


Balancing Victims' Rights and Children's Needs in Domestic Violence Cases

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Goals of this Presentation

- Discuss legal authority for children's needs in domestic violence cases
 - Discuss victims' needs in domestic violence cases where children exist
 - Provide solutions for working domestic violence cases where children are present
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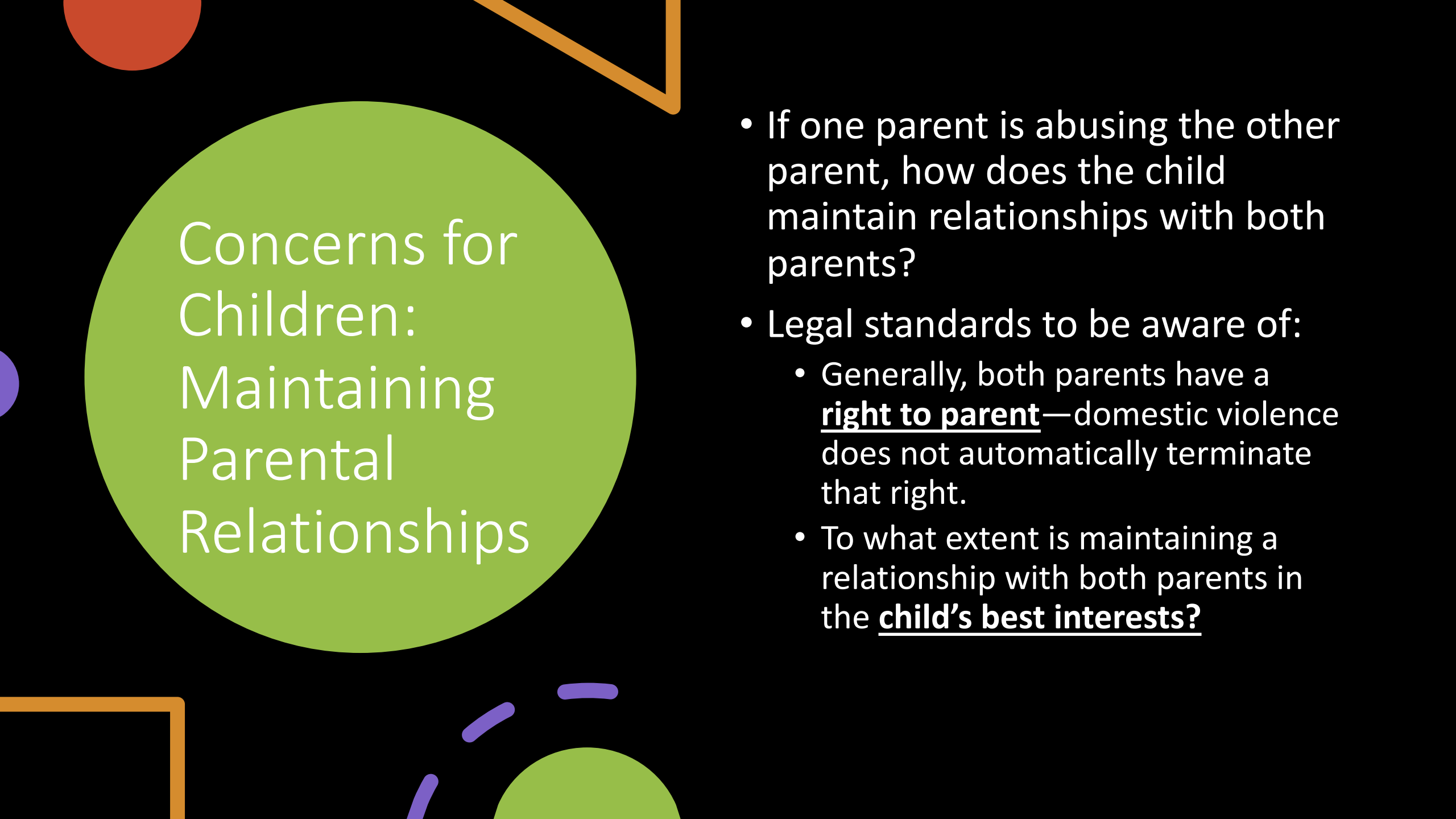


Poll

Is domestic violence child abuse?

A Word on Children in Domestic Violence Cases...

- Domestic Violence is **NOT** inherently the same thing as child abuse & neglect—BUT THEY MAY BE CONCURRENT
- Approximately 30-60% of DV perpetrators also abuse children (Appel & Holden, 1998)
- Domestic violence may be the single major precursor to child abuse and neglect fatalities in this country (U.S. Advisory Board on Child Abuse and Neglect)



Concerns for Children: Maintaining Parental Relationships

- If one parent is abusing the other parent, how does the child maintain relationships with both parents?
- Legal standards to be aware of:
 - Generally, both parents have a right to parent—domestic violence does not automatically terminate that right.
 - To what extent is maintaining a relationship with both parents in the child's best interests?



Poll

Is it ever safe to allow visitation between a
child and a perpetrator?

Concerns for Children: Parents' Rights

- A parent's rights are only terminated upon court order (either voluntarily or involuntarily)
- In child welfare cases, receiving services related to domestic violence (therapy, etc.) may be mandated as part of the family reunification plan
- Both parents may be entitled to visitation if it is in the child's best interests.

Concerns for Children: Evaluating Abuse

- What, if any, violence have they experienced?
- Psychological abuse? Emotional abuse? Physical abuse? Sexual abuse?
- Should there be a child welfare case in this matter?
- In approximately 22% of DV cases reported, children also witnessed the violence (OJP)

Concerns for Victims

- Safety/Fear of Reprisal
- Shame/Guilt
- Re-Victimization (Secondary Victimization) from Individuals AND Systems





Chat Bomb

What is one word that comes to your mind when thinking about Rachel's experience?

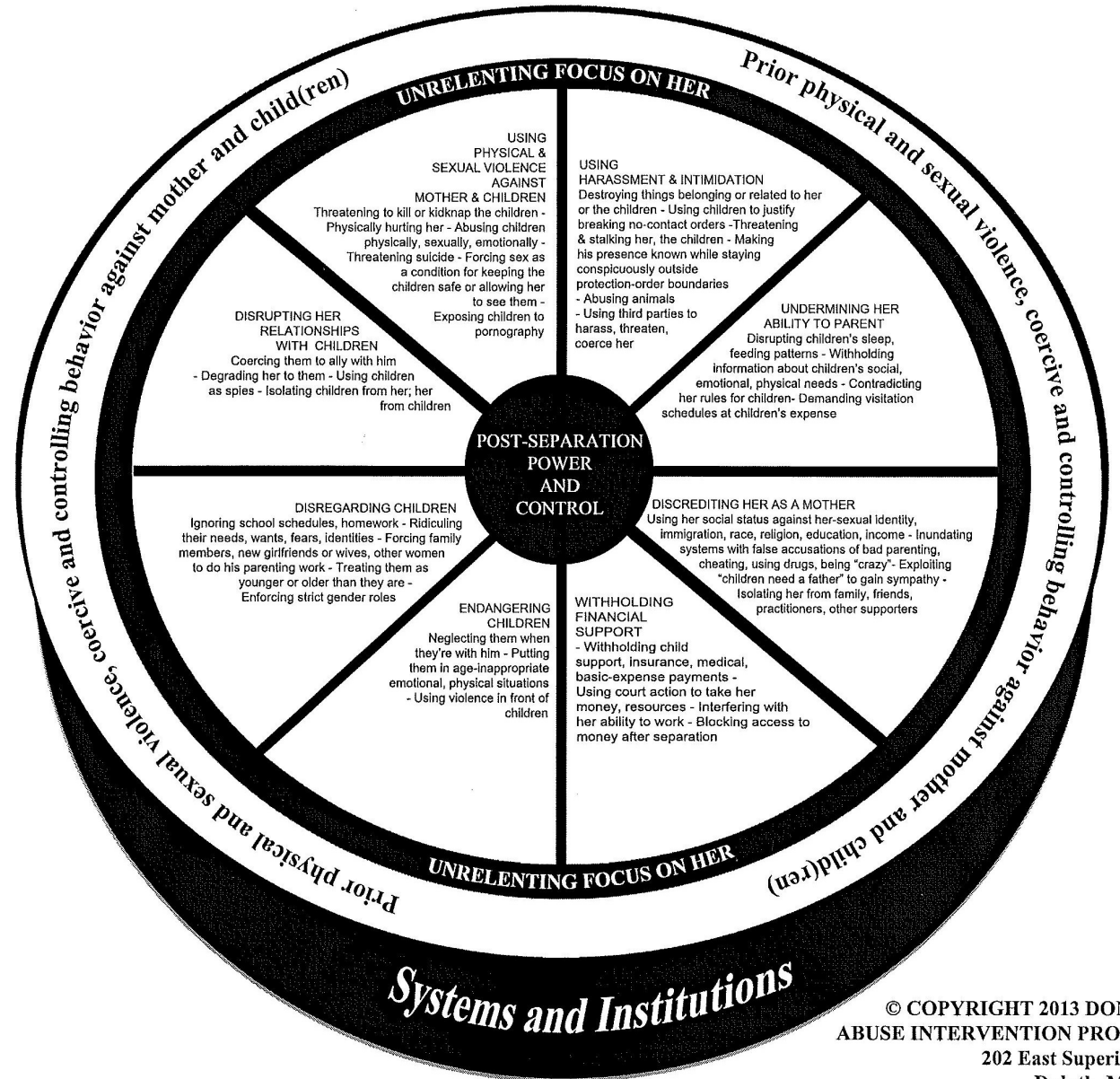
Rachel's Situation

- Overwhelming
- Traumatic
- Victim is held accountable for perpetrators actions
- Guilt

Concerns for both Victim and
Children: Using the Children



Using the Children Wheel



Solutions for Balancing Victims' Rights and Children's Needs

- Some considerations specifically for children in domestic violence cases:
 - What dangers are present for the child?
 - Are there ways to mitigate harm to the parent who's been abused?
 - Are there ways to provide & conduct safe visits between child and perpetrator?
 - What services does the perpetrator need prior to reunification?

Solutions for Victims and Children

- **PERPETRATING** domestic violence is a parenting choice
- The **PERPETRATOR** must be held accountable, not the victim
- Identify support and resources to work with victims validating their strengths...
- Understand complex situations and individuals, not one size fits all
- Handle With Care

A Note on ICWA's Applicability in Domestic Violence Cases...

The presence of domestic violence is ***NOT*** an exception to ICWA.

AND

If it is the type of case that would trigger ICWA's protections, ICWA ***ALWAYS*** applies.

