



## Newsletter of the NOW Foundation Family Law Advisory Committee Spring 2023

### A WORD FROM THE COMMITTEE

*This newsletter from the NOW Family Law Advisory Committee addresses the issues of Domestic Violence, Family Courts, "Failure to Protect," and the "Safe & Together Model" that reduces the number of children removed from non-offending parents. For more discussion of parental alienation, see our Summer 2020 Newsletter.*

*The National Domestic Violence Hotline is 800-799-7233 (800-799-SAFE). You can call them from anywhere in the United States. You can chat live from here: [Get Help | The National Domestic Violence Hotline \(thehotline.org\)](https://www.thehotline.org)*

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## CHILD PROTECTIVE SERVICES, FAILURE TO PROTECT LAWS, AND THE FAMILY COURTS PLAGUE VICTIMS OF DOMESTIC ABUSE

By Renee Beeker

A critical class action case in 1999, called Nicholson v. Williams, involved the parental rights of mothers who are domestic violence victims. Women were having children removed for neglect if children witnessed the abuse a victim suffered.

"On Oct. 26, 2004, the New York Court of Appeals unanimously held that a mother's inability to protect a child from witnessing abuse does not constitute neglect, and therefore cannot be the sole basis for removal." <https://www.nyclu.org/en/cases/nicholson-v-williams-defending-parental-rights-mothers-who-are-domestic-violence-victims>

Although this 2004 ruling in NY was a victory, victims of domestic abuse continue to be failed by the family court system all around the country with the removal of their children by Child Protective Services (CPS). Families have their lives turned upside down, and in some cases, depending on the state, mothers are charged criminally because their children were witnesses to abuse, or abused by someone in the household.

A 2014 Huffpost article written by criminal defense attorney Adam Banner discusses the Oklahoma laws on failure to protect that cause harsher sentences for victims of abuse than for the actual abuser. [https://www.huffpost.com/entry/do-failure-to-protect-law\\_b\\_6237346](https://www.huffpost.com/entry/do-failure-to-protect-law_b_6237346)

The Mother Jones Magazine article below is about a mother who never harmed her children but will serve more time in prison than the man who abused her child. (See the article in the section below for more details.) <https://www.motherjones.com/crime-justice/2022/08/failure-to-protect-domestic-abuse-child-oklahoma-women-inequality-prison/>

In 2020, USA Today investigated the State of Florida's Department of Children and Families. They reported the removal of children from domestic violence victims because they were victims. One mother "lost her children because she was left unconscious" after a violent attack. According to this article, "Florida removed 3,500 children from biological parents in 2018." This article discusses the stories of over twenty domestic violence victims. <https://www.usatoday.com/in-depth/story-series/2020/12/16/florida-blames-mothers-when-men-batter-them-then-takes-their-children/6507973002/>

There are also situations where no abuse is involved, but children are still removed, as in the first story below, when a mother's child slipped out of sight, and someone called child protective services. This family continues to suffer due to this event. <https://www.cbsnews.com/news/experts-say-a-system-designed-to-protect-children-is-breaking-up-families/>

This podcast discusses the "lifelong result of a picnic in a park." The second story is about a single mom who left her child home alone to go to work because she was about to "be evicted if she did not pay the rent," resulting in her child being taken permanently from her custody. This story highlights the need to support struggling families with help to prevent the removal of a

child, so these events do not occur. <https://podcasts.apple.com/us/podcast/her-son-was-briefly-out-of-sight-during-a-picnic/id1577591053?>

We also need to pay significant attention to the disparity for families of color regarding child protection and foster care involvement. Dorothy Roberts, the author of *Torn Apart*, states, "the numbers do not lie. Black families are twice as likely as White families to be impacted." "More than half of Black children in America will be subjected to a child welfare investigation at some point before they reach age 18." The article cited additional data from the child welfare website, <https://www.childwelfare.gov/fostercaremonth/awareness/facts/>, which states that over 400,000 children are in foster care. These removed children, most essentially locked away from their families, will experience severe trauma. Children need to be with family. Families often lose children to the system due to neglect. Dorothy Roberts says, "Neglect is usually confused with poverty." Most states define neglect as "parents failing to provide the resources children need, like clothing, food, or secure housing. Furthermore, those are usually caused because parents cannot afford them." These issues are often addressed in dependency court, just one arm of family court.

Nevertheless, other vital issues to highlight are divorce, family violence, and child custody involving the family court, where custody issues and fear of harm often are before the court. Often, when mothers report abuse to themselves or their children during divorce, separation, or custodial cases, the family court minimizes, glosses over, or flatly refuses to believe their accounts. A U.S. Justice Department-funded 2019 study examined 27 cases where the abuser gained custody when courts did not believe mothers' reported abuse or fears. [https://www.researchgate.net/publication/334184509\\_Abusers\\_gaining\\_custody\\_in\\_family\\_courts\\_A\\_case\\_series\\_of\\_over\\_turned\\_decisions](https://www.researchgate.net/publication/334184509_Abusers_gaining_custody_in_family_courts_A_case_series_of_over_turned_decisions)

While courts ultimately overturned the rulings. The time and money the protective mother had to spend to change the court's error prolonged the children's suffering while waiting to be rescued, adding tremendous trauma that will be lifelong. Domestic abuse and child custody fears must be amplified, not minimized or glossed over. Many situations have resulted in the death of mothers and children during divorce and custody cases. When raising issues of abuse or violence in court, some mothers have had their children removed from custody for parental alienation. <https://www.forbes.com/sites/naomicahn/2020/01/26/why-women-lose-custody/?sh=db889204641e> .

Denial by the court of a woman's request for supervised visitation or an order of protection can result in the death of their children or themselves. The stories below are of two women seeking protection orders, where the court's failure to act resulted in their deaths as well as the death of their children. The orders of protection were "denied for insufficient evidence." <https://www.foxnews.com/us/michigan-woman-killed-mother-son-court-protection-husband-murder-suicide>  
<https://www.ibtimes.sg/virginia-mother-3-children-killed-by-ex-boyfriend-after-judge-denies-protective-order-67805>

Police, after the murder of this family, "revealed there had been an investigation two years prior for child abuse, but local police and prosecutors decided not to criminally charge." The investigation involved "a violent pattern of behavior where the eldest daughter detailed multiple

assaults, including being choked by her father." <https://www.cbsnews.com/news/michael-haight-investigated-for-child-abuse-before-murder-suicide-utah/>

The story below discusses the murder of a child while in a custody case and the need for training and the danger that exists when abuse issues are present.

<https://www.nbcnews.com/news/us-news/jacqueline-says-she-did-everything-she-was-supposed-do-so-n1266982>

Additionally, in the above article Peter Jaffe, academic director of the Center for Research and Education on Violence Against Women and Children at Western University in Ontario, stated, "In domestic violence cases, there may need to be a whole different strategy or approach."

Of course, there are excellent family court judges and forensic psychologists who are trauma-informed and understand the dangers of domestic abuse. The problem is that not all of them are trauma-informed and that some fail to see the threat leaving a relationship is for women and children. There is a willingness to dismiss a woman's concerns or fears as unfounded. We are at the tipping point. We do not need more bodies to tell us there is a widespread problem in the Family court system. It is time to address the needs of the large number of children caught up in CPS investigations, foster care, and abusive custodial situations.

While a challenging job, protecting our children from abuse and harm is critical. The judicial system must evaluate the danger, level of neglect, services available to support families, and the lifelong trauma that will result from each decision made for those who come before them in their court. The Family Court System must address the clear and present danger women and children face with CPS involvement, foster care, or when leaving a relationship, as seen in the Utah murders above, where the mother had just filed for divorce. Courts, and the lawyers who represent women leaving a relationship, should be aware that there is always a danger and, first and foremost, a need to protect. When the courts get it wrong, the consequences are irreversible.

## MOTHER JONES ARTICLES - FAILURE TO PROTECT IN OKLAHOMA

By Donna Mathews

["Her Boyfriend Killed Her Baby While She Was at Work. Oklahoma Is Sending Her to Prison."](#)

This is the title of an August 2022 article in Mother Jones Magazine by Samantha Michaels, Senior Reporter. This is the story of Rebecca Hogue.

["She Never Hurt Her Kids. So Why Is a Mother Serving More Time Than the Man Who Abused Her Daughter?"](#) This story about Kerry King, also by Samantha Michaels of Mother Jones, was also published in August of 2022.

The tedious and detailed Oklahoma court record research was by Ryan Little, Roy W. Howard Investigative Fellow for MOJO Wire, in August of 2022. This article is titled: ["An Obscure Law is Sending Oklahoma Mothers to Prison in Doves. We Reviewed 1.5 Million Cases to Learn More."](#)

The headlines tell it all, really. Furthermore, if you ask around your city, your county, and your state, you will most likely hear similar stories. Women who went to work, leaving their children in the care of a husband or boyfriend; women who were victims of domestic abuse of any and all kinds, too often unable to leave; women who were in the process of leaving; or even women who had left abusive relationships years in the past. If their partner or ex-partner harms the children, it is all too common for the mother to receive a harsher jail or prison sentence than the man who actually caused the harm to the children (whether abuse or death).

The article about Rebecca Hogue's trial and case is full of red flags and concerns.

- Police did not want to charge her, but the District Attorney's Office did so anyway.
- Jurors were not allowed to hear evidence that the police did not want to press charges and were not allowed to hear evidence that the boyfriend carved into a tree "Rebecca is innocent" before he completed suicide.
- The judge also prevented a domestic violence expert from testifying.

She was found guilty of "first-degree murder by permitting child abuse." She was sentenced to life imprisonment, all suspended except for 16 months, and credit for time served. Her probation terms were very specific and strict. Terms that are not often seen in people sent to batterer's intervention programs in Oklahoma.

It is extremely rare for a major news outlet to research the topic of criminal or family law courts' harsh treatment of women. Kudos to Mother Jones Magazine.

# **PUNISHING THE VICTIMS: HOW THE COURTS RE-VICTIMIZE WOMEN AND CHILDREN WHEN THEY REPORT ABUSE**

**By Adele Guadalupe**

## **Introduction**

In 2022, USA Today published an investigative series titled "Florida blames mothers when men batter them - then takes away their children." It focused on the child welfare system of Florida, exposing a well-established practice of removing children from Mothers who seek help from an abusive relationship.

FACTs (see below), being committed to educating the public on these issues, continued the conversation with a panel of family court officials and women who have been re-victimized and punished for reporting abuse. They discussed how protective mothers and children are being systemically punished for reporting any type of abuse or seeking help to leave abusive situations.

## **What is FACTs?**

Formed by a coalition of Family Court victims and activists in 2003 by the South Palm Beach County Chapter of NOW, FACTs (Families Against Court Travesties, Inc.) is primarily concerned that the family court system is harming children by treating them as property, ignoring their rights to contact with both parents, denying their parents' due process, and in general not considering the children's best interests. Some of us are victims of these injustices, some are friends and family members of victims, and some are simply devoted to healthy children and families.

## **What kind of abuse do Protective Mothers Report?**

- Domestic Violence
- Child Abuse
- Child Sexual Abuse

We are focusing primarily on domestic violence, but protective mothers often report that their children are being abused or molested by the father and will be similarly punished.

## **What is Domestic Violence?**

According to the National Coalition Against 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."

Also referred to as Intimate Partner Violence (IPV), it is primarily a male-on-female act. There are cases where the opposite is true, and those cases should be taken seriously. However, we are focusing on women that have been abused and re-victimized.

## **DV Statistics**

"Worldwide, almost one third (27%) of women aged 15-49 years who have been in a relationship report that they have been subjected to some form of physical and/or sexual violence by their intimate partner." - World Health Organization

- "1 in 15 children is exposed to intimate partner violence each year, and 90% of these children are eyewitnesses to this violence." - National Coalition Against Domestic Violence
- "3 – The number of women murdered every day by a current or former male partner in the US" - Domestic Violence Homicide Help

How are Protective Mothers Punished for Reporting Abuse?

- Being dismissed or disbelieved
- Being labeled "The Crazy One."
- Victim blaming and shaming
- "Why didn't you leave him earlier?"
- "Well, you chose to have kids with him even though you knew he was abusive."
- "It takes two to tango."
- Accusations of fabricating the abuse
- Accusations of parental alienation
- Loss of job and income
- Loss of friends and family that do not want to get involved
- Threats of defamation lawsuits for naming your abuser
- Post-separation abuse from the abuser
- Domestic violence by proxy from the abuser
- Counter-parenting by the abuser
- Loss of custody through the family courts
- Loss of custody through the child welfare system
- Endless anxiety or PTSD

How are Children Punished in abusive situations?

- Being disbelieved or dismissed
- Being forced to talk about the abuse over and over again
- Being forced to live with their abuser
- Being torn away from their protective parent or main attachment figure
- Being sent to foster care where more abuse could happen
- Being manipulated or "brainwashed" by the abuser
- Being alienated from the protective parent
- The abuse continues and gets worse

- ACEs (Adverse Childhood Experiences) lead to lifelong emotional and psychological problems

### **Joan Meier Study on Family Courts<sup>i</sup>**

Joan Meier is a professor at the George Washington University Law School who founded DVLEAP, a law clinic that aids survivors of domestic violence with legal representation.

The Joan Meier Study consisted of over 2,000 divorce and custody cases studied. All cases involved some sort of abuse claims from the mother...domestic violence, child abuse, or child sexual abuse. Joan Meier completed an extensive study on family court cases in 2019 and found the following to be true:

- Courts believe mothers' claims of domestic violence 45% of the time. (517/1137 studied cases).
- When fathers claim parental alienation, courts believe mothers' claims of domestic violence 37% of the time (28/76 studied cases). This comparison shows that courts are significantly less likely to credit abuse claims when fathers claim parental alienation.
- Even when the courts believe a father is abusive, if they also believe the mother has committed other alienating behaviors not specifically labeled parental alienation, mothers lose custody to the abusive father 63% of the time (5/8 studied cases). So, simply being perceived as undermining a father's parental rights can also trump even proven abuse by a father.<sup>ii</sup>
- The data show that courts are excessively skeptical of child physical and sexual abuse reports, are likely overly skeptical of domestic violence claims, and sometimes award custody to known abusers. Overall, mothers reporting abuse - particularly child abuse - are losing custody at high rates.
- Overall, abuse is 1.26 times more likely to be credited without a Guardian ad Litem than with one (38% v 33%).
- Abuse is 1.44 times more likely to be credited by the court if there is no evaluator (38% v 30%).

### **USA Today series on The Child Welfare System of Florida**

"Florida blames mothers when men batter them - then takes away their children" By Suzanne Hirt, USA Today.

Suzanne Hirt's Investigative series on the Florida Child Welfare System, published in 2021, found the following to be true:

- The Florida Department of Children and Families (DCF), dependency courts, and community-based nonprofits that deliver services to foster children and their parents, are tasked with protecting vulnerable kids and keeping their families together whenever possible.
- DCF cited domestic violence as the reason it removed more than 3,500 children from biological parents in 2018, an increase of nearly 1,400 from 2013.
- Domestic violence is the primary reason for 25% of removals this year.



- Florida dependency court records are confidential, which makes it impossible to understand the nuances of each case or to determine exactly why child welfare workers and judges believe an abused mother should lose her children.
- Taken together, the experiences of protective mothers reveal a system stacked against women who are abused. Caseworkers and judges treat them like criminals on probation, even when their children have not been physically harmed, and impose a level of scrutiny that many parents could not pass. Any failing can be used against them to remove their children or delay reunification.
- Some abusive fathers were deemed more fit or more credible than the mothers they attacked.
- Experts say Florida's child welfare system focuses on the mothers' behaviors rather than working to keep mothers and children safe from perpetrators. Even mothers who take the steps DCF encourages, such as calling the police or fleeing to a shelter, can lose custody of their kids because agency officials use their history against them.
- Just 13% of investigators and their supervisors have a degree in social work, according to DCF data. Many are not married and do not have children themselves. They often are fresh out of college and unfamiliar with poverty and other social conditions prevalent among the families they investigate.
- Study after study in recent decades has concluded that the nation's child welfare system treats women unfairly.
- Mothers bear the brunt of caseworkers' scrutiny because they are typically their children's primary caregivers, while men – even violent men – are held to a lower standard.

## **Conclusions**

- All too often, society blames the victim for allowing the abuse instead of placing the blame where it belongs, on the abuser.
- Protective mothers that report domestic violence or abuse, and take steps to leave their abusers, may have no good options available to them. They have to choose between a bad situation and an even worse situation. **THEY CAN NOT WIN.**
- There is a clear systemic gender bias when it comes to domestic violence. Abusive men are innocent until proven guilty. Female victims have to prove beyond a shadow of a doubt that their abuser is guilty, and even if they can, it may not matter. However, the opposite is often true for women. Women are considered guilty until proven innocent. They have to jump through hoops to prove that they are not "failing to protect" or alienating children from their fathers.

## **Solutions - How can we protect victims of abuse?**

- Educate judges on domestic violence.
- Changes in legislation that put the child first in custody issues, instead of the parents.
- Changes in legislation that protect victims of domestic violence.
- Changes to the child welfare system that prioritize keeping children with their healthy parents and not in foster care.
- Access to mental health services for victims and children.

<sup>i</sup> Meier, Joan S., Dickson, Sean, O'Sullivan, Chris, Rosen, Leora, and Hayes, Jeffrey, *Child Custody Outcomes in Cases Involving Parental Alienation and Abuse Allegations* (2019). GWU Law School Public Law Research Paper No. 2019-56; GWU Legal Studies Research Paper No. 2019-56. Available at SSRN: <https://ssrn.com/abstract=3448062> or <http://dx.doi.org/10.2139/ssrn.3448062>

<sup>ii</sup> Example: Here, the study narrowed down even further what happens when the accused father counterclaims with "Parental Alienation." Then the study narrowed down what happens when the courts actually believe the mother's abuse claims but also believe the mother is alienating the child in some way, even WITHOUT the father claiming "parental alienation." There were only 8 of those cases within the 2000 studied. Moreover, 5 of those cases still gave custody to the abusive father. It is a small number, but when taken in the overall context of the study, it shows how hard it is as a woman to be believed when you claim any type of abuse. Moreover, even if the courts believe you, the "parental alienation" claim from the other side will likely prevail, and you will lose custody. Even if you are believed, the courts often impose the parental alienation label themselves and take custody away.

## **THE "SAFE & TOGETHER MODEL" FOR DOMESTIC VIOLENCE-INFORMED CHILD WELFARE SYSTEMS**

**By Michael Smalz**

Child welfare and law enforcement agencies are often ill-equipped to handle child abuse cases involving the intersection of child abuse and adult domestic violence. Inadequate training and understanding of the dynamics of domestic violence and the impact of domestic violence on children are important contributory factors. Many people believe that the children's mother must be at fault if their child is being abused by their father. It is assumed that the mother should have been aware of the abuse and could have stopped it. As a result, child welfare agencies (called "children services" or "protective services" in some states) have often removed children from the care and custody of the adult domestic violence victim, and/or prosecutors have criminally charged the adult domestic violence victims for "failure to protect" their children.

Most states now have criminal "failure to protect" laws. These statutes require parents to shield their kids from physical harm if they are aware of or reasonably should have known that another adult (usually the father) was abusing or might abuse their children. Non-abusive parents, including battered mothers, are often charged under criminal "failure to protect" laws. Domestic violence survivors may find themselves in extremely difficult situations. They may place themselves and their children at greater risk of escalating physical violence if they physically intervene or report the abuse, and they may try to protect their children in other ways. They may also fear (sometimes with good reason) that they will not be believed by child welfare agencies, law enforcement officers, or the courts. On the other hand, battered mothers who are unsuccessful at preventing child abuse by their partner may be charged with a felony under their states' "failure to protect" laws and face anywhere from a few years to decades behind bars as punishment. Moreover, in "failure to protect" cases, child welfare agencies often seek a court order removing the children from the home and placing the children in foster care, where they may be exposed to further abuse and maltreatment.<sup>1</sup> There is a growing recognition of the unfairness and detrimental impact of these laws and child welfare agency practices.

Many states have amended their child custody laws to include domestic violence as a "best interest" factor in determining child custody and parenting time. Some states also require child welfare workers and law enforcement officers to receive substantial training on the dynamics of family violence and the impact of adult domestic violence on children.

More recently, several states have adopted a more collaborative and holistic approach by adopting and implementing the "Safe and Together Model." This model is the most effective and comprehensive approach to handling cases involving the intersection of adult domestic violence and child abuse. It derives its name from the concept that children are best served when agencies can work toward keeping them safe and together with the non-abusive parent.

The Safe and Together Model is an internationally recognized set of tools and interventions designed to help child welfare agencies and their partners (including law enforcement) become domestic violence-informed. The model was developed by David Mandel & Associates (now the Safe & Together Institute) in Connecticut. It has been implemented at the statewide or local level in a number of different states, including Colorado, Connecticut, Florida (several counties),

New Jersey, New York, Ohio, Wisconsin, and the District of Columbia. It has also been implemented in the United Kingdom and Australia. <sup>ii</sup>

The Safe and Together Model provides a framework for partnering with domestic violence survivors and intervening with domestic violence perpetrators in order to enhance the safety and well-being of children. It assesses the capacity of parents to act as parents when allegations of intimate partner violence are made. It also focuses on domestic violence perpetrator behavior and on patterns of coercive control. Focusing on the perpetrator's pattern of abuse and coercive control allows for direct, non-blaming conversations with the adult survivor about the things she has control over, including any related substance abuse or mental health issues. This approach guides fact-based investigations, case planning, and the provision of family services.

For example, the child welfare agency (and, where applicable, the juvenile court and prosecutor) should explore and consider such questions as: <sup>iii</sup>

1. What is the non-offending parent doing to provide for each child's safety and well-being? What can the agency do to partner with the non-offending parent?
2. What are the perpetrator's specific violent, abusive, and controlling actions, and what is their impact on the functioning of the children and the family?
3. What positive efforts have been taken by the non-offending parent, especially including informal efforts?
4. How has the domestic violence perpetrator's behavior contributed to other issues, such as any child's behavioral problems, housing and family instability, or contributed to any child's or the non-offending parent's substance abuse or mental health issues?
5. Are each child's basic needs being met? How are they being met? Who is providing for these needs?

Case plans should be appropriate for the perpetrator's pattern of abuse and the parents' socio-economic situation, and case plans for the perpetrating parent should focus on behavioral changes that promote family functioning, including safety for all family members, child stability, and healing from trauma. In addition, the model focuses on the domestic violence survivor's strengths within an assessment framework that emphasizes/prioritizes safety, healing from trauma, child stability, and nurturance. Recognizing the strengths of the adult domestic violence survivor is key to successful interventions and outcomes. Removal of the children from the adult domestic violence survivor is an "option of last resort."

The Safe and Together Model is also integrated and interdisciplinary. The Safe & Together Institute has an established track record of integrating and adapting the model to local or state child welfare practice initiatives and methodologies, including, but not limited to, Differential Response (as in Ohio), Father Engagement, Safety Organized Practice, Safety Interventions, and Florida's Safety Decision-making Methodology. The model is interdisciplinary because it encourages collaboration with domestic violence advocates and other service providers. Recommendations include the co-location of domestic violence advocates in child welfare agency offices and inviting domestic violence advocates to participate in child welfare agency training. The co-located domestic violence advocates work with local child welfare agency staff to provide expert consultation and assistance in domestic violence-related cases.

Training of local child welfare agency staff and their key partners is a key component of implementing the Safe and Together Model. States typically contract with the Institute (or with David Mandel and Associates) to conduct a comprehensive three or four-day training. Most states that have adopted the model have adopted a phase-in approach by first implementing the model in a small number of counties and later gradually expanding the model to other counties. For example, in Ohio, the majority – but not all – of the state's 88 counties have now implemented the Safe and Together Model.

There is a large and growing body of evidence indicating that the Safe and Together Model has a positive impact on practices and outcomes for families and adult domestic violence survivors. For example, in Ohio, a study conducted by the National Center for Adoption Law, the Healthpath Foundation of Ohio, and the Ohio Department of Job and Family Services (ODJFS) found that the training and technical assistance in the Safe and Together model resulted in enhanced intimate partner violence (IPV) competencies among Children Services workers, including interviewing skills, assessing patterns of coercive control, and documenting perpetrators' patterns of behavior and their impacts on the whole family. There were also significant attitude changes (less victim blaming). Indeed, local domestic violence advocates noted that survivors had indicated a "higher comfort level" with speaking to Children Services caseworkers and "felt that the workers did not blame them" for the batterers' actions. Moreover, Children Services workers became better at partnering with adult survivors to assess their protective capacities and efforts to keep their children safe.

There were similar findings in studies conducted on child welfare practices in Colorado, Connecticut and local counties in Florida that had implemented the Safe and Together Model.<sup>iv</sup> For example, in two counties in northwest Florida, there was a significant (almost 60%) increase in verified domestic violence-specific maltreatment combined with a serious decrease in removals (over 50%) of the children. Likewise, in the Jacksonville area, similar efforts produced an approximately 70% drop in child neglect filings in domestic violence cases over a three-year period and an approximately 50% reduction in removals of children in domestic violence cases.

Adoption of the Safe and Together Model is not a panacea for all the problems that arise in child abuse or neglect cases where one of the parents is a domestic violence survivor. There will still be situations where child welfare workers or law enforcement officers unfairly blame mothers who are domestic violence survivors for their partner's child abuse. Some cases will "fall through the cracks" because of the high turnover of child welfare agency staff or the misogyny of male law enforcement officers. Nevertheless, the Safe and Together Model is an important tool to help ensure that child welfare and law enforcement agencies examine and consider the impact of adult domestic violence in child abuse and neglect cases and do not further harm the children by removing the children from the non-offending parent's care or bringing draconian criminal "failure to protect" charges against the domestic violence survivor. States should also reform their welfare protocols and amend their existing "failure to protect" laws to prevent overreach and to require consideration of adult domestic violence in determining criminal liability under "failure to protect" laws.

<sup>i</sup> See, for example, <https://www.usatoday.com/in-depth/news/investigations/2021/03/18/foster-care-children-starved-beaten-molested-florida-reports-show/6782615002/>

<sup>ii</sup> Safe & Together Institute, *Overview and Evaluation Data Briefing*," 2018, 1-2 available at [https://safeandtogetherinstitute.com/wp-content/uploads/2018/04/OverviewEvalDataBriefing\\_A4\\_r3.pdf](https://safeandtogetherinstitute.com/wp-content/uploads/2018/04/OverviewEvalDataBriefing_A4_r3.pdf)

<sup>iii</sup> The Supreme Court of Ohio, *Assessing Allegations of Domestic Violence in Child Abuse Cases*, November 2016, 2, available at <https://www.supremecourt.ohio.gov/docs/JCS/domesticViolence/publications/DVChildAbuse.pdf>.

<sup>iv</sup> Safe & Together Institute, *Assessing Allegations of Domestic Violence in Child Abuse Cases*," 2018, 3-5, available at [https://safeandtogetherinstitute.com/wp-content/uploads/2018/04/OverviewEvalDataBriefing\\_A4\\_r3.pdf](https://safeandtogetherinstitute.com/wp-content/uploads/2018/04/OverviewEvalDataBriefing_A4_r3.pdf)

## **A Call to Action**

Publicize the information shared above. Whether within your state or nationwide. Use this information to educate your local news media, to encourage research into your state either by investigative news outlets or by students.

Investigate whether your state has a "failure to protect" statute and whether non-violent women receive longer sentences than men who harm their children. Work to remove these statutes and practices from your state. Investigate and work to implement practices like the Safe & Together Model.

Please contact us with your findings. We would love to hear from someone from every state.

## **General Information on Family Courts**

A clearinghouse of materials the committee has compiled can be found on the NOW Foundation website at this link, <http://now.org/now-foundation/crisis-in-family-courts/>. Resources | National Organization for Women (now.org) There are additional materials at the Chapters-only website on the NOW Inc. website.

The Family Law Advisory Committee's Brochure the Family Courts (Updated 2021) is available here: <https://now.org/wp-content/uploads/2021/07/NOW-Family-Law-Committee-Brochure-2021.pdf>

**To reach the Family Law Committee, please email: [famlaw@now.org](mailto:famlaw@now.org)**