

Tri-County Batterer Intervention Provider Network Meeting Minutes--3/18/2008

Present: Chris Huffine (Allies in Change), Janet Martin (Men's Resource Center), Cassandra Suess (Men's Resource Center), Shaun Konradson (ARMS), Stacey Womack (ARMS), Johnnie Burt (ARMS), Paula Manley (Manley Interventions), Regina Rosann (ARMS), Jacquie Pancoast (ChangePoint), Sara Windsheimer (Choices), Paul Lee (Men's Resource Center), Jennifer Warren (Men's Resource Center), Bob Gibbs (DHS-Child Welfare), Kirsten Brown (DHS-Child Welfare), Don Voeks (Gresham Intimate Violence Education)

Minutes by Paula Manley, edited by Chris Huffine.

Topic: Mandatory Reporting Requirements Related to Children Witnessing Domestic Violence

Speakers:

Bob Gibbs - supervisor at child abuse hotline

Kirsten Brow, CPS consultant for Portland area.

It is generally agreed that children witnessing DV can be traumatized as much as those who are physically abused. It is also given that the majority of children who are in domestically violent homes witness some of that abuse. Since many of us are required to report child abuse, does that mean that we need to make reports to DHS-Child Welfare on all of the fathers in our programs?

OBLIGATION TO REPORT - if you suspect a child you see has been abused, or if you become aware someone has abused a child. Anytime you think a child is currently at risk, they want you to report it. However, confidentiality constraints only permit you to give the info if the child victim or the perpetrator exposes.

Information given to the hotline is kept on file, even if not acted on. Only a small percentage of calls are assigned to the field. However, if already in the field, new information will be forwarded to the individual dealing with it.

LAW - Child abuse includes any physical injury which is not accidental. Technically, it is not illegal to spank kids, so long as it doesn't leave injuries (though consensus is that spanking isn't a good idea). Child abuse also includes any mental injury when there is observable and substantial impairment. Rape, sexual abuse.

They look at power & control, is there coercion, even if over (under?) the 3-year difference to qualify for sexual abuse. They also consider cultural differences. They look at whether parents know, whether they are married, whether they were in a relationship and have a child, cultural context.

Neglect category - does the child have access to medical care, food, etc. How does the treatment affect the mother's ability to provide for the child. This COULD be considered where a mother stays with a perpetrator. But DHS is trying to look at the father as the responsible party for the abuse, rather than blame the victim for his actions. There is major difficulty here getting coordination with DV services and children services.

How does financial abuse apply? Such as if a client doesn't pay enough support?

Depends on if the child's needs are not being met.

The key to reporting appears not so much what the perpetrator is doing, so much as the effect on the child. You can't just look at the action alone, but in what way the child is being affected.

The only way a practitioner bound by confidentiality can report child abuse is when it fits under the definition of the law. "Observable and substantial impairment" is crucial. You don't have to prove it, but have to believe this may have occurred.

They start to focus more on the victim if she keeps going back and continues to be abused and if it is really a dangerous situation (i.e. weapons in home, perpetrator threatening to kill, etc.) When looking at the victim - if she is doing everything she can to keep the victim safe, there is no culpability. But if she is allowing the child to see the perpetrator in dangerous situations, etc., there may be culpability. If she is *unable* to protect the child, DHS may become involved. Not necessarily taking the child, but helping her develop a safer situation for the child.

A big difficulty is when the batterer is not the parent to the child. Then in court, she is the one who is dealt with in court. With a non-offending parent, they are looking at other issues - substance abusers, is she repeatedly hooking up with dangerous individuals, etc.

DHS gets cross-police reports, so they are sometimes aware of child witnesses that way.

How often is DHS involved in child witness to DV cases? Frequently. Police are supposed to route all child witness police reports to DHS.

Is there an increase of sibling on sibling violence or child on mom violence? This has been going on for quite awhile. A lot of involvement with delinquent youth involves violence against parents. Sometimes the mother is blamed for the child's actions. These are often placement issues.

One of the biggest fears people have is Child Welfare taking kids out of the home. However, that is relatively rare. Only approximately a quarter of reported child abuse is investigated, and of that only about a quarter are founded. Of those that are founded, only a small number are placed in foster care. DHS is not intending to break up families - it is intended to give support to the family. Where someone is working with a program, DHS will see that as a protective factor. If there are sexual allegations, the perpetrator will need to leave the home while there is a therapist. One of the concerns is, *who is hearing what the child has to say?* Generally, as long as the client is being honest about what happens (DHS has ways of finding out), there is less chance of the child being removed from home. DHS will also look at how recent the abuse is.

DHS is obligated to give reporters the results of investigation. Hotline can tell who is the assigned worker. Sometimes workers are overwhelmed, and they may not have a chance to get right back to the reporter. Feel free to contact them. Can give helpful - mitigating or aggravating info.

In general if there are concerns with the child's safety, the perpetrator will need to leave the home, and the child will remain with the non-offending parent. Unless that parent has other issues unable to be dealt with in home for child's safety.

Some information may not be acted on, but should be documented (per DHS).

Dilemma - re: reporting past abuse. You don't want to blow your information if nothing will be done about it, anyway. Actions in the past - are really iffy. Where a parent has done abuse

in the past, if children are now adults, it is not as imminent.

While DHS would always like all information, when you MUST report is when there is harm or threat of harm. Must be related to “observable and substantial impairment” if they witnessed abuse.

When DV charged as child-witnessed, the legal definition *on that incident* - has been met. But not all of these cases will have DHS actively involved. Plus, while not all DV requires a report to DHS, you need to look at the harm factor. This may include issues additional to the incident for which the perpetrator is adjudicated.

Sometimes perpetrator will complain about a sex offender record when young and “didn’t know” the person was underage. This often is not the truth.

There is a concern that not all DHS workers have the DV background. But if we want to discuss with a DV-trained individual, we could ask for the DV point person.

If a provider is unable to make a report, any person in the family is able to make a report. The parent is often afraid to report for fear of losing custody.

One incident involved a woman arrested (where she was apparently a secondary aggressor). There was subsequent abuse of children by father. Mother was concerned if she reports abuse that kids will go into foster care, excluding her as a possibility. Not necessarily the case.

A parent has a one-year window to stabilize, when under DHS supervision. At times, this may be extended. The one year is a federal guideline. But there is a new Oregon Safety Model - research-based model. This emphasizes safety throughout the life of the case. But it emphasizes returning kids home based on progress/behavior, rather than completion of services. There has to be a safety plan in place.

BIP standards do not technically apply to DHS-mandated men. It refers to court-mandated men.

DHS-mandated are much more likely to drop out than are court-mandated men. Sometimes the men will think they will be assessed as to whether they need DV. But most BIPs will not assess for DV - it’s an Intake. BIP assumes the intervention is needed, though may be assessed as to whether it needs A&D services.

Most BIPs do NOT do DV assessment, though will often do risk assessment. The assumption is that the perpetrator needs to be in group - only assessing whether the perpetrator will be appropriate for group participation.

It is important for DHS to understand that BIPs do not know who is being truthful or not. We can only state that they completed the minimum requirements of the program, or whether they say the appropriate things. Cannot predict whether they have been or will be violence-free.