This issue of Synergy highlights various opportunities for improving outcomes for battered women and their children, specifically those involved in the child welfare system. When we first started the Resource Center some 18 years ago, this was a key goal of ours and remains so to this day.

The journey over the past 18 years includes the development of Domestic Violence and Child Maltreatment: Guidelines for Policy and Practice (the Greenbook) and the follow-up efforts to bring the Greenbook to life. The work was reflected in the increased dialogue among child welfare professionals, advocates, and judges. With the 2010 reauthorization of the Child Abuse Prevention and Treatment Act (CAPTA), covered in this issue, domestic violence expertise will be brought even more into child welfare practice.

This issue of Synergy also highlights NCJFCJ’s Courts Catalyzing Change: Achieving Equity and Fairness in Foster Care (CCC), which seeks to reduce disproportionality and disparate treatment of children of color in the foster care system. Early results show that the CCC is, in fact, helping reduce disparate treatment with its strong judicial oversight, its acute understanding of implicit bias and structural racism, and with bench tools designed to change practice.

In Court Corner you will find an overview of important custody trends focused on the rights of parents involved in military service and the rights of interested non-parental third parties that will impact courts in eight states.

New resources and tools also await you within these pages. As always, if there is anything we can do for you in your efforts to improve outcomes for battered women and their children, we’d love to hear from you.

In peace,

Maureen Sheeran
Director, Family Violence Department
The body of federal law that guides child maltreatment prevention practices in states now includes comprehensive language regarding domestic violence training, collaboration, research, and technical assistance.

Since 1974, the Child Abuse Prevention and Treatment Act (CAPTA) has provided grants and guidance to states for the prevention, assessment, investigation, prosecution, and treatment activities related to child maltreatment. CAPTA also provides grants to public agencies and private organizations for demonstration programs and projects. In December 2010, President Barack Obama reauthorized a version of CAPTA that brings domestic violence expertise into child welfare practices.

In passing the original version of CAPTA, Congress found that the problem of child abuse and neglect requires a comprehensive approach that

- integrates the work of social service, legal, health, mental health, education, and substance abuse agencies and organizations;
- strengthens coordination among all levels of government, and with private agencies, civic, religious, and professional organizations, and individual volunteers;
- emphasizes the need for abuse and neglect prevention, assessment, investigation, and treatment at the neighborhood level;
- ensures properly trained support staff with specialized knowledge, to carry out their child protection duties; and
- is sensitive to ethnic and cultural diversity.2
Three themes of child protective services (CPS) reform were included in the amendments by the sponsors. These were promoting family member’s input in the agency decision making process, increasing dialogue and cooperation between domestic violence service providers and CPS, and boosting CPS agency use of non-accusatory, non-investigative responses to reports of child maltreatment.3 “One of the most significant changes in the bill was the increased emphasis on addressing domestic violence and increasing collaboration between agencies that serve abused mothers and their children and child welfare agencies.”4

In supporting a reauthorized CAPTA that included domestic violence provisions, Congress found that “because both child maltreatment and domestic violence occur in up to 60 percent of the families in which either is present, States and communities should adopt assessments and intervention procedures aimed at enhancing the safety both of children and victims of domestic violence; . . . .”7 Congress also relied on a national survey that detailed the extent to which children in this country are exposed to violence in their homes, communities, and schools.8 The Office of Juvenile Justice and Delinquency Prevention Juvenile Justice Bulletin discussing the findings of the survey refers to other research that found identifying exposure to violence quickly, interceding, and on-going follow-up are important ways to avert or lessen the consequences of the exposure.9

Through CAPTA, the U.S. Department of Health and Human Services will incorporate domestic violence policy and practice in several ways.

Research
Authorized research programs under CAPTA 2010 include studies designed to provide information needed to protect children and improve their well-being. Research may focus on effective collaborations between CPS and domestic violence service providers that provide for the safety of children exposed to domestic violence and the adult victim, and that improves the investigations, interventions, delivery of service, and treatment provided. New requirements for documenting and collecting data on domestic violence can have the effect of making domestic violence more visible to CPS workers, which may ultimately change the response to families experiencing domestic violence.

Training
Among authorized grant programs for training are grants to public and private organizations to cross-train CPS workers in strategies for recognizing domestic violence. There are also opportunities to train other professionals on the links between domestic violence and child maltreatment and for training on how to develop effective collaborations between CPS and domestic violence services.

Technical assistance
CAPTA 2010 authorizes the provision of technical assistance in the prevention, assessment, identification and treatment of child maltreatment to providers of domestic violence prevention services. Additionally, CAPTA 2010 authorizes a National Clearinghouse for Information Related to Child Abuse that is charged with collecting and disseminating information on effective programs and best practices, including those for developing and carrying out collaboration between CPS and domestic violence service providers. In establishing the national clearinghouse, the federal government must develop a data system that coordinates existing state, federal, tribal, regional, and local child welfare data systems and must include information about the incidence and characteristics of child maltreatment where domestic violence is present. Ms. Stewart says, “There will be better data collection on battered mothers who are in the child protective services system, which has the potential of raising awareness about the effects of domestic violence and can lead to better outcomes for battered mothers and their children.”
Grants
Grants may be awarded to assist the CPS system develop and implement procedures or establish linkages for collaboration among CPS, domestic violence service providers, and other agencies in investigations, interventions, and the delivery of services and treatment provided to children and families. These include the use of differential response and the provision of services that assist children exposed to domestic violence and support the caregiving role of their non-abusing parent. CAPTA 2010 authorizes grants to finance the start-up, maintenance, expansion, or redesign of specific community-based child abuse and neglect prevention program services, such as domestic violence services.

Conclusion
Because states can use their CAPTA funds in new ways to address the co-occurrence of domestic violence and child maltreatment, state coalitions and directors of advocacy programs may want to consider contacting their CAPTA administrators to explore how states intend to use funds to meet the new requirements on data collection, disseminating best practices, and training. Advocates should make connections with their local CPS branch offices and learn how CPS and the child abuse and neglect system, including courts, work in their communities. To learn more about how other communities improved their policies and practices; download products and tools; and glean ideas for enhancing coordination and collaboration to respond to overlap of domestic violence and child maltreatment, please visit us at http://thegreenbook.info

“There will be better data collection on battered mothers who are in the child protective services system.”
In 2008, NCJFCJ’s Dependency Model Courts (Model Courts) launched Courts Catalyzing Change: Achieving Equity and Fairness in Foster Care (CCC), a national agenda to reduce disproportionality and disparate treatment of children of color in the foster care system. Rigorous testing of CCC’s first judicial tool, a benchcard to guide judges in conducting thorough and culturally relevant removal hearings, found that strong judicial oversight improves outcomes for all children and reduces disparate treatment for children and families of color.

Collaborative teams participated in highly interactive trainings to build an understanding of race as a social and legal construct, implicit bias, and institutional and structural racism.

Concurrently, a Steering Committee of judges developed a preliminary protective hearing benchcard to guide judges in conducting thorough hearings ensuring that children are placed in foster care only as a last resort. The benchcard guides the judge in focusing the hearing on objective and thorough evaluation of safety threats, family strengths, cultural background, and the immediacy of alleviating the safety threat that caused the child’s placement in foster care.

In the fall of 2009, the NCJFCJ, with support from Casey Family Programs and the Office of Juvenile Justice and Delinquency Prevention, began a study to examine the effects associated with judges’ use of the benchcard. Researchers collected data on more than 500 children in Los Angeles, California; Omaha, Nebraska; and Portland, Oregon.

Judicial officers who were randomly selected to be in the benchcard group received training on its use, including receipt of a draft technical assistance bulletin explaining the development of the benchcard. NCJFCJ’s research team examined the allegations bringing families before the court and the results of the judges’ use of the benchcard.

Allegations of Failure to Protect
The study found differences by racial group in the number and types of allegations, including “failure to protect” allegations filed in juvenile court petitions. Failure to protect allegations are often filed in cases in which the child’s mother is the victim of violence. They are filed in conjunction with other allegations of neglect or abuse in other cases as well. The study found that White families were substantially less likely to face this allegation than families of other racial groups. Hispanic families were substantially more likely to face an allegation of failure to protect than any other racial group. As the CCC initiative begins examination of policy, practice, and laws focused on discretionary decision making, this important finding will guide efforts to work with child welfare agencies and prosecutors’ offices to clearly distinguish those cases in which the mother’s victimization is the only issue bringing the child before the courts and to encourage more supportive responses of the victim rather labeling the victim as a perpetrator of neglect.

Since the mid-90s, Model Court lead judges have examined and explored the many reasons children enter and stay too long in the foster care system. With the launch of the CCC National Agenda for Reducing Racial Disproportionality and Disparities in the Dependency Court System, the judges committed first to examining, changing, and evaluating their own behavior on the bench. As a result, courageous conversations about race and its impact on foster care placement and outcomes began across the country. Model Court judges then began implementation of the benchcard in their preliminary protective hearings. NCJFCJ’s research team examined the allegations bringing families before the court and the results of the judges’ use of the benchcard.

“The study found differences by racial group in the number and types of allegations, including “failure to protect” allegations filed in juvenile court petitions.”
The study found that with benchcard use, judges were more likely to return children to their homes on the day of the removal hearing.

**Process Findings:**

**Thorough Hearings**

Based upon systematic courtroom observation, benchcard implementation was associated with substantially higher quantities and quality of discussion of key topics identified in both the **RESOURCE GUIDELINES** (RG) and the CCC initiative when compared to the control group.

**Outcome Findings:**

**More Children Returned Home at the Initial Hearing**

The study found that with benchcard use, judges were more likely to return children to their homes on the day of the removal hearing.

**Percentage of Children Returned Home at the Initial Hearing**

**Family Placements**

Benchcard use also was associated with more family placements (placement with a charged parent, with a non-charged parent, or with a relative) at the initial hearing and even more placements at adjudication.

**Conclusion:**

These findings represent an initial analysis of the study data. Additional analyses of these and many other topics is forthcoming. Additional reports will be available relating to the following topics:

- A further investigation of placements at each case event, with a focus on identifying how placement trends may vary across racial groups.
- An analysis of the effect of benchcard use on court processes, especially in terms of the timeliness of case events.
- An exploration of how services are offered and ordered for children and families according to case characteristics, family needs, cultural appropriateness, and race.

When the Model Court lead judges were asked to take on one issue, they chose what was most vexing to them: reducing disproportionality and disparate treatment of children of color in the foster care system. During the three-year journey, the CCC has shown that the combination of engaging in a thoughtful and courageous process of understanding individual and systemic reinforcers of bias, making specific practice changes that account for those biases, and making hearings more culturally relevant can lead to improved outcomes for children of color. NCJFCJ plans to continue and expand the work of the CCC and the Model Courts to improve outcomes for children whose mothers are battered by applying a similar framework to reasonable efforts findings in domestic violence cases.

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1. Nancy Miller is the Director of the Permanency Planning for Children Department.
New Chief Executive Officer for the National Council of Juvenile and Family Court Judges

The National Council of Juvenile and Family Court Judges is pleased to introduce to Synergy readers its new chief executive officer, Mari Kay Bickett, JD. Ms. Bickett assumed the helm of NCJFCJ on April 1, 2011, replacing Hon. Dale Koch, who had been serving as the organization’s interim executive director.

For more than 16 years, Ms. Bickett served as the CEO/executive director of the Texas Center for the Judiciary, the primary provider of specialized judicial education and training for trial and appellate judges in Texas. While in Texas, Ms. Bickett served on various committees for the Supreme Court of Texas Permanent Judicial Commission for Children, Youth, and Families, and as an officer on the Texas Court Appointed Special Advocate board of directors.

Ms. Bickett is a long-time member of NCJFCJ. She has worked to educate judges and other professionals on domestic violence issues for much of her career. She served on the National Judicial Institute on Domestic Violence Steering Committee, the NCJFCJ Family Violence Advisory Committee, the NCJFCJ Civil Protective Orders Committee, and as a content advisor to the 2006 Firearms Surrender Conference held in Los Angeles, California.

“It is indeed my privilege to be part of a national organization whose efforts are focused on improving the lives of children and families impacted by domestic violence,” Ms. Bickett said.

Ms. Bickett holds a bachelor’s degree in business administration from the University of Nevada, Reno and a law degree from the Nevada School of Law at Old College.

Batterer Accountability Checklist

The National Council of Juvenile and Family Court Judges is proud to announce the publication of the Checklist to Promote Perpetrator Accountability in Dependency Cases Involving Domestic Violence (Accountability Checklist). The Accountability Checklist was developed to help dependency court judges hold perpetrators of domestic violence accountable and ensure that efforts to reach fathers will foster the safety of and well-being of children and victim parents. The Accountability Checklist provides a specialized framework to help the court leverage its authority to hold perpetrators accountable, provide appropriate services, and improve judicial decision-making. The Accountability Checklist will help judges:

- Gather information needed to enhance decision-making on accountability issues;
- Assess the risk posed by perpetrators to lessen perpetrator-generated safety threats to children and victim parents;
- Review and tailor service plans to hold perpetrators accountable in ways that promote safety and compliance with orders;
- Evaluate treatment options to enhance perpetrators’ capacity to change;
- Strengthen judicial decision-making about placement and visitation of children to increase the safety of children and victim parents; and
- Craft judicial policies and practices that promote the accountability of perpetrators and the safety of victim parents and children.

To obtain a free copy of the Accountability Checklist please contact the Resource Center on Domestic Violence: Child Protection and Custody at 1-800-527-3223 or visit us at www.ncjfcj.org.
Judicial Guide Implementation Project

In 2008, the Family Violence Department (FVD) published *A Judicial Guide to Child Safety in Custody Cases (Judicial Guide)*, the first comprehensive, national benchtool that dealt with custody decision-making and domestic violence. Funded by the U.S. Department of Justice, Office on Violence Against Women, the *Judicial Guide* is designed to assist judges in conducting a thoughtful exploration of a child’s safety risks when abusive behavior is part of the family fabric. Since it was published, FVD has disseminated more than 3,000 copies and has provided numerous local and national educational pieces for judges, court-related professionals, advocates, and attorneys. Because of the interest in the *Judicial Guide* and the policies it contains, the FVD recently initiated an OVW-funded technical assistance program dedicated to implementing the *Judicial Guide*.

The implementation plan complements the original goal of the publication, which is the thoughtful assessment of whether a child or parent is at risk for physical, emotional, or mental abuse as judges make decisions about custody and visitation. The implementation project entails such hands-on assistance as the creation and dissemination of a cutting-edge on-line curricula, on-site evaluations and action plans for courts, and a series of in-depth discussions about best practices held by national technical assistance providers, researchers, child advocates, and others.

By the end of the implementation period, every state in the country will have received copies of the *Judicial Guide* and will have been provided opportunities to receive locally delivered training tailored to jurisdictional needs and technical assistance for making safe and appropriate custody and visitation determinations in cases involving domestic violence.

The *Judicial Guide* is one of several resources that FVD has created to facilitate judicial decision making and offer best practices in a variety of proceedings, including custody, child welfare, and civil protection order proceedings, and is available for distribution. For more information, please contact the Katy Yetter, Senior Attorney, at 775-327-5326 or kyetter@ncjfcj.org or the Resource Center at 1-800-527-3223 or visit us at www.ncjfcj.org.

Adolescent Partner Violence Project to Educate Courts

Many of the children exposed to domestic violence at home are also victims or perpetrators of violence in their own intimate relationships. Adolescent victims face such challenges as threats to their safety, social isolation, increased risk of pregnancy, increased risk of substance use and abuse, and an increased risk of victimization in adulthood. Although adolescents may appear before a judge on a related matter, there is no national effort to educate judges on or to engage them as leaders in addressing adolescent partner violence. In fact, most communities grapple with appropriate interventions for young people. This project seeks to help close that gap.

Through funding from Office on Victims of Crime, U.S. Department of Justice, the Family Violence Department (FVD) in partnership with Futures Without Violence (formerly Family Violence Prevention Fund) is developing a judicial curriculum focused on adolescent partner violence (APV). It is designed to assist judges in considering the dynamics of APV and identifying strategies that both address the risks of APV and encourage effective outcomes for victims and offenders.

The FVD and Futures Without Violence will pilot the curriculum at a judicial education program in Spring 2012, and anticipate offering replications of this program in the future.

*continued on next page*
Snapshots Capture Common Questions

The Resource Center has been providing technical assistance since March 1, 1994. Helping individuals and professionals tackle issues related to domestic violence, child custody, and child protection often leads the Resource Center to develop new projects or initiatives tailored to the issues raised in providing the assistance. One example of this process is a new series of technical assistance bulletins: the FVD Snapshot.

Snapshots are brief summaries of emerging issues in the field and are a direct response to the technical assistance work conducted by the Resource Center. In an effort to broaden the audience who might be assisted, the Resource Center designed a tool that provides a brief overview and examination of frequently raised current issues. To make the tool widely accessible both in terms of content and availability, each Snapshot will be limited to one page and only available online.

“The Resource Center designed a tool that provides a brief overview and examination of frequently raised current issues.”

The Resource Center will soon debut the first Snapshot in the series which focuses on how victims of domestic violence can be affected by efforts to identify fathers in dependency cases. The Snapshot recognizes the importance of federal and state efforts to expedite permanency, but also suggests that these efforts need to be balanced with the risks associated with involving a father in the dependency process if he has previously been abusive toward the mother, the child, or both. The Snapshot proposes some strategies courts and child welfare agencies might develop to mitigate these risks.

The Resource Center will continue to develop Snapshots in response to policy and practice trends. In doing so, the Resource Center can promote advancements in the field of child protection and custody in the emergent areas that are of greatest concern to professionals who work with battered women and their children. When published, Snapshots will be available through NCJFCJ’s website: www.ncjfcj.org.
As occurs each year, several states in 2010 revised statutes relating to custody and visitation when domestic violence is present that will impact courts. This year, two areas of focus for custody legislation centered on the rights of parents involved in military service and the rights of interested non-parental third parties. The following is an overview of these important custody trends:

**Custody and Military Service**

In a new trend that emerged this year, four states (Alaska, Florida, Vermont, and West Virginia) passed laws specific to the custody rights of military service personnel. Generally, these laws provide guidance to courts in adjusting custody when one parent is deployed or is likely to be deployed. Of note, Alaska’s new law also incorporates a rebuttable presumption against awarding sole or joint custody to a parent who has a history of perpetrating domestic violence and creates a presumption against allowing a military parent to delegate his or her parenting rights to an individual with a history of perpetrating domestic violence.

“Pennsylvania undertook a complete overhaul of its custody statutes.”

**Additional Custody Legislation**

Beyond the rights of military service personnel and third parties, states also considered other new custody legislation:

In California, provisions related to custody and visitation issued as part of a protection order now survive the termination of the protection order. This allows for continued structure in custody matters where violence has been demonstrated, even after the imminent threat of violence diminishes. California also passed a law requiring social workers to treat allegations of child abuse that arise in a family court proceeding like other allegations. The law is designed to prevent social workers from inferring that such allegations are less credible because the allegations were made as part of a custody or visitation dispute.

New Hampshire also passed a law regarding allegations of child abuse. Under the new law, parents who make good faith allegations of child abuse or neglect are protected from adverse custody determinations based on such allegations.
Pennsylvania undertook a complete overhaul of its custody statutes. Some of the changes include:

- Requiring the court to include safety conditions that protect the child and victim parent in a custody order and to refrain from awarding any form of custody to a parent who committed domestic abuse;
- Directing the court, when determining the best interest of the child, to consider past and present domestic abuse and the risk of harm to the child and victim parent;
- Directing the court to consider past and present abuse when determining a parent’s right to relocate; but also,
- Clarifying that there are no custody presumptions under the statute.

These and other trends can be found in *Family Violence Legislative Update Vol. 16 (Legislative Update)*, which highlights new trends and innovative legislative measures in the field of domestic violence. To share current legislative trends from your state or to discuss the implications of new legislation in your community, please contact Emilie Meyer, Associate Attorney, at (775) 784-4435 or at emeyer@ncjfcj.org. For a free copy of this year’s *Legislative Update* or for previous updates, please contact the Resource Center at 1-800-527-3223 or visit us at www.ncjfcj.org.

**New Family Violence Department Employee**

Heather Faanes joins the Family Violence Department as a part time employee. Prior to joining the FVD she worked as an executive assistant for an eminent domain law firm for three years. She will graduate from the University of Nevada, Reno in December of 2011 with a BA in political science and a minor in public relations. Heather has spent time volunteering for Carson City Guide Dogs and the Juvenile Diabetes Research Foundation walk. Heather will be attending law school in the fall of 2012.

“As always, if there is anything we can do for you in your efforts to improve outcomes for battered women and their children, we’d love to hear from you.”