

## Systemic Change: Moving Beyond Failure to Protect

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## State Collaborations

- WVCADV Domestic Violence/Child Victimization Study and Policy Workgroup
  - Research/Deliberation
  - Training
  - Policy Development
- WV Supreme Court Improvement Project
  - Cross Training
  - Rules of Procedure
  - Policy development

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## Systemic Change Resulting from State Collaborations

- Local Cross Trainings
  - Multidisciplinary
  - Promote Collaboration
  - Emphasize Public Policy Principles
- Mandated Training for Child Welfare
  - Collaborative Curriculum Development
  - Co-facilitation
  - Child Welfare & DV Advocate Participation

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## Systemic Change Resulting from State Collaborations

- CPS Policy Changes
  - Addressing Failure to Protect
  - Services to Adult and Child Victim
  - Co-petitioning
- Legislative Changes
  - No fault “Battered Parent” Adjudication
  - Expansion of Legal Definition of Child Abuse to Include Exposure to DV in Some Cases

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### Summary of Systemic Change Resulting From Statewide Collaborative Initiatives

Systemic Change	Adult and Child Safety	Batterer Accountability
Policy eliminating “failure to protect”	Safety services for adult and child victim	Responsibility for harm to child is placed on the batterer
Co-Petitioning (CPS with the Battered Parent in the CPS court process)	Safety services for adult and child victims; Non-offending parent receives attorney Non-offending parent is not a respondent/defendant	The petition is filed against the batterer for the harm to the child
“No-Fault” Battered Parent Adjudication	Safety services for adult and child victims; Battered parent receives attorney “Battered parent” is a not at fault but a victim May have removal of the child that can range from temporary removal to termination of parental rights (only in special circumstances that are different than other TPR proceedings)	The petition is filed against the batterer for the harm to the child
Including in the definition of child abuse child’s exposure to domestic violence <u>when the exposure rises to a level of serious harm to the child</u>	Combined with above options, the risks to the child are attributed to the batterer; Children’s exposure to DV is not per se child abuse Without the options above, there could be unintended consequences of failure to protect and unnecessary removals	Including exposure to DV in the child abuse definition is <u>necessary</u> to hold batterers accountable for the harm to the child
Mandatory training & cross trainings	Keeps “attitudes” and practice in compliance with policy	Keeps “attitudes” and practice in compliance with policy

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## CPS Policy Change Addressing “Failure to Protect”

“If the worker finds the presence of domestic violence, s/he cannot find that the non-abusive parent “knowingly allowed” the abusive behavior unless the non-abusing parent did not take any steps to protect the child that were reasonable given the threat posed by the batterer to the non-abusing parent.”

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## Co-Petitions

- The state partners with non-offending parent to hold batterer accountable
- Legal and physical custody remain with non-offending parent
- Non-offending parent receives services & attorney
- Batterer may have opportunity for improvement & if not - TPR

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## Battered Parent Adjudication

- Non-offending parent is not safe with co-petitioning
- Non-offending parent is named as a respondent
- Adjudication is “no-fault”
- Non-offending parent receives services & attorney
- Batterer “at fault” for child abuse

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## Contact Information

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