

Frequently Asked Questions related to Children Witnessing Domestic Violence:

1. *Does every domestic violence situation with children present have to be reported to child welfare?*

- A. No. No one believes that children witnessing domestic violence is a good thing. Neither do we believe that removing children from the non-abusive parent is a good thing. The presence of domestic violence is a risk to children. However, not all situations of children witnessing domestic violence require a report to DHS or law enforcement. Please refer to mandatory reporting guidelines (PAM 9061 Rev. 12/01). DHS's authority to intervene with families is based on whether a child is being physically abused, sexually abused, neglected, suffering mental injury, or is being subjected to an activity or condition likely to result in substantial harm. Helping the non-abusive parent to be safe reduces the risk to children.

2. *How do we decide what is a mandatory report?*

- A. First, we always report if the child has been physically or sexually abused, neglected or is suffering mental injury. In addition, under threat of harm guidelines, we would report if there is reasonable cause to believe there is a potential for substantial harm. The guidelines for mandatory reporting (PAM 9061 Rev. 12/01) states the following:

A report to DHS or law enforcement is necessary when there is a reasonable cause to believe

1. There is current domestic violence or the alleged abuser has a history of domestic violence.

AND

1. One of the following:
- There is a reason to believe the child will or is intervening in a violent situation, placing him at risk of "substantial harm."
 - The child is likely to be "harmed" during the violence (being held during the violence, physically restrained from leaving, etc.).
 - The alleged abuser is not allowing the adult care giver and child access to basic needs, impacting their health or safety.

- The alleged abuser has killed, committed “substantial harm,” or is making a believable threat to do so to anyone in the family, including extended family members and pets.
- The child’s ability to function on a daily basis is substantially impaired by being in a constant state of fear.

If you know a child is witnessing repeated or serious domestic violence and you are unsure of the impact on the child, call and consult a CPS screener.

Bonnie Braeutigam, works in the Child Protective Services Unit, she is an excellent resource for understanding how domestic violence impacts for children and adult victims. Her number (503) 945-6686.

3. *Does not reporting a DV situation mean one does not value the safety and well being of children?*

- A. No, domestic violence does present a risk both to children and to adult victims. Helping the adult victim to establish a safety plan, working with domestic violence service providers and providing help for the victim to flee through “Temporary Assistance to Domestic Violence Survivors” promotes the safety of children and adult victims. Holding abusers accountable for their behavior is the best way to prevent domestic violence.

Remember, removing a child, already traumatized by the domestic violence, from the non-abusive parent can be even more detrimental to the child. The best solution is to protect both women and children.

4. *The Legislature passed a law clarifying domestic violence occurring in the presence of a minor as a felony, so doesn’t this mean we have to report to child welfare.*

- A. No, this law, passed in 1998 as SB 553, does not change mandatory reporting laws. Domestic violence is often charged under misdemeanor assault 4. SB 553, allows a prosecuting attorney to charge the crime as a felony if the person has previously been convicted of assaulting the same victim; or the assault is witnessed by the person’s or the victim’s minor child or stepchild or a minor child residing within the household of the person or victim.

5. *Are you asking mandatory reporters to become child protective services screeners?*

- A. No, if you believe that a child is a risk, you can always consult with child welfare, they will help you determine if the situation should be reported. The guidelines developed by a group consisting of domestic violence advocates, child welfare and mandatory reporters are intended to be examples of what “substantial harm” might look like.

Each discipline has questions that they ask victims of domestic violence as part of their case planning process. For Self Sufficiency staff those questions are to help develop a plan focused on safety for the adult victim. Any information that leads you to believe that a child is being abused should be reported to child welfare or law enforcement. They will do the screening.