

DOMESTIC VIOLENCE AND CHILD ABUSE REPORTS: A COMPLEX MATTER

THE SAFETY AND WELL-BEING OF CHILD AND ADULT SURVIVORS OF DOMESTIC VIOLENCE ARE INEXTRICABLY LINKED.

Although adult survivors and child survivors of domestic violence have varied experiences, reactions, and needs, domestic violence negatively impacts both child and adult survivors in a family. Research indicates that a child survivor's best interests are inseparable from their survivor parent's. Thus, improving responses and outcomes for child and adult survivors requires domestic violence to be treated

as matter that impacts multiple family members - where the safety, healing, and well-being of adult and child survivors are addressed interdependently based on each individual's specific needs.¹ Safety considerations should go beyond physical safety, and reflect the complexity of risk that can accompany the risk caused by the person using violence. In essence, safety from system involvement should be examined and addressed.

Many child-serving program administrators and staff are legally obligated to report suspected child abuse or neglect to the appropriate child protection agency. Child-serving programs are also partners to families and serve as sources of support, resilience, and healing. Mitigating unnecessary harm to families and preserving the provider's role as an authentic source of help is as important as the mandate to report. It is important for providers to inform families about their legal mandate regarding reporting and make sure that families understand what this means, and that the information is relayed in the family's primary language. Providers should aim to be as transparent as possible with families about any concerns that arise, especially if a report may be warranted. If a report needs to be filed, it is best practice to inform the family that a report will be filed so that it is not a surprise and additional safety planning with a domestic violence advocate can take place.

EACH STATE HAS DIFFERENT LAWS AND REGULATIONS ABOUT WHAT CONSTITUTES CHILD ABUSE AND NEGLECT. THE PRESENCE OF DOMESTIC VIOLENCE DOES NOT NECESSARILY MEAN A CHILD ABUSE AND NEGLECT REPORT IS AUTOMATICALLY WARRANTED.

This resource is intended to help child-serving programs reduce harm that may be caused by filing a report when domestic violence is a concern, while also paying close attention to the safety of children and adults.



Child-serving programs should consult their state laws and local policies.² State domestic violence coalitions and local victim services programs often have additional guidance and resources on the intersection of domestic violence and child abuse reporting. Additionally, it is important that policies and guidelines regarding mandated reporting are made clear to all employees and staff, including new hires. Staff should never feel alone or isolated when attempting to decide whether or not an incident is “reportable” and should be able to consult with an immediate supervisor at all times.

Domestic violence is a complex dynamic in families that requires unique and additional considerations when deciding whether a child abuse report is needed. **Filing child abuse reports often has impacts that the reporters do not see. It is important to carefully examine the risks to the children and the adult survivor, and to consider supports and services that can help families be safer and more stable.**

The choice to report is clearer when direct physical or sexual abuse of children is co-occurring with abuse aimed at the adult survivor. However, deciphering how exposure to domestic violence or witnessing violence constitutes neglect is often a grey area. Someone’s decision to report can be influenced by many factors, including parenting judgments and racial, ethnic, class, and gender biases. Each child’s circumstances and experience are unique, with varying degrees of risk and protective factors to consider. It is also important to carefully consider what supports would be or are helpful to a family and when or if a child abuse report is warranted at all.

The questions below can help programs gain a deeper understanding of the nature of domestic violence in the home and its impact on adults and children. This approach is more effective and trauma-informed than automatic reporting of critical incidents of violence. **This is not a checklist** but instead is intended to guide your professional judgement about whether a child abuse report needs to be filed. In practice it is always best to fully understand the answers to as many of these questions as possible to help you make a decision. These questions can also help you think about services and safety planning that may help the family.

Has the child been injured as result of the violence toward the survivor?

Does the abusive partner allow the survivor to meet their children’s needs?

Have there been threats to harm the children?

Have there been threats to kill the children?

Have there been threats to kidnap the children?

If there are survivor mental health or substance abuse concerns co-occurring with the violence, do they have a negative impact on the child’s physical, emotional, and/or social well-being?

Is the child’s development affected by the violence?

Has the child expressed fear that their parent or caregiver could be seriously harmed or that the child might be harmed?

Has the abusive partner used a weapon on the family or threatened to?

Has the abusive partner harmed a family pet?

Has the abusive partner lost their job recently?

Has the abusive partner threatened suicide recently?

RACE, CLASS AND GENDER AND MANDATED REPORTING

The overrepresentation of low income American Indian, Alaska Native and Black mothers is true at every decision point from mandated reporting to termination of parental rights. This overrepresentation has grave impacts, such as decreased help-seeking for survivors of domestic violence, increased family separation, and increased involvement of child survivors in the juvenile justice and criminal justice systems. In short, child welfare involvement greatly increases a child's risk of entry into other punitive carceral systems and leaves many mothers without real safety and healing.

Black parents are not more abusive than parents of other races and ethnicities, but 53% of African American children will be investigated by the child welfare system by their 18th birthday.³ American Indian and Alaska Native children are two times more likely to be investigated, two times more likely to have substantiated allegations of abuse, and four more likely to be placed in foster care than white children.⁴ Hispanic/Latino children, although not overrepresented nationally, were disproportionately represented in foster care in 21 states.⁵ Lesbian, gay, bisexual, and questioning (LGBQ) youth are more than seven times more likely to be placed in a group or foster home than straight youth.⁶

Bias against low income mothers in the child welfare system is also well documented. The majority of reports to child welfare are filed for reasons of neglect and although it is never explicitly named, neglect is defined as maternal neglect.⁷ Even in cases of domestic violence where mothers are being hurt and abused, they are still named as neglectful or failing to protect their children.⁸

Because mandated reporting initiates a process of involving a family in the child welfare system, it is especially critical to examine bias at this crucial entry point into the system. Racial, gender, and class bias can occur interpersonally and in policies, and therefore both need to be reviewed and addressed.

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Child-serving programs should be sure to include steps for preventing and addressing bias in their program reporting policies and procedures. Ideas for consideration include:

- Provide staff training on explicit and implicit race, class, and gender bias;
- Ensure more than one person is making a decision about when and if to file a child abuse report;
- Ensure people or teams that oversee mandated reporting requirements are asking reflective questions **every time** a report is suggested. Questions such as:
 - "How does my own world view impact my understanding of the family's reality?"
 - "Would this be a concern if the family was white and affluent?"
 - "What if the father was standing before me, would I be quick to think he was neglectful?"
- Review your policies to examine bias, for example, *do we report every case of domestic violence to child welfare without thinking about impacts on women of color and their communities?*

WHEN A DECISION HAS BEEN MADE TO FILE A CHILD ABUSE REPORT AND DOMESTIC VIOLENCE IS A FACTOR, IT HAS THE POTENTIAL TO INCREASE RISK TO THE FAMILY.

Often an abusive partner will blame the survivor of domestic violence for having child welfare or police involvement in their lives. This blame can lead to increased tension and violence in the house. Filing a report can also increase threats by the abusive partner to tell child welfare that the survivor is a bad parent and thus raising anxiety about the removal of children, worries about immigration status and deportation, and a general reluctance to seek future support. All of these behaviors can go unseen by professionals but negatively impact the survivor and their children.

Below are some considerations before, during, and after filing a child abuse report.

BEFORE

- Remind the parent that you are a mandated reporter, and this is a situation where you will need to file a report.
- Explain to the survivor what is likely to happen during a child welfare investigation as a possible result of filing the report.
- Share information about the local domestic violence program, and ask if the survivor wants to talk to a confidential domestic violence advocate who can help with safety planning. You can also consult with the local domestic violence program to help you and the survivor think about safety options and resources.
- In cases where the adult survivor is undocumented or the family has mixed immigration statuses, it may be helpful to discuss and explore supports the family can access immediately and in case of removal.
- Assure the survivor that you are still committed to their and the children’s well-being and want to explore together any safety concerns about reporting, e.g. how do you think the abusive partner will react?
- Always let the adult survivors know they can be present when you file the report. Also give them the choice to withdraw from being present if it is going to be too difficult to hear.

DURING

- Do not make the report in front of the child, no matter what their age.
- During the report, name the abusive partner as the perpetrator of child abuse, not the survivor.
- Allow the adult survivor to relay any concerns they may have because of child welfare involvement. For example, if the survivor is worried that she will get hurt because of the child welfare involvement, she can ask for what she may need to be safer during the investigation.
- Make sure to include the safety concerns in the written report that gets filed as well.
- Offer your office or a private space within your program as a safe place to do the initial investigation interview if allowable.

AFTER

- Let the survivor know if anyone else at the program will be notified that a child abuse report has been filed.
- Follow up with the survivor the next time you see them. It is important that they understand you support them and can continue to work with them and offer additional services or referrals, even if a report is filed.



RESOURCES

Mandated reporting is often described as simple: *“if you see it, report. If you’re unsure, report.”* **Nothing could be further from the truth.** Mandated reporting is complex. It can be beneficial to some children and very harmful for others. Families deserve our full attention to this matter and count on us to be thoughtful about the possible impacts of our decision making. Deciding to file a child abuse report is emotionally taxing, and at times it can lead to conflicting feelings. It’s important to get support for yourself too. **If you are ever in doubt of how to handle safety concerns, talk to your supervisor and/or contact the following hotlines for assistance.**

National Domestic Violence Hotline

1-800-799-7233

<https://www.thehotline.org/get-help/> 24/7 confidential support, information and resources for domestic violence survivors. Available in English and Spanish through phone and text. Services for people in the Deaf and hard of hearing communities offered in partnership with Abused Deaf Women’s Advocacy Services (ADWAS):

<https://www.thehotline.org/get-help/deaf-services/>.

StrongHearts Native Helpline

1-844-762-8483

<https://strongheartshelpline.org/get-help> 24/7 confidential support for Native American and Alaska Native survivors of domestic violence and their friends and family. Available through phone, text, and online chat.

Love is Respect:

1-866-331-9474

<https://www.loveisrespect.org/get-help/>

24/7 confidential support for teens and young adults about healthy relationships and dating abuse.

Available through phone, text, and online chat. Services for people in the Deaf and hard of hearing communities offered in partnership with Abused Deaf Women’s Advocacy Services (ADWAS): <https://www.loveisrespect.org/get-help/deaf-services/>.

Childhelp National Child Abuse Hotline

1-800-422-4453

<https://childhelpline.org/>

24/7 confidential crisis intervention, intervention and referrals for families and advocates about all forms of child abuse. Available through phone, text, and online chat in 170 languages through interpreters.

National Suicide Prevention Lifeline

1-800-273-8255

<https://suicidepreventionlifeline.org/>

24/7 confidential hotline for people in suicidal crisis or emotional distress and their family and friends.

Available through phone or online chat.

MORE RESOURCES ON COLLABORATION WITH CHILD WELFARE AND MANDATORY REPORTING:

Quality Improvement Center on Domestic Violence in Child Welfare

www.dvchildwelfare.org

Transformational Collaboration: Considerations to Apply a Racial Equity Lens (2020).

The National Resource Center for Reaching Victims & Caminar Latino

<https://reachingvictims.org/wp-content/uploads/2020/12/TransformationalCollaboration-100920-Rev6.pdf>

“Mandatory Reporters of Child Abuse and Neglect” (2019). The Children’s Bureau

<https://www.childwelfare.gov/pubPDFs/manda.pdf>

“Enhancing the Effectiveness of Multi-Field Collaboration.” Prevention Institute

https://www.preventioninstitute.org/sites/default/files/uploads/Collaboration%20Multiplier_0.pdf

“Guiding Principles to Improve Outcomes for Children, Youth, and Parents Impacted by Family Violence” (2020). Promising Futures

<https://promising.futureswithoutviolence.org/what-do-kids-need/guiding-principle/>

“Protective Factors for Survivors of Domestic Violence” (2019). Quality Improvement Center on Domestic Violence in Child Welfare

<https://dvchildwelfare.org/wp-content/uploads/2019/03/FWV-QIC-Protective-Factors-Brief-Final-09-1.pdf>

Lippy, C., et al. “The Impact of Mandatory Reporting Laws on Survivors of Intimate Partner Violence: Intersectionality, Help-Seeking and the Need for Change.” *Journal of Family Violence* 35 (2020)

https://www.researchgate.net/publication/337718986_The_Impact_of_Mandatory_Reporting_Laws_on_Survivors_of_Intimate_Partner_Violence_Intersectionality_Help-Seeking_and_the_Need_for_Change

Mandatory Reporting is Not Neutral

<https://www.mandatoryreportingisnotneutral.com/>

END NOTES

¹Adult & Child Survivor-Centered Approach to Addressing Domestic Violence (2019). Quality Improvement Center on Domestic Violence in Child Welfare. <https://dvchildwelfare.org/wp-content/uploads/2019/03/FWV-QIC-ACSCA-Overview-05-Final-Online.pdf>

²As of 2017, the Child Welfare Gateway has documented that only West Virginia specifically includes the term “domestic violence” in its statutory definition of physical child abuse and neglect and Montana includes “commission of acts of violence against another person residing in the child’s home” in its definition of psychological abuse or neglect. See “Definitions of Domestic Violence: State Statutes” (2018). *Child Welfare Information Gateway*. <https://www.childwelfare.gov/topics/systemwide/laws-policies/statutes/defdomvio/>.

³ Kim, H., Wildeman, C., et al. “Lifetime Prevalence of Investigating Child Maltreatment Among US Children.” *American Journal of Public Health* 107, no. 2 (2017): 274-280.

⁴ *What is Disproportionality in Child Welfare?* (2019). National Indian Child Welfare Association. <https://www.nicwa.org/wp-content/uploads/2019/08/Disproportionality-Table-2019.pdf>.

⁵ Puzanchera, C. and Taylor, M. *Disproportionality Rates for Children of Color in Foster Care Dashboard*. (2020). National Council of Juvenile and Family Court Judges. https://ncjj.org/AFCARS/Disproportionality_Dashboard.aspx

⁶ Irvine, A. and A. Canfield. “The Overrepresentation of Lesbian, Gay, Bisexual, Questioning, Gender Nonconforming and Transgender Youth Within the Child Welfare to Juvenile Justice Crossover Population.” *Journal of Gender, Social Policy & the Law* 24, no. 2 (2016): 244-261. <https://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1679&context=jgspl>.

⁷ Risley-Curtiss, C. & K. Heffernan. “Gender Biases in Child Welfare.” *Affilia: Journal of Women and Social Work* 18, no. 10 (2003): 1-15. https://www.researchgate.net/publication/228756576_Gender_Biases_in_Child_Welfare

⁸ Ibid.



Promising Futures is a project of Futures Without Violence. For more information on how to transform your program to effectively meet the needs of parent and child survivors of domestic violence,

Visit: www.promising.futureswithoutviolence.org
Email: childrensteam@futureswithoutviolence.org

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