

Chapter 6



TEXASCASA
Court Appointed Special Advocates
FOR CHILDREN



Safety and security don't just happen, they are the result of collective consensus and public investment. We owe our children, the most vulnerable citizens in our society, a life free of violence and fear."

– Nelson Mandela, former president of South Africa

Chapter 6: Domestic Violence and Exploring Backgrounds and Perceptions

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PRE-WORK INSTRUCTIONS

1. Read pages 193–212, “Understanding Domestic Violence through Initial Case Notes for the Amarillo Case,” and complete the following:
2. Write down any questions you have after reading the “Understanding Domestic Violence” section.
3. Complete the “Exploring Backgrounds and Perceptions” activity.
4. Complete the “Advocacy for All” activity.
5. Build an Individual Action Plan.

Understanding Domestic Violence

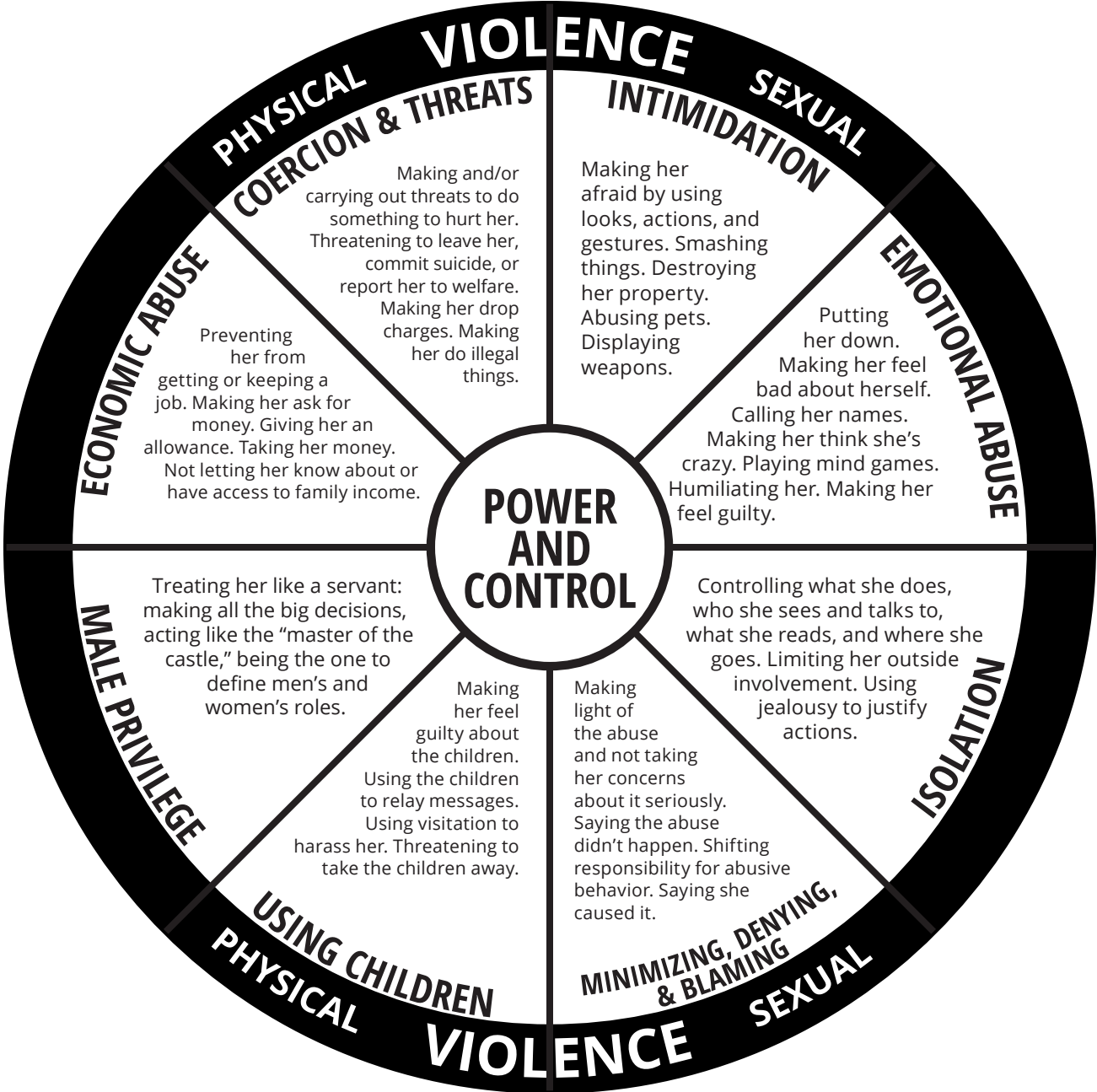
Domestic violence is the willful intimidation, physical assault, battery, sexual assault and/or other abusive behavior as part of a systematic pattern of power and control perpetrated by one intimate partner against another. It can include physical violence, sexual abuse, psychological violence, emotional abuse, economic abuse, digital abuse and reproductive coercion. Many of these forms of abuse may be at work simultaneously. The frequency and severity of domestic violence can vary dramatically; however, the one constant component of domestic violence is one partner's consistent efforts to maintain power and control over the other.

Domestic violence ranges from emotional and verbal abuse to hitting to severe assault and even murder. Domestic violence can affect everyone, regardless of their socioeconomic background, educational level, race, age, sexual orientation, religion or gender. Abuse by men against women is by far the most common form, but domestic violence does occur in same-sex relationships, and some women do abuse men.

THE POWER AND CONTROL WHEEL

Abusive relationships are based on the mistaken belief that one person has the right to control another. Domestic violence doesn't look the same in every relationship because every relationship is different, but this Power and Control Wheel provides some examples of different forms of abuse. Although the wheel uses she/her pronouns, people of all genders can be victims of domestic violence. When the actions described in the spokes of this wheel don't work, the person in power moves on to actual physical and sexual violence.

Adapted from a model developed by the Domestic Abuse Intervention Project, Duluth, Minnesota.



CAUSES

Domestic violence is not caused by illness, genetics, gender, alcohol or other drugs, anger, stress, the victim's behavior or relationship problems. However, such factors may play a role in the complex web of factors that result in domestic violence.

Domestic violence is learned behavior and is always a choice. It is learned through observation, experience and reinforcement (perpetrators perceive that it works). It is learned in the family, in society and in the media.

LEGAL SYSTEM RESPONSE

The legal system can respond to domestic violence as a violation of criminal and/or civil law. While definitions and procedures differ from one state to another, physical assault is illegal in all states. Law enforcement can press charges in criminal court with the victim as a witness. Victims may also secure a restraining/protective order and, in rare instances, may bring a civil lawsuit.

The willingness of court personnel to act in domestic violence cases varies widely. Unless judges, attorneys and prosecutors have been educated about the dynamics of domestic violence, protective laws are inconsistently enforced.

The legal system and domestic violence may intersect in a court hearing regarding allegations of child abuse and/or neglect. As a CASA/GAL volunteer, you should be aware that a determination of domestic violence within the child's home will significantly influence placement decisions and what is expected of the non-abusing parent to retain or regain custody. The standard risk assessment, conducted by child welfare agencies to evaluate whether a child needs to be removed from their home, generally includes domestic violence as a factor that negatively relates to the child's safety at home. A child found to be living in a violent home is more likely to be removed. A child abuse or neglect case may also be brought against the victimized parent, usually the mother, for "failure to protect" the child because she did not leave the batterer—even if she lacked the resources to do so or it was not safe to do so.

It may be appropriate to advocate for the child to remain in the custody of the non-abusing parent as long as a safety plan has been developed with CPS to help protect the child from further exposure to the perpetrator. For example, this safety plan could involve the parents agreeing to live separately while they engage in services to address the concerns about domestic violence.

BARRIERS TO LEAVING A VIOLENT RELATIONSHIP

For people who have not experienced domestic violence, it is hard to understand why the victim stays—or returns again and again to re-enter the cycle of violence. The primary reason given by victims for staying with their abusers is fear of continued violence and the lack of real options to be safe with their children. This fear of violence is real; domestic violence usually escalates when victims attempt to leave their relationships. In addition to fear, the lack of shelter, protection and support creates barriers to leaving. Other barriers include lack of employment and legal assistance, immobilization by psychological or physical trauma, cultural/religious/family values, the hope or belief in the perpetrator’s promises to change, and the message from others (police, friends, family, counselors, etc.) that the violence is the victim’s fault and that she could stop the abuse by simply complying with their abuser’s demands. Leaving a violent relationship is often a process that takes place over time, as the victim can access resources they need. The victim may leave temporarily many times before making a final separation. They need continued support and validation.

Adapted from Domestic Violence: A National Curriculum for Children’s Protective Services, Anne Ganley and Susan Schechter, Family Violence Prevention Fund.

Activity: Exploring Backgrounds and Perceptions

For each of the categories from the list below, think about your background and life experiences, and how you would describe yourself, your family of origin, or your current family situation to someone you know well. After you have some thoughts in mind, consider the following questions:

- Are there categories that you would be uncomfortable sharing in front of the large group?
- What contributes to your feelings of safety when you are asked to disclose personal information even though many of these are legally protected categories?
 - Race
 - Family shape (single parent, married with no children, etc.)
 - Ethnicity (cultural description or country of origin)
 - Gender
 - Geographic identity (rural, urban; in the U.S.: Eastern, Midwestern, etc.)
 - Age
 - Sexual orientation
 - Religion or spirituality
 - Language
 - Disabilities
 - Mental illness
 - Status as a survivor of violence
 - Socioeconomic status (low-income, working-class, middle-class, wealthy)

Now imagine that you are Susan Mailer, the mother in the Bass case, and you are describing yourself to someone who has power over your life—for instance, the

caseworker, a judge, or an attorney. Answer the following questions:

- How do you think a caseworker or others might perceive you, and what would be the implications?
- When you describe yourself to this person, what might you leave out or try to make fit what you think might be more acceptable to them? Why?
- If you had to do this often, what do you think would happen to these characteristics of yourself?

GENERALIZATION VERSUS UNDERSTANDING

Generalizations based on appearances can impact how a volunteer approaches and builds relationships with families and children. Generalizations are rigid and inflexible.

Generalizations hold even when a person is presented with evidence contrary. Generalizations are harmful because they limit people's potential, perpetuate myths and are overbroad assumptions.

For instance, a person might believe that people who wear large, baggy clothes shoplift. Because some teenagers wear large, baggy jackets, this person may assume that teenagers shoplift. Such assumptions can adversely affect a volunteer's interactions with children and others in the community. Even generalizations that include "positive" elements (e.g., "they" are quite industrious) can be harmful because they are rigid, limiting and generalized.

Unlike generalizing, seeking genuine understanding of a particular family allows our advocacy to be grounded in the real life experiences of those with whom we are working.

CASA volunteers should reflect on how their personal experiences and background shape their perspectives. Be mindful of generalizations about the families you encounter.

It is important to recognize that child-rearing practices vary as well. For instance, the

Activity: Advocacy for All

following mainstream U.S. child-rearing practices may be viewed as harmful to children by people from other countries: isolating children in beds or rooms of their own at night, making children wait for food when they are hungry, requiring children to wear painful braces on their teeth, forcing young children to sit in a classroom all day or allowing infants to “cry it out.”

Conversely, practices and traditions acceptable elsewhere may be misunderstood in the United States. One example is the Southeast Asian practice of “coin rubbing,” a traditional curing method in which heated metal coins are pressed on a child’s body. This practice is believed to reduce fevers, chills and headaches. Because it generally leaves red streaks or bruises, it can easily be misdiagnosed as child abuse by those who don’t understand the intention behind this practice.

Benefits of Practicing Advocacy for All

1. Ensures that case issues are viewed from the unique perspective of the child and/or family.
2. Considers norms, practices, traditions, intrafamilial relationships, roles, kinship ties and other appropriate values.
3. Advocates for demonstrated sensitivity to this cultural perspective on the part of caseworkers, service providers, caregivers or others involved with the child and family.
4. Ensures that the child’s long-term needs are viewed from a perspective that takes into account the family’s unique background and experiences.
5. Takes into account the child’s need to develop and maintain a positive self-image and familial heritage.
6. Takes into account the child’s need to positively identify and interact with others from their family’s background.
7. Prevents the family’s unique practices and traditions from being mistaken for child maltreatment or family dysfunction.

8. Assists with identifying when parents are truly not complying with a court order and when the problem is that the service offered lacks consideration of the family's unique needs.
9. Contributes to a more accurate assessment of the child's welfare, family system, available support systems, placement needs, service needs and delivery.
10. Decreases miscommunication and opportunities for misunderstandings.
11. Allows the family to utilize solutions for problem-solving appropriate to their own family strengths.
12. Encourages participation of family members in seeking assistance or support.
13. Recognizes, appreciates and incorporates differences in ways that promote cooperation.
14. Allows all participants to be heard objectively.

Adapted from a document created by CASA for Children, Inc., Portland, Oregon.

Activity: Advocacy for All

Think about a time when you felt people made assumptions about you because of an aspect of who you are, and write responses to the following reflection questions:

How did you feel?

How would a foster child feel?

Think of concrete ways to incorporate understanding and curiosity into the Bass case. Referring to the article on “10 Benefits of Advocacy for All,” what are three things a CASA/GAL volunteer could do to practice understanding and curiosity in the Lavender case?

Some examples are:

- Learning about the spiritual practices of Lavender’s family in order to address the caseworker’s potential assumptions about the smell in their house
- Educating yourself about Lavender’s family’s customs and traditions regarding adult-child relationships so that the lack of eye contact between adults and children isn’t misconstrued as a child safety issue or family dysfunction
- Informing yourself about the requirements of the Indian Child Welfare Act and how it applies to the case; verifying whether or not Lavender and her mom are enrolled in a tribe; informing the tribe about the case
- Recognizing the importance of family, community and tribal ties
- Understanding the role of extended family
- Objectively assessing the safety of Lavender’s home situation
- Engaging in family finding to locate extended family relatives

Individual Action Plan

Consider your strengths and weaknesses as an advocate for families with different backgrounds and experiences. Prepare a plan to become a better champion for the needs of foster youth.

Name: _____

Date: _____

Specific: Write a very specific goal that clearly defines what you are going to do to improve your understanding and curiosity as you work with children, parents and families whose viewpoints, backgrounds and experiences may differ from your own.. What do you need to learn? What communities in your region do you know the least about? Whom do you feel most different from? Whom do you hold generalized assumptions about?

Measurable: Identify how you will measure your progress. Will something look different? Will you act or feel differently? Will you receive certain types of feedback? Will you be comfortable interacting with a new community? Choose a person to be accountable to.

Attainable: Is this goal within your reach? Do you have what you need, or do you need to find books, movies, people to interview, a class, or people to practice and learn with?

Realistic: You are not expected to save the world or become perfect overnight. Identify factors in your environment that will support your progress, and people you can discuss the work with realistically. Small steps move us toward big changes.

Timely: Set a deadline by which you will accomplish this plan of action.

Benefits: What are the benefits (for you, for others) of setting and accomplishing this goal?

Signature

Date

Initial Case Notes for the Amarillo Case

CPS Case File					
Last Name of Case: Amarillo			Legal Number(s): 11-7-012345-6		
Child(ren)'s Name	DOB	Age	Ethnicity	Sex	Current Location
Maria Amarillo	Oct 8	16 Years	Unknown	F	Foster care
Joanna Amarillo	Sept 1	6 years	Hisp	F	Same
Graciela Amarillo	Aug 19	4 years	Hisp	F	Same

Current Caretaker(s)	Address	Phone
Foster Parents: Stanley & Karen Becker	406 N. Dale Street	555-5874

Attorneys for:		
Mother	Jody Franken	555-9894
Father	Mary Holzer	555-1337
CPS	Jordan Myers	555-7344
Child	Jennifer Walters	555-0616

Case History
<p>July 3 (three years ago): Neighbor called police as a result of “loud shouting” in the home of Jose and Myrian Amarillo. Police found three children on the scene (Maria, age 13; Joanna, age 3; Graciela, age 1) and removed the children from the home based upon evidence at the scene including parents too inebriated to provide a safe home for their children, and mother’s bruises and bleeding as a result of a fight between her and her husband. CPS was notified, and the children were placed together in emergency foster care.</p> <p>July 6 (3 years ago): Following an emergency shelter care hearing, the Amarillo children were placed in separate placements. Joanna and Graciela were each placed in separate foster homes, and Maria was placed in a group home for girls. The Amarillo parents and Maria are all undocumented citizens. The youngest siblings were born in the United States and have full citizenship.</p>

Case History continued

September 17 (3 years ago): Following a dispositional hearing, parents were ordered to receive drug/alcohol screening, attend a substance abuse treatment program, and provide random urinalysis. Mr. Amarillo was ordered to attend a domestic violence program. Mrs. Amarillo was ordered to attend a domestic violence survivors' program. Joanna was placed in the same foster home placement as Graciela. Maria remained in group home placement.

November 20 (3 years ago): Group home of Maria Amarillo reported Maria ran away on 11/9. Maria has not been in contact with group home or social worker. Parents have reported that they received several calls from Maria but would not disclose her location.

November 27 (3 years ago): Maria returned to the group home but was expelled for violating group home policies. Maria was placed in a short-term foster home.

January 8 (2 years ago): Following a review hearing, it was ruled that parents have made no progress toward completing court-ordered services. Children will remain in out-of-home placement. A maternal aunt in El Salvador has come forward as a potential placement for the two younger siblings. Maria has been moved from a short-term foster home to a long-term placement.

March 6 (2 years ago): Maria called social worker to complain of verbal and physical abuse by foster family. Social worker visited foster home the same evening, and interviewed the foster parents and children in the home. Maria was unavailable to talk (drama practice at school). Social worker found no evidence of physical abuse.

March 13 (2 years ago): Foster family of Maria Amarillo reported that she did not return home after school.

Case History continued

March 17 (2 years ago): County General Hospital called CPS to report Maria Amarillo had been admitted after a 911 call from the home of a friend. Maria was admitted following a severe asthma attack. Social worker visited hospital and found that Maria had been staying with maternal relatives, Pedro and Anna Valdez. Maria has inquired as to the feasibility of placement with the Valdez family.

March 29 (2 years ago): Foster family of Maria Amarillo has asked for her to be removed from their home after a second episode of running away.

April 4 (2 years ago): Foster family of Joanna and Graciela Amarillo have asked for a new foster placement because they are expecting a baby of their own.

May 3 (2 years ago): Following a review hearing, Joanna and Graciela Amarillo have been placed in a new foster setting. Foster family has acknowledged a willingness to serve as a placement for Maria Amarillo. Maria Amarillo has been transitioned from her previous foster placement into a transitional housing center for teenage girls. Parents were ruled to be out of compliance with court-ordered services. The department has filed a petition to terminate parental rights.

July 17 (2 years ago): The department visited with kinship relatives, the Valdez family, and reported that this would not be an appropriate placement due to their immigration status (undocumented), the number of people residing in their home and their reported level of income. Since that time the department has continued to allow the girls extended visitation, including overnights, at the Valdez home.

August 9 (2 years ago): Parental rights were terminated.

September 26 (2 years ago): Maria Amarillo was placed in the same foster home as her younger siblings.

Today: CASA volunteer assigned to this case.

CASA History	Person(s)	Date Assigned	Date Terminated
Case Initially Assigned to:	You and your team		
Initial CPS Social Worker:	Gerri Grady	7/3 (3 years ago)	
Previous CPS Social Worker:	Danielle Mancuso	9/19 (3 years ago)	
Current CPS Social Worker:	Alberta Gillis	Last month	

Court-Ordered Services
<p>For the Child (Maria):</p> <ul style="list-style-type: none"> • Medical health needs reviewed per physician’s orders due to issues with asthma • Educational needs to be met as appropriate <p>For the Child (Joanna):</p> <ul style="list-style-type: none"> • Educational needs to be met as appropriate <p>For the Child (Graciela):</p> <ul style="list-style-type: none"> • Age-appropriate child care to ensure educational needs are met
<p>For the Father:</p> <ul style="list-style-type: none"> • Rights have been terminated
<p>For the Mother:</p> <ul style="list-style-type: none"> • Rights have been terminated

END OF PRE-WORK FOR CHAPTER 6

Domestic Violence and CASA/GAL Volunteer Work

As a CASA/GAL volunteer, it is important for you to be aware of the possibility that domestic violence exists in the families you encounter. If you suspect domestic violence may be occurring, make sure the victim has several opportunities to talk with you alone in case there is something they do not feel safe sharing in the presence of their partner. The partner who has been victimized often feels unsafe talking about the abuse for many reasons, including fear of further violence. If the victimized partner does choose to speak with you about their situation, it is important to listen with compassion and remain nonjudgmental. Keep in mind that they are likely struggling with many barriers that may not be visible to you. Encourage them to connect with people who can offer help and support.

Advocates at the National Domestic Violence Hotline (www.thehotline.org) can be reached anytime via phone, text or online chat to offer resources, safety planning and support. This can be especially helpful for victims of domestic violence living in rural parts of Texas, where domestic violence services may be far away.

Domestic violence is about control and domination. When a victimized partner leaves the family home (or the abuser is forced to leave), the abuser feels a loss of control formerly exerted. This makes the abuser even more likely to be violent and coercive. This increased level of danger makes many victims reluctant to leave, even when the consequence of staying may be the placement of children in foster care.

IMPACT ON CHILDREN

Lenore Walker, author of *The Battered Woman*, describes the world of children who grow up in violent homes:

“Children who live in battering relationships experience the most insidious form of child abuse. Whether or not they are physically abused by either parent is less important than the psychological scars they bear from watching their fathers beat their mothers. They learn to become part of a dishonest conspiracy of silence. They learn to lie to prevent inappropriate behavior, and they learn to suspend fulfillment of their needs rather than risk another confrontation. They expend a lot of energy avoiding problems. They live in a world of make-believe.”

Another author writes,

“Children in families where there is domestic violence are at great risk of becoming victims of abuse themselves. In some cases, children may try to intervene and protect their mothers, getting caught in the middle of the violence. In most cases, however, children are also targets of the violence. Batterers sometimes deliberately arrange for children to witness the violence. The effect on children’s development can be just as severe for those who witness abuse as for those who are abused. Witnessing violence at home is even more harmful than witnessing a fight or shooting in a violent neighborhood. It has the most negative impact when the victim or perpetrator is the child’s parent or caregiver.”

J. Chiancone, “Children: The Forgotten Victims of Domestic Violence,” ABA Child Law Practice Journal, July 1997.

WHAT CAN A CASA/GAL VOLUNTEER DO?

Be both knowledgeable and concerned about domestic violence. Children from violent homes are at a higher risk for abuse than other children. According to “A Nation’s Shame,” a report compiled by the U.S. Advisory Board on Child Abuse and Neglect, “Domestic violence is the single, major precursor to child abuse and neglect fatalities in the US.”

Take into account the history and severity of family violence when making any recommendation for placement of a child. Many professionals in the field of domestic violence believe that you cannot protect the child unless you also protect the primary nurturer/victim (usually the mother). As part of that perspective, they advocate for placement of the child with the mother regardless of other factors, saying to do otherwise further victimizes the mother at the hands of the system.

Determine the best interest of the child. It may be that, with proper safeguards in place, the victim can make a safe home for the child while the threat from the abusive partner is reduced by absence, treatment and/or legal penalties. It is also possible that the victim has shortcomings that prevent her from caring for her family at even a minimally sufficient level. You should assess the situation with a clear understanding of

domestic violence dynamics, but in the end, you must make a recommendation based solely on the best interest of the child.

Seek resources for children from violent homes. Children need:

- Positive role models and supportive environments that will help them develop social skills and address feelings about the violence in a constructive manner.
- Help learning alternative, nonviolent ways to resolve conflict (through specialized counseling programs, trauma-informed therapy, domestic violence victim support groups, age-appropriate education about healthy relationship dynamics, youth mediation training and relationships with supportive mentors).

If you are concerned that a youth you are advocating for may be experiencing dating abuse, talk with your supervisor for guidance on how to respond to the situation. For more information about dating abuse, visit www.loveisrespect.org.

Recommend help for parents specific to concerns around domestic violence.

- Work to ensure that domestic violence survivors are treated fairly by the legal system and not further blamed in child abuse/neglect proceedings.
- Advocate for appropriate, supportive services for parents who are survivors of domestic violence. Become familiar with the specific resources and services offered by your local domestic violence programs, which could include:
 - individual therapy with a focus on healing from experiences of domestic violence;
 - safety planning to ensure that the survivor has support in remaining safe, coping with emotions, taking legal action (such as applying for a protective order) and more;
 - protective parenting classes focused on empowering survivors to become more effective parents as well as learning to help children cope with the trauma of witnessing domestic violence;

- domestic violence support groups to help build connections for survivors and break down the isolation that abusive relationships often create;
 - emergency shelter, transitional housing, court advocates and other services that increase the safety of survivors and children and support the autonomy of the adult victim.
- Advocate for evidence-based treatment programs for perpetrators of domestic violence. In order to begin to change, abusive partners need to be deeply committed to changing and engaged in appropriate intervention services. This could include:
 - Batterers Intervention and Prevention Programs, commonly called BIPPs, which are different than other counseling and intervention programs in that they center around full accountability, victim safety, and education about power and control within a relationship;
 - where BIPPs are not available, consider advocating for the abuser to engage in therapy with a therapist who specializes in domestic violence and may be able to integrate BIPP curricula into the treatment plan;
 - protective parenting classes or nurturing parenting classes focused on how to parent in a non-coercive, healthy manner.
 - Ensure that anger management programs are not utilized as an intervention for perpetrators of domestic violence. Research shows that anger management techniques do not work to address the dynamics of power and control that motivate domestic violence, and can actually be counterproductive to changing abusive behavior.
 - If couples counseling is appropriate, ensure that couples counseling is not initiated unless and until it is recommended by the abusive partner's therapist or BIPP provider as well as the survivor's therapist. Engaging in couples counseling can be unsafe for survivors if the dynamics of power and control have not been appropriately addressed.
 - Be sensitive to what information you share with the other parties on the case to

ensure that the safety of the survivor is not compromised. Talk with your supervisor if you're unsure what might be sensitive information.

- Be alert to any signs that domestic violence has recurred or even that contact between the abuser and the victim is ongoing, if that might compromise the child's safety. The foremost issue is the safety of the child.

For more information and resources regarding domestic violence, visit www.thehotline.org or call the National Domestic Violence Hotline at 1-800-799-7233; 1-800-787-3224 (TDD).