

Assessing Risk of Parental Child Homicides in the Context of Domestic Violence Technical Assistance Brief

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Domestic violence and domestic homicide are recognized as serious social and criminal problems that disproportionately affect women as victims on a two to one ratio.¹ What is often overlooked is the number of women whose children's lives are also put in jeopardy. Research is growing on the harm of exposure to domestic violence on child development.² Domestic violence fatality reviews across the U.S. and other countries have pointed out the severe consequences for children. There are children exposed to the most horrific trauma of domestic homicide and may lose their lives. An estimated 3,330 children are exposed to domestic homicide every year in the U.S. with almost 1 in 3 witnessing the homicide, finding the deceased, or being at the scene.³ Children are most likely to be killed when there are secondary victims of domestic homicide⁴ and sometimes, they are the major target to punish the adult victim for leaving the relationship.⁵ The U.S. National Violent Death Reporting System documented 1,386 child victims of homicide between the ages of 2 to 14 years in 16 states from 2005 to 2014, of which 10.4% were identified as being domestic violence-related.⁶ Although numbers vary across jurisdictions, approximately 1 in 10 domestic homicide victims are children.⁷

A critical challenge for judges and other professionals who wish to protect children from domestic violence homicide is identifying those abusive parents who pose the greatest risk of potential harm. Unfortunately, although researchers have devoted significant attention to evaluating the level of risk of harm to adult victims of domestic violence, risk to children has rarely been the focus of research. As a result, although judicial officers and other stakeholders have been able to assess cases for risk of lethal violence against the adult intimate-partner victim, they lack tools and information necessary to assess the level of risk posed specifically to children.

This gap is starting to be filled as researchers review domestic violence cases that include child homicide, searching for lethality risk factors for children. As the leading researchers on the subject of such risk factors have observed, “[k]nowledge about lethality risk factors for both adult and child victims can provide professionals with the necessary information to develop safety plans with adult victims and their families, as well as guide risk management interventions with those individuals perpetrating the violence; all of which are vital in keeping families safe and preventing tragedies from occurring.”⁸

This technical assistance brief describes the current state of research on identification of children’s risk for lethality and its relationship to the adult victim’s risk. It provides suggestions for how judicial officers can incorporate this information into their decision-making in domestic violence cases involving children and how they can act as leaders to ensure that others in their communities recognize and respond to indicators of lethal risk to children in particular cases.



Child homicide in the context of domestic violence

As previously mentioned, data from fatality reviews in the United States, Australia, Canada, New Zealand, and other sources show that significant numbers of children are exposed to domestic homicide or become

domestic homicide victims themselves. Research demonstrates that family members perpetrate the majority of homicides of young children; for infants, mental health issues are predominantly the cause, but beyond infancy it is family violence, mainly perpetrated by fathers, that is at root.⁹

Dr. Peter Jaffe and colleagues, who have been at the forefront of identifying the risk factors for child domestic violence homicides, describe three typical scenarios in which children are killed:

1. Indirectly as a result of attempting to protect a parent during a violent episode;
2. Directly as part of an overall murder–suicide plan by a parent who

- decides to kill the entire family; or
3. Directly as revenge against the partner who decided to end the relationship or for some other perceived betrayal.¹⁰

The last category represents the second most common form of father-perpetrated child homicides, which typically are committed by men with a domestic violence history.¹¹

Risk of lethality to child victims

So, which factors present in domestic violence cases indicate the greatest risk of lethal violence against children? Although only a small number of studies have examined risk factors for domestic violence homicide of children, the findings so far reveal that the significant risk factors for lethal **adult** domestic violence also indicate risk to children.

Studies in the United States have identified several risk factors consistent with child domestic homicides: history of child abuse, history of domestic violence, and prior agency contact as well as unemployment, criminal history of the perpetrator, substance use/abuse, and access to weapons.¹² In a study in Canada, researchers compared homicides not involving children, homicides with children present in the home, but not killed, and homicides in which children were killed. They found that the same set of major risk factors applied across each group of cases. Among the most significant risk factors in the study were separation, previous domestic violence, stalking, depression of perpetrator, and escalation of violence.¹³

The study did find that despite similarities in scores across the types of cases, some individual items appear to be more closely associated with child homicides. Specifically, prior threats to harm children (part of the Danger Assessment¹⁴ instrument) and “intimate relationship problems” (defined in the Brief Spousal Assault Form for the Evaluation of Risk (B-SAFER) tool¹⁵ as the “person being unable to establish or maintain a long-term intimate relationship as indicated by a separation and extreme conflict regarding relationship status and any intimate relationship problems that result from domestic violence.”).

The study discovered a notable distinguishing characteristic of cases involving death of a child: involvement by different community agencies and professionals was significantly greater (9.3 agencies/family) in those cases than in cases where children were present, but not killed (6.3

agencies), and those in which there were no children (4.1 agencies). Unfortunately, the researchers noted the lost opportunity to prevent the homicides in these cases:

One would think that a larger number of agencies involved with a family should provide a greater opportunity for intervention and prevention of homicides. Unfortunately, a number of reviews have found that this is not the case.... Our research did not find enhanced risk assessment, safety planning, and management strategies for children at risk. Only one of the 40 cases involving children had a specific assessment of child risk. In less than eight percent of these cases was there an indication of a safety plan for the adult victim and there was no indication that a safety plan was developed for the child(ren). In less than half of the cases involving children, there was restricted access to the perpetrator. These findings highlight many missed opportunities for intervention and prevention strategies by professionals and indicate the importance of risk assessment and safety planning as mandatory strategies for all professionals and agencies involved in responding to domestic violence.¹⁶

What can judges do?

One critical lesson of this research is that “children within a family experiencing domestic violence should always be considered and included when assessing risk for lethality with an adult victim.”¹⁷ Each agency and professional that works with the family, including the court, should ensure that it implements evidence-based risk assessment and works to protect adult victims and children through appropriate safety planning and/or other referrals to professionals who can conduct safety planning or other interventions.

Unless and until additional research identifies specific risk factors for child domestic violence homicide, all professionals should recognize that where risk assessment using a validated instrument indicates that a female intimate partner is at risk for lethal violence, any children within the family may also be at risk. Measures to protect mothers are likely to also protect children. It is also important to engage in risk management strategies to reduce the risk of the perpetrator through appropriate batterer intervention programs and probation monitoring of compliance, as well as addictions or mental health interventions as needed.

As Dr. Jaffe and his colleagues have noted, “[a]lthough the prediction of rare events is next to impossible, court-related professionals can at least articulate why a particular case is concerning enough to limit access to a parent pending treatment and ongoing monitoring. The hope raised by the research from [domestic violence fatality review committees] is that a risk assessment may help put strategies in place to prevent the deaths of abuse victims and their children in similar circumstances to the tragedies reviewed.”¹⁸ Consequently, judges should exercise leadership to encourage all agencies that work with families in which domestic violence may be an issue to conduct risk assessments and tailor responses to the identified risk factors. Judges themselves can be alert to the presence of evidence-based risk factors for lethal violence in individual cases and can seek evidence from the parties about children’s experience of any abuse.

Within family court cases, judges should consider implementing decision-making frameworks that enable them to better protect children and adult victims by understanding and addressing domestic violence and its consequences. For instance, Jaffe and colleagues have described a system that implements a differentiated approach to cases involving domestic violence,¹⁹ and the Battered Women’s Justice Project has developed its SAFeR framework for assessing and addressing the nature, context, and effects of the abuse in custody decision-making.²⁰

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¹ When Men Murder Women (<https://vpc.org/when-men-murder-women-introduction/>); Homicide and Injury from Domestic Violence (<https://www.domesticshelters.org/articles/statistics/homicide-and-injury-from-domestic-violence>)

² Berson, S. B., Herson, J., & Pearsall, B. (2012). Preventing children's exposure to violence: The Defending Childhood Initiative. *National Institute of Justice Journal*, 270, 26; Jaffe, P.G., Wolfe, D.A., & Campbell, M. (2011). *Growing Up with Domestic Violence: Assessment, intervention & prevention strategies for children & adolescents*. Cambridge, MA: Hogrefe & Huber

³ Lewandowski, L. A., McFarlane, J., Campbell, J. C., Gary, F., & Barenski, C. (2004). "He killed my mommy!" Murder or attempted murder of a child's mother. *Journal of Family Violence*, 19,

⁴ Smith, S. G., Fowler, K. A., & Nolon, P. H. (2014). Intimate partner homicide and corollary victims in 16 states: National Violent Death Reporting System, 2003–2009. *American Journal of Public Health*, 104(3), 461-466.

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⁶ Adhia, A., Austin, S. B., Fitzmaurice, G. M., & Hemenway, D. (2019). The role of intimate partner violence in homicides of children aged 2–14 years. *American journal of preventive medicine*, 56(1), 38-46.

⁷ Jaffe, P., Campbell, M., Reif, K., Fairbairn, J., & R. David. (2017). Children, domestic homicide and death reviews. In M. Dawson (Ed.) *Domestic Homicides and Death Reviews: An International Perspective* (pp. 317-343). London UK: Palgrave McMillan.

⁸ David, R., Olszowy, L., Reif, K., Saxton, M., Campbell, M., Dubé, M., Dawson, M., & Jaffe, P. (2017). *Children and Domestic Homicide: Understanding the Risks*. Domestic Homicide Brief (3). London, ON: Canadian Domestic Homicide Prevention Initiative. ISBN: 978-1- 988412-11-5.

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¹⁰ Jaffe, Peter. and Juodis, Marcus. (2006), Children as Victims and Witnesses of Domestic Homicide: Lessons Learned from Domestic Violence Death Review Committees. *Juvenile and Family Court Journal*, 57: 13-28. <https://onlinelibrary.wiley.com/doi/10.1111/j.1755-6988.2006.tb00125.x>

¹¹ Scott, supra note iii.

¹² Websdale, N. (1999). *Understanding domestic homicide*. Boston, MA: Northeastern University Press

¹³ Jaffe, Peter & Campbell, Marcie & Olszowy, Laura & Hamilton, Leslie. (2014). *Paternal Filicide in the Context of Domestic Violence: Challenges in Risk Assessment and Risk Management for Community and Justice Professionals*. *Child Abuse Review*. 23. 10.1002/car.2315.

¹⁴ Campbell JC. 1986. Nursing assessment of risk of homicide for battered women. *Advances in Nursing Science* 8:36–51. (available at <https://www.dangerassessment.org/DATools.aspx>).

¹⁵ Kropp PR, Hart SD. 2004. The Development of the Brief Spousal Assault Form for the Evaluation of Risk (B-SAFER): A Tool for Criminal Justice Professionals. Family Violence Initiative, Department of Justice Canada: Ottawa, ON.(available at <https://www.protect-international.com/product/brief-spousal-assault-form-evaluation-risk-b-safer-manual-2/>).

¹⁶ Jaffe, supra note ix..

¹⁷ Id.

¹⁸ Id.

¹⁹ Jaffe, P. G., Crooks, C. V., & Bala, N. (2009). A framework for addressing allegations of domestic violence in child custody disputes. *Journal of Child Custody*, 6, 169-188.

²⁰ Davis, G. (2015). A systematic approach to domestic abuse-informed child custody decision making in family law cases. *Family Court Review*, 53, 565-577; <https://www.bwjp.org/our-work/projects/safer.html>.

