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Via email: [REDACTED]

July 24, 2018

Office of Planning, Policy, and Program Support  
DC Child and Family Services Agency  
200 I Street, SE  
Washington, DC 20003

**Re: Domestic Violence Policy & Business Process**

Dear DC Child and Family Services Agency:

Thank you for the opportunity to comment on the July 13, 2018 draft of the Child and Family Services Agency's (CFSA) policy and business process regarding domestic violence (DV). I am submitting these comments on behalf of Children's Law Center (CLC).<sup>1</sup> We serve as guardians *ad litem* (GALs) for hundreds of children in foster care and represent foster parents and relatives caring for children who are in or at risk of entering the District's child welfare system.

CLC appreciates CFSA's engagement with stakeholders regarding its policy and business process to address the safety and needs of children and youth who are exposed to domestic violence. The following comments are offered to assist CFSA in its efforts to develop "policies and practices that reflect a commitment to meeting child needs, reducing the impact of domestic violence on child safety and well-being, engaging the non-offending partner to support the parent-child relationship, and holding the offending partner accountable for the abusive behavior."<sup>2</sup>

**Comments Related to the Both the Domestic Violence Policy and Business Process**

The policy's "Sections" and the business process's "Procedures" contain the same four parts:

- A. Initial Assessment
- B. Referral to the Office of Well Being

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<sup>1</sup> Children's Law Center fights so every child in DC can grow up with a loving family, good health and a quality education. Judges, pediatricians and families turn to us to advocate for children who are abused or neglected, who aren't learning in school, or who have health problems that can't be solved by medicine alone. With more than 100 staff and hundreds of pro bono lawyers, we reach 1 out of every 9 children in DC's poorest neighborhoods – more than 5,000 children and families each year. And, we multiply this impact by advocating for city-wide solutions that benefit all children.

<sup>2</sup> Proposed Domestic Violence Policy p. 1

### C. Ongoing Assessment

#### D. Confidentiality and Documentation of Client Information.

The “sections” provide an overview of the more-detailed “procedures.” Before we offer comments related to these four parts, we ask CFSA to consider adding a part related to navigating visitation when the child is placed outside of the home and when the child is in protective supervision. Visitation poses a unique challenge in domestic violence cases and the domestic violence specialist could provide expert recommendations for safe visitation.

#### Comments Related to “A. Initial Assessment”

We are very encouraged that CFSA’s policy conveys a plan to “ensure that domestic violence screenings are completed for every open CPS investigation, family assessment, ongoing in-home case, and ongoing permanency case.”<sup>3</sup> CLC notices that the first paragraph of part A in this draft of the business process differs from the language provided in last year’s draft and from the language offered in the policy. In this current version of the business process, part A does not explicitly require the social worker to screen for domestic violence in every single case. The business process also does not specify how frequently the social worker will screen or assess for domestic violence. We think it is important that CFSA’s business process instruct social workers to assess for domestic violence at various points in the life of a case; not only at the beginning of a case or when one of the partners discloses an incident of domestic violence. Therefore, we recommend that the business process reflect the policy by requiring the social worker to screen each case for domestic violence at a set periodic intervals and also within 30-days of becoming aware of warning signs of domestic violence.

We are very supportive of both documents’ consistent acknowledgements of the power dynamics that exist between offending partners and non-offending partners. We also encourage CFSA to require social workers’ to consistently acknowledge the uneven power dynamics that exist when CFSA attempts to work with the non-offending partner. Having a case or investigation open against the non-offending partner often impels the non-offending parent to comply with CFSA’s recommendations without providing critiques or suggesting changes to the recommendations. This power dynamic may require the social worker to empower the non-offending partner to offer constructive feedback throughout the safety planning and case planning process. We recommend that the policy and business process communicate the need to address this power dynamic.

The policy and the business process both use the phrase “domestic violence is present,” but the term “present” is not defined in either document. CLC knows that CFSA has made investment in DV specialists because the presence of DV can be difficult to ascertain. DV often involves pattern of abusive and coercive behaviors that can include long periods of times without attacks or coercion. Therefore, CLC recommends that CFSA replace the phrase “domestic violence is present” with “domestic violence has occurred between the child’s parent-figures within the last 12 months.”

#### Comments Related to “B. Referral to Office of Well Being”

CLC does not have any common comments relating to Part B for both the policy and the business process.

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<sup>3</sup> Proposed policy p.3

*Comments Related to “C. Ongoing Assessment”*

Part C requires CFSA to incorporate findings from the DV assessment into the case plans. CLC agrees with the intent of this requirement, but has some concern that documenting the assessment findings in the case plan might provide offending partners with information they could use to further the “pattern of coercive and abusive control.”<sup>4</sup> This result would put the child at an increased risk of being exposed to domestic violence. CLC suggests that CFSA incorporate the assessment findings into the case planning activities without revealing the location or frequency of non-offending parent’s activities or services.

*Comments Related to “D. Confidentiality and Documentation of Client Information”*

Part D demonstrates CFSA’s thorough foresight regarding how disclosure of information could put the non-offending partner and child at risk of harm. The policy and the business process clearly forbid the social worker from disclosing the non-offending partner’s whereabouts. However, there are other pieces of information that can create a risk of harm if disclosed. Therefore, Part D could be strengthened by clarifying what efforts the social worker will take to protect confidentiality when reporting the following information to the court:

- new incidents of domestic violence
- parties’ compliance with court orders
- the non-offending partner’s need for moving assistance
- the non-offending partner’s desire to engage in substance abuse services or mental health services or supports
- the non-offending partner’s acquisition of a new phone number or address

**Comments Related Solely to the Domestic Violence Policy**

It is CLC’s understanding that the DV policy provides a condensed overview of the steps that CFSA will take to ensure the safety of children whose parent-figures have a history of domestic violence that poses a current threat the child’s well-being. The policy is intended to be aligned with the business process. CLC provides the following comments in hopes to further these goals.

The most important substantive recommendations that CLC offers involve continued case planning, confidentiality in team meetings, and training for the family court. First, we recommend that CFSA consider adding some clarity on the steps it will take to address the offending partner’s behavior if patterns of coercive and abusive control continue after the offending partner completes the services required by the case plan. We hope to see that CFSA will continue to hold the offending parent accountable and that the social worker will reassess the efficacy of the safety plan. Second, we recommend that CFSA hold separate team meetings for non-offending and offending partners and that the date, time, and location of the non-offending partners’ meetings not be shared with offending partners. Thirdly, CLC recommends that CFSA consider training the family court judges on its new DV policy and business process.

Additionally, CLC recommends the following minor changes to “III. Policy”:

- Edit paragraph 7 to replace “competent” with “sensitive” or “humble.”

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<sup>4</sup> Proposed business process p.1.

- Add a new paragraph 9 that reads, “9. Acknowledging the expertise of the non-offending partner on dynamics of their family and their relationship with the offending parent.”
- Delete “clinically” in the first unnumbered paragraph and add “for the safety and well-being of the children or the non-offending partner” after “necessary.”

Lastly, CLC recommends the following minor changes to Sections A-E:

- Delete “to” in section A, paragraph 4.
- Edit section B, paragraph 1 to mirror the business process by including consultation when the social worker **suspects** DV is present.
- Edit “clinically appropriate” in section B, paragraph 3 to read, “recommended by the domestic violence liaison”
- Edit “Section E” to read, “Section D”.

### **Comments Related Solely to the Domestic Violence Business Process**

A common theme amongst CLC’s most important comments regarding the DV business process is the need to recognize the self-determination and expertise of the non-offending partner. CFSA could demonstrate its commitment to respecting the non-offending partner’s self-determination by incorporating the collaborative language found in the DV policy into the business process. Section C paragraph 4 of the DV policy reads, “CFSA shall make efforts to obtain consent from the family, including the non-offending partner, the offending partner and children in order to assess and follow-up on treatment and progress.” Adding this language into the business process will communicate CFSA’s respect for the non-offending partner’s self-determination.

Another example can be found in the difference between the policy at the second unnumbered paragraph in “III. Policy” and the business process’s third numbered paragraph in “A. Initial Assessment”. While the policy indicates that referrals for services will occur only once the non-offending partner shows some interest in services, the business process requires the social worker to contact SAFE or My Sister’s Place whenever the social worker decides that the partner needs advocacy. By waiving the non-offending partner’s interest in SAFE or My Sister’s Place prior to making the referral, CFSA would be acting contrary to the values communicated in its own policy.

Thirdly, the business process could better communicate respect for the non-offending partner by requiring the social worker to notify the non-offending partner and their attorney if the social worker calls the Metropolitan Police Department. The non-offending partner is likely to benefit from this notice because they will be able to anticipate and plan for the offending parent’s response.

Lastly, CLC recommends the following minor changes to the proposed business process:

- Amend the definition of domestic violence on page 1 to include periods of calm or reconciliation.
- Identify the screening tool or the criteria that the social worker will use to determine whether domestic violence is present, on page 2, paragraph 4.

- Remove the social worker as a required party to the consultation with the DV specialist, to prevent scheduling delays.
- Change all references to “adult survivor” to “non-offending partner.”

Thank you for considering these comments. If you have any questions about them, please contact Aubrey Edwards-Luce at (202)467-4900 (ext. 609) or [AEwards-Luce@childrenslawcenter.org](mailto:AEwards-Luce@childrenslawcenter.org).

Sincerely,

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