



## ***Why should child welfare workers engage fathers who are domestic violence offenders?***

In child welfare practice in general, the purpose of locating and engaging fathers is to promote positive outcomes and healthy functioning of children and families. Practice is grounded in an understanding that children benefit from, and have a right to, healthy relationships with both parents. Child welfare workers are also *legally* required to make efforts with both parents to promote safety and well-being of children, regardless of whether parents themselves have harmed the children, or where those parents live. Locating a father can also open the door for paternal relatives to contribute to the lives of children in various ways.

In a domestic violence (DV) situation workers must balance engagement with accountability for violent and coercive behaviors. If DSS doesn't find ways to work with the DV offender, it creates unrealistic expectations that non-offending parent (NOP) alone can keep children safe or prevent them from being exposed to DV, despite the fact that she herself is a victim. **Because safety is paramount, efforts to engage a DV offender must be informed by the NOP's and children's perspectives, and the impact of his behavior on them.**

Not all men who use (or have used) violence and other tactics of coercive control (collectively called ABUSE in this document) are equally harmful to their families—there is a vast range in their behaviors, the impact of those behaviors on mothers and children, and their motivation and capacity to change. Exposure to DV<sup>1</sup> can result in cognitive, behavioral and social problems for children,<sup>2</sup> but not all children are equally harmed (see box). Engaging an abusive father can provide an opportunity to educate him about the impact

**BE AWARE:** *A father who uses violence and coercion may use tactics to try to get a worker aligned with him against the NOP (i.e. using "image-management" strategies to make himself look rational and reasonable while painting her as crazy, jealous or in need of monitoring). Some DV Offenders are master manipulators who are good under observation and violent and controlling only in the privacy of their own home.*

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<sup>1</sup> Children's exposure to domestic violence can take many forms: directly hearing or seeing physical and/or sexual assaults of their mother, feeling tension in the home, seeing broken furniture and holes in walls, seeing their mother's injuries, being isolated from friends and family, being encouraged to treat their mother with disrespect, having the parental authority of their non-offending parent undermined, seeing a parent being arrested, being denied care because their mother is injured or depressed; having their own well-being threatened (i.e. threats of kidnapping so they will never see their mother again), or being enlisted by the DV offender to participate in the abuse of their mother.

<sup>2</sup> Edleson, J. L. (1997, April). *Problems Associated with Children's Witnessing of Domestic Violence*. (Rev. 1999). Harrisburg, PA: VAWnet, a project of the National Resource Center on Domestic Violence/Pennsylvania Coalition Against Domestic Violence. Retrieved May 22, 2012 from: <http://www.vawnet.org>

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*The impact of exposure to domestic violence on children depends on their proximity to the abuse; the frequency and severity of the abuse; the child's understanding of the event(s); the age of the child and the age at which their exposure began; how recently they have been exposed; and the child's gender. Factors that can mitigate the effects of exposure to DV on children include having a relationship with one or more supportive and consistent adults; opportunities for healing and success; a child's individual temperament; and responses by skilled interventionists (police, child welfare caseworkers, school guidance counselors, and others). Harm to children cannot be assumed—look for **evidence** of harm, including emotional harm, AND evidence of prior acts of protection by adults.*

of his behavior on his children, and assess and support any demonstrated commitment on his part to change and become a better parent.

### ***What if the children's mother is asking that their father NOT be engaged?***

Domestic violence often co-occurs with other issues such as child abuse or substance abuse, or may be a contributing factor to issues such as parental depression, or medical or educational neglect of a child. If DV has not been identified, explore whether this may be an underlying issue in a situation where the mother doesn't want the father to be engaged. (See *Identifying Domestic Violence*) If DV is identified for the first time in a conversation about locating or engaging a father, SLOW DOWN and assess the possible impact on safety of the NOP and child. Consult with a supervisor or a DV advocate (where available) for assistance. Safety is paramount, and the NOP is the most knowledgeable person about her and the children's safety.

In DV situations, some mothers want their children to have a relationship with their father despite his abusive behavior towards her; some plan to remain in the relationship and wish their partners were better, more involved, more positive parents than at present; some hope they and their children will never again need to see or interact with the children's father. These perspectives of mothers are important, and are often based on safety considerations as well as other factors. If caseworkers use simplistic or formulaic approaches to locating and engaging fathers when DV is on-going or has been used in the past, interventions can easily increase danger or risk to mothers and children, or opportunities may be missed to help fathers and children repair or strengthen their relationship. Each situation must be evaluated individually, and efforts made accordingly, to locate and engage fathers.

Safety of the children and the non-offending parent MUST be considered and planned for at each stage of the process of locating and engaging fathers who are DV offenders. The timing, specific content, and topics to avoid when meeting with a DV offender should all be informed by planning with the NOP. *Developing and sustaining a working partnership with her is critical for safety*, and such a trusting relationship may take some time to develop. A mother who is the victim of abuse will be more likely to trust a worker if she sees clearly that he/she is practicing in ways that promote her safety as well as the safety of her children. Beginning with first contact, workers should let the NOP know that they will do their best to promote safety, and that they can and will take her lead wherever possible. At the same time, a worker should engage the NOP in a conversation about the child's right to a healthy

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relationship with his/her father, the need for DSS to hold the DV offender responsible for his behaviors and get him the help he needs if he decides to make changes in his life, and to avoid working solely with her since she is not responsible for his actions.<sup>3</sup>

Remember that a NOP's age, culture, immigration status, class background, prior experience with authority figures, and other factors may impact her willingness to trust a worker enough to disclose abuse and to express disagreement with any plan that may be suggested, including a plan to locate and engage the father of her children. Be aware at all times of the full context of her experience.

- Acknowledge that being involved with DSS can make things worse or more dangerous in some families, and practice in ways that minimize this possibility. Ask her to tell you if things are getting worse for her family as a result of our intervention.
- DO NOT use disclosures of children or the non-offending parent when talking with the DV offender. Instead, look for third party sources of information that CAN be used safely, such as police reports; information from probation or parole officers, substance abuse treatment providers, or other professionals; or information from extended family, friends, and neighbors (Check with these individuals to see if they have any fears of retaliation by him for sharing information, and plan accordingly).
- Ask what you can do to help her and her children.
- Provide concrete resources and conduct DV safety planning.
- DO NOT pressure children or the NOP to have contact with the DV offender.
- DO NOT pressure the NOP to use a specific strategy to “prove” that she is trying to keep herself and her children safe (such as obtaining an order of protection).
- Avoid interventions that facilitate violations of an order of protection, or that increase danger or risk (such as a Family Meeting with both adults present—see *Practice Considerations for Conducting Family Meetings with Families Affected by Domestic Violence*).
- Document specific DV offender behaviors.
- Consider the context of abuse in assessing behaviors and responses of the NOP.

*CAUTION: DV often occurs in secrecy, and there may be cases in which the violence was severe but no collateral sources of information are available to the worker. DO NOT assume that if family members are unaware of violence, or documentation of it does not exist, that it did not happen.*

### ***What DV offender behaviors indicate serious or increasing violence and/or danger?***

Remember that ANY violence or abuse, regardless of severity, may have a significant impact on the NOP and/or children—this must be explored on a case-by-case basis. Following are indicators of serious or increasing violence and/or danger—items 5 to 18 are most acute<sup>4</sup>.

<sup>3</sup> See *Helpful Things to Say to or Ask the Non-offending Parent (When Her Partner is Not Present)*.

<sup>4</sup> Campbell, J.C., Webster, D., Koziol-McLain, J., Block, C., Campbell, D., Curry, M., Gary, F., Glass, N. McFarlane, J., Sachs, C., Sharps, P., Ulrich, Y., Wilt, S.A., Manganello, J., Xu, X., Schollenberger, J., Frye, W., Laughon, K. (2003). “Risk Factors for Femicide in Abusive

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1. Abuse is accompanied by episodic or binge use of drugs or alcohol
2. Criminal record of the DV offender shows more than one order of protection against him/her, or orders of protection from multiple partners
3. Indications of increasing instability of DV offender: recent unemployment, signs of depression or trauma
4. Even if abuse is not severe, it does not stop
5. Serious physical violence (punching, kicking, cuts, bruises, burns, broken bones, head injury, internal injury, permanent injury, wounds from use of weapons)
6. DV offender forces or coerces NOP to have unwanted sex
7. DV offender owns a gun
8. DV offender has used or threatened to use a weapon against NOP
9. NOP has left or is planning to leave (may be in shelter or looking for shelter)
10. DV offender has avoided arrest for DV
11. DV offender is not the parent of the children
12. Intrusive control of NOP (controls car, money, relationships, etc)
13. Acute jealousy coupled with abuse (irrational accusations of infidelity, spies on, stalks, monitors NOP, destroys property). DV offender says "If I can't have you, no one will."
14. Behaviors continue after separation or divorce
15. Abuse is increasing in frequency or severity.
16. Escalating response to "trigger" events (i.e. separation, NOP leaving or becoming more independent)
17. Threats to kill or hurt children
18. Threats to kill or hurt the non-offending parent

### CAUTION

- *Highly intrusive control and/or extreme jealousy are indicators of significant potential for serious violence even in the absence of prior violent behaviors.*
- *A man who makes overt statements justifying abuse ("I hit her because she wouldn't cook me food") is not necessarily more dangerous than one who offers other explanations ("I just lost it"). Assessments must focus on BEHAVIORS and IMPACT on the family.*
- *Avoid accepting culturally-based excuses for violence and abuse (i.e. "All Dominican men hit their wives.")*

*If any of these indicators are present, consider seeking consultation from a DV advocate, and/or talk with a supervisor if unclear about how to proceed.*

***What are the best strategies for holding a DV offender accountable while engaging him to try to encourage him to change?***

### **Observe basic safe case practices**

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Relationships: Results from a multisite case control study." *American Journal of Public Health*, 93. See also Mederos, F. (2004) "Accountability and Connection with Abusive Men: A New Child Welfare Response to Increasing Family Safety". Family Violence Prevention Fund: pp 34-40.

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First and foremost, caseworkers need to observe basic safe case practices in DV situations. In addition to the strategies bulleted under “*What if the children’s mother is asking that their father NOT be engaged?*” workers should:

- Meet regularly and privately with the NOP to check in about her safety and the safety of her children.
- Ask the NOP what she thinks will happen when attempts are made to engage him, and plan accordingly. Ask her what can and cannot be discussed, and for any ideas she has about how to approach him to establish a working relationship with him. Ask her about his strengths as a parent, which will be used to establish rapport and to facilitate engagement.
- If the NOP wants to take out a order of protection, leave the home to go to shelter, have him leave the home, or put some other safety strategy into place, offer to explain it to the DV offender as an action that DSS is requiring or asking her to take. This can take the pressure off her and can help her be safe.
- Let her know when and where any conversations with the DV offender will occur.
- Conduct DV safety planning throughout the family’s involvement with DSS, and specifically at key junctures: removal of a child, a court appearance, an interview or meeting with the DV offender, introduction of a new service or intervention, and so on. DV safety planning must be dynamic and on-going.

*If a mother recants prior disclosures of domestic violence, it may be an indicator of heightened danger and fear of abuse. DO NOT assume that she is in denial, that she is “choosing her partner over her children”, or that she is not in real danger.*

### Choose accountability strategies based on individual case circumstances

Strategies for working with DV offenders should be developed based on dynamic and careful assessment of their behaviors and their impact on the family. Caseworkers should work with individual DV offenders differently, depending on their abusive behaviors, their strengths, and their *demonstrated* commitment to change (words are not enough—behaviors are what count).

**Many abusive men will NOT make the decision to change their behavior**, in which case child welfare work stays focused on accountability and creating safety for children and the NOP. Strategies for working with these men may include:

- Closely coordinating with law enforcement, probation or parole, and/or service providers who interact with him
- DSS filing a neglect petition asking that he be removed from the home or limiting his visits, DSS asking him to leave the home, or asking the NOP to file for an order of protection or modifying the visitation order. The NOP should ONLY be asked to take such specific actions if she feels it is safe for her to do so.
- Closely monitoring and documenting his behaviors during visits
- Referring him to a batterer intervention program or substance abuse services
- Actively and dynamically planning for safety with the NOP and children.

*A DV offender may use very appropriate parenting strategies with children at times, and those behaviors should be acknowledged, documented and built upon. However, he still may be abusive to his partner, and to his children, at other times.*

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**Other abusive men may be motivated to make changes** for a variety of reasons: because they have been arrested or are facing incarceration; because they see the impact of their behavior on their children (or can be helped to see the impact); because they believe their partner will leave them if they don't change; and so on. Whatever the reason, caseworkers can support changed behaviors over time by helping him establish new ways of being in his relationships and new ways of parenting that are non-violent and healthy. Solution-focused practice is particularly useful in these efforts. Strategies for working with these men may include:

- Engaging him in on-going dialogue about changes in his behaviors
- Helping him to build a support system (i.e. extended family, a faith community, service providers, friends, etc) that holds him accountable
- Planning for safe supervised or unsupervised visitation with children (with safety planning for the NOP)
- Coaching him to meet his children's needs during visits (see *Practice Considerations for Coached Visits in Domestic Violence Situations*)
- Documenting his behaviors during visits
- Referring him to a batterer intervention program, substance abuse services and/or a fatherhood or parenting program

*If there are indicators of serious or increasing violence or danger (see page 4), USE EXTREME CAUTION when responding to a father's stated desire to change his behavior. ALWAYS check in with the NOP to understand her perspective and determine whether his behaviors are improving. Consult with a supervisor as needed.*

### **Engage him as a father or father-figure**

Engaging a man as a father may be the greatest motivator for him to change his behavior—this can be far more effective than trying to get him to feel empathy for his partner, or trying to instill in him a belief in fairness or equity in intimate relationships. Workers can explore and build upon a man's desire to be a good father, his history with his own father, and the concept of "leaving a legacy for children" to help motivate him to change his behavior. (See *Helpful Things to Say or Ask a DV Offender*. For more information, download *Accountability and Connection with Abusive Men: A New Child Protection Response to Increasing Family Safety* at [http://www.futureswithoutviolence.org/userfiles/file/Children\\_and\\_Families/Accountability\\_Connection.pdf](http://www.futureswithoutviolence.org/userfiles/file/Children_and_Families/Accountability_Connection.pdf)).

### **Refer him to appropriate services**

A high quality batterer intervention program can be helpful to a man by providing support and strategies to promote non-violent behavior. The group setting with other men who are there for similar behaviors is often a place where a man can talk about what has been happening in his relationship and reflect on whether his actions are helping him to have the kind of relationship that he wants with his partner and his children. Workers should be aware that the quality of batterer intervention programs varies widely, so simply making a referral to the closest program may not be adequate.

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Where indicated, a substance abuse program can be helpful to some men, although it is NOT a substitute for a batterer intervention program. A responsible fatherhood program can help a man learn how to be a better parent, and many incorporate elements or exercises on the importance to children of seeing healthy relationships among adults, or on co-parenting. It may not, however, be adequate to address all the needs of a man who is in a process of learning to be non-violent.

### ***What are the specific legal requirements for locating and working with fathers and paternal relatives when DV is a concern?***

If a child is removed from the care of a parent, caseworkers must meet certain legal requirements regardless of a history of domestic violence. First, §1017 of the New York State Family Court Act (FCA) requires the social service district to immediately begin an investigation to locate and notify all parents that the child has been removed; including fathers who live outside of the home where the child was residing, and fathers who reside in another state. All parents must receive information about their rights to seek care, custody or visitation of their child. If a father cannot be easily located, workers should seek guidance from legal staff to see that reasonable efforts are made to locate and notify them, including utilizing tools such as the Federal Parent Locator Service (FPLS).<sup>5</sup> Information on the FPLS can be found in 05-OCFS-ADM-05 *Access to the FPLS in Child Welfare Cases for Permanency Purposes* and 07-OCFS-ADM-09 *Access to the Federal Parent Locator Service (FPLS), State Parent Locator Service (SPLS), and additional Financial Information in Child Welfare Cases for the Purposes of Permanency*. These policies are located on the policy directory page at <http://www.ocfs.state.ny.us/main/policies/external/>.

When a father has used violence in the past and has been absent from the family, or the NOP parent and/or child express fear of him, workers must consider that locating and notifying him of a removal may increase risk to the NOP and the child. It may provide him with an excuse to renew his efforts to establish fear and control over the family by threatening, intimidating or physically assaulting family members, or seeking custody of the child as a means to control the NOP. Under these circumstances workers should consult with legal staff to determine the best legal methods to ensure safety of the NOP and child, such as filing an Article 10 petition against the father or requesting that the court order only supervised visitation with the child. DV safety planning with the NOP and children who will have contact with the offender should be conducted. (See *“What factors should be considered when fathers who used abuse in the past have been absent?”* for questions to explore.)

Under FCA 1017, DSS is also legally required to locate and notify all of the child’s grandparents and all other “suitable” relatives (identified by either parent) that the child has been removed. These individuals must also receive information about their rights to seek care, custody or visitation of the child (see KinGAP relative notification model letter at [http://www.ocfs.state.ny.us/kinship/support\\_docs.asp](http://www.ocfs.state.ny.us/kinship/support_docs.asp)). However, grandparents or other relatives may not qualify as “suitable” to care for a child if the caseworker has evidence of a “history of family or

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<sup>5</sup> If a Family Violence Indicator (FVI) has been associated with the non-offending parent in the Child Support Management System, then information on the absent parent will not be disclosed.

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domestic violence”<sup>6</sup>. Under those circumstances, workers should consult with their supervisors and/or their legal department to determine if those relatives should receive notification. If a decision is made NOT to notify relatives, workers should document the decision and the reasons for making that decision.

If a child is placed or remains in foster care, DSS is legally obligated to engage all fathers and “exercise diligent efforts to encourage and strengthen the parent-child relationship”<sup>7</sup>. However, the child's health and safety must be the paramount concern and FCA §1039-b provides a mechanism for DSS to request a finding from the court that reasonable efforts to return a child to a parent are not required in egregious cases where a parent has subjected the child to “severe abuse or repeated abuse” or has been convicted of committing murder, manslaughter or other serious violent crimes against the child or another child of the parent.<sup>8</sup>

In making placement decisions workers should explore the relationship of relatives to the DV Offender, NOP and children. Some things to consider:

- Are they aligned with the DV offender against the NOP?
- Do they know about the violence and abuse against the NOP that the children have been exposed to?
- Are they afraid of the DV offender?
- Will they support the safety of the NOP and children? (i.e. require that contact between the offender and children will be supervised, abide by orders of protection and supervision)
- Do they have their own history of domestic violence?

### ***What factors should be considered when fathers who used abuse in the past have been absent?***

The children’s health and safety must be considered in determining whether, how and when to actively search for and engage a father with a history of DV who has not been part of the family for an extended period of time. Because the well-being of the children depends in part on their relationship with their mother and whether or not she is being abused, workers must explore the likelihood of renewed abuse of the NOP, and the potential for damage to the children’s relationship with her, in planning for contact with the father. While in the vast majority of cases the children and adult victim will be the best sources of information about the DV history, workers should use multiple sources of information to confirm the presence and impact of DV on the children.

Questions to consider include:

1. What are the circumstances of the father’s absence from the lives of the children?
2. When was the most recent contact between the children and their father? How did that go?
3. Are there any active Orders of Protection or warrants?

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<sup>6</sup> 18 NYCRR 430.11(c)(4)

<sup>7</sup> SSL §384-b(7)(a)

<sup>8</sup> FCA §1039-b(b)(1)(2)(3)(4)

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4. Has paternity been legally established? If not, a conversation with legal staff may be in order to determine how to proceed.
5. Does he have a history of abusing or neglecting the children directly?
6. What exactly were the children exposed to in the past? (Remember that children are exposed to DV in MANY ways, not just directly hearing or seeing the incidents. Children may need to be interviewed to understand their specific experience of exposure to domestic violence.)
7. How were the children harmed and/or impacted by his use of domestic violence in the past?
8. What was the overall quality of his relationship with the children?
9. Was the non-offending parent's authority and role with the children undermined by the DV offender in the past? How? How effectively has that parenting relationship been re-established?
10. How does any earlier exposure to violence impact or show up in children's current functioning? (Impact can be difficult to determine with any certainty. Workers should explore all sources of information to inform assessment of impact—including talking with the NOP, extended family and collaterals, getting medical or counseling records, school records, and so on.)
11. What is known about the behavior of the father with a new partner and her/their children?
12. How acute is the possibility of children needing paternal relatives as potential placement resources? Are paternal relatives aligned with or afraid of the DV offender? Will they promote safety and respect for the children's mother, or will they undermine her?