

February 2007

DOMESTIC VIOLENCE

Violence between “intimate partners” declined between 1993 and 2004, according to a December 2006 report from the U.S. Department of Justice. www.endabuse.org. While the downward trend is encouraging, still 625,000 partner victimizations occurred in 2004. Id.

Among the figures released by the U.S. Dept. of Justice:

- Females age 20-24 experience the highest rate of intimate partner violence;
- children are residents in households experiencing intimate partner violence in 43 percent of incidents involving female victims;
- females who are separated report higher rates of intimate partner violence than women who are single, divorced or mar-

ried. Id.
 Ten year old studies on the effects of domestic violence on children revealed the following:

- child abuse occurs in 70% of the families that experience domestic violence;
- 40-60 percent of men who abuse women also abuse children;
- men who witnessed domestic violence as children are twice as likely to abuse their partners and children than those who did



- not witness domestic violence;
- children who witness domestic violence are more likely to commit sexual assault crimes;
- as many as 40 percent of violent juvenile offenders witnessed domestic violence in their homes. www.ncadv.org/files/Children_.pdf

Statistics are helpful to gain a global picture of any issue, however, they should not be used to apply any “cookie cutter” solution to domestic violence as it presents in juvenile court. According to Recommendations from the National Council of Juvenile & Family Court Judges,

What About Dads?

Many children involved in child welfare proceedings do not have fathers residing in their homes. What About The Dads, US Dept Health and Human Svs., 2006.

Research is either lacking, or scarce, into the effect of father-

child visitation for children in child welfare cases and on the effect of involving these “nonresident” fathers in permanency planning. One study looked into child welfare agencies efforts to locate nonresident fathers, and to involve them in permanency plans.

Results of that study revealed that paternity had not been established for one-third of the children.
 -In two-thirds of the cases, a non-resident father was identified early in the case;
 -72% of the caseworkers

Special points of interest:

- Children who witness domestic violence are more likely to commit sexual assault offenses;
- 40-60% of the men who abuse women also abuse children
- Men who witnessed domestic violence as children are twice as likely to abuse their partners and children than those who did not witness domestic violence

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What About Dads? Continued...



Believe father involvement enhances child well-being. Id.

-Only 50% of the fathers contacted expressed an interest in having their children live with them;

-56% of the fathers contacted visited with their children while they were in foster care;

Issues preventing placement with nonresident fathers include:

-58% of the nonresident fathers have drug or alcohol abuse

problems and are either on probation, incarcerated or are awaiting resolution of criminal proceedings;

-While fathers are offered services in 59% of the cases, only 23% of the fathers participate in services;

Id.

The defense attorney representing a nonresident father in a child welfare proceeding, consider the following:

-what efforts did DCFS undertake early on in the case to

attempt to locate the father?

-At what stage in the proceeding was the father offered a service plan?

-did mother engage in efforts to deprive father of contact with the child(ren)?

-what efforts were made by the caseworker to engage the father in services?

-what parent time arrangements are made?

-do the foster parents cooperate with father's parent time?

“It is particularly shortsighted to remove children from the care of their battered mothers without first trying to remove or change the source of the domestic violence risk, the batterers”

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Family Violence Department, there is no “one size fits all” service plan to impose on every adult victim with maltreated children. “Effective Intervention In Domestic Violence & Child Maltreatment Cases: Guidelines for policy and Practice,” p 22, NCJFCJ, 1999. “Each adult victim should have the opportunity to develop safety plans, with an advocate’s help, that take into account her and her children’s needs and strengths and an assessment of risks. **Mandating a mother to go to a shelter or obtain a protection order against her will as a way to try and ensure child safety will fail in many cases.**” Id.

There is general agreement that children function best if they can remain safely with their families. Domestic Violence & Child Maltreatment, p 18. **It is particularly shortsighted to remove children from the care of their battered mothers without first trying to remove or change the source of the domestic vio-**

lence risk, the batterers. Id. In many cases, trying to make mothers safe makes the children safer and offers children their best hope for stability. Id. A shift in traditional practices is necessary, however, because mothers are often held responsible for a batterer’s violence against them and their children. Id. “They may lose their children for failing to protect them from a domestic violence perpetrator. Id. **Blaming a battered mother for being abused, for not leaving the domestic violence perpetrator, or for not stopping his violence is simply counterproductive.** Id. Without adequate support, resources and protection, leaving a batterer may simply make matters worse for the children. Id.

Rather than impose one formula on every case, courts and community agencies should provide battered mothers with independent advocacy and support resources to help them develop a set of strategies to reduce or eliminate the particu-

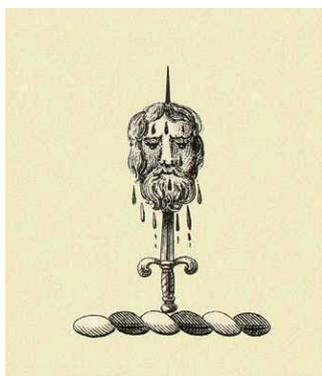
lar risks they and their children face. Id.

“Many battered women who have not abused their children are terrified to admit that they are victims of violence, or that their children have witnessed it, for fear of losing custody of their children. Offering earlier intervention for women and children in less dangerous cases, without having to file child maltreatment reports or dependency petitions, would make it more likely for women to acknowledge the dangers that they and their children face and to accept help.” Id at p.21.

DCFS is required, by statute, to provide domestic violence services and treatment methods. U.C.A. 62A-4a-105(17). The goals of domestic violence services are:

-to interrupt the cycle of violence;

-promote the safety of victims and dependent children by providing emergency sheltering and other necessary services to



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connect them to needed resources;

-to ensure the availability of services and support programs for victims of domestic violence and their dependent children to assist them to live in violence free lives;

-to ensure the availability of treatment programs for perpetrators to teach them non-violent behavior patterns; and

-to maintain a cooperative relationship between law enforcement, prosecution, courts, legal aid, medical providers, treatment providers, social services and other community agencies to coordinate treatment, and prevention of domestic violence. *DCFS Practice Guidelines, 600.2.*

DCFS expects that its caseworkers hold perpetrators of domestic violence, not their victims, accountable for their abusive behavior. *Id.* At 600.3. DCFS's domestic violence policy acknowledges the concept articulated by the NCJFCJ that increasing the safety of the adult victim will increase the safety and well-being of the children. *Id.* Significantly, the DCFS practice guidelines re-

quires that caseworkers **respect the rights of adult victims to direct their own lives.** *Id.*

DCFS employs "domestic violence coordinators," ostensibly individuals with additional training in domestic violence issues. They are directed to "strive to gain knowledge and understanding of the issues related to domestic violence to provide optimal services to the clients DCFS is mandated to protect. *Id.* This should mean that DCFS "threats" to victims to obtain a protective order or lose custody of their children will diminish since use of the mandate is generally considered counterproductive.

DCFS's domestic violence program must "honor the adult clients right to self-determination." *Id.* DCFS must "always assess the need to develop differential treatment activities for the adult clients" based upon the clients individual needs. *Id.*

Parents counsel should be familiar with the domestic violence service providers in their community. In some areas, full service providers, such as Safe Harbor, in Kaysville, Utah, pro-

vide safe housing for victims and their children, counseling services, case management, support and assistance, which allows victims of domestic violence and their children to remain safe and together while they work through a service plan.

Resources include:

In **Provo**: Center for Women & Children in Crisis, PO. Box 1075, Provo, Utah 84603 phone 801-374-9351

Community Action Services, 815 South Freedom Boulevard, Suite 100, Provo, Utah 84601, phone 801-373-8200

In **Ogden**: Your Community Connection, 2261 Adams Avenue, Ogden, Utah 84401, phone 801-394-9456.

In **Blanding** Gentle Ironhawk Shelter, PO Box 423, Blanding, Utah 84511

To find resources in your community, go to:

www.utahcares.utah.gov

To read more about domestic violence, check out:

<http://www.ojp.usdoj.gov/bjs/intimate/ipv.htm>



13,576 Utah children live with grandparents without either parent present

Community Support for Grandparents Raising Grandkids

In Utah, there are 31,000 children living in homes headed by grandparents. Utah Factsheet, Brookdale Institute, <http://www.giclocalsupport.org/doc/utah05.pdf>. Of those 31,000 children, 13,576 are living in grandparents homes without either parent present.

In order to assist these grandparents GRANDFAMILIES, The

Children's Service Society of Utah, and Grandparents Raising Grandchildren, offer education and support.

Grandparents Raising Grandchildren is offered by Jewish Family Services, #2 North Medical Drive, Salt Lake City, Utah, phone 801-581-1330. Services are provided free, but registration is required.

Grandfamilies is located at 124 South 400 East Suite 400, Salt Lake City, Utah, phone 801-355-7444. Grandfamilies offers support groups, assistance to connect with community resources, and a class in raising children with attachment issues.



The greatest dangers to liberty lurk in insidious encroachment by men of zeal— well-meaning but without understanding. - Louis D. Brandeis

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Louis D. Brandeis, Collection of the United States Supreme Court

www.parentaldefense.org

Parental Defense Conference is only 7 weeks away!

The Annual Parental Defense Seminar will take place April 16 and 17, 2007 at the Zermatt Resort in Midway, Utah. The conference will be held at the same time the Juvenile Court Judges and AAG hold their annual meetings. The Agenda and Presenters include:

R. Chris Barden, Ph.D. J.D. L.P. **Examining Expert methodologies in Child Welfare Cases.**

Duane Betournay, Director DCFS **About DCFS and**

Accessing Discretionary funds

David Boyer, **HIPAA Requirements and Releases**

Panel Discussion— **Tips and Tricks to representing parents in Child Welfare Proceedings**

Brad Lundahl, PhD., **Motivation Interviewing Techniques and Application**

Weber Mental Health— **Drug Testing: What Do The Results Really Mean?**

Danielle Allison—**Appellate Law and Juvenile Appeals**

Update

Dan Shumway—**Court Reports in Juvenile Court**

Sharon S. Sipes—**Reasonable Efforts**

Lisa Lokken—**Legislative and Adam Walsh Update**

Diane Akiyama, Office of Prof. Conduct—**Ethics for Parents' Counsel**

13.5 hours of CLE (pending); To register, follow the link from "Events" on the website: www.parentaldefense.org

