk to their children. Even if a child does not want to talk, this lets a child know that it is okay to talk about the violence, their fathers, and family.
- Develop listening skills, especially when confronted with difficult topics by her children.
- Develop responsive language that communicates understanding, is not accusatory (i.e., don't ask "why" questions), models accepting responsibility ("I" statements instead of "you" statements), and sets a positive framework (what is expected instead of what not to do).
- Act in a way that is non-threatening and non-violent with her children, including forms of discipline.
- Understand and tolerate the conflicting feelings her children may be experiencing, i.e. if the batterer has played a significant role in the children's lives, they may have positive feelings towards him.
- Be able to communicate to her children that:
    - Domestic violence is not their fault.
    - They are loved.

[34] For a more comprehensive list of way to help mothers talk about the violence with their children see Appendix C.

    - She will try to keep them safe/act in a way that is safe.
    - Violence is not okay.
    - She realizes how scary it is for them.
- Visualize and reclaim her role by talking about what she thought it would be like to be a parent, how she wanted it to be, and then strategize with her as to how to make that happen. Take small steps at first. Talk to her about ways to recapture times that have been disrupted by the batterer.

<u>Assist in the following ways:</u>

- Provide child care:
    - During her intake.
    - During support groups and counseling sessions.
    - When she is accessing community resources or looking for housing or employment.
    - During court proceedings and meetings with lawyers or other professionals.
    - During all appointments/meetings in which caring for the child could be disruptive or the child might overhear her talking about her abuse.
- Provide alternatives to shelter. This may include motel/hotel placement for families with special needs seeking safe shelter. This includes, but is not limited to wheelchair or other disability accessibility needs or circumstances, and/or adolescent male children accompanying their mother.
- Provide access to parenting supports and children's programming regardless of whether or not she is living with her abuser.
- Acknowledge that parenting in a residential shelter is an added stressor.
- Talk about schedules, consistency, and guidelines.
- Offer her ongoing support as this will be a process that will take time and may sometimes be challenging.
- Help her to find additional support for parenting and post-separation challenges.
- Link her to attorneys who are familiar with both domestic violence and the child protection system.
- Help her arrange child visitation arrangements that ensure the safety of the child and the adult victim.
- Help her access agency or community resources to replace the loss of income, home, belongings, transportation, childcare, and other basic needs and services if the victim separates from the abusive partner.
- Provide her with resources about DSS and the court.

Support for Children

It is highly recommended that domestic violence organizations offer formal programming and supports for children in a manner that is both intentional and skilled. Services for children are structured programs (residential and non-residential) that can include counseling, play therapy, crisis intervention, educational forums about domestic violence, support groups, daycare, retreats,

recreational activities, safety planning, tutoring, case management, transportation, and other support and assistance. At the very least, every child needs and deserves education and support, communication with others about what has happened to them, and safety planning. Domestic violence organizations can assist children to:[35]

- Know that the abuse in their home is not their fault and they are not responsible for stopping it or protecting the adults.
- Talk about their experiences and be listened to, and feel supported.
- Affirm that their feelings are real and should be respected.
- Learn equitable, nonviolent ways to solve problems and get along with others.
- Have opportunities to build a close, mutually supportive relationship with their non-abusive parent.
- Know that they are not alone.
- Know that they have a right to be safe and to have help in developing a plan for their own safety.
- Have opportunities to access community resources, including mentoring programs, and counseling/support groups.

Domestic violence organizations should provide child-friendly environments for the families they serve.

Recommendation 36

Those working with children should have specific expertise in that area. However, there are times that domestic violence organizations staff members who have had no formal training about child development or other issues unique to children, interact with children. In these instances:

- Validate children's feelings and their desire to express them.
- Accept what they say and express concern calmly without shock or dismay.
- Listen for clues to underlying feelings.
- Be willing to explore all the complicated and conflicted feelings that children have about their home lives. Children from violent homes often experience divided loyalties, loving and resenting both parents. Reassure them that this is normal in their situations.
- Model equitable gender roles and assertive, non-violent problem solving skills.
- Link children to resources and services that will assist in their healing.

Remember children may have been expected to keep **their abuse** a secret and that they have put themselves at risk to tell their stories.

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[35] Supra note 33, Cheshire's Children's Centres and Domestic Abuse Integrating Early and Preventative Responses. For a more comprehensive list of ways to work and speak to children see Appendix D.

The Missouri Coalition Against Domestic and Sexual Violence (MCADSV) has outlined service standards[36] for domestic violence organizations and have provisions specifically for agencies that offer assistance to children. Advocates should be familiar with these standards even if their own program does not offer children's programming as it can help inform to what types of services to link children and what type of services they should consider implementing at their own agency. For example, the standards require that domestic violence shelters offer information and referral services to non-resident children if non-residential services are offered to the child's parent. The standards also call for residential programs to:

> Domestic violence shelters should consider the needs of battered women with boys over the age of 12 and families with substance abuse and other mental health problems.
>
> Recommendation 38

- Provide support groups for children at least once a week. The children's support groups should be evaluated in an age appropriate manner to ensure quality of services.
- Services for children must be provided by qualified, trained staff members and/or volunteers.
- Offer recreational, life-skill building or social groups at least once a week.
- Obtain permission by the child's legal guardian prior to the delivery of any in-person services or ensure that services are provided at the bequest of the legal guardian.
- Have a mechanism for providing or arranging transportation for children to get to school. It is also recommended that transportation be available for children to participate in extracurricular activities.
- Employ or use qualified, trained staff members or volunteers who can engage in safety planning with children.

The standards also urge all domestic violence agencies to:

- Provide access to crisis intervention, counseling and case management for children.
- Provide developmentally appropriate activities.
- Provide safe play areas.
- Develop and improve child-friendly environments, including daycare center space, after-school space, child-welcoming atmosphere, and child-friendly policies.

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[36] Missouri Coalition Against Domestic & Sexual Violence, Service Standards and Guidelines for Domestic Violence Programs (June 2006).

- Reexamine needs of battered women with children over the age of 12, especially boys, and develop programming accordingly.
- Incorporate ongoing training about effectively working with children or partner with children's agencies to provide necessary continuing education and training.

Other Supports

Domestic violence organizations are encouraged to regularly collect information from their clients to determine how they can be more helpful around co-occurrence issues. Organizations can use feedback forms, hold focus groups, or other forms of evaluative mechanisms. It is important to listen to what battered mothers are relaying about their experiences with your agency and incorporate their concerns and desires into polices, procedures, and services. Domestic violence organizations should also try to develop resources or informational materials on 1) how to parent when in crisis 2) understanding how your child may be impacted by the violence and how to talk to your children about it and; 3) non-violent forms of discipline.

Advocacy

Domestic violence service providers can support and advocate for battered mothers around the following:

Service Plans

Domestic violence advocates should actively inquire into the existence of CD service plans, review them when they do exist, and assist in implementing and shaping their contents. A family may either have a family plan for change or a service plan.[37] They both have the goal of assisting the family in making whatever changes are necessary to maintain safety and stability and outline what will be required of the battered parent in order to successfully close the case and to reunify with the children if there is an out-of-home placement. A service plan is the tool that courts and CD uses to monitor the progress and compliance of parents. Whenever possible, domestic violence advocates,

[37] Family plan for change is what a plan is called when there is not formal court involvement. For purposes of this document, the term "service plan" is used to refer to both types of plans.

with the battered mother, should assist in the formation of the service plan or at the very minimum review the plan's contents, examining for feasibility, appropriateness of specific services and service providers, and consistency with recommendations and court orders.[38]

In co-occurrence cases, each parent should have a separate service plan so that a party's non-compliance does not affect the other. In accordance with the St. Louis County *Greenbook* Initiative, the following practices are recommended:[39]

- Crafting court orders and service plans based on what the family has identified as their needs, including the adult victim's perception of what will enhance her and her children's safety.
- Creating separate service plans that are consistent with the unique needs of family members.
- Ensuring that the adult victim has had the opportunity to engage in meaningful safety planning throughout the life of the case.
- Assure that issues pertaining to the domestic violence are still accounted for in interventions, but are not a condition of termination of the case if the primary issue creating safety concerns for the children is not domestic violence.
- Link children to programs that specialize in intimate partner violence so that their needs can be assessed and met.
- Share, if the situation permits, with the adult victim or her attorney, recommendations or information that will be provided to the court in order to ascertain whether they could potentially raise safety concerns for her or her children.

Advocates should make certain that the client understands that it is the battered mother's responsibility to keep CD informed about her location, the welfare of her children, and potential consequences for not communicating that information. At the onset of services, begin to discuss with battered mothers what actions she may take if at some point in the future she decides to terminate services. For example, if she leaves shelter, she should inform her CD caseworker as soon as possible of her new address and housing situation. This is so she remains in compliance

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[38] See subsequent section on facilitating communication with the CD caseworker for more information about how advocates can assist with CD involved-families.
[39]Supra note 3, St. Louis County Families: A Guide for Court Professionals on the Co-Occurrence of Domestic Violence and Child Abuse/Neglect.

with the court order and service plan. Engaging in this discussion is a part of a holistic safety plan for her and her children.

Family Support Team Meetings

Domestic violence advocates should attend, participate in and help clients prepare for family support team meetings (FSTM). A FSTM is a planned meeting of the CD caseworker and supervisor, family members, the family's friends and supporters, parents' attorneys, and community service providers who join together to help strengthen a family and develop a supportive service plan. The family is at the center of the process, surrounded by self and system-identified helpers. Through a strength-based approach, the goal and philosophy is to create a cooperative environment where families and community can work together to design assistance (i.e. service plan) that meets the needs of all involved and promotes safety, well-being, and stability. The meeting is facilitated by the CD caseworker, a community leader, or another member of the team who has training in facilitation. If a child has been removed from the home, a FSTM is mandatory.[40] All information shared at a FSTM held in relation to the removal of a child, is confidential unless a party signs a waiver and the parent's have the right to record the meeting.[41] Others participating in the FSTM are bound by confidentiality and must sign a confidentiality agreement; refusal to do so will disqualify them from participation.

Typically any type of joint meeting when there is intimate partner violence is not recommended due to the power differential which is difficult to mitigate and overriding safety concerns. In Missouri, FSTMs can be ordered and have been used to build relationships among service providers and the family. There are national guidelines[42] for FSTMs when domestic violence

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[40] RSMo §210.762.
[41] RSMo §210.147.
[42] Carter, Lucy Salcido, Family Team Conferences in Domestic Violence Cases: Guidelines for Practice, Family Violence Prevention Fund (Second ed. 2003).

is a known factor. Domestic violence advocates should be familiar with these standards as several directly impact their involvement, such as:

- Victims should be offered access to a domestic violence advocate before, during, and after the FSTM.
- Professionals should discuss with the victimized parent what would help create a safe and respectful process and physical space for the FSTM.
- Domestic violence service providers should attend the meeting and be consulted throughout the development and implementation of the family service plan.
- Victim safety should be accounted for during the arrival and departure from the FSTM and provide her with an opportunity to create a safety plan around the entire meeting.

Facilitate Communication

Another critical role an advocate can play is facilitating communication between the victim and her CD caseworker and advancing the battered mother's causes within the child protection system. This can be beneficial to the victim and her children, and increase the chance for a positive outcome of the child abuse or neglect investigation or court case. Any communication with professionals outside of the domestic violence agency must be done with her express permission and input. Advocates can:[43]

- Explain and review the components of the CD service plan in conjunction with the client; help her prioritize items in the service plan, and link her to agencies (preferably with ones that understand domestic violence) that offer the services that are required by the court and CD.
- Advocate for separate service plans.
- Accompany the battered mother to meetings involving CD and court professionals.
- Discuss with the client how not completing all elements of her service plan can impact reunification efforts.
- Participate in shaping service plan items in advance (new service plans are developed for each court review/approximately every six months).
- Inform the CD caseworker about services offered by local domestic violence agencies that will meet service plan requirements.

[43] For a more comprehensive list of ways advocates can "advocate" for battered mothers in co-occurrence cases see Appendix E.

- Explain to the caseworker and/or court what barriers may exist that are preventing completion of the service plan or how the batterer may be working to undermine the victim's efforts to complete the goals.
- Alert the caseworker to actions by CD or the court that could compromise the safety of the victim and/or her children.
- Ensure that the victim's protective strategies and behaviors are being documented and accounted for by CD.
- Help the victim understand that when contacting the caseworker, he/she may be busy and cannot call back right away, but to be persistent. Help her make that contact.

Building Relationships

Domestic violence advocates should build relationships with professionals in other systems so that a network of providers can be created to support battered mothers and their children in co-occurrence cases.

It is especially helpful to personally know CD caseworkers and understand their role and responsibilities, prior to working with them regarding a particular family. Cross-training and job shadowing are two ways that promote appreciation about each system's day-to-day operations. Like domestic violence service providers, CD representatives have a difficult and overwhelming job. Their caseloads are high, their work often takes them out of the office, and they make crucial and sometimes life or death decisions about children. Their role is to protect children and act on behalf of the state. While domestic violence advocates' actions are guided by battered women's autonomy and recognize that battered mothers often act in their children's best interest, CD representatives have a legal duty to protect children from harm and they do not have the option of considering a child's autonomy. Due to their age and legal status, children do not have the discretion about most decisions related to their safety.

A key professional in co-occurrence cases when families are court-involved are deputy juvenile officers (DJOs). A DJO has a multifaceted role as a prosecutor, court case manager and member of the Family Support Team. Examples of DJO duties include: intake and investigation of referrals of child abuse or neglect to the juvenile office; determining the extent of court involvement

in a case involving child abuse or neglect; interviewing family members in order to accurately assess the family's situation and individual family member's needs; acting as an advocate for families to address their needs and ensure their future welfare; making recommendations to and testifying before the court; assisting in the development of a service plan; and monitoring compliance with court orders by all parties. DJOs use a screening tool to assess for domestic violence with every family. If a DJO believes that a parent may be a victim of domestic violence, the parent is referred to the domestic violence resource specialist located at the Family Court. A case management protocol was developed for DJOs for co-occurrence cases. This protocol is another demonstration of the St. Louis County Family Court's commitment to assisting victims of domestic violence and their children in co-occurrence cases. Domestic violence advocates should get to know DJOs as there are opportunities to work together on a developing concrete case plans and elements of safety plans that keep mothers and children's safety at the forefront. The DJOs are also a good source of information about court operation.

Victims of domestic violence have traditionally received conflicting information from child protection and domestic violence agencies about how to protect their own safety and the safety of the children. Domestic violence organizations should strive to maintain a list of attorneys who are familiar with both domestic violence and the child protection system. The attorneys can be called upon to consult in confidence and advise battered women of their options and potential consequences of their choices in co-occurrence cases. Ideally, the attorneys would also have knowledge about immigration and other issues that can impact decision-making and viable legal options.

Confidentiality, Information Sharing & Mandatory Reporting

Overview

Confidentiality is a core value shaping the work of domestic violence providers. It is considered a fundamental element underlying safety and therefore guides the development and delivery of all services. Domestic violence advocates should be familiar with the legal mandates that impact confidentiality and information sharing so that they can:

- Inform victims and children of exceptions to confidentiality, including mandatory reporting.
- Know, respect, and abide by the mandates.
- Work in coordination with families and other service providers, to determine what courses of action are needed to augment safety.

MCADSV standards[44] require that domestic violence programs have written policies and procedures concerning the documentation of services, including but not limited to:

- The documentation of services;
- The privacy and confidentiality of records of both residents and non-residents;
- The release of information;
- The admissions, intake and departure of victims; and
- Data collection.

There are several mandates that St. Louis County domestic violence agencies should be aware of when it comes to confidentiality, some of the most essential are:[45]

- **Those working at domestic violence shelters have a privilege** pursuant to RSMo §455.220. To qualify for funding, any person employed by or volunteering services to a shelter for victims of domestic violence shall be recognized under the law as unable or "incompetent" to testify about any confidential information, unless the confidentiality requirement is waived in writing by the individual served by the shelter. This includes any information that would identify individuals served by the shelter or records that are directly related to the advocacy services provided to such

[44] Supra note 36, Service Standards and Guidelines for Domestic Violence Programs.
[45] The information provided is not intended to be legal advice and should not be used in lieu of consult with an attorney. Statues and case law continually change and it is imperative that domestic violence organizations stay abreast of these changes.

individuals. The confidentiality requirement arises not within the context of a protected relationship, such as attorney and client, but within a context where confidentiality is essential to curtail an imminent threat of violence. The confidentiality requirements apply to all shelter workers or volunteers and are not contingent upon a shelter worker having any contact or communication with the resident.

- The domestic violence advocate shelter-based privilege was upheld and explained in *State ex rel. Hope House, Inc., v. Merrigan.*[46] In that case, a deputy juvenile office (DJO) tried to compel the release of shelter records in a child abuse proceeding. The court held that the shelter is prohibited from releasing any information that "would identify" the domestic violence victim. This encompasses an array of potentially identifying information such as: former residences, place of employment, identity of the abuser, physical description of the resident, types of services received, and history of violence. The confidentiality requirements may not be waived at any time **except at the option of the victim when testimony is ordered**. RSMo §455.220.2. **What does this mean?** Domestic violence shelters are forbidden to release records. The only exception for the release of records is when the court orders the submission of the records **and** when the individual whose records are sought signs a written consent for release of the documents for use in a court case.
- A domestic violence shelter falling under the privilege **must** inform victims served by the shelter about the nature and scope of this confidentiality requirement prior to providing any advocacy services. RSMo §455.220.1(6).
- Many funding streams received by domestic violence agencies require that the agencies comply with the federal confidentiality provisions of the Violence Against Women Act (VAWA) and Family Violence Prevention and Services Act (FVPSA). In the most recent version of VAWA, Congress affirmed existing confidentiality practices and increased protections in order to prevent agencies from sharing personally identifying information about victims of domestic violence. Thus, VAWA and FVPSA funded programs are prohibited from disclosing personally identifying victim information to any third party database, including a health management information system without a proper release of information form and informed consent.[47]
- MCADSV's service standards state that programs should have policies and procedures[48] to ensure that the confidentiality of any information that would identify individuals seeking or receiving services is not breached. These policies should include, but are not limited to, interagency communications, storage and access to records and service documentation, information systems and computers containing personally identifying information. Information contained in an

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[46] No. 85638, Circuit Court Jackson County (Mo. banc, April 13, 2004).
[47] Electronic Privacy Information Center, Violence Against Women Act (VAWA) and Privacy, VAWA 2005 and National Network to End Domestic Violence, An Update on the Violence Against Women Act (VAWA) & Confidentiality, Safety Net: The National Safe & Strategic Technology Project.
[48] Supra note 36, Service Standards and Guidelines for Domestic Violence Programs.

individual's service records or other verbal or written communications that identify individuals served by the program is considered confidential.

Some confidentiality provisions that apply to other professionals involved in co-occurrence cases are:

- Guardians *ad litem* (GALs) have the authority by statute to obtain records and information regarding the child and others involved in a co-occurrence case. RSMo §210.160.2. Keeping the information confidential is imperative according to Missouri state standards.[49]
- A DJO has an affirmative duty to seek to protect the address of a battered parent when she is residing in a shelter or other location due to incidents of domestic violence. According to the St. Louis County Family Court's policies and procedures, the DJO is to provide written notification to the legal department at the time of filing a petition/motion that the parent is a victim of domestic violence and that due to safety concerns her address must be kept confidential.
- All information provided at any family support team meeting pertaining to the removal of a child from the child's home is confidential; except that parents have the right to record the meeting or a party can sign a waiver of confidentiality. RSMo §210.147.

Possessing a protection through statute or case law is not an absolute. The two main exceptions that domestic violence organizations need to analyze are:

1) When the advocate learns of an act that falls under the mandatory child abuse reporting law; and
2) When the client/holder of the privilege signs a release permitting the disclosure of certain information.

Releases of Information/Consent Forms

Victims of domestic violence should be informed of the implications of sharing information to the fullest extent known. For consent to be valid, it is necessary for the persons concerned to know why there is a need to share information, with whom it will be shared, and what are the likely consequences of agreeing or not agreeing to a disclosure of information. Advocates should discuss with victims the risks and benefits of releasing each particular piece of information and remind the

[49] Missouri Juvenile Justice Association, Standards with Comments for Guardians ad Litem in Missouri Juvenile and Family Court Matters, Missouri Supreme Court (1996).

client that she may not be able to control what happens to the information after it has been released as other agencies are not under the same rules or obligations as the domestic violence agency. The release of information form must be well-developed, detailed, and understandable. MCADSV standards direct domestic violence agencies to create release of information forms that include: [50]

- The purpose of the releasing the information.
- The specific pieces of information that the client agrees can be released.
- The person to whom or entity that the information is to be released.
- The date on which the form was signed.
- Unambiguous time limits for the duration of the release of information which includes the date at which the consent for release of information terminates.
- Language that clearly indicates that the consent for release of information may be revoked at any time.

Best practice also dictates forms should:

- Not be mandatory.
- Describe the method through which the information will be released.
- Service providers should explain the consequences of not signing the release.
- Summarize the agency's confidentiality policy.
- Be written in a language and at a reading level that the victim understands.

Mandatory Reporting

Most helping professionals are bound by laws that require them to report suspected or known child abuse or neglect. Each state has discretion about determining who is considered a mandatory reporter. In Missouri, legally mandated reporters are:

> Any physician, medical examiner, coroner, dentist, chiropractor, optometrist, podiatrist, resident, intern, nurse, hospital or clinic personnel that are engaged in the examination, care, treatment or research of persons, and any other health practitioner, psychologist, mental health professional, social worker, day care center worker, juvenile officer, probation or parole officer, jail or detention center personnel, teacher, principal or other school official, minister as provided by section 352.400 RSMo, peace officer or law enforcement official, or other person with responsibility for the care of children.[51]

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[50] Supra note 36, Service Standards and Guidelines for Domestic Violence Programs.
[51] RSMo §210.115.

Not all advocates are considered mandated reporters. As already mentioned, the Missouri Supreme Court held in *State ex rel. Hope* House[52] that domestic violence shelter staff have a privilege that excludes them from being mandated reporters. However, there is no clear answer about whether non-residential domestic violence providers have a legal obligation to report. Domestic violence organizations, in consultation with lawyers, need to examine the role and responsibilities of staff, the services provided by the organization (e.g. child programming, counseling), staff members' professional licensures and ethical duties, funding requirements, and legal mandates. Domestic violence organizations should not be surprised to find that some of its employees and volunteers have a legal obligation to report child abuse or neglect.

A domestic violence program must develop procedures describing specific steps mandated reporters should follow in order to comply with the law and policies developed by DSS. Everyone working or volunteering at an agency should be trained on these procedures so that they are able to explain them to battered mothers.[53] Taking all this into consideration, domestic violence providers should discuss their philosophies, examine their daily procedures, and develop policies on mandatory reporting that answer the following questions:

- How should advocates discuss confidentiality and mandatory reporting with battered mothers?
- Who is considered a mandated reporter?
- How will the agency determine if a child is in danger?
- If a child is in immediate danger, how will the agency respond?
- What is the procedure for making a report?
- Who should be notified and when?
- What information should be supplied to the adult victim about next steps?
- In what ways can advocates continue to support battered mothers throughout this process if she or her abusive partner is reported?
- What will be documented for the agency's liability purposes and what will be documented in the victim's file about the report? Advocates providing input on this

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[52] Supra note 46.

[53] Communication about mandatory reporting obligations should be incorporated into the agency's overall confidentiality policy. Domestic violence agencies should refer to the DSS Manual to learn more about mandatory reporting process, see supra note 4.

document suggested that the individual who made the hotline call or helped the victim make the call must record the time and date of the call, the number called, the hotline worker's name or number, the reason the call was made and, any known outcome.

If a report is necessary, it is vital to keep the battered mother informed of what is happening throughout the entire reporting and investigative process. The chances of a positive outcome for the non-offending parent and her children is increased by providing support and services to an adult victim before, during and after either she[54] or the agency makes a report about child maltreatment. In the instance when a call to the CD hotline to make a report occurs, here are some suggestions that are to be discussed with her in advance if possible, and may help increase her and her child's safety:

> Child protection services, domestic violence agencies, and juvenile courts should develop memos delineating the mandates of each system, their confidentiality requirements, and agreements for sharing information.
>
> Recommendation 13

- Talk to her about why the agency thought a report was necessary, including concerns for her welfare and that of her children.
- Discuss with her, if and how, she would like to participate in that report.
- Explain to her what CD will do to investigate the report and what are some potential outcomes.
- Talk to her about her concerns about potential retaliatory consequences from the perpetrator and how to increase safety for her and her children
- Help her to identify people who could take care of the child safely (i.e. who would not be aligned with the batterer or have other issues in the home) in the event that an out-of-home placement is needed.
- Link her to an attorney to discuss legal options and consequences.
- Have her present during the time the call is made so that she hears what is being reported. If she is there, indicate to the hotline that she has been part of the report making process.
- Offer addresses/phone numbers where the victim and her child can be safely contacted. If the victim is still residing with her abuser, let the hotline worker know that any information identifying the reporting agency as a domestic violence service provider, including the phone number, should be removed from the report so that it does not alert the batterer and put her at further risk.

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[54] If a victim does not want to place the call herself, explore her concerns. If it is due to safety issues (e.g. she is still living with the batterer or he will know she made the call and increase his abuse) help her to create a safety plan around the report. This does not mean a report should not be made, but it is an indicator that more attention to safety is needed.

- When speaking to the hotline, provide context about the domestic violence and other relevant issues. For example, documenting her protective strategies may be beneficial to the victim and her children and making clear who is the perpetrator of intimate partner violence and child abuse/neglect. The decision whether to include this type of framing information should be done only when there has been consultation with the victim and such disclosure will not put her or her children at further risk.

Domestic violence advocates realize it is imperative to speak to mothers about child maltreatment. All advocates should affirmatively broach the subject with mothers as silence in co-occurrence cases can lead to children being harmed and ultimately compromise a victim's parental rights, in the worst cases leading to the loss of those rights.

Other Considerations

- Confidentiality, mandated reporting, and information sharing are very complex issues, even more so in co-occurrence cases. Domestic violence organizations must use bilingual advocates or interpreters when assisting non-English speaking mothers.

- Domestic violence organizations may receive calls from other professionals seeking information about battered mothers. Some of the reasons for the inquiries include: to confirm that a victim is a resident at shelter or participating in counseling/another service; to check on the welfare of the children; to communicate with the victim about a change in the service plan or an upcoming court date; or to interview the victim as part of an investigation of alleged child abuse or neglect. Failure of a battered mother to respond to these inquiries can be detrimental. Agencies should discuss what mechanisms can be developed to confirm the identity of callers (CD representative, attorney, or law enforcement officer) and immediately apprise advocates and battered mothers that an attempt at contact was made. This also affords the advocate an opportunity to speak with the battered mother about CD and discuss why and how CD may be involved with her family, and begin to strategize about next steps.

- Organizations should consider developing a standardized response[55] for instances when written verification is requested (of either shelter residency or participation in agency activities) and the battered mother signs a release of information allowing for the form to be sent. The response should provide the needed information without opening up the legal argument that the privilege, when it exists, has been waived.

- Domestic violence advocates are bound by RSMo §455.220 and their programs' confidentiality requirements. To comply with confidentiality laws, a domestic violence program should create policies that allow staff and volunteers limited access to records in

[55] If a client wants an advocate/agency to be able to verbally let a CD representative know whether she is living at the shelter, the release of information should be worded in a way that permits the agency to confirm or deny her presence only and not provide her current or future address.

order to provide or supervise services, perform grant or audit reporting duties, or to respond to court orders.[56]

- Organizations should have policies developed for the handling and response to subpoenas. In order to uphold confidentiality and privilege, most domestic violence agencies have a history of quashing subpoenas and have built relationships with attorneys in order to do so. However, when a co-occurrence case exists and the subpoena relates to that matter, an advocate should first explain to the battered mother the agency's standard response to subpoenas and then discuss if there are ways she would like the domestic violence agency to assist in conveying information to the court or other parties even if it is not through the subpoena.

Tools, Resources, and Strategies in Co-Occurrence Cases

Child Protection Orders

In Missouri, families have the option of pursuing a child protection order. Advocates are usually more familiar with its counterpart, the adult protection order. Domestic violence advocates should know how a child protection order is obtained, what it can provide, and its limitations so that they can fully explain this legal remedy to battered mothers.

Child protection orders were established to protect children who have been subjected to abuse by a former or current household member. In order for someone to qualify, abuse is defined as "any physical injury, sexual abuse or emotional abuse inflicted on a child, other than by accidental means by an adult household member," except that reasonable discipline is not abuse.[57] A petition for a child protection order can be filed on behalf of a child (person under the age of 18) by a parent, child's legal guardian, guardian *ad litem*, court appointed special advocate, or juvenile officer.[58]

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[56] Supra note 36, Service Standards and Guidelines for Domestic Violence Programs.
[57] RSMo §§ 455.500 to 455.538.
[58] It is important for advocates to know that others can request a child protection order even when a battered mother does not want one. In that situation, advocates should spend time with mothers to plan for any potential repercussions.

A child protection order can be useful when seeking to keep the victimized parent and child together as it permits the court to set conditions under which a person[59] may or may not have contact with the victimized parent and child. For example, the court could require the battering partner to stay away from the home, stay away from the victimized parent and/or child, or have the battering partner stop certain actions toward the child and victimized parent. The local county family court can hear the petition if St. Louis is the county where the child resides, where the alleged incident of abuse occurred, or where the respondent may be served. After a full hearing, the court can:

- Require the respondent to refrain from abusing, threatening to abuse, molesting, or disturbing the peace of the child.
- Order the respondent not to enter the family home of the child victim.
- Direct the respondent to not have any contact with the child.
- Award custody to the non-offending parent (under certain circumstances).
- Award visitation and child support where appropriate.
- Order respondent to make rent or mortgage payments, if respondent has a duty to support the child victim or other dependent household members.
- Award maintenance to petitioner when petitioner and respondent are lawfully married.
- Order the respondent to participate in court-approved counseling designed to help abusers stop violent behaviors.
- Order respondent to pay costs of treatment for himself and/or the child victim.
- Order the respondent to pay for housing and other services provided to the victim by a shelter for victims of domestic violence; and
- Order the respondent to pay attorney's fees.

A child protection order cannot be pursued if there is a case pending or prior order pertaining to the custody of the child. It is a useful tool in that a petition can be filed without the existence of a child protective proceeding and in some instances eliminating the need for state intervention. It can also assist in the removal of a battering partner who is not the biological parent from the home. Recognizing that this is an important mechanism that the court has at its disposal, the Family Court of St. Louis County developed a protocol for Deputy Juvenile Officers (DJOs) to

[59] Under this statute, the court can restrain the behavior of a former or current household member, an emancipated child, or a person stalking the child.

follow when he/she believes a child protection order petition should be filed. The protocol requires the DJO to:

- Meet with the family and CD caseworker to determine if a child protection order is needed;
- Submit a written request for a petition to his/her supervisor and then discuss the grounds with the supervisor and guardian *ad litem* to determine if there is consent about filing;
- Assist the non-offending parent and child (if needed/appropriate) in appearing at hearings; and
- Aid in the monitoring of respondent's compliance with provisions of the order.

Safety Planning

Safety planning is a process routinely used by domestic violence advocates as part of the comprehensive services offered to battered mothers. When it comes to co-occurrence, it is imperative that issues surrounding the children and any involvement with CD are integrated into the victimized parent's safety plan <u>and</u> it is also necessary that children are afforded the same opportunity for safety planning. Domestic violence advocates should assist battered mothers to incorporate protecting her children into her safety plan as studies show that safety plans that jointly address the needs of adult victims and their children are more effective and more likely to be maintained after service providers are no longer involved. Building a safety plan may also be an opportunity to discuss any concerns a battered mother has about her children. It is crucial to understand the current level of involvement the family has with CD, and whether the victimized parent believes that involvement raises any safety concerns. Some things to explore with her are:[60]

- If she is in a shelter or in hiding, is her address written anywhere in the case record? How will the system protect it?
- Are there things the children may relay to her abuser that may cause an increased risk to her or her children?
- Are there safe places for CD workers or the court to contact her – both in person and by mail?

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[60] Family Violence Prevention Fund, Advocacy Matters: Helping Battered Mothers and Their Children (2003). Also see Appendix E which incorporates other points from this document.

- If she and her abuser reside together, how can she remain safe if a CD representative comes to the house? Does she have some place to go when the caseworker is talking to him?
- If she decides to initiate a neglect or abuse report, what will that look like and what steps will she take to keep her and her children safe when he finds out about the call?
- If court involved, has she informed the DJO of her safety concerns and need for confidentiality?

A child can also have his/her own safety plan. A child's safety plan must be realistic, simple, and age-appropriate and the child must be able and willing to use the plan.[61] Those working with children to develop a safety plan should be skilled in working with children and domestic violence. Sample questions to ask children about safety are:

- What do you do when you are scared?
- What do you do when your parents are fighting?
- Do you talk to anyone about what is happening at home (teacher, friend, or neighbor)?
- What makes you feel safe?
- What skill are you most proud of?

Local Resources

The St. Louis *Greenbook* Initiative has fostered learning opportunities, collaboration, the development of new policies and procedures, and the creation of several resources that domestic violence advocates can turn to in co-occurrence cases.

Specialized Positions

During the last decade specialized positions have continued to develop. Typically, a specialized position is where a professional, in this case an advocate, bridges more than one system with their advocacy role and responsibility. The specialized positions are currently placed in the Family Court of St. Louis County and St. Louis County Children's Division of the Missouri Department of Social Services (DSS). They are:[62]

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[61] For more information about speaking to children about the violence and safety planning see Appendix D.
[62] These positions existed at the time of publication of this Guide. Due to funding, these positions in the future could change, grow, or be eliminated. Advocates should stay abreast of the status of these and other resources in the county.

- The Family Court Resource Specialist[63] position was created in order to facilitate a coordinated approach to identifying families with the co-occurrence of domestic violence and child maltreatment; provide those identified with immediate, confidential access to comprehensive intervention services; and promote the safety and well-being of victims of abuse and their children. The specialist has an office within the court and she provides voluntary, confidential, and free services to any parent in abuse or neglect cases, if it has been determined that the parent is a victim of domestic violence.
- Similar to the above position, is the Children's Division Resource Specialist. This advocate is available to professionals in Children's Division to consult with before and during investigations, and throughout the handling of an open case when domestic violence exists. The specialist lends her expertise to the child protection system and serves as a resource to professionals and families involved with the Children's Division.
- The Batterer Compliance Coordinator position and project was developed with the goal of reducing recidivism of domestic violence offenders in St. Louis County. The project serves as a centralized referral and monitoring source when offenders are ordered to attend a batterer intervention program out of family court proceedings, including co-occurrence cases.

DSS Manual

A manual[64] for domestic violence advocates was developed by the St. Louis County Greenbook Initiative. It highlights many of the DSS programs that victims of domestic violence may access or become involved with such as income maintenance, child support, and the CD. The manual is extremely comprehensive about child abuse and neglect cases and outlines when a report of child maltreatment should be made, how it is to be made, and what happens upon receipt of information by CD. Advocates are strongly encouraged to refer to the manual when examining their mandatory reporting policies and to use the manual as a resource when explaining DSS programs to victimized parents.

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[63] The advocate uses the Advocate/Resource Specialist title so not to raise red flags when families are referred.
[64] See supra note 4.

Cultural Competency, Bias & Diversity

To be an effective advocate, one must be objective, knowledgeable, sensitive, respectful, independent, persistent, and ethical.[65] This requires advocates to do several things such as identify and address their biases, learn about other systems and philosophies, and resolve conflicts of interest. Additionally, it is incumbent for domestic violence programs and those working in them to:

Be culturally sensitive.
Be trustworthy, respectful and honest.
Provide language accommodations.
Provide disability accommodations.

No one is without biases or preconceived notions. Everyone has opinions and beliefs that contribute to the way in which they view the world. Personal experiences and backgrounds influence our values and in turn impact how we perceive relationships between mothers and children, fathers and children, how we parent, and our attitudes and beliefs about child abuse and neglect. Unknowingly, this can lead to tensions and obstacles from well-meaning actions or can discriminate or create disadvantages through the types of expectations placed on family members and denial of access to services. Examining one's own belief system in order to determine if co-occurrence cases are ones in which you can participate is a difficult task. In co-occurrence cases, biases may become apparent when examining: comments made by domestic violence advocates about the child welfare system; the statistics about which families get reported under the mandatory reporting law; and attitudes and feelings about working with battered women who may have neglected or abused their children or did not leave a relationship as soon as they discovered child sexual abuse was being perpetrated by the abuser. Here are some tips on how to check for bias:

- If you are unsure about your thinking, ask the opinion of others you trust. Ask an objective person to interpret the facts and listen to how he/she views the situation.
- Take seriously any suggestions made by others that you are biased. Even if you *know* that you're right, you may be too close to the situation to see solutions. If you appear biased to others, there is a good chance that some bias is motivating you, and perhaps clouding your judgment.

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[65] Disability Rights Washington, formerly Washington Protection & Advocacy System, *What is Advocacy?*

- Avoid "us vs. them" thinking. When you advocate strongly and encounter resistance, it is difficult not to think of those resisting you as "them" or "the other side."
- Stay connected with those for whom you are advocating. Make sure you are asking for what the victimized parent and child want. Your strategy may change, but your focus should be clear and remain constant.

Being aware of and appreciating the interface of culture, ethnic identity, language, sexual orientation, gender identity, socio economic status, class, and age with domestic violence is essential to competent and sensitive practices in co-occurrence cases. While domestic violence and child abuse are difficult for any family to deal with, various populations often experience additional stresses when they seek services. Persons from groups that have been oppressed over the course of generations may see mainstream "helping" systems as more abusive than the homes they live in and will do everything in their power to avoid having their abuser, children, and themselves involved with them. Being aware of the discrimination that battered women of color face in their daily lives allows advocates to respond more effectively to their needs. The child welfare system has habitually had a disproportionate number of families of color represented;[66] analysts are still exploring how to correct this problem. It is important to recognize that immigrant populations, people of color, and transgender, gay, lesbian, and bisexual victims of domestic violence face obstacles to accessing help, such as racism, prejudice, language, and lack of culturally or linguistically appropriate services that are not present for other battered women who have children that have been abused or neglected.

> Cultural competence requires agency leaders to make an ongoing commitment to fact-finding in order to determine whether children and families of diverse backgrounds are served fairly and capably by their agencies–in the reporting and substantiating of child maltreatment; ….and in the responses of shelter providers, police, and the courts to domestic assaults and child maltreatment.
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> Recommendation 9

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[66] Child Welfare League of America, *Disproportionate Minority Representation A Statement About Children of Color in the Child Welfare System: Overview, Vision, and Proposed Action Steps*, Juvenile Justice Division.

Diversity must be proactively addressed. Domestic violence organizations should analyze their own policies and procedures (e.g. mandatory reporting, acceptance for services, etc.) to determine whether they purposely or unintentionally discriminate against battered mothers for any reason, including race, economic status, age/gender of children, court involvement, or the existence of child maltreatment. Domestic violence organizations should also strive to establish a welcoming environment for families from diverse backgrounds, including employing staff that is representative of the community.

Conclusion

It takes creative thinking about how to approach building safety for both victims of domestic violence and their children. While best practices in co-occurrence cases are continuing to emerge, this Guide has been developed by the domestic violence community to emphasize to the Greenbook's commitment of linking adult and child safety and focusing on batterer accountability. The overall goal is to build internal capacity to respond effectively to families grappling with domestic violence and child abuse by assisting domestic violence service providers in their approach and handling of co-occurrence. Domestic violence organizations should use these guidelines to facilitate internal conversations about how best to protect battered mothers and their children, while continuing to listen to and be guided by the voices and experiences of women and children.

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APPENDICES

A: Effects of Domestic Violence on Children
B: Battering Tactics that Involve Children
C: Helping Battered Mothers Rebuild Relationships with their Children
D: Speaking with Children and Safety Planning
E: Practices for Advocates in Co-Occurrence Cases
F: Selected Statutes

APPENDIX A

EFFECTS OF DOMESTIC VIOLENCE ON CHILDREN

These effects may be shown by children for a variety of reasons or explained by a number of factors in a child's life.

Emotional

- Feeling guilty for the abuse and for not stopping it.
- Grieving for family and personal losses.
- Confusion regarding conflicting feelings toward the parents.
- Fearful of abandonment, expressing feelings, the unknown, or of personal injury.
- Angry about the violence and the chaos in their lives.
- Depressed, feeling helpless and powerless.
- Embarrassed about events and dynamics at home.

Cognitive

- Believe they are responsible for the violence.
- Blame others for their own behaviors.
- Believe that it is acceptable to hit people they care about in order to get what they want, to express their anger, to feel powerful, or to get others to meet their needs.
- Have a low self concept originating from a sense of family powerlessness.
- Do not ask for what they need or what they want.
- Do not trust.
- Believe feeling angry is bad, because people get hurt.
- Have rigid stereotypes, for example to be a boy means...to be a girl means..to be a man, woman, husband, wife means, etc.

Behavioral (often seen in opposite extremes)

- Act out vs. withdraw.
- Overachieve vs. underachieve.
- Refusal to go to school.
- Caretaking, more concern for others than self; role reversal – act as parent.
- Aggressive vs. passive.
- Rigid defenses (aloof, sarcastic, defensive, right and wrong thinking).
- Excessive attention seeking (often using extreme behaviors).
- Bedwetting and nightmares.
- Out of control behavior, not able to set own limits or follow directions.

Social

- Isolated from friends and relatives.
- Stormy relationships - start intensely and end abruptly.
- Difficulty in trusting, especially adults.
- Poor conflict resolution and anger management skills.
- Excessive social involvement (to avoid home life).
- May be passive with peers, or bully peers.
- Engage in exploitive relationships either as perpetrator or victim.
- Play with peers gets exceedingly rough.

Physical

- Somatic complaints (headaches, stomachaches).
- Nervous, anxious and a short attention span.
- Tired, lethargic.
- Frequently ill.
- Poor personal hygiene.
- Bedwetting and soiling.
- Regression in development tasks (bedwetting, thumb sucking - depending on age).
- Desensitization to pain.
- High risk play and activities.
- Self-abuse.

APPENDIX B

BATTERING TACTICS THAT INVOLVE CHILDREN

The battering parent may use the following tactics (many which involve the children) in order to try to retain power and control over the victimized parent:

Related to Undermining Parenting

- Telling the children that they cannot be a family because of the victim.
- Telling the children that the victimized parent is an alcoholic, addict, or mentally ill.
- Sabotaging the victim parent's rules for the children.
- Telling the children that the abused parent is to blame for the violence.
- Getting the children to take his side.
- Yelling at the victim when the children "misbehave."

Related to Child Visitation

- Keeping the children longer than agreed.
- Threatening to abduct the children.
- Showing up unexpectedly to see the children.
- Picking the children up at school without informing the abused parent beforehand.
- Showering the children with gifts during visits.
- Changing visitation plans without notice.
- Not coming to see the children and blaming the victim.
- Harassing her during exchanges.

Using the Children

- Calling the victim constantly under the guise of talking to or about the children.
- Asking the children what the victimized parent is doing and who she is seeing.
- Threatening to take custody away from the victim if she does not agree to reconcile.
- Battering or threatening to hurt or kill the victimized parent in front of the children.
- Telling the victimized parent that no one will believe her, everyone will think she is crazy, and she will lose custody of the children.

Related to Children Generally

- Keeping court cases active by frequent filings.
- Physically abusing the children and ordering them not to tell their mother.
- Abusing his new partner in front of the children.
- Not permitting the abused parent access to proper health care for the children.
- Driving recklessly with the children and/or the victim in the car.
- Abusing drugs/alcohol in front of the children.
- Withholding child support or quitting a job or remaining underemployed in order to avoid paying child support.
- Recruiting relatives to speak negatively about the victim to the children.

Other

- Criticizing, assaulting, or threatening the victim's new partner.
- Stalking the victim, children, and her friends/family.
- Threatening to commit suicide.
- Abusing or killing the family pets.
- Threatening to call the police to have her arrested.

APPENDIX C

HELPING BATTERED MOTHERS REBUILD RELATIONSHIPS WITH THEIR CHILDREN

Excerpted and adapted from: Patterson, Lupita Model Protocol for Advocates Working with Battered Women Involved in the Child Protection System, Washington State Coalition Against Domestic Violence (December 2003).

The negative impact that a batterer can have on the mother/child relationship can last long after the mother has left the batterer or he has stopped his use of physical violence. It is important for advocates to understand that their interactions with the mother and the child can begin the process of restoring the bond that was broken by the batterer. The following examples of supportive interventions are targeted at rebuilding the mother/child relationship:

- Listen to her and believe her.
- Help her to validate, expand upon and reframe her understanding of what she and the children have been through, as well as build upon her strengths and resiliency to effectively parent, provide for and protect her children.
- Acknowledge her experience and feelings. Give her permission to feel angry, helpless, powerless, and fearful.
- Remind her that no one deserves to be abused and that she's not alone.
- Explain to her the importance of letting the children know that she's doing everything in her power to keep them safe.
- Help her identify the protective strategies she has used in the past.
- Help her to develop a safety plan with and for her children.
- Help her understand the dynamics of domestic violence and its effect on children.
- Help her understand that some negative behaviors children may exhibit are coping skills, which they developed as a result of being exposed to a batterer's behavior.
- Provide playful, stress-free activities that women and their children can do together.
- Help her understand how she can start reclaiming fun memories and building new memories that children can always remember.
- Provide her with age-appropriate books or videos that she can read with her children together so they can understand the dynamics of family violence, give them a language to share their experience and open the doors to communication.
- Help her to explore things she can say and do to validate her children's fear, powerlessness, sadness, conflicting loyalties, anger and helplessness.
- Help her to understand that behaviors are learned and that children may acquire annoying and hurtful behaviors that they learned from the batterer.
- Help her explore ways she can address and modify these behaviors in non-violent ways that don't attack a child's body or spirit.
- Help her identify the kind of help she needs, what would help her the most in helping her children heal and repairing the damage that's been done to their relationship.
- Help her find resources (e.g., chemical dependency, mental health, educational or vocational classes, or job training) that understand (or will at least be respectful of) her experience as a battered woman, the dynamics of abuse, the batterer's impact on children and parenting, the experiences of her children. And, give her permission to keep seeking resources that believe and validate her perceptions and her experiences.

Help her explore ways to assist her children's adjustment to the changes they will be going through. Provide her with communication, resources and other practical skills to:

- Advocate for the kids with the schools, as needed.
- Help her kids deal with bullying, gangs, peer pressure or teasing.
- Acknowledge and ease their fear of relocating to a new home or community, attending a new school, making new friends.
- Help the children manage the separation from their father, visitation and other changes in the family structure.
- Talk to them about their anxieties regarding all of the above.
- Model gentle, non-violent communication, play and discipline.
- Tell her when you see her interacting in a positive way with her children. This reminds her that she is a good parent and that her child(ren) need this to heal from what they have experienced and encourages positive interactions.
- Assist her in listing the ways in which she is a successful parent.
- Notice and tell her good things about her kids. Avoid telling her about negative behaviors her children exhibit—instead find opportunities to discuss the concept that what may seem like negative behaviors are quite typical that most kids will exhibit. Explore with her ways to deal with these behaviors in healing ways (i.e., non-violent, non-blaming, non-shaming, non-punitive).
- Encourage her to spend peaceful, quiet time alone with each of her children.
- Offer to watch her other children so she can do this or help her explore options to make this happen with friends and family.
- Let her know that it takes time to recover—that no one can ever totally sever the mother/child relationship; that usually children will come to realize all she has done for them; that she has not been abusive; that they'll come around but not necessarily in the time we want or expect.
- Talk with her about the future—what she wants for her children: now; 5 years from now; 10 years from now.
- Define abuse (physical, sexual, emotional), what is reportable, what is not and how she can help her children heal from what they have experienced.
- Provide her with tips on how to give her children positive attention, even when she's terrified, confused or angry.
- Help her strengthen healthy ties with family and friends who support her changes and have a positive influence on the children.
- Help her see how the batterer has undermined her ability to parent. Explain both covert and overt ways batterers undermine a mother's parenting.
- Provide parenting books and videotapes related to the effects of battering.

Advice for Mothers to Help Their Children Recover

- Give children permission to talk about their fathers, the family, and the violence, even if it is hard for you to hear.
- Listen carefully to their perspective. It probably will not be the same as yours. Children understand events in different ways, depending on their age. By listening carefully, you can understand what was scariest for them, what they feel guilty about, and what worries them still.
- Reassure them that the violence/fighting was not their fault. They did not cause it, and it is not up to them to solve the problem.
- Remember that children may be loyal to both parents. Do not expect your child to take sides with one parent over the other, even if you are very angry at your partner.
- Reassure your child that you are working to keep them safe. They need to know that the adults are aware of how frightened the children may feel, and that the adults are trying to make things better.
- Do not worry if your child does not want to talk about what happened. Children are different. Some may be more hesitant to talk and may be dealing with their feelings in other ways. As long as your child knows that it is OK to talk about the violence, you can keep an "open door" for future conversation when, and if, the child is ready.
- If your child is extremely frightened or worried, or has behaviors that concern you, consult a pediatrician or counselor. Sometimes it may be helpful to have your child talk with a counselor about his/her feelings.

APPENDIX D

SPEAKING WITH CHILDREN & SAFETY PLANNING

Adapted from several sources, including materials from St. Martha's Hall & Kathy Weinman Center

Children of battered women suffer the stress of constant fear and terror, never knowing when the violence will strike again. In addition, they suffer emotional trauma—shock, anger and guilt. Not only are they afraid of what they are seeing and/or hearing happen to their mothers, they may also feel responsible for her abuse or guilty for not being able to protect her. The following serves as a guideline for working with these children. Each child will perceive and experience the violence in their lives in differing ways, based upon their sex, age, stage of development, the extent and frequency of the violence, and their role in the family.

Let children know what you will be or won't be sharing with their mother. It is important for battered mothers to learn about what their children are thinking and feeling to help her strategize on how best to help her children. Information should not be shared in situations where a child's safety will be compromised.

Identify and Express Feelings: Children of battered women experience many feelings, but may not know what those feelings are or how to communicate them. It is important to teach the children different feelings and why it is important to identify and express feelings. In addition, modeling the expression of feelings and indicators to how a person may be feeling is very helpful. This information allows a child to communicate feelings as a way to solve problems.

Violence: Children of battered women need an opportunity to explore and express feelings about the violence in their families and how it has affected them. This helps children to learn that they are not responsible for the violence in the home nor can they stop it from happening. It also gives children a chance to learn that violence doesn't only happen in their family and it doesn't happen in all families. In addition, children need to become familiar with abuse and have a working knowledge of the dynamics of abuse in order to protect themselves. It is imperative that they develop a personal protection plan against all forms of abuse, against themselves and those they love.

Problem Solving: It is necessary to teach children healthy ways to solve problems. They need to be encouraged not to try to solve their parents' fights or to get caught in the middle of a fight. It is important that they try to solve their own problems and make themselves feel better. Help these children to think on their own and explore possible options and solutions to problems with people they trust.

Self-Esteem: These children often have very low self-esteem and need to realize they are important and worthwhile people. They often beat themselves up for being unable to protect mom or blame themselves for the violence. Having an opportunity to focus on themselves, their needs and their importance in the lives of others, allows them to see they are truly special people.

The following suggestions are most applicable to advocates working in a shelter or for programs who have specialized parenting or children's programming.

- Acknowledge and validate children's pain, fear, sadness and anger (age appropriate—start where they're at).
- Acknowledge that the children have been afraid, and may continue to be.
- Validate their feelings without trying to "fix" them, change them or define them.
- Let them give voice to whatever it is they're feeling so they know their feelings are okay—there's a time and place to talk about "choice" and the difference between "feeling" angry enough (to lash out at someone) but it's important to "choose" not to hurt someone even when you feel like it.
- Assist children in understanding their experience and their mother's experience to help them recover respect for her: define abuse (physical, sexual, emotional) in terms they can understand, let them know they're not alone—that many families live with violence but it's not okay and that you and others are trying to help mom to be safe because she doesn't deserve to be hit, hurt, scared or made fun of; let them know that you are proud of their mother for seeking help because you know she wants to protect herself and protect them.
- Acknowledge that the children may miss their father, but wait until you have built some trust before gently letting them know that his behaviors are not okay, that hitting hurts and that mom (or anyone) doesn't deserve to be hit, scared or made fun of. Support and reinforce the children's closeness to their mother.
- Assist children in understanding that the batterer is responsible for the violence and coercive behavior, introducing the concept of choice and personal responsibility in age-appropriate ways.
- Address problems in children's attitudes and belief systems.
- In their book, *The Batterer as Parent: Addressing the Impact of Domestic Violence on Family Dynamics*, Lundy Bancroft and Jay Silverman suggest that children will need assistance to begin the emotionally charged process of reevaluating their understanding of the battering that their mother experienced. They recommend that programs for children exposed to domestic violence assist children to correctly attribute responsibility to the abuser rather than their mother or to themselves. They also recommend that attention be directed at addressing and overcoming the negative socializing process which may have instilled in them the following beliefs and attitudes that they learned from the batterer:
    - ✓ victims are to blame for provoking the violence or for causing the violence in other ways;
    - ✓ power over others is the route to safety and self-esteem;
    - ✓ perpetrators of violence are not responsible for their violence;
    - ✓ it is appropriate for males to be aggressive and demanding and females should cater to males;
    - ✓ females are passive and victimized; and
    - ✓ people who complain of mistreatment should be ridiculed and other distorted values and perceptions.
- Provide conjoint classes with the mother and the children that emphasize restoring damaged family relationships and re-establishing the mother's parental authority.
- Remember to take care of yourself. Parenting and healing require attention to the mind, body and soul. Do something small each day to remind yourself that you are worth it!

The following are some potential questions and tips when speaking to children who are coming from homes where there has been intimate partner violence. It is not the role or responsibility of the domestic violence advocate to determine whether child abuse or neglect has happened

Tips:

- Find out how the children are keeping themselves safe – do they have access to a phone? Do they know about 911? Can they go to a neighbor's house? Be sure they know it's not safe to try to stop the violence, even though they might really want to.
- Reassure the children that the violence is not their fault nor is it the fault of the parent being hurt.
- Try not to speak negatively about the perpetrator. Children often love him. They just want the violence to stop.
- Acknowledge and validate children's pain, fear, sadness and anger (age appropriate—meet them where they are at).
- Find out if there is someone they can talk to about the problem if they need to (e.g., from family, school, faith community, sports team, summer program). Help them think of two or three people. Try to get each child connected to an ongoing support system outside of the home.
- Assist children in understanding their experience and their mother's experience to help them recover respect for her. For example, let them know that you are proud of their mother for seeking help because you know she wants to protect herself and protect them.
- Acknowledge that the children may miss their father, but wait until you have built some trust before gently letting them know that his behaviors are not okay, that hitting hurts and that mom (or anyone) doesn't deserve to be hit, scared or made fun of.
- Support and reinforce the children's closeness to their mother.

Questions:

- What do you do or where do you go when the fighting happens?
- What happens when they fight?
- Are you ever afraid when your parents fight?
- Have you ever been hurt by any of their fights? Has anyone else ever gotten hurt?
- What do your brothers or sisters do during a fight?
- Do you talk to anyone about the fighting at home? Do you feel safe at home?
- Have you felt like hurting yourself or someone else?
- Have the police ever come to your house because of a fight? Have you seen anything broken in the house because of fighting?
- What happens when you do something wrong? How are you disciplined?
- Are you afraid to talk about this?

Safety Planning Checklist

- Stay out of the fight.
  - ✓ You may want to get in the middle of the fight to protect and help your parent, but this is not a safe thing for you to do.
  - ✓ Stay out of the room where the fighting is happening.
- Avoid getting trapped in a small room, closet or the kitchen.
  - ✓ You may feel like hiding, but if you go into a corner or closet, it may be hard to get out again safely.
  - ✓ Don't get trapped in the kitchen where there are objects that can be used as weapons.
- Find a phone in a safe place. Call 911 for help and stay on the phone.
  - ✓ Use a phone out of reach or out of sight of the batterer.
  - ✓ If you can't reach a phone safely in your own house, go to a neighbor, relative, or friend you trust and ask if you can use the phone.
  - ✓ Call 911 or your local police emergency number and stay on the phone until someone answers.
  - ✓ Tell the dispatcher what is happening in your home and ask for immediate help.
  - ✓ Give the dispatcher your address.
- Escape to a safe place. Find a relative or neighbor and ask for their help.
  - ✓ Think about which grownups you would feel safe talking to.
  - ✓ Don't give up if the first person you go to won't help. Try another adult. Keep trying until you find someone to help you.
- Above All, Remember, It Is Not Your Fault!!!!

Checklist and Safety Planning Tool

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

_____ run out/get someone

_____ other

When Mom and Dad are fighting, what do you worry about the most?
Tell me about what you know about the fighting at home.
How do you feel when the fighting happens?
Why do you think your parents/ parental figures fight?
Have you talked to any other grown ups about this problem?
In an emergency, who would you call?
Their phone number is: _____.
What would you say: _____ .

APPENDIX E

PRACTICES FOR ADVOCATES IN CO-OCCURRENCE CASES

Adapted from several sources, including, Patterson, Lupita Model Protocol for Advocates Working with Battered Women Involved in the Child Protection System, Washington State Coalition Against Domestic Violence (December 2003).

Advocacy Practices When Making a Report to DSS

If after careful consideration and in consultation with others in your program, you believe that a report to child protection is necessary regarding a battered woman's or her batterer's suspected maltreatment of the children, the following steps are recommended. These steps are important whether she or her partner is being reported for suspected maltreatment because the CD file is often placed *in her name*, regardless of who the perpetrator is.

- ✓ Inform her that you will be making a report and describe how you determined that a report was necessary, including information about statutory obligations and your concern for her welfare and that of her children.
- ✓ Provide information regarding the steps the child protection agency will take once the report has been made. Highlight the fact that not all reports result in continued involvement with child protection and, in particular, that not all reports result in findings of maltreatment, involvement with the court or the need for mandated services.
- ✓ Share with her what you know about specific screening or risk assessment criteria used by CD in Missouri.
- ✓ Inform her that you will work with her to avoid unnecessary involvement with child protection by providing a thorough report, including an explanation of how domestic violence has affected her situation, the steps that she has taken in the past and is currently taking to end the violence and protect the children, and what she feels she needs from the child protection system and the community.
- ✓ Assure her that if continuing involvement with child protection becomes necessary, you will work with her and child protection to assure that they account for the impact of the batterer's abuse on her and the children. Also let her know that that you will advocate with her throughout her involvement with child protection (of course, this requires that you are prepared to do so, or ensure another advocate will follow up with her).
- ✓ Discuss actions that she could take now which might help her avoid continued involvement with CPS (caution: do not assume that any of the options will make her and the children safer, rather determine with her what she believes works in her case). These actions can include: safety planning for herself and children; getting a civil protective or restraining order; leaving the batterer; chemical dependency treatment for her or the batterer; attending support and education groups for her and/or the children; appropriate parenting education groups for her or the batterer; state certified batterer's intervention group; accessing other supportive community resources or whatever else might enhance safety for her and her children.
- ✓ Assist her with making concrete changes to enhance safety for her and her children, such as changing locks on doors and windows, finding food and safe shelter.
- ✓ Work with her to develop an ongoing safety plan for her and her children.

- ✓ Identify and document her past and present protective strategies, including the help she has sought, whether this was successful or not and what she needs to be safe from the batterer's harm. Do not send a written copy of her safety plan to CD.
- ✓ Encourage her to also report and offer her support during the reporting (note: this does not release a mandatory reporter from their legal obligations to report).
- ✓ If she is not in a residential program, let her know when you will be contacting her next and remind her that she can contact you at any time, if she has any concerns.

Advocacy Practices for Battered Mothers Involved in CD

Once a report has been made to CD, it is critical that advocates maintain contact with the woman to provide advocacy as needed throughout the process. **Any contact with CD or others must occur at her request, with her approval and written release, and when possible, with her present.**

- ✓ If an interpreter is needed at any step in the process, advocate for services with CD.
- ✓ Determine where her case is in the child protection process. Explain what is happening and what to expect from child protection services.
- ✓ Link her to an advocate that works as a liaison in CD or the court as these advocates have specialized knowledge about BOTH issues.
- ✓ Find out what she has done on her own behalf regarding her case.
- ✓ If her case has recently been reported to child protection by someone *outside of your agency*, find out if she thinks that the report was incomplete, work with her to make a supplemental report to child protection, including describing the strategies used by the woman to increase safety and her (and her children's) experience of abuse and its impact.
- ✓ Offer to accompany her to Family Support Team Meetings.
- ✓ Explain that she has a right to know what is in her case file, and that you are available to review it with her to see if any additions or corrections are needed.
- ✓ Review service plans with her and retain a copy at the domestic violence agency so that you can help her know what she is supposed to do and help link her to resources.
- ✓ Inform her that you can contact her caseworker and others if she would like you to advocate for her directly. If she is represented by an attorney, talk to the attorney first about your involvement at that level.
- ✓ Discuss confidentiality with her, the limits of what you will share, the use of releases and other considerations.

Advocacy Practices When Reviewing Case File Documentation

As a general practice, when advocating on behalf of a battered woman with her CD caseworker, the advocate and woman should conduct a comprehensive analysis of case file documents and create an advocacy plan for responding to missing, inaccurate or incomplete information. Thoroughly review materials in the case file with her and make sure the following items are addressed within the materials:

- ✓ The existence of and description of domestic violence that *both* the adult victim and children have experienced.
- ✓ Whether her version of events is accurately reflected and recorded.
- ✓ Whether behavior on her part is fairly represented or is represented as dysfunctional.

- ✓ When working with Native American women and the Indian Child Welfare Act (ICWA) consult with domestic violence advocates who have experience working with ICWA and determine if appropriate and all available ICWA procedures were followed.
- ✓ Assist with any corrections or additions to the file documentation by providing explanations and alternative recommendations and submitting these to her CD caseworker.
- ✓ Ensure separate service plans have been created for each parent/interested party.
- ✓ Discuss with her whether an adult or child protection order is something that she believes will increase her and her children's safety.
- ✓ Advocate with CD for strategies that shift responsibility for the abuse to the batterer.
- ✓ Determine whether service plan provisions are accessible, appropriate, and available. Appropriate includes given the culture of the family, type of violence involved, etc.
- ✓ Help analyze whether specific interventions or service plan provisions may place her or her children at risk.
- ✓ Help elucidate when there are other services that might be more helpful.
- ✓ Examine how the individual needs of her children are accounted for in any recommendations or evaluations.
- ✓ In situations where court involvement or removal may be prevented by alterative placement, help her identify whether temporary placement with relatives or family friends is needed. Help her to figure out who could provide safe placement for the children and are likely to be approved by CD.
- ✓ Help her prepare for home visits by CD.
- ✓ Help her advocate for a visitation schedule that is done in a way that protects both her and the children. If there is an out of care placement, help her enforce her right to visitation.
- ✓ Ensure she knows she has the right to be represented by an attorney if the case goes to court. Help link her to attorneys that specialize in co-occurrence.
- ✓ Attend court hearings and other meetings if she would like you there.
- ✓ Offer child care at times she has to meet with CD representatives, attend services required in her service plan, and court hearing.
- ✓ Ask her how else you can assist her.

APPENDIX F

SELECTED MISSOURI REVISED STATUTES

statutes appearing below were selected due to their relevance to the Guide and don't necessarily appear in their entirety

ADULT & CHILD PROTECTIVE ORDERS

Chapter 455
Abuse--Adults and Children--Shelters and Protective Orders

Citation of law.
455.500. Sections 455.500 to 455.538 shall be known and may be cited as the "Child Protection Orders Act".

Definitions.
455.501. As used in sections 455.500 to 455.538, the following terms mean:
(1) "Abuse", any physical injury, sexual abuse, or emotional abuse inflicted on a child other than by accidental means by an adult household member, or stalking of a child. Discipline including spanking, administered in a reasonable manner shall not be construed to be abuse;
(2) "Adult household member", any person eighteen years of age or older or an emancipated child who resides with the child in the same dwelling unit;
(3) "Child", any person under eighteen years of age;
(4) "Court", the circuit or associate circuit judge or a family court commissioner;
(5) "Ex parte order of protection", an order of protection issued by the court before the respondent has received notice of the petition or an opportunity to be heard on it;
(6) "Full order of protection", an order of protection issued after a hearing on the record where the respondent has received notice of the proceedings and has had an opportunity to be heard;
(7) "Order of protection", either an ex parte order of protection or a full order of protection;
(8) "Petitioner", a person authorized to file a verified petition under the provisions of sections 455.503 and 455.505;
(9) "Respondent", the adult household member, emancipated child or person stalking the child against whom a verified petition has been filed;
(10) "Stalking", when an adult purposely and repeatedly engages in an unwanted course of conduct with regard to a child that causes another adult to believe that a child would suffer alarm by the conduct. As used in this subdivision:
(a) "Course of conduct" means a pattern of conduct composed of repeated acts over a period of time, however short, that serves no legitimate purpose. Such conduct may include, but is not limited to, following the other person or unwanted communication or contact;
(b) "Repeated" means two or more incidents evidencing a continuity of purpose; and
(c) "Alarm" means to cause fear of danger of physical harm;
(11) "Victim", a child who is alleged to have been abused by an adult household member.

Venue--petition, who may file.
455.503. 1. A petition for an order of protection for a child shall be filed in the county where the child resides, where the alleged incident of abuse occurred, or where the respondent may be served.
2. Such petition may be filed by any of the following:
(1) A parent or guardian of the victim;

(2) A guardian ad litem or court-appointed special advocate appointed for the victim; or
(3) The juvenile officer.

Court clerks to furnish petitioners with uniform forms and information to litigants having no counsel on procedure, filing forms and pleadings--services of clerks and location of office to file petition to be posted--rules--no fees required--guardian ad litem or CASA to be provided copy of petition.

455.504. 1. The clerk of the court shall make available to the petitioner the uniform forms adopted by the supreme court pursuant to section 455.073. Except as provided in section 455.510, clerks under the supervision of a circuit clerk shall explain to litigants not represented by counsel the procedures for filing all forms and pleadings necessary for the presentation of their petition filed pursuant to the provisions of sections 455.500 to 455.538 to the court. Notice of the fact that clerks will provide such assistance shall be conspicuously posted in the clerks' offices. The location of the office where a petition can be filed shall be conspicuously posted in the court building. The performance of duties prescribed in this section shall not constitute the practice of law as defined in section 484.010, RSMo. All duties of the clerk prescribed in this section shall be performed without cost to the litigants. The supreme court may promulgate rules as necessary to govern conduct of court clerks under sections 455.500 to 455.538, and shall provide forms for petitions and written instructions on filling out all forms and pleadings necessary for the presentation of the petition to the court.
2. No filing fees, court costs, or bond shall be assessed to the petitioner in an action commenced under sections 455.500 to 455.538.
3. The clerk shall immediately notify the guardian ad litem or court-appointed special advocate of appointment and shall provide such guardian or advocate with a copy of the petition for the order of protection for the child. The clerk shall provide such guardian or advocate with the names, addresses, and telephone numbers of the parties within twenty-four hours of entry of the order appointing the guardian ad litem or court-appointed special advocate.

Relief may be sought for child abuse or child being stalked--order of protection effective, where.

455.505. 1. An order of protection for a child who has been subject to abuse by a present or former adult household member or person stalking the child may be sought under sections 455.500 to 455.538 by the filing of a verified petition alleging such abuse by the respondent.
2. A child's right to relief under sections 455.500 to 455.538 shall not be affected by his leaving the residence or household to avoid abuse.
3. Any protection order issued pursuant to sections 455.500 to 455.538 shall be effective throughout the state in all cities and counties.

Ex parte orders, issued when, effective when--for good cause shown, defined--investigation by division of family services, when--report due when, available to whom.

455.513. 1. Upon the filing of a verified petition under sections 455.500 to 455.538, for good cause shown in the petition, and upon finding that no prior order regarding custody is pending or has been made, the court may immediately issue an ex parte order of protection. An immediate and present danger of abuse to a child shall constitute good cause for purposes of this section. An ex parte order of protection entered by the court shall be in effect until the time of the hearing.
2. Upon the entry of the ex parte order of protection, the court shall enter its order appointing a guardian ad litem or court-appointed special advocate to represent the child victim.

3. If the allegations in the petition would give rise to jurisdiction under section 211.031, RSMo, the court may direct the division of family services to conduct an investigation and to provide appropriate services. The division shall submit a written investigative report to the court and to the juvenile officer within thirty days of being ordered to do so. The report shall be made available to the parties and the guardian ad litem or court-appointed special advocate.

Hearings, when, procedure, standard of proof--duration of orders--videotaped testimony permitted--renewal of orders, when--service of respondent, failure to serve not to affect validity of order--notice to law enforcement agencies.

455.516. 1. Not later than fifteen days after the filing of a petition under sections 455.500 to 455.538, a hearing shall be held unless the court deems, for good cause shown, that a continuance should be granted. At the hearing, which may be an open or a closed hearing at the discretion of the court, whichever is in the best interest of the child, if the petitioner has proved the allegation of abuse of a child by a preponderance of the evidence, the court may issue a full order of protection for at least one hundred eighty days and not more than one year. The court may allow as evidence any in camera videotape made of the testimony of the child pursuant to section 491.699, RSMo. The provisions of section 491.075, RSMo, relating to admissibility of statements of a child under the age of twelve shall apply to any hearing under the provisions of sections 455.500 to 455.538. Upon motion by either party, the guardian ad litem or the court-appointed special advocate, and after a hearing by the court, the full order of protection may be renewed for a period of time the court deems appropriate, except that the protective order shall be valid for at least one hundred eighty days and not more than one year from the expiration date of the originally issued full order of protection. If for good cause a hearing cannot be held on the motion to renew the full order of protection prior to the expiration date of the originally issued full order of protection, an ex parte order of protection may be issued until a hearing is held on the motion. Upon motion by either party, the guardian ad litem or the court appointed special advocate, and after a hearing by the court, the second full order of protection may be renewed for an additional period of time the court deems appropriate, except that the protective order shall be valid for at least one hundred eighty days and not more than one year from the expiration date of the second full order of protection. If for good cause a hearing cannot be held on the motion to renew the second full order of protection prior to the expiration date of the second order, an ex parte order of protection may be issued until a hearing is held on the motion. For purposes of this subsection, a finding by the court of a subsequent act of abuse is not required for a renewal order of protection.

….

Temporary relief available--ex parte orders.

455.520. 1. Any ex parte order of protection granted under sections 455.500 to 455.538 shall be to protect the victim from abuse and may include:

(1) Restraining the respondent from abusing, threatening to abuse, molesting or disturbing the peace of the victim;

(2) Restraining the respondent from entering the family home of the victim except as specifically authorized by the court;

(3) Restraining the respondent from having any contact with the victim, except as specifically authorized by the court;

(4) A temporary order of custody of minor children.

2. No ex parte order of protection excluding the respondent from the family home shall be issued unless the court finds that:

(1) The order is in the best interests of the child or children remaining in the home;

(2) The verified allegations of abuse present a substantial risk to the child or children unless the respondent is excluded;
(3) A remaining adult family or household member is able to care adequately for the child or children in the absence of the excluded party; and
(4) A commitment has been obtained from the local division of family services office to provide appropriate social services to the family or household members during the period of time which an order of protection is in effect.

Full order of protection--relief available.
455.523. 1. Any full order of protection granted under sections 455.500 to 455.538 shall be to protect the victim from abuse and may include:
(1) Temporarily enjoining the respondent from abusing, threatening to abuse, molesting or disturbing the peace of the victim;
(2) Temporarily enjoining the respondent from entering the family home of the victim, except as specifically authorized by the court;
(3) Temporarily enjoining the respondent from having any contact with the victim, except as specifically authorized by the court.
2. When the court has, after hearing for any full order of protection, issued an order of protection, it may, in addition:
(1) Award custody of any minor child born to or adopted by the parties when the court has jurisdiction over such child and no prior order regarding custody is pending or has been made, and the best interests of the child require such order be issued;
(2) Award visitation;
(3) Award child support in accordance with supreme court rule 88.01 and chapter 452, RSMo;
(4) Award maintenance to petitioner when petitioner and respondent are lawfully married in accordance with chapter 452, RSMo;
(5) Order respondent to make or to continue to make rent or mortgage payments on a residence occupied by the victim if the respondent is found to have a duty to support the victim or other dependent household members;
(6) Order the respondent to participate in a court-approved counseling program designed to help child abusers stop violent behavior or to treat substance abuse;
(7) Order the respondent to pay, to the extent that he or she is able, the costs of his or her treatment, together with the treatment costs incurred by the victim;
(8) Order the respondent to pay a reasonable fee for housing and other services that have been provided or that are being provided to the victim by a shelter for victims of domestic violence.

Jurisdiction for orders--compliance review hearings permitted--remedies for enforcement of orders.
455.524. 1. The court shall retain jurisdiction over the full order of protection issued under sections 455.500 to 455.538 for its entire duration. The court may schedule compliance review hearings to monitor the respondent's compliance with the order.
2. The terms of the child order of protection issued under this chapter are enforceable by all remedies available at law for the enforcement of a judgment, and the court may punish a respondent who willfully violates the child order of protection to the same extent as provided by law for contempt of the court in any suit or proceeding cognizable by the court.

Chapter 210
Child Protection and Reformation

Definitions.
210.110. As used in sections 210.109 to 210.165, and sections 210.180 to 210.183, the following terms mean:
(1) "Abuse", any physical injury, sexual abuse, or emotional abuse inflicted on a child other than by accidental means by those responsible for the child's care, custody, and control, except that discipline including spanking, administered in a reasonable manner, shall not be construed to be abuse;
(2) "Assessment and treatment services for children under ten years old", an approach to be developed by the children's division which will recognize and treat the specific needs of at-risk and abused or neglected children under the age of ten. The developmental and medical assessment may be a broad physical, developmental, and mental health screening to be completed within thirty days of a child's entry into custody and every six months thereafter as long as the child remains in care. Screenings may be offered at a centralized location and include, at a minimum, the following:
(a) Complete physical to be performed by a pediatrician familiar with the effects of abuse and neglect on young children;
(b) Developmental, behavioral, and emotional screening in addition to early periodic screening, diagnosis, and treatment services, including a core set of standardized and recognized instruments as well as interviews with the child and appropriate caregivers. The screening battery may be performed by a licensed mental health professional familiar with the effects of abuse and neglect on young children, who will then serve as the liaison between all service providers in ensuring that needed services are provided. Such treatment services may include in-home services, out-of- home placement, intensive twenty-four-hour treatment services, family counseling, parenting training and other best practices.
Children whose screenings indicate an area of concern may complete a comprehensive, in-depth health, psycho-diagnostic, or developmental assessment within sixty days of entry into custody;
….
(4) "Child", any person, regardless of physical or mental condition, under eighteen years of age;
(5) "Children's services providers and agencies", any public, quasi-public, or private entity with the appropriate and relevant training and expertise in delivering services to children and their families as determined by the children's division, and capable of providing direct services and other family services for children in the custody of the children's division or any such entities or agencies that are receiving state moneys for such services;
….
(8) "Family assessment and services", an approach to be developed by the children's division which will provide for a prompt assessment of a child who has been reported to the division as a victim of abuse or neglect by a person responsible for that child's care, custody or control and of that child's family, including risk of abuse and neglect and, if necessary, the provision of community-based services to reduce the risk and support the family;
(9) "Family support team meeting" or "team meeting", a meeting convened by the division or children's services provider in behalf of the family and/or child for the purpose of determining service and treatment needs, determining the need for placement and developing a plan for

reunification or other permanency options, determining the appropriate placement of the child, evaluating case progress, and establishing and revising the case plan;
(10) "Investigation", the collection of physical and verbal evidence to determine if a child has been abused or neglected;
….
(12) "Neglect", failure to provide, by those responsible for the care, custody, and control of the child, the proper or necessary support, education as required by law, nutrition or medical, surgical, or any other care necessary for the child's well-being;
(13) "Preponderance of the evidence", that degree of evidence that is of greater weight or more convincing than the evidence which is offered in opposition to it or evidence which as a whole shows the fact to be proved to be more probable than not;
(14) "Probable cause", available facts when viewed in the light of surrounding circumstances which would cause a reasonable person to believe a child was abused or neglected;
(15) "Report", the communication of an allegation of child abuse or neglect to the division pursuant to section 210.115;
(16) "Those responsible for the care, custody, and control of the child", those included but not limited to the parents or guardian of a child, other members of the child's household, or those exercising supervision over a child for any part of a twenty-four-hour day. Those responsible for the care, custody and control shall also include any adult who, based on relationship to the parents of the child, members of the child's household or the family, has access to the child.

Reports of abuse, neglect, and under age eighteen deaths--persons required to report--deaths required to be reported to the division or child fatality review panel, when--report made to another state, when.
210.115.1. When any physician, medical examiner, coroner, dentist, chiropractor, optometrist, podiatrist, resident, intern, nurse, hospital or clinic personnel that are engaged in the examination, care, treatment or research of persons, and any other health practitioner, psychologist, mental health professional, social worker, day care center worker or other child-care worker, juvenile officer, probation or parole officer, jail or detention center personnel, teacher, principal or other school official, minister as provided by section 352.400, RSMo, peace officer or law enforcement official, or other person with responsibility for the care of children has reasonable cause to suspect that a child has been or may be subjected to abuse or neglect or observes a child being subjected to conditions or circumstances which would reasonably result in abuse or neglect, that person shall immediately report or cause a report to be made to the division in accordance with the provisions of sections 210.109 to 210.183. As used in this section, the term "abuse" is not limited to abuse inflicted by a person responsible for the child's care, custody and control as specified in section 210.110, but shall also include abuse inflicted by any other person.
….

Family support team meetings to be held, when--who may attend--form to be used.
210.762. 1. When a child is taken into custody by a juvenile officer or law enforcement official under subdivision (1) of subsection 1 of section 211.031, RSMo, and initially placed with the division, the division may make a temporary placement and shall arrange for a family support team meeting prior to or within twenty-four hours following the protective custody hearing held under section 211.032, RSMo. After a child is in the division's custody and a temporary placement has been made, the division shall arrange an additional family support team meeting prior to taking any action relating to the placement of such child; except that, when the welfare of a child in the custody of the division

requires an immediate or emergency change of placement, the division may make a temporary placement and shall schedule a family support team meeting within seventy-two hours.
2. The parents, the legal counsel for the parents, the foster parents, the legal guardian or custodian of the child, the guardian ad litem for the child, and the volunteer advocate, and any designee of the parent that has written authorization shall be notified and invited to participate in all family support team meetings. The family support team meeting may include such other persons whose attendance at the meeting may assist the team in making appropriate decisions in the best interests of the child. If the division finds that it is not in the best interest of a child to be placed with relatives, the division shall make specific findings in the division's report detailing the reasons why the best interests of the child necessitate placement of the child with persons other than relatives.
3. The division shall use the form created in subsection 2 of section 210.147 to be signed upon the conclusion of the meeting pursuant to subsection 1 of this section confirming that all involved parties are aware of the team's decision regarding the custody and placement of the child. Any dissenting views must be recorded and attested to on such form.
4. The case manager shall be responsible for including such form with the case records of the child

Chapter 211
Juvenile Courts

Purpose of law--how construed.
211.011. The purpose of this chapter is to facilitate the care, protection and discipline of children who come within the jurisdiction of the juvenile court. This chapter shall be liberally construed, therefore, to the end that each child coming within the jurisdiction of the juvenile court shall receive such care, guidance and control as will conduce to the child's welfare and the best interests of the state, and that when such child is removed from the control of his parents the court shall secure for him care as nearly as possible equivalent to that which should have been given him by them. The child welfare policy of this state is what is in the best interests of the child

Child abuse and neglect hearings, when held, procedure--supreme court rules to be promulgated--transfer of school records, when.
211.032. 1. Except as otherwise provided in a circuit participating in a pilot project established by the Missouri supreme court, when a child or person seventeen years of age, alleged to be in need of care and treatment pursuant to subdivision (1) of subsection 1 of section 211.031, is taken into custody, the juvenile or family court shall notify the parties of the right to have a protective custody hearing. Such notification shall be in writing.
2. Upon request from any party, the court shall hold a protective custody hearing. Such hearing shall be held within three days of the request for a hearing, excluding Saturdays, Sundays and legal holidays. For circuits participating in a pilot project established by the Missouri supreme court, the parties shall be notified at the status conference of their right to request a protective custody hearing.
3. No later than February 1, 2005, the Missouri supreme court shall require a mandatory court proceeding to be held within three days, excluding Saturdays, Sundays, and legal holidays, in all cases under subdivision (1) of subsection 1 of section 211.031. The Missouri supreme court shall promulgate rules for the implementation of such mandatory court proceedings and may consider recommendations from any pilot projects established by the Missouri supreme court regarding such proceedings. Nothing in this subsection shall prevent the Missouri supreme court from expanding pilot projects prior to the implementation of this subsection.

4. The court shall hold an adjudication hearing no later than sixty days after the child has been taken into custody. The court shall notify the parties in writing of the specific date, time, and place of such hearing. If at such hearing the court determines that sufficient cause exists for the child to remain in the custody of the state, the court shall conduct a dispositional hearing no later than ninety days after the child has been taken into custody and shall conduct review hearings regarding the reunification efforts made by the division every ninety to one hundred twenty days for the first year the child is in the custody of the division. After the first year, review hearings shall be held as necessary, but in no event less than once every six months for as long as the child is in the custody of the division.

….

Nonoffending parent, child returned to custody of, when.

211.037. 1. For purposes of proceedings and investigations conducted pursuant to this chapter, children shall be promptly returned to the care and custody of a nonoffending parent entitled to physical custody of the child if:

(1) The parents have continuously maintained joint domicile for a period of at least six months prior to the alleged incident or the parents are maintaining separate households; and

(2) A preponderance of the evidence indicates that only one of the parents is the subject of an investigation of abuse or neglect; and

(3) The nonoffending parent does not have a history of criminal behavior, drug or alcohol abuse, child abuse or child neglect, domestic violence, or stalking within the past five years; and

(4) The parents are maintaining joint domicile and the offending parent is removed from the home voluntarily or involuntarily, or the parents live separately and the child is removed from the home of the offending parent; and

(5) A nonoffending parent requests custody of the child and agrees to cooperate with any orders of the court limiting contact or establishing visitation with the offending parent and the nonoffending parent complies with such orders. When the parents maintain joint domicile or comply with court-ordered visitation, there shall be a rebuttable presumption that the nonoffending parent has not committed any violation of section 568.030, 568.032, 568.045, 568.050, or 568.060, RSMo, or has not engaged in any conduct that would constitute child abuse or neglect under chapter 210, RSMo. In order to rebut the presumption there must be a finding of actual harm or endangerment to the child if the child is placed in the custody of the nonoffending parent.

2. Nothing in this section shall prevent the division or the court from exercising its discretion to return a child or children to the custody of any individual.

Order to include determination of efforts of division of family services--definition of reasonable efforts by division--modification of the permanency plan, when--reasonable efforts not required, when --permanency hearing, when.

211.183. 1. In juvenile court proceedings regarding the removal of a child from his or her home, the court's order shall include a determination of whether the division of family services has made reasonable efforts to prevent or eliminate the need for removal of the child and, after removal, to make it possible for the child to return home. If the first contact with the family occurred during an emergency in which the child could not safely remain at home even with reasonable in-home services, the division shall be deemed to have made reasonable efforts to prevent or eliminate the need for removal.

2. "Reasonable efforts" means the exercise of reasonable diligence and care by the division to utilize all available services related to meeting the needs of the juvenile and the family. In determining reasonable efforts to be made and in making such reasonable efforts, the child's present and ongoing health and safety shall be the paramount consideration.

3. In support of its determination of whether reasonable efforts have been made, the court shall enter findings, including a brief description of what preventive or reunification efforts were made and why further efforts could or could not have prevented or shortened the separation of the family. The division shall have the burden of demonstrating reasonable efforts.
4. The juvenile court may authorize the removal of the child even if the preventive and reunification efforts of the division have not been reasonable, but further efforts could not permit the child to remain at home.
5. Before a child may be removed from the parent, guardian, or custodian of the child by order of a juvenile court, excluding commitments to the division of youth services, the court shall in its orders:
(1) State whether removal of the child is necessary to protect the child and the reasons therefor;
(2) Describe the services available to the family before removal of the child, including in-home services;
(3) Describe the efforts made to provide those services relevant to the needs of the family before the removal of the child;
(4) State why efforts made to provide family services described did not prevent removal of the child; and
(5) State whether efforts made to prevent removal of the child were reasonable, based upon the needs of the family and child.
6. If continuation of reasonable efforts, as described in this section, is determined by the division to be inconsistent with establishing a permanent placement for the child, the division shall take such steps as are deemed necessary by the division, including seeking modification of any court order to modify the permanency plan for the child.
7. The division shall not be required to make reasonable efforts, as defined in this section, but has the discretion to make reasonable efforts if a court of competent jurisdiction has determined that:
(1) The parent has subjected the child to a severe act or recurrent acts of physical, emotional or sexual abuse toward the child, including an act of incest; or
(2) The parent has:
(a) Committed murder of another child of the parent;
(b) Committed voluntary manslaughter of another child of the parent;
(c) Aided or abetted, attempted, conspired or solicited to commit such a murder or voluntary manslaughter; or
(d) Committed a felony assault that resulted in serious bodily injury to the child or to another child of the parent; or
(3) The parent's parental rights to a sibling have been involuntarily terminated.

….

Petition to terminate parental rights filed, when--juvenile court may terminate parental rights, when--investigation to be made--grounds for termination.

211.447. 1. Any information that could justify the filing of a petition to terminate parental rights may be referred to the juvenile officer by any person. The juvenile officer shall make a preliminary inquiry and if it does not appear to the juvenile officer that a petition should be filed, such officer shall so notify the informant in writing within thirty days of the referral. Such notification shall include the reasons that the petition will not be filed. Thereupon, the informant may bring the matter directly to the attention of the judge of the juvenile court by presenting the information in writing, and if it appears to the judge that the information could justify the filing of a petition, the

judge may order the juvenile officer to take further action, including making a further preliminary inquiry or filing a petition.

2. Except as provided for in subsection 4 of this section, a petition to terminate the parental rights of the child's parent or parents shall be filed by the juvenile officer or the division, or if such a petition has been filed by another party, the juvenile officer or the division shall seek to be joined as a party to the petition, when:
(1) Information available to the juvenile officer or the division establishes that the child has been in foster care for at least fifteen of the most recent twenty-two months; or
(2) A court of competent jurisdiction has determined the child to be an abandoned infant.
conditions or acts of the parent:

….

CONFIDENTIALITY PROVISIONS

Chapter 455
Abuse--Adults and Children--Shelters and Protective Orders

Requirements for shelter to qualify for funds.
455.220.1. To qualify for funds allocated and distributed pursuant to section 455.215 a shelter shall meet all of the following requirements:
(1) Be incorporated in the state as a nonprofit corporation;
(2) Have trustees who represent the racial, ethnic and socioeconomic diversity of the community to be served, at least one of whom must possess personal experience in confronting or mitigating the problems of domestic violence;
(3) Receive at least twenty-five percent of its funds from sources other than funds distributed pursuant to section 455.215. These other sources may be public or private and may include contributions of goods or services, including materials, commodities, transportation, office space or other types of facilities or personal services;
(4) Provide residential service or facilities for children when accompanied by a parent, guardian, or custodian who is a victim of domestic violence and who is receiving temporary residential service at the shelter;
(5) Require persons employed by or volunteering services to the shelter to maintain the confidentiality of any information that would identify individuals served by the shelter and any information or records that are directly related to the advocacy services provided to such individuals;
(6) Prior to providing any advocacy services, inform individuals served by the shelter of the nature and scope of the confidentiality requirement in subdivision (5) of this subsection.
2. Any person employed by or volunteering services to a shelter for victims of domestic violence shall be incompetent to testify concerning any confidential information described in subdivision (5) of subsection 1 of this section, unless the confidentiality requirement is waived in writing by the individual served by the shelter.
3. A shelter does not qualify for funds if it discriminates in its admissions or provision of services on the basis of race, religion, color, age, marital status, national origin, or ancestry.

Chapter 210
Child Protection and Reformation

Privileged communication not recognized, exception.
210.140. Any legally recognized privileged communication, except that between attorney and client or involving communications made to a minister or clergyperson, shall not apply to situations involving known or suspected child abuse or neglect and shall not constitute grounds for failure to report as required or permitted by sections 210.110 to 210.165, to cooperate with the division in any of its activities pursuant to sections 210.110 to 210.165, or to give or accept evidence in any judicial proceeding relating to child abuse or neglect.

Confidentiality of family support team meetings, exceptions--form developed for core commitments made at meetings.
210.147. 1. Except as otherwise provided by law, all information provided at any family support team meeting held in relation to the removal of a child from the child's home is confidential; except that:
(1) Any parent or party may waive confidentiality for himself or herself to the extent permitted by law; and
(2) Any parent of the child shall have an absolute right to video and/or audio tape such team meetings to the extent permitted by law; and
(3) No parent or party shall be required to sign a confidentiality agreement before testifying or providing information at such team meetings. Any person, other than a parent or party, who does not agree to maintain confidentiality of the information provided at such team meetings may be excluded from all or any portion of such team meetings during which such person is not testifying or providing information.
2. The division shall be responsible for developing a form to be signed at the conclusion of any team meeting held in relation to a child removed from the home and placed in the custody of the state that reflects the core commitments made by the children's division or the convenor of the team meeting and the parents of the child or any other party. The content of the form shall be consistent with service agreements or case plans required by statute, but not the specific address of the child; whether the child shall remain in current placement or be moved to a new placement; visitation schedule for the child's family; and any additional core commitments. Any dissenting views shall be recorded and attested to on such form. The parents and any other party shall be provided with a copy of the signed document.

Chapter 211
Juvenile Courts

Juvenile court records and proceedings, abuse and neglect cases, procedure.
211.319.
…
3. For juvenile court proceedings described in subsection 1 of this section, pleadings and orders of the juvenile court other than confidential files and those specifically ordered closed by the juvenile court judge shall be open to the general public. For purposes of this section, "confidential file" means all other records and reports considered closed or confidential by law, including but not limited to medical reports, psychological or psychiatric evaluations, investigation reports of the children's division, social histories, home studies, and police reports and law enforcement records. Only persons who are found by the court to have a legitimate interest shall be allowed access to confidential or closed files. In determining whether a person has a legitimate interest, the court shall consider the nature of the proceedings, the welfare and safety of the public, and the interest of any child involved.

4. For records made available to the public pursuant to this section:
(1) The identity of any child involved except the perpetrator shall not be disclosed and all references in such records to the identity of any child involved except the perpetrator shall be redacted prior to disclosure to the public; and
(2) All information that may identify or lead to the disclosure of the identity of a reporter of child abuse under sections 210.109 to 210.183, RSMo, and section 352.400, RSMo, shall not be disclosed to the public.
5. The provisions of this section shall apply to juvenile court proceedings and records specified in this section in which the initial pleadings are filed on or after July 1, 2005.

Chapter 337
Psychologists--Professional Counselors--Social Workers
Privileged communications, when.
337.636. Persons licensed under the provisions of sections 337.600 to 337.639 may not disclose any information acquired from persons consulting them in their professional capacity, or be compelled to disclose such information except:
(1) With the written consent of the client, or in the case of the client's death or disability, the client's personal representative or other person authorized to sue, or the beneficiary of an insurance policy on the client's life, health or physical condition;
(2) When such information pertains to a criminal act;
(3) When the person is a child under the age of eighteen years and the information acquired by the licensee indicated that the child was the victim of a crime;
(4) When the person waives the privilege by bringing charges against the licensee;
(5) When the licensee is called upon to testify in any court or administrative hearings concerning matters of adoption, adult abuse, child abuse, child neglect, or other matters pertaining to the welfare of clients of the licensee; or
(6) When the licensee is collaborating or consulting with professional colleagues or an administrative superior on behalf of the client.

Confidentiality requirements, exceptions.
337.686. Persons licensed pursuant to the provisions of sections 337.650 to 337.689 may not disclose any information acquired from persons consulting them in their professional capacity, or be compelled to disclose such information except:
(1) With the written consent of the client, or in the case of the client's death or disability, the client's personal representative or other person authorized to sue, or the beneficiary of an insurance policy on the client's life, health or physical condition;
(2) When such information pertains to a criminal act;
(3) When the person is a child under the age of eighteen years and the information acquired by the licensee indicated that the child was the victim of a crime;
(4) When the person waives the privilege by bringing charges against the licensee;
(5) When the licensee is called upon to testify in any court or administrative hearings concerning matters of adoption, adult abuse, child abuse, child neglect, or other matters pertaining to the welfare of clients of the licensee; or
(6) When the licensee is collaborating or consulting with professional colleagues or an administrative superior on behalf of the client.

Violence Against Women Act & Family Violence Prevention Act

VAWA Section 3. Nondisclosure of Confidential or Private Information

"(A) IN GENERAL.—In order to ensure the safety of adult, youth, and child victims of domestic violence, dating violence, sexual assault, or stalking, and their families, grantees and subgrantees under this title shall protect the confidentiality and privacy of persons receiving services.

"(B) NONDISCLOSURE.—Subject to subparagraphs (C) and (D), grantees and subgrantees shall not —

"(i) disclose any personally identifying information or individual information collected in connection with services requested, utilized, or denied through grantees' and subgrantees' programs; or

"(ii) reveal individual client information without the informed, written, reasonably time-limited consent of the person (or in the case of an unemancipated minor, the minor and the parent or guardian or in the case of persons with disabilities, the guardian) about whom information is sought, whether for this program or any other Federal, State, tribal, or territorial grant program, except that consent for release may not be given by the abuser of the minor, person with disabilities, or the abuser of the other parent of the minor.

(C) RELEASE.—If release of information described in subparagraph (B) is compelled by statutory or court mandate—

"(i) grantees and subgrantees shall make reasonable attempts to provide notice to victims affected by the disclosure of information; & "(ii) grantees and subgrantees shall take steps necessary to protect the privacy and safety of the persons affected by the release of the information.

"(D) INFORMATION SHARING.—Grantees and subgrantees may share— "(i) nonpersonally identifying data in the aggregate regarding services to their clients and nonpersonally identifying demographic information in order to comply with Federal, State, tribal, or territorial reporting, evaluation, or data collection requirements; "(ii) court-generated information and law-enforcement generated information contained in secure, governmental registries for protection order enforcement purposes; and "(iii) law enforcement- and prosecution-generated information necessary for law enforcement and prosecution purposes.

Section 605. Amendment to the Mckinney-Vento Homeless Assistance Act

Section 423 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11383) is amended—

(1) by adding at the end of subsection (a) the following:

"(8) CONFIDENTIALITY.—

(A) VICTIM SERVICE PROVIDERS.—In the course of awarding grants or implementing programs under this subsection, the Secretary shall instruct any victim service provider that is a recipient or subgrantee not to disclose for purposes of a Homeless Management Information System personally identifying information about any client. The Secretary may, after public notice and comment, require or ask such recipients and subgrantees to disclose for purposes of a Homeless Management Information System non-personally identifying data that has been de-identified, encrypted, or otherwise encoded. Nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this paragraph for victims of domestic violence, dating violence, sexual assault, or stalking.

"(B) DEFINITIONS.—

"(i) PERSONALLY IDENTIFYING INFORMATION OR PERSONAL INFORMATION.—The term 'personally identifying information' or 'personal information' means individually identifying information for or about an individual including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, including—

"(I) a first and last name;

"(II) a home or other physical address;

"(III) contact information (including a postal, e-mail or Internet protocol address, or telephone or facsimile number);
"(IV) a social security number; and
"(V) any other information, including date of birth, racial or ethnic background, or religious affiliation, that, in combination with any other non-personally identifying information would serve to identify any individual.
"(ii) VICTIM SERVICE PROVIDER.— The term 'victim service provider' or 'victim service providers' means a nonprofit, nongovernmental organization including rape crisis centers, battered women's shelters, domestic violence transitional housing programs, and other programs whose primary mission is to provide services to victims of domestic violence, dating violence, sexual assault, or stalking.

Adoption and Safe Families Act

42 U.S.C. § 671 (a) (15) State plan for foster care and adoption assistance

In order for a State to be eligible for payments under this part, it shall have a plan approved by the Secretary which:
(1) provides for foster care maintenance payments in accordance with section 672 of this title and or adoption assistance in accordance with section 673 of this title;
…..
(7) provides that the State agency will monitor and conduct periodic evaluations of activities carried out under this part;
….
(15) in each case, reasonable efforts will be made (A) prior to the placement of a child in foster care, to prevent or eliminate the need for removal of the child from his home, and (B) to make it possible for the child to return to his home;
(16) provides for the development of a case plan (as defined in section 675(1) of this title) for each child receiving foster care maintenance payments under the State plan and provides for a case review system which meets the requirements described in section 675(5)(B) of this title with respect to each such child; and
(17) provides that, where appropriate, all steps will be taken, including cooperative efforts with the State agencies administering the plans approved under parts A and D of this subchapter, to secure an assignment to the State of any rights to support on behalf of each child receiving foster care maintenance payments under this part.