

advocacy matters



helping mothers and their children

Involved With the
Child Protection System

Prepared By Family Violence Prevention Fund

“BEING INVOLVED WITH CHILD PROTECTION CAN BE FRIGHTENING, O

THE FAMILY VIOLENCE PREVENTION FUND IS EXTREMELY GRATEFUL...

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This project is dedicated to the memory of Sandra Camacho

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G, OVERWHELMING AND CONFUSING FOR WOMEN.”



Many women who have experienced domestic violence are also involved with the child protection system (CPS). Most are poor, and a disproportionate number are women of color, both immigrant and U.S. born.¹ Being involved with CPS can be frightening, overwhelming and confusing for them. And as an advocate, you may feel as helpless as the women you are trying to assist.

This guidebook is intended to:

- Underscore the importance of your work;
- Provide tips for how to improve your practice in this area; and
- Inspire you to do what you do best: understand a woman's situation and help her navigate the road to safety, well-being and self-sufficiency.

CHALLENGES TO MAKING A DIFFERENCE

What we've learned about improving services for women involved in CPS, we've learned from the women themselves.² They need your respectful inquiry, active listening, and willingness to act. And while there are challenges to success, you, as an advocate, *can* make a difference.

“The system is so big. There are so many rules and laws. I don't even know where to start.”

—A DOMESTIC VIOLENCE ADVOCATE

The child protection system is a bureaucratic government institution responsible for ensuring that various laws, regulations and policies regarding the protection of children are enforced. There are numerous materials available explaining the function of CPS. But it's easy to get caught up in the enormity of the system—the power of it, both real and perceived. Many women involved in the system also find it difficult to understand and need advocates and others to help them figure it out.

Here are five things you can do to make a difference on behalf of the mothers and children you work with:

1. Create safe spaces for mothers to talk.
2. Define your roles and the actions you can take.
3. Develop a relationship with the CPS caseworker(s).
4. Learn as much as you can about laws, policies, and procedures.
5. Increase the accessibility of your program.

“ADVOCATES MAY FEEL AS HELPLESS AS THE WOMEN THEY ARE TRYING TO ASSIST—BUT YOU CAN MAKE A DIFFERENCE.”

¹Roberts, Dorothy. *Shattered Bonds: The Color of Child Welfare*. Civitas Books, New York: 2002.

²*Conversations with Voices of Women*, focus groups conducted by the FVPPF in New York City, 2002.



“Understanding the complexity of a woman’s situation is the first step to helping her and her children.”

CREATE SAFE SPACES FOR MOTHERS TO TALK

“If I was in charge, I would give mothers a lot of support; I’d give them a place to voice their opinions and share.”

—A DOMESTIC VIOLENCE SURVIVOR

To work effectively with women involved with CPS, you must find ways to create spaces where mothers can talk about their involvement with CPS. Effective advocacy involves both sharing information and protecting it.³ It is particularly important to build a safe and fair environment for women to speak freely while ensuring they understand the parameters of your confidentiality. Advocates need to share this information with women so they understand what the rules are.

Questions we, as advocates, must ask:

1. How do we talk to women about information sharing policies (e.g. When and how do we make child abuse and neglect reports)?
2. What is protected and what is not?
3. What happens when the children’s interests and mothers’ interests differ?

CPS Can be Difficult to Talk About

Domestic violence advocates often avoid talking about CPS because they fear unduly influencing a woman’s choices or they feel they don’t know the system well enough to properly assist.

Women, on the other hand, may be reluctant to discuss their CPS involvement because they fear being blamed or facing the stigma associated with CPS.

Some women fear that telling the real truth about their family situation will prompt an advocate to involve CPS only to have their children removed or never returned. Others may have been referred to you by CPS, but deny they need your services.

Some report that CPS involvement actually keeps them involved with their abusers for fear of not presenting a “united parental front” to CPS. On the other hand, if CPS involvement is brought up as part of a litany of questions, it may be avoided or overlooked.

"A woman's life is for children."

Adding to these challenges is the natural tendency to judge a woman for choosing to stay with her abuser, even at her children's risk. But advocates must deal separately with these feelings and keep in mind the difficult choices a woman often faces. Advocates must put aside all preconceived notions and judgments in order to discuss the complex picture that will undoubtedly emerge.

Advocates also need to respond to a woman based on the context of her life, her culture and community, and her role as mother, partner and daughter, among others things. Understanding the complexity of a woman's life is the first step to helping her and her children.

Tips for talking about CPS

Here are a few ways to approach the subject:

"It's important that I really understand everything you and your children are going through so I can be of the most help to you. Many of the women who come here are involved with CPS or other systems. If you are, I just want you to know that I can help you plan for and think about your situation."

You may have to bring it up more than once, or follow up several times, but once a woman feels that she can really talk to you, you are well on your way to building trust!

Other Forms of Support

Many community-based programs run support groups for women who are living or have lived with violence. These groups typically provide places for women to break isolation and share their experiences with other women. These safe spaces have been fundamental to women's safety and empowerment and have been the catalyst for many women's transformation.

Women involved with CPS also need safe spaces so they can begin to talk about their pain, fears and hopes. They need to hear from other women, who have had similar experiences, so they can begin to overcome the stigma attached to CPS involvement, find safety and grow stronger.

Support groups are not the only way to achieve safe dialogues with mothers. Connecting with women on an individual basis can also promote healing. This can be difficult when there's so much on your plate, but to be effective, you need to connect with the women who come to you, to give them a break from the kids and chores, to find quiet time to speak their truth and share their pain and hope.

DEFINE YOUR ROLES AND THE ACTIONS YOU CAN TAKE

“I’m so confused about the process,
I don’t know what questions will
help me and my children.”

—A MOTHER AND SURVIVOR OF DOMESTIC VIOLENCE

To truly be helpful, it’s vital to explain your role so that women know what to expect from you—this is critical to building trust. But in determining what you can do, it is equally important to know what women want from you.

Navigating the System

It may seem obvious, but women involved in CPS need to know their rights and what the system expects of them. Unfortunately, this information is not always accessible. Language barriers, for example, are common obstacles for non-English speaking women.⁴

As a domestic violence advocate, you can ensure that a woman has the information she needs by asking if she understands her rights. You can lobby for a caseworker that shares a cultural

and linguistic background with her, find interpreters and/or get CPS to provide written information in the woman’s primary language.

Once women have a clearer understanding of the system, they’ll likely have new questions. How do decisions get made? How can I voice my concerns without being viewed as problematic? What do people expect of me? How can I increase visitation with my children? Will my partner or ex-partner have access to information that I disclose? How can the system keep my children and me safe from further harm?

What You Can Do

Advocates can learn about CPS policies and procedures from the administrative offices in their county or state. Also, many, if not all, child welfare agencies have specific departments that help problem-solve conflicts between local offices and families. Sometimes called the Ombudsman Office, these departments can help you answer these questions and to gain a broader understanding about how the system works.

Working with Women of Color and Immigrant Women

Many women of color, both immigrant and U.S. born, have experienced discrimination and racism in our society. It is important for advocates to allow women to talk about this and validate their experience. Children of color are grossly over-represented in the child welfare system and it’s in our best interests to try to correct this. Ensuring that mothers involved with the child welfare system have good attorneys is one effective and appropriate strategy.⁵

⁴ ALIANZA’S *Women of Color Activists Dialogue* Report, January 2003.

⁵ *Forging New Collaborations Between Domestic Violence, Child Welfare and Community*, report from the Women of Color Network, January 2003.

⁶ Contact the National Network to End Violence Against Immigrant Women for further assistance. See Resource List.

⁷ Principles were developed by Betsy McAlister-Groves of the Child Witness to Violence Project of the Boston Medical Center.

When assisting an immigrant woman, explain the different risks she may face and the options she may have—they will be dependent on her immigration status. You can review risks and access to remedies with her without knowing her status. It may unnecessarily frighten immigrant women to routinely ask about their status. You can provide general information to enable her to explore her concerns, doubts, and questions without disclosing her own immigration status. Because of the complexity of this issue, immigrant women may need advice from an immigration lawyer or family lawyer with expertise on immigration issues.⁶

Finding Resources for Children

Domestic violence programs are under-resourced, especially when it comes to providing services for children. But there is a wide range of actions advocates can take, and not all require extensive resources. Here are five things to consider:

1. At your next staff meeting, brainstorm these two questions: What could we do differently to help mothers and children heal as a family after violence? How can we empower the women in our program in their role as mothers?
2. Consider hosting a community dialogue with local service providers such as teachers, child mental health workers, and coaches. Focus on what's available for children in your community. Networking with new people can bring new ideas and resources, and involve the mothers to ensure their participation.
3. Find ways to serve older boys so that mothers and their children can be safe and together.
4. Help mothers develop their parenting strengths and resiliency in their children. Many feel overwhelmed and guilty; help them celebrate their strengths.
5. Find recreational activities in the community that children and their moms can participate in and heal together.

Even if you don't understand everything about child development and the effects of violence on children, you can share some basic information with mothers. Here are some guiding principles to share with mothers:⁷

- Give children permission to talk about their fathers, the family, and the violence—even if it's hard to hear.
- Listen carefully to children's perspectives. They probably won't be the same as yours. Children understand events in different ways, depending on their age. By listening carefully, you can understand what was scariest for them, what they feel guilty about, and what worries them still.
- Reassure them that the violence/fighting was not their fault and it's not up to them to solve it.
- Don't force your child to take sides, no matter how angry you are with your partner.
- Reassure your child that you're working to keep them safe. They need to know that you're aware of how frightened they feel, and that you're trying to make things better.
- Don't worry if your child doesn't want to talk about what happened. As long as your child knows it's okay to talk about the violence, you can keep an "open door" for if and when the child is ready.

"BE CLEAR AND HONEST ABOUT WHAT YOU CAN AND CANNOT DO."

IN SUPPORT THEIR CHILDREN'S HEALING AFTER VIOLENCE."



- If your child is anxious or has behaviors that concern you, consult a pediatrician or counselor. It may be helpful to have your child talk with a counselor.
- Take care of yourself. Do something everyday to remind yourself that you're worth it!
- Are you worried your abuser will find out what you've told your CPS caseworker?
- How would you like CPS to work with you? Your abuser? Your children? Why?
- Does CPS know about everything you've told me? Why or why not?

Creating a Safety Plan⁸

Mothers involved with CPS have complex safety needs that require attention. If you are fortunate enough to have advocates for battered women working internally at CPS, contact them to discuss collaborating.

If you don't have advocates working within CPS, know that CPS involvement can increase or decrease risk to women. The risk depends on multiple factors including, but not limited to, the abuser's agenda, how dangerous the abuser is and the level of safe practice by other providers such as CPS staff, the court and contracted agencies.

It's critical to understand the current level of involvement the abuser has with CPS. It's also crucial to know whether the woman thinks his involvement is helpful or hurtful to her and her children. Questions you should ask include:

- Does your abuser know CPS is involved? How has he reacted?
- Does he have a case or service plan?⁹ Why or why not?
- What's been helpful about your involvement with CPS? What hasn't?
- Has anything made you more afraid? If yes, what?

Pay careful attention to the following when safety planning with women about the CPS response:

- If the mother is in a shelter or in hiding, is her address written anywhere in the case record? How will the system protect it?
- Is it necessary to have separate CPS service plans so the abuser does not see the woman's plan?
- If the abuser is engaging in services to change his violent behavior, how does the mother feel about this?
- Will the children tell the abuser information that may increase risk for the woman and her children?
- Does it increase risk to have mail sent from CPS or other systems to her house?
- What interventions/services are in the service plans? Do they fit the woman's safety needs? Are they culturally appropriate?

There can be more than one answer to these questions. For example, some women want family meetings and/or couple's counseling (and it may be safer and more appropriate) along with batterer intervention services on the abuser's service plan. Other women, for safety, reasons don't want their abuser to know anything about their CPS involvement. Each woman's situation is different and by collaborating with women and making careful assessments you can more effectively advocate for appropriate interventions.

⁸Information in this section learned from Massachusetts Department of Social Service-Domestic Violence Unit.

⁹Service plans, also known as case plans, are monitored by CPS caseworkers and are typically lists of tasks and corresponding outcomes. Service plans are a tool for ensuring child safety and monitoring compliance.

“It's critical to understand the level of involvement the abuser has with CPS and how this makes the woman feel.”

—AN ADVOCATE



DEVELOP A RELATIONSHIP WITH THE CHILD WELFARE CASEWORKER(S)

“Get an advocate and have them help you go to supervisors to get services and to be treated right.”

—A MOTHER INVOLVED WITH CPS

Despite the fact that each state and county child welfare system is different, every family will have a caseworker. If the woman gives you permission to do so, establishing a relationship with the caseworker is critical. It'll help clarify expectations and allow you to strategize how to best navigate the system.

Approaching the Caseworker

Make sure you have the woman's permission in writing before you approach the caseworker. Ideally, you've first spoken to the mother at length to get her perspective about what's happening—what she's worried about and what kind of help she needs. Understand the caseworker's perspective is next. Effective advocacy recognizes that there are multiple truths and perceptions at work that need to be understood before a strategy can be developed.

Document your efforts to reach the caseworker in writing. Send letters to a caseworker's supervisor as well in order to provide support to the caseworker. Keep the mother informed at each and every stage; include her in meetings whenever possible.

Contacting the Caseworker

If you do not have a relationship with the caseworker and want to write a letter or send an email, the following introduction may be helpful:

“Dear ____: My name is ____ and I work at _____. It has come to my attention that ____ is a mutual client of ours. I have spoken to her and she is interested in having us meet and work collaboratively on behalf of her family. I would be happy to share some of my work with you and help you in any way I can. I have enclosed/attached a release of information that ____ has approved. Please let me know when you are available to meet or speak. I can be reached at _____.”

Caseworkers' caseloads are high, and their work often takes them out of the office, thus they may not contact you immediately. Remember that your goal is to assist the mother by working effectively with the agency, so remain respectful of the caseworker and her role.

Meeting with the Caseworker

During the initial meeting, you want to retain the integrity of your relationship with the mother while forming a relationship with the caseworker. You need to understand the caseworker's role without judgment and offer specific help.

These meetings can be difficult because CPS often uses distinct language and has its own perspectives of situations. The “woman” you are working with, for example, may be referred to as “the client” by her caseworker—advocates rarely use this term. Just remember that every field—including the battered women's movement—has its own jargon and that you need to ask when you don't understand something. Being informed is your primary goal.

Explore opportunities to work together. If your program has never done this, bring it up at a staff meeting and brainstorm strategies for collaborating with CPS. Cross-training and job shadowing are two effective strategies that promote understanding about each system's day-to-day operations. Also, your state or county domestic violence coalition may have ideas about how to establish these relationships.

4 KNOW THE LAWS, POLICIES AND PROCEDURES

“The system is so big with so many rules. I don’t know which end is up.”

—A DOMESTIC VIOLENCE ADVOCATE

Every state and county is governed by different federal, state and local mandates related to the protection of children. You may want to contact your state domestic violence coalition about this information. Many have been active partners advocating for the rights of battered women and their children in the child protection setting.

Another alternative is to contact a local legal services organization that works with child protection. These questions will help you begin your research:

- What are the relevant laws regarding information sharing between domestic violence programs and child protection?
- Am I considered a mandated reporter of child abuse and neglect? And what constitutes child abuse and neglect? **Note:** Be very clear about the law regarding reporting; only a few states have enacted this legislation. However, many encourage its practice. Automatic reporting of domestic violence to child protection should be avoided when possible. It’s more important that advocates spend time with mothers and children to understand when children are at risk and what to do to stop it.
- What is the Adoption and Safe Families Act of 1997 (ASFA), and what does it mean for battered women?
- What are the laws governing the rights of families involved with child protection?

- Who can I contact at the national, state or county levels to learn more?
- Can I participate in trainings with court personnel, CPS staff, or other relevant agencies?

Answers to these questions will help you begin to untangle the bigger picture and will strengthen your practice. Focus on building relationships while increasing your knowledge of the law. Share your knowledge with a mother carefully, communicating the laws in non-legal terms so she can understand.

Additionally, a working knowledge can help inform other advocates. Practice questions and policies should be addressed in staff meetings where people can share successful (and not so successful) advocacy strategies.

5 INCREASE ACCESSIBILITY TO YOUR PROGRAM

“I didn’t even know domestic violence programs existed.”

—A DOMESTIC VIOLENCE SURVIVOR

Battered mothers who aren’t served by domestic violence programs can be more vulnerable to child protection involvement and, ultimately, more vulnerable to losing custody of their children.

Your program should be accessible to women of color, as well as poor and immigrant women, who should all receive particular attention since many are disproportionately involved with the child protection system. Examining how accessible your program is will help break down barriers that keep a woman from getting the help she needs.

Advocates have much to offer mothers and children involved with CPS. And mothers and children have much more to teach us about how to better help them. To learn, we have to ask, listen, and act. It’s often not the families we come in contact with that frustrate us, it’s the systems and policies we’ve created.

It will take a collaborative effort to make a program truly accessible, but the genuine concern and commitment of one person can make a big difference. Here are some suggestions:¹⁰

- **Conduct community outreach.** Identify populations that you're not serving, as well as agencies and organizations that serve those communities. Locate immigrant organizations and other grassroots programs in your area that could provide support and assistance. Collaborate with organizations established within communities of color. Consider developing bilingual outreach materials.
- **Provide language accessibility.** If your program doesn't have multilingual staff or volunteers, develop a referral list for interpreters. All interpreters should receive domestic violence training. When deciding whether a woman needs an interpreter, be aware that you should provide her with assistance in the language she most comfortably speaks. Develop materials translated into all the languages spoken by the communities you seek to serve.
- **Recruit multilingual and multicultural people.** To become a truly accessible organization, improve the diversity of your staff and volunteers. Incorporate the cultural beliefs and values of the communities into your policies and practices. Examine how different cultures view domestic violence, intervention and separation from family members.
- **Conduct ongoing trainings.** Provide regular training in languages other than English as one way to recruit and keep multicultural and multilingual volunteers and staff.

- **Assist with transportation.** Be aware that not all women have the resources to get around safely and efficiently. For immigrant women in particular, you may need to explain in detail about how to use public transportation and how to reach their destination. Some may require accompaniment to appointments if they're uncomfortable navigating public transportation or don't have access to it.
- **Discuss your current policies about serving women with mental health and substance abuse issues.** Host a community forum with providers of these disciplines to create new strategies for helping women who struggle with addiction and/or mental health problems.

A culturally sensitive environment should be available for women and children who need to feel at home in the shelter or comfortable with other services your agency provides. For example, be aware that some women are not used to Western-style beds or are accustomed to sharing a bed with their children. For other women, cultural sensitivity might mean access to products that allow them to properly care for their own and their children's hair.

Provide food that is familiar to the women. If shelter residents share responsibilities for cooking, women should be given the opportunity to cook the food they're accustomed to. Also, be aware that there may be tension in a shelter between residents from different racial and ethnic backgrounds or between residents and staff from different communities. Develop a policy that will ensure safety and well-being for everyone.

¹⁰ Adapted from the *Immigrant Women's Toolbox* of the FVPF website.

Many mothers do everything possible to keep themselves and their children safe. Others require more from us both emotionally and materially to actualize their families' safety and wellness. Get started now by sharing this book with a co-worker and discussing new avenues for advocacy. Celebrate the courage of all the women you work with and recognize the amazing difference you can make one step at a time.

PUBLICATIONS AND RESOURCES

Publications

Adoption & Safe Families Act of 1997. The U.S. Department of Health & Human Services posts this document at www.acf.hhs.gov/programs/cb/laws/pi/pi9802.htm
The National Conference of State Legislators website includes a database of laws enacted in response to ASFA: www.ncsl.org/programs/cyf/ASFA97.htm

Carrillo, Ricardo and Janet Carter. *Conducting Family Team Conferences When There is a History of Domestic Violence*. Family Violence Prevention Fund: 2001.

Davies, Jill, JD. *Confidentiality & Information Sharing Issues for Domestic Violence Advocates Working with CPS and Juvenile Court*. Family Violence Prevention Fund: (publication pending).

Fullwood, P. Catlin. *Preventing Family Violence: Community Engagement Makes a Difference*. Family Violence Prevention Fund: 2002.

National Association of Public Child Welfare Administrators. *Guidelines for Public Child Welfare Agencies Serving Children and Families Experiencing Domestic Violence*. NAPCWA: 2001.

National Council of Juvenile & Family Court Judges, Family Violence Department. *Effective Intervention in Domestic Violence & Child Maltreatment Cases: Guidelines for Policy and Practice*. NCJFCJ: 1999.

Nicholson v. Williams 203 F. Supp. 2d 153 (E.D.N.Y. 2002)

Roberts, Dorothy. *Shattered Bonds: The Color of Child Welfare*. Basic Civitas Books, New York: 2002.

Test, Gretchen and Olga Trujillo. *Funding the Work. Community Efforts to End Domestic Violence and Child Abuse*. American Public Human Services Association: 2003.

Resources

Asian Pacific Islander Institute on Domestic Violence
www.apiahf.org/apidvinstitute/
Tel: 415-954-9988

Child Witness to Violence Project of the Boston Medical Center
www.childwitnessstoviolence.org
Tel: 617-414-4244

The Greenbook Project
www.thegreenbook.info
Tel: 888-554-7336

INCITE! Women of Color Against Violence
www.incite-national.org
Tel: 415-553-3837

Institute on Domestic Violence in the African American Community
www.idvaac.org
Tel: 877-643-8222

Minnesota Center Against Violence and Abuse
www.mincava.umn.edu
Tel: 612-624-0721

National Association of Public Child Welfare Administrators. American Public Human Services Association
www.aphsa.org

National Center for Children Exposed to Violence
www.ncccev.org
Tel: 877-496-2238

National Coalition Against Domestic Violence
www.ncadv.org
Tel: 303-839-1852

National Council of Juvenile and Family Court Judges
www.ncjfcj.org/dept/fvd
Tel: 800-527-3223

National Latino Alliance for the Elimination of Domestic Violence
www.dvalianza.org
Tel: 800-342-9908

National Network to End Domestic Violence
www.nnedv.org
Tel: 202-543-5566

National Network to End Violence Against Immigrant Women
www.endabuse.org/programs/immigrant/network
Tel: 415-252-8900

National Resource Center to End Violence Against Native Women
Tel: 877-733-7623 (red road)

Office on Violence Against Women
www.ojp.usdoj.gov/vawo
Tel: 202-307-6026

Resource Center on Domestic Violence: Child Protection/Custody
www.ncjfcj.org/dept/fvd/res_center/
Tel: 800-527-3223

Women of Color Network of the National Resource Center on Domestic Violence
Tel: 614-995-1428

