

Clarification: Client Choice in a Domestic Violence Situations

References: ORS 411.117; Federal Register April 12, 1999; Family Services Manual TANF-Section K; TA-DVS-Section C

Worker Guide Case Management #1: **“Remember: the decision maker is the client.”**

Many questions come up regarding client choices in domestic violence cases, especially when the worker feels the “choice” is unsafe or unwise. It is sometimes assumed that victims are safe because they won’t get a restraining order, or because they won’t move, or because they returned to the abuser in the past. The reality is that no one can say what is “safe” for another person. We don’t have all the information. The client, on the other hand, has something we’re missing. The client knows their abuser. The client is better able to judge what an abuser is likely to do. Gavin DeBecker, an expert on abusers, lists the number one reliable pre-incident indicator associated with spousal violence and murder as, “The woman has intuitive feelings that she is at risk.”

So, what can we do if we have concerns about a victim’s choices? You can help the client make informed choices. You can offer options and resources to address domestic violence.

Working with victims of domestic violence has been an emphasis of self-sufficiency programs since 1997. Both Federal and State laws give us guidance on how we should work with victims.

The following quote from the Federal Register – April 1999 - specifically addresses the issue of client choice, “States should also recognize that a battered woman often does not have control over her own actions and respect a victim’s judgment of whether she can safely take certain action steps (e.g. move out of her home).”

Based on this information and information learned from working with domestic violence service providers, it has been an expectation and principle that we, in Self-Sufficiency programs, will not make choices for victims (or any of our clients). We will provide them with options to help them make informed decisions, but we do not “mandate” specific courses of action (e.g. getting restraining orders; moving; etc.)

We also do not withhold services because we feel the client isn’t making the “correct” choices. A client may not be eligible for TA-DVS because she remains with the abuser, but that doesn’t mean we should tell her she is doing something

wrong. We should not tell her she has to leave, go to a shelter, or get a restraining order. What we can say is:

- I'm concerned for your safety (or your kids safety)...
- It's not your fault...
- Have you considered....
- Here are resources you might access...
- You can talk about abuser behaviors and dispel any myths the client may have heard from the abuser... (e.g. he's going to stop drinking (studies show that abuse continues even when the drinking/drug use stops); he's going to counseling (even batterer intervention which focuses on re-education of abusers has only a 2 to 10% success rate); he promised he won't do it again (domestic violence is a pattern of abusive behaviors that usually escalate over time);shelter programs just want to break-up families (shelter programs are there to keep families safe, they respect what ever decisions you make, even if you go back)).
- If you go back, and it doesn't work, call me.

Domestic violence victims are not responsible for the abusive situation or the behavior of the abuser. It is against the law for anyone to physically harm or harass another person. The responsible person is the abuser. Since we generally don't work with abusers and we do the victim, it's easy to think we can stop the violence by getting the victim to do something different. The victim may even believe that. Victims who do all the "right" things (e.g. leave, get restraining orders; relocate; change their names; etc.) still get killed.

The *Domestic Violence Assistance Agreement* (DHS 1543) was created to record a plan with a client experiencing current domestic violence. Both ORS 411.117 and Federal CFR's require case or service plans in domestic violence cases. The plan should be developed in coordination with the victim. ORS 411-117, also states we should involve local domestic violence service providers in the development of the plan.

Resources:

- Your local domestic violence service provider is the expert on resources for survivors of domestic and sexual violence. They provide detailed safety planning with victims. Not only do they provide services to clients, they can also help you process information about client situations. (Remember to speak about a specific client, you need a release of information.)
- You can also staff cases with you local domestic violence point person, district DV point person or the DV Intervention Policy Analyst in Central office.