

Integrating Safety for Adult Victims and Children in Supervised Visitation

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The Balancing Act



Visitation and Exchange Services

- Parenting Time/Family Time/Visitation
- In child protection setting:
 - Short time frames
 - Helps facilitates reunification
 - Critical piece for emotional well-being
 - Limited resources



What is Domestic Violence?

Domestic violence is a pattern of assaultive and/or coercive behaviors that a person uses against an intimate partner in order to gain power and control in that relationship. The behaviors exerted can include physical, sexual, emotional and economic abuse. Domestic violence is not about losing control or an inability to manage anger. It is about the misuse or abuse of power to exert control over another human being.



Supervised Visitation and Safe Exchange Program History

- Authorized under VAWA
- First awards FY 2002
- Demonstration Initiative
- Development Initiative
- Guiding Principals



Program Purpose

To increase safety for victims and their children by increasing opportunities for supervised visitation and safe exchange by and between custodial and non custodial parents in cases of domestic violence, child abuse, dating violence, sexual assault, and stalking.

Projects are grounded in the belief that domestic violence is a crime of power and control.



Guiding Principals

- I. Equal Regard for the Safety of Child(ren) and Adult Victims
- II. Valuing Multiculturalism and Diversity
- III. Incorporating an Understanding of Domestic Violence into Center Services
- IV. Respectful and Fair Interaction
- V. Community Collaboration
- VI. Advocacy for Child(ren) and Adult Victims



But More Importantly...

- ✓ Creates safety for child(ren) and adult victims
- ✓ Enhances the work of the center, court, and domestic violence program
- ✓ Sustainability
- ✓ More Informed Practice



Activities That May Compromise Victim Safety:

- Mediation, alternative dispute resolution, or family counseling
- Pre-trial diversion programs
- Batterer Intervention not linked to the criminal justice system
- Mandating victims to services
- Discriminatory Practices



Strategies for Increasing Participation of Courts in this Initiative

- Build relationships
- Engage judges/court staff as a problem-solvers
- Clearly articulate roles
- Invite judges to work with you on protocols/products and for cross-training
- Identify a champion



Strategies for Increasing Participation of Domestic Violence/Sexual Assault Partnership in this Initiative

- Build relationships
- Engage the DV/SA partners as problem-solvers
- Clearly articulate roles
- Invite DV/SA partners to work with you on protocols/products and for cross-training
- Join existing community response efforts



Post Separation Violence

- The time during which a victim is pursuing a protection order or a divorce, or taking other steps to extricate herself from an abusive relationship is an extremely dangerous period.
- After separation, children remain the link between the battering and abused parent. Custody and visitation arrangements are potentially dangerous for both the abused parent and children.
- Post-separation acts of violence are not solely directed toward the former partner. Other targets commonly include children, the spouse's new partner, and individuals identified as aligning with the former partner.



How Children May Be Used As Part of Battering Tactics

- Telling the children that they cannot be a family because of the victim
- Showing up unexpectedly to see the children
- Calling the victim constantly under the guise of talking to or about the children
- Showering the children with gifts during visits
- Undermining the victim parent's rules for the children
- Picking the children up at school without informing the abused parent beforehand; keeping children longer or abducting them.
- Stalking
- Asking children what the victimized parent is doing and who she is seeing



Tactics, *cont.*

- Criticizing, assaulting, or threatening the victim's new partner
- Threatening to take custody away from the victim if she does not agree to reconcile
- Telling the children that the victimized parent is an alcoholic, addict, or mentally ill
- Keeping court cases active by frequent filings/false reporting to cps
- Physically abusing the children and ordering them not to tell their mother
- Abusing his new partner in front of the children
- Changing visitation plans without notice



Ways Domestic Violence May Present Itself:

Here are some of the most common scenarios:

- 1) Domestic violence was the underlying factor that brought the family to the system's attention ;
- 2) The children were abused or neglected in an unrelated manner and during the course of interviews or pendency of the court case the fact that domestic violence is occurring in the home has come to the attention of a professional involved in the case.
- 3) The biological parents of the abused or neglected child are not together but there is a history of domestic violence between them and the court case either reestablishes contact or provides further access for the battering parent to the child and abused parent.



Intersection & Safety

- When domestic violence is also a factor, family time presents additional safety concerns because of the risk posed to the adult victim and the opportunity for the battering partner to exert influence over the relationship and interaction of the adult victim and child.
- Depending upon the circumstances of the case, the court may need to consider family time between:
 - The child and both parents,
 - The child and victim parent, or
 - The child and battering parent.



Intersection, *cont.*

- The batterer's relationship as a parent presents complex issues. The perpetrator may not have been physically abusive to the children. However, the domestic violence can produce a traumatic climate for both the adult victim and children. In addition, the tactics of manipulation and control may be present in the batterer's relationship with the children.



Considerations

- Separate Case Plans: Courts and cps workers should ensure that parents have separate case plans so that one's non-compliance does not affect the other.
 - Flexibility
 - Privacy
- Consistent Court Orders
- Screening:
 - For domestic violence
 - Absent parents
 - Relatives



Absentee Parents

- When searching for absent parents in any case, ask about any history of domestic violence in that relationship.
 - Check police records, restraining order information and other sources.
 - If the battered parent is concealing her whereabouts from him for safety reasons, refer her to a domestic violence advocate for safety planning.
 - Take necessary precautions when preparing written information and court documents.



Family Members

When there is the intersection of domestic violence and child abuse, it is incumbent on the court and professionals to determine if:

- The relatives understand and acknowledge the risks presented by the perpetrator.
- That relatives do not blame the victim for the violence.
- The relatives will not collude with the batterer.
- The relatives understand or are willing to learn about the effects of domestic violence on the children.
- There is a history of domestic violence by any person in the household.
- The relatives can work with intervening professionals to provide continued safety, including complying with all the court orders



Considerations, *cont.*

- **Expertise:** The juvenile court should ensure that all participants in dependency cases are trained in the dynamics of domestic violence, the impact of domestic violence on adults and children, and the most effective and culturally responsive interventions in these cases including safety planning.
- **Safety Planning:** The victimized parent should be given the opportunity to create a safety plan with a domestic violence advocate.
- **Batterer Accountability:** Accountability means placing responsibility for abusive and controlling behavior on the perpetrators of such behavior.



Considerations, *cont.*

- **Confidentiality:** When courts and agencies exchange information concerning family members, the safety and privacy concerns of all parties must be balanced carefully with the need for access to such potentially harmful information.
- **Community Resources:** It is essential for the courts and professionals to maintain a working knowledge of what resources are available in the community and how they can be accessed.
- **Decision-Making:** The design of the visitation must include procedures that meet the safety needs of both the child and the victimized parent.
- **Oversight:** The court and dependency professionals need to pay ongoing and particular attention to how domestic violence may be impacting visitation and other reunification efforts throughout the life of the case.



Safety Considerations

- When available, measures should include, but not be limited to, arranging different visiting schedules, using supervised visitation and exchange services or a safe drop-off/pick-up location, and including provisions in a safety plan in case the batterer unexpectedly appears.
- Other factors to consider are whether there has been: serious injury to the adult victim; threat of child abduction; reports of an increase in either the frequency or severity of the violence; stalking; the use or threat of use of weapons; or threats of suicide or homicide.



Safety, *cont.*

- Fully disclose to both parents the limits on the center's ability to maintain confidentiality before gathering information
- Perform a safety screening, specific to the center's ability to provide services safely
- Gather only information essential to providing services safely, being alert to possible misuses of sensitive information by the abuser
- Refer to domestic violence advocacy agency for long term safety planning or other advocacy needs



Safety, *cont.*

- Arrivals/departures scheduled so that the parents do not meet
- Separate entrances; separate parking and waiting areas
- Ability to monitor parking, visitation areas
- Security guards
- Panic buttons
- Batterer intervention training for staff
- “Check in” with abused parents

In adopting safety strategies, centers should consider whether they will create obstacles to comfortable visits.



Designing Contact

- Some of these factors may include whether the caregiver demonstrates protective capacities; the children show minimal behavioral or emotional effects; the children have formed a relationship with a supportive adult; an adequate safety plan is in place for the children; and the violence is not currently escalating. *The safety of the child can be promoted by enhancing the safety of the victimized parent.*
- Recommendations and orders around family time should focus on what is safe and appropriate for the child given the nature of the alleged child abuse and/or neglect the child has suffered, the age of the child, the child’s relationship with each parent, and the history of intimate partner violence



Designing Contact, *cont.*

- If the victimized parent is visiting the child use the agency’s standard analysis for visitation but there still may need some additional safety precautions that will need to be in place.
- If the battering partner is visiting a child consider ordering no contact or at a minimum supervised visitation until safety can be assessed.
- If the child is in the protective custody of the victimized parent, then procedures must ensure that the battering partner does not have the chance to harass, abuse, or stalk the adult victim during his visitation.



Designing Contact, *cont.*

- If the victimized and battering parent both require family time, consider offering visitation separately, even if the parents remain together as a couple. Professionals and the court should make every effort in this situation not to reduce the amount of time that parents have to visit with their children. The separate arrangements are not a punishment but opportunities to:
 - allow time for parents to each build a healthy relationship with the children;
 - facilitate the development of unique family time arrangements for each parent that keep the focus on safety of the child and adult victim and accountability on the batterer; and
 - Be consistent with creating separate case plans and preserving the abused parent's confidentiality.



Application of Principles

- Collaboration
- Cultural relevancy
- Safety paramount
- Flexible and tailored relevancy
- Engagement of families


