

# BRIDGING THE INTERSECTION BETWEEN DOMESTIC VIOLENCE AND CHILD WELFARE: FROM GREENBOOK TO FAMILY FIRST

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# LEARNING OBJECTIVES

**As a result of this session, you will be able to:**

- ◉ Examine the efforts to forge stronger communication and more effective services in cases that involve child maltreatment and domestic violence through the lens of the Greenbook.
- ◉ Understand, identify, and discuss key provisions of the Family First Services Prevention Act of 2018 and Policy Changes that may be used in child welfare cases involving domestic violence.
- ◉ Discuss strategies to build bridges and improve outcomes for families involved with child welfare where domestic violence also has occurred.

# THE GREENBOOK

Effective Intervention in  
Domestic Violence and Child  
Maltreatment Cases: Guidelines  
for Policy and Practice



**Effective Intervention  
In Domestic Violence  
& Child Maltreatment Cases:  
Guidelines for Policy and Practice**  
Recommendations from the National  
Council of Juvenile & Family Court Judges  
Family Violence Department

# THE GREENBOOK WAS ...

- ◉ Published by NCJFCJ in 1999
- ◉ An effort launched to respond to the fact that 1998 research showed that 30 to 60 percent of child abuse and neglect cases also involved domestic violence.
- ◉ A guidepost for communities working to address the co-occurrence of child maltreatment and domestic violence.
- ◉ Provided a set of principles and recommendations for the main systems involved: child welfare agencies, domestic violence service agencies, and the courts.

# THE GREENBOOK'S GOALS

- Establish a response to address the research that found that 30 to 60 percent of child abuse and neglect cases also involved domestic violence.
- Encourage systems to address the issue of the intersection of child maltreatment and domestic violence through the use of collaboration to improve practice, services and outcomes for children and families.

# RESULTS FROM THE DEMONSTRATION SITES

- Created specialized positions within the child welfare agencies, domestic violence service providers and the court to enhance information sharing and improve services.
- Specialized approaches were required to work with children AND survivors rather than seeing them as separate and unique.

# RESULTS FROM THE DEMONSTRATION SITES

- Identified batterer intervention programs to critical partners in the collaboration, which the sites concluded that working with fathers is essential
- The sites also described other efforts to increase accountability:
  - Specialized agency positions for those who commit the violence
  - Outline court system best practices in co-occurring cases
  - Safety audits to assess the criminal justice system's response to domestic violence

# DIFFERENT TASKS

- Child Welfare:

- Required to determine whether the safety, including whether the child should be removed from the home.

- DV Advocates:

- Assisted in finding safe housing without the need to separate the child from the victim.



# DIFFERENT MISSIONS

## ○ Child Welfare:

- Protecting children
- Ensuring permanency, child safety and well being
- Safety planning for the child

## ○ DV Advocates:

- Assist victims in creating a safety plan
- Assist victims in seeking protection orders
- Support victims during the criminal process

# DIFFERENT MISSIONS (2)

- The Courts:
  - Victim safety and autonomy in civil DV cases
  - Perpetrator accountability in civil and criminal DV cases
  - Safety, permanency and well being in child abuse and neglect cases
  
- All:
  - Race and cultural biases could affect the next steps to acceptance of a plan.



## WHAT THE GREENBOOK DIDN'T DO?

Effectively include  
those responsible for  
the violence

# DV AND CHILD WELFARE

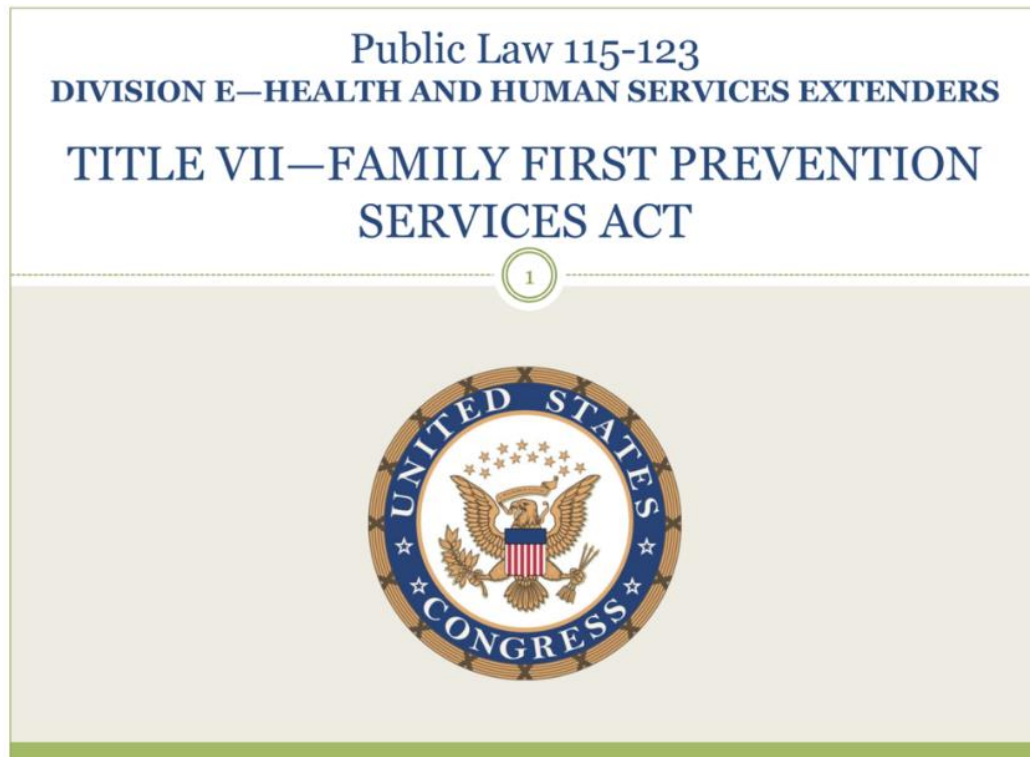
- Considerable evidence points to the fact that domestic violence and child abuse often co-occur.
- In an estimated 30 to 60 percent of families in which either child maltreatment or exposure to adult domestic violence is occurring, the other form of violence also is being perpetrated.
- Children exposed to domestic violence are at increased risk for physical abuse and other forms of child maltreatment

# DV AND CHILD WELFARE (2)

- ◉ Co-occurring child maltreatment and domestic violence often exist in the presence of other risk factors such as poverty, parental unemployment, substance abuse, mental illness, crime, financial or parenting stress, poor health, and lower education.
- ◉ Caution must be used when drawing conclusions about the existence of these risk factors in families with co-occurring violence. These studies show associations between variables, not cause-effect relationships.
- ◉ Resource Center on Domestic Violence: Child Protection and Child Custody

# FAMILY FIRST PREVENTION SERVICES ACT

- What is it and can it bridge the intersection between Child Welfare and Domestic Violence ?



# FAMILY FIRST: THE BIG PICTURE

- Designed to keep children with families and to ensure that if children are removed they are in the least-restrictive, most family-like and appropriate setting that meets their needs.



# AFCARS DATA

- 25,000 children nationally spend less than 30 days in foster care (Breakdown by state)
  - 72.7% of these children lived in an unfamiliar placement during their brief stay
  - The majority of these children were returned to the same home from which they were removed



# NEW - TITLE IV-E PREVENTION FUNDING FOR ONE YEAR

- Mental Health
- Substance Abuse Prevention & Treatment
- In-Home Parent Skills Programs
  - parenting skills training,
  - parent education, and
  - individual and family counseling

# PREVENTION SERVICES

- ⦿ Prevention services to address domestic violence are not specifically included in Family First.
- ⦿ However, services that meet the criteria for evidenced-based and are trauma-informed may be available under in home parent skills programs.

## WHO IS ELIGIBLE FOR SERVICES?

- ⦿ A child who is a “candidate for foster care.”
- ⦿ A child in foster care who is a pregnant or parenting.
- ⦿ Parents or kin caregivers of the youth.

# STATE REQUIREMENTS FOR PREVENTION FUNDING

- Must be included in a 5-Year Plan with Title IV-E Plan.
- Must be part of child's prevention plan.
- Must be trauma-informed.
- Must be Evidenced Based and Promising, Supported and Well-Supported Practice

See: <https://www.acf.hhs.gov/cb/news/clearinghouse-handbook-details-standards>

- New Outcome Assessment & Reporting Practices
- Evaluation Strategy for each program or service in 5-Year Prevention Plan

# FAMILY FIRST IMPLEMENTATION

- 17 states are moving toward implementing Family First this year or early in 2020:

- Arkansas
- Colorado
- District of Columbia
- Georgia
- Kansas
- Kentucky
- Maryland
- Missouri
- Nebraska
- New Jersey
- New Mexico
- North Dakota
- Oregon
- Utah
- Virginia
- Washington
- West Virginia

# FROM THE GREENBOOK TO FAMILY FIRST .. THE BRIDGES



# JUDICIAL OVERSIGHT ASFA & ICWA

- ◉ The Court holding the child welfare agency accountable for making reasonable efforts and active efforts is not a best practice.
- ◉ It is still the law!



# REASONABLE EFFORTS

- Shall be made to preserve and reunify the family and shall be made prior to the placement of the child in foster care to prevent or eliminate the need for removal from the child's home except for aggravated circumstances 42 U.S.C. § 671 (a)(15)



# ACTIVE EFFORTS GENERALLY

- ⦿ Requirement set by the Indian Child Welfare Act of 1978, which established minimum Federal standards for State child custody proceedings involving an “Indian Child”
- ⦿ Requires more rigorous efforts to promote reunification 25 U.S.C. § 1901 et seq.

# REASONABLE/ACTIVE EFFORTS

- ⦿ Will more information -- including the prevention services plan -- be needed to justify removal of a child from the home?
- ⦿ Should a child's prevention plan be filed with the pleadings to remove a child, if removal becomes appropriate?

# PREVENTION SERVICES AND RACIAL AND CULTURAL EQUITY

- Overrepresentation of marginalized communities including people of color, Native Americans, immigrants, and the poor has been an issue for decades in child welfare and an issue in the delivery of services in DV cases. Prevention services may:
  - Lead to more effective interventions for families.
  - Provide voice to people of difference based on the requirements of the law.
  - Begin to develop a sense of engagement for families - children, victims and those committing the violence - as they work with systems to end the violence.

# COLLABORATION

- Courts, attorneys, mental health professionals, law enforcement community service providers, DV advocates and batterer intervention programs are critical players in implementation of programs and policies to ensure effective child welfare services for families experiencing violence.

# FAMILIES FIRST - REUNIFICATION SERVICES

- Title IV-E foster care maintenance payments can be made on behalf of a child in foster care who is placed with their parent in a licensed residential family-based treatment facility for up to 12 months.
- Access to reunification services for up to 15 months after a child returns home (starts date child returns home)

# REUNIFICATION SERVICES

- ⦿ Individual, group, and family counseling.
- ⦿ Inpatient, residential, or outpatient substance abuse treatment services.
- ⦿ Mental health services.
- ⦿ Assistance to address domestic violence
- ⦿ Services designed to provide temporary child care and therapeutic services for families, including crisis nurseries.

# REUNIFICATION SERVICES (2)

- ◉ Peer-to-peer mentoring and support groups for parents and primary caregivers.
- ◉ Services and activities designed to facilitate access to, and visitation of, children by parents and siblings.
- ◉ Transportation to or from any of the services and activities services and programs.

# OTHER BRIDGING PROVISIONS

- ⦿ After reunification, if the child is at imminent risk of foster care and can remain safely at home or with kin, the family may again receive Prevention Services.
- ⦿ Agencies **MUST** engage with persons identified by the family to be involved including relatives and other community members.



# THE OPPORTUNITIES



Family First provides opportunities for data collection on the intersection between DV and Child Welfare and effectiveness of programs.

- ❖ Data collection and collaboration provide opportunities to identify and offer services to meet of the needs of communities of color.

# OPPORTUNITIES (2)

- The number of children removed may be lowered if prevention services are provided through evidence-based parent training, mental health and drug treatment services when there is evidence of domestic violence.

# OPPORTUNITIES (3)

- ◉ With a focus on prevention in cases before removal, the number of children from marginalized communities in care should decrease.
- ◉ Service providers for DV victims and those responsible for the violence will be working toward family safety with an eye toward family preservation alongside the child welfare system.

# OPPORTUNITIES (4)

- Through collaboration, new practices may emerge that will address appropriate risk assessment that will meet the needs and circumstances of each family.
- Systems interventions with families may work to ensure that the family is considered a whole unit and not the sum of its parts.
- Fathers will be encouraged to participate in programs that will address the use of violence AND be encouraged to be involved in the lives of their children.

# THE OPPORTUNITIES (5)

- The person responsible for the violence will be held accountable but provided with the support to encourage behavioral change.
- Family engagement will provide voice for children, victims and those responsible for the violence while promoting family permanency, safety and well-being.

# OPPORTUNITIES - HIGH QUALITY LEGAL REPRESENTATION

## Administration of Children and Families

<https://www.acf.hhs.gov/sites/default/files/cb/im1702.pdf>

## Title V-E Funding for Representation

[https://www.acf.hhs.gov/cwpm/public\\_html/programs/cb/laws\\_policies/laws/cwpm/policy\\_dsp\\_pf.jsp?citID=36](https://www.acf.hhs.gov/cwpm/public_html/programs/cb/laws_policies/laws/cwpm/policy_dsp_pf.jsp?citID=36)

Title IV-E agency may claim title IV-E administrative costs for attorneys to provide legal representation for the title IV-E agency, a candidate for title IV-E foster care or a title IV-E eligible child in foster care and the child's parents to prepare for and participate in all stages of foster care related legal proceedings

(New 01/07/2019)

# RESOURCES

Administration of Children and Families

FPSA Information Memoranda

<https://www.acf.hhs.gov/sites/default/files/cb/im1802.pdf>

<https://www.acf.hhs.gov/sites/default/files/cb/pi1809.pdf>

FPSA Program Instruction

<https://www.acf.hhs.gov/sites/default/files/cb/pi1807.pdf>

<https://www.acf.hhs.gov/sites/default/files/cb/pi1806.pdf>

# RESOURCES (2)

Children's Bureau letter to state CW directors

<https://www.acf.hhs.gov/cb/resource/letter-title-iv-e-prevention-clearinghouse>.

Prevention Services Clearinghouse Handbook:  
Standards for Identifying, Reviewing Prevention  
Programs.

<https://www.acf.hhs.gov/cb/news/clearinghouse-handbook-details-standards>



# RESOURCES (3)

## Children's Defense Fund

FFPSA detailed timeline and detailed and short summary at

[www.childrensdefense.org/policy/welfare/family-first-prevention.html](http://www.childrensdefense.org/policy/welfare/family-first-prevention.html)

## Generations United

FFPSA brief summary and implication for grand families at [www.gu.org](http://www.gu.org) and [www.grandfamilies.org](http://www.grandfamilies.org)