



The intersection of safety concerns, domestic violence, and child support

Presenters

- Francine Mocchi, Assistant Anoka County Attorney, Family Law Division Chief
- Johanna Klinkner, Manager of Community Advocates, Anna Marie's Alliance
- Melissa Froehle, Staff Attorney, Child Support Division/DHS



Agenda



- Francine – focus on safety concerns and confidential address – current challenges
- Johanna – understanding domestic violence and how it may present in your work, how to respond & resources
- Melissa – bigger picture - federal & state role and a road map on where we are heading

Caution – In consideration of our audience members...



- You or someone you love may have experienced abuse
- Supporting families who have experienced domestic violence is essential to a successful child support program
- But this is hard stuff – we recognize and support audience members in taking care of themselves if they need to take a break during this presentation
- Advocates from Anna Marie's Alliance will be available during the presentation and after if anyone wants to talk
- SELF CARE!





Safety concern challenges in the electronic world of child support

Francine Mocchi, Assistant Anoka County Attorney & Family Law
Division Chief

Three takeaways

- Increased domestic violence awareness in child support cases
- Increased knowledge and understanding about statutes, rules and responsibilities the public authority has
- Awareness of the impact E-filing has in child support cases
 - Electronic records has increased accessibility
 - Courts relooked at public access and their legal ability to keep addresses confidential – new interpretation – more on later slides
 - Considerations in handling the challenges it presents

Basic review: Safety Concern indicator



- Required by federal and state law
 - 1996 PRWORA –State child support programs and Federal Parent Locator Service (FPLS) - "no information shall be disclosed to any person if the State has notified the Secretary that the State has reasonable evidence of domestic violence or child abuse and the disclosure of such information could be harmful to the parent or the child of such parent"
- Privacy: Protecting the privacy rights of persons involved in title IV-D child support cases
- Safety: The provisions of sections 453(b)(2) and 454(26) of the Social Security Act were intended to protect victims of domestic violence or child abuse

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If Safety Concern Is Marked Yes... affects two primary areas



- 1) It prevents the disclosure of information through the Federal Case Registry
 - the indicator stops the flow of ALL information from the Federal Parent Locator Service (FPLS) to ALL states, even the state that set the indicator;
 - this impacts ability to locate a person, find income and assets

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Protects address/location information from being released in court actions



2) Prevents the party's address from appearing in certain PRISM generated documents – when going to court for legal actions on the case

- To keep other location information confidential, the Child Support Officer must omit or redact information from certain legal documents, e.g. Affidavit of Service by Mail, wage verifications, child care verifications, etc.

V4FKGR01 PRISM In:PWQ081 via Q0D3 UN10 12:21
 06/08/10 Good Cause Safety Concerns
 *Action (A,B,C,D,M,N,P): _
 Case: 0000000702 01
 Case: 0000000702 01 Worker: 123ACC01 Stat: OPN
 CP Name: CANDLE, SALLY A. Prog: NPA
 NCP Name: CANDLE, WILLIAM A. IntSt: I File Loc.

Effective Date: _____

Safety Concerns	Current Protection Status
CP (Y/N): Y	Source: CP Concerns Eff: 01/01/XX
NCP (Y/N): N	Source:

IV-D Cooperation Code: Y
 Good Cause Code: NC NOT CLAIMED
 Good Cause Source: MAX MAXIS Cnty: AITKIN

Comments:
 SALLY IS CONCERNED IF BILL KNOWS WHERE SHE WORKS HE'LL START HARRASSING HER AT WORK AGAIN.

Direct Command: _____ (GCSC)
 F1=Help, F2=Quit, F3=Retrn, F4=Prev, F13=Trbl, F18=Main, F19=Glob, F20=Audit



Who moved my cheese?



- Counties have navigated the safety flag/domestic violence issues in a variety of ways
- Most counties found a way that worked for them...kind of...
 - Pitfalls
 - Problems
- Key Point: Due to centralization of state court administration and E-filing and E-records, ability to have local practices will likely go away



Legal Review



Backdrop:

Federal law (requiring safety indicator and also good cause option)

- Minnesota Statutes
- Minnesota Rules
- Court Rules

Minn. Stat. § 518A.46



Subd. 3. Contents of pleadings.

(a) In cases involving establishment or modification of a child support order, the initiating party shall include the following information, if known, in the pleadings:

(1) names, addresses, and dates of birth of the parties;....

Minn. Stat. § 256.87



Subd. 8. Disclosure Prohibited.

- Notwithstanding statutory or other authorization for the public authority to release private data on the **location** of a party to the action, information on the location of one party may not be released to the other party by the public authority if:
 - (1) the public authority has knowledge that a **protective order** with respect to the other party has been entered; or
 - (2) the **public authority** has **reason to believe** that the release of the information may result in **physical or emotional harm** to the **other party**.

Minn. Stat. §§ 518.005 & 257.70



- Whether it is a Dissolution - 518.005, subd. 5, or
- Paternity - 257.70(b) or,
- Establishment case


There are similar prohibited disclosure requirements in these actions.

Notable POINTS IN STATUTE




- PROTECTIVE ORDERS WITH RESPECT TO THE OTHER PARTY
 - NOT WITH REGARD TO ANYBODY - THE OTHER PARTY
- PUBLIC AUTHORITY HAS TO HAVE REASON TO BELIEVE
 - DOES REQUIRE PUBLIC AUTHORITY TO HAVE A BASIS FOR IT
- EMOTIONAL OR PHYSICAL HARM TO THE OTHER PARTY
 - NOT HARM TO NON-PARTIES OR CONCERNS ABOUT PARENTING
 - NOTE: Federal regulation and state policy is harm to the other party or child
- LOCATION – THINK LOCATION
 - DATA ON LOCATION – RESIDENCE, EMPLOYMENT, CHILD CARE

BUT...



DHS SAYS




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DHS SIR says...

TOPIC: SAFETY CONCERNS
SECTION: GOOD CAUSE SAFETY CONCERNS (GCSC) SCREEN

If a participant indicates there is a safety concern with the release of their address and other identifying information, immediately enter 'Y' in the 'Safety Concerns' field on the Good Cause Safety Concerns (GCSC) screen.

Note: Coding 'Y' on the GCSC screen for safety concerns prevents location information from printing on some, but not all, PRISM generated documents. A Child Support Officer (CSO) must omit or redact location information from legal documents, e.g., Affidavit of Service by Mail, and other documents submitted in a legal action, e.g., wage verifications.



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Do not include the residence, mail, or work address of a party in any document, including federal interstate forms, and do not release any location information if any of the following apply:

- The party has requested a nondisclosure order. See the Intergovernmental section of this topic for more information.
- An order for protection exists from Minnesota, another state, or an Indian tribe.
- Good Cause is pending or granted.
- Either party expresses a safety concern.
- The M-D agency has reason to believe release of locate information may result in physical or emotional harm to the party or to the child(ren).
- The party is a current participant in the Minnesota Safe at Home program.

AND THEN AGAIN...
COURT SAYS...



Statute v. court rules v. data



Rule 104 Civil Cover Sheet & Cert of Representation and Parties

If the case is a family case or a civil case listed in Rule 111.01 of this rule, the name, postal address, email address, and telephone number of all counsel and self-represented litigants, if known, in a Certificate of Representation and Parties....

Rule 370.02 Content of Summons, Complaint, Supporting Affidavit...

If there is a reason to believe that domestic violence exists or if an order for protection has been issued, the party may provide an alternative address and telephone number....

Court Requirements



- Court records – open system
- Court centralization / staff standardization
- Rules require address information for parties to be provided
- Consequences if not provided – parties may not get orders or notice of hearings

Rule 13 – parties may be waiving service



Minnesota General Rule of Practice

Rule 13. Requirement to Provide Notice of Current Address

Rule 13.01 Duty to Provide Notice

- In all actions, it is the responsibility of the parties, or their counsel of record, to provide notice to all other parties and to the court administrator of their current address for delivery of notices, orders, and other documents in the case. Where a party or a party's attorney has provided an e-mail address for the purpose of allowing service or filing, this rule also requires that the party advise the court and all parties of any change in that e-mail address. Failure to provide this notice constitutes waiver of the right to notice until a current address is provided.

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COMPETING ISSUES – COMPETING INTERESTS



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Safety indicators – issues and options

- Safe at Home program
 - PO BOX/Lot# for all addresses for all purposes
- Other options – Good Cause (PA cases) or Case Closure (NPA)
- County doesn't release address based on statutory obligations for safety concern cases
- Other options
 - Alternative address (family or friend, e.g.)
 - Could be a regular PO Box but these may be cost-prohibitive



Changing the way we think about safety

- Following statutory requirements.
- Making safety an ongoing conversation for the life of the case.



Know your county process



- Increased risk of location information being disclosed
- Not including addresses as a blanket policy doesn't comply with legal requirements and has downsides – don't avoid the safety discussion
- Courts have own requirements to navigate
- Risk to parties – notice issues
- Awareness – understand it is an ongoing issue – needs to be reviewed through out the case – but especially at the time of legal actions

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Anoka approach

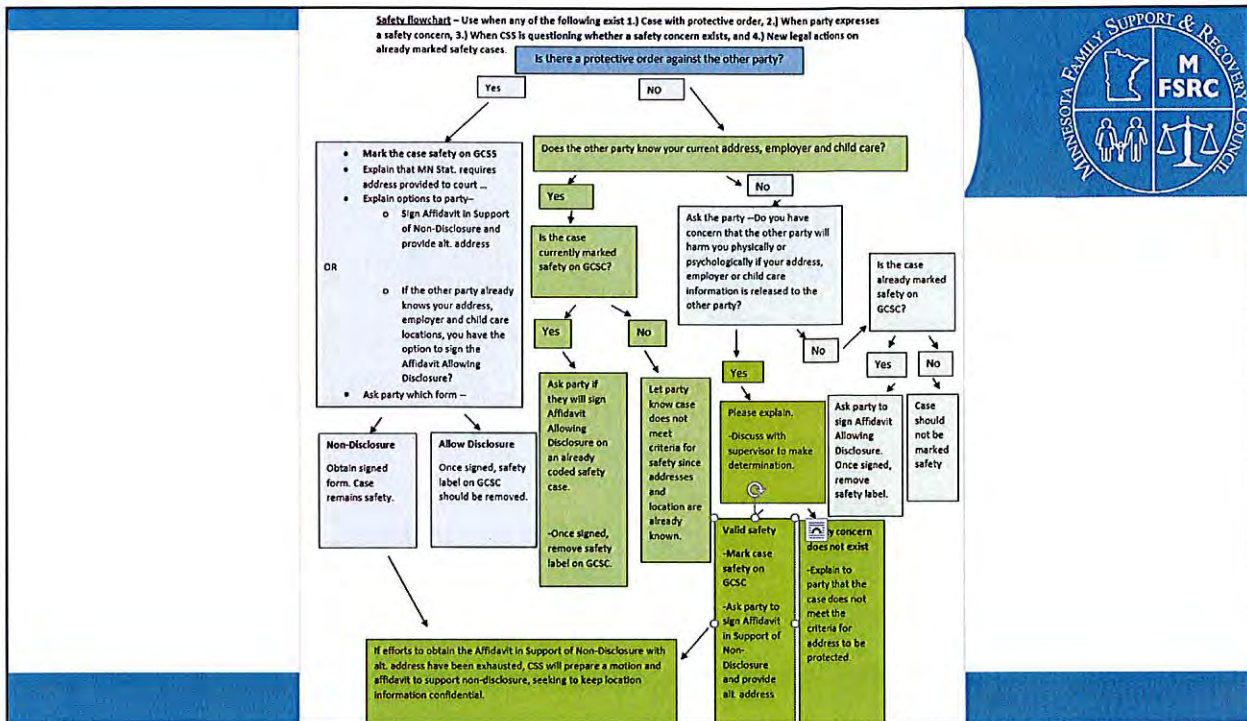


- Training – goal is to make it annual
- Make it an ongoing conversation through life of the case
- Trying to safely balance the competing interests
- Not suggesting Anoka's way is the right or best solution – we are sharing our approach
- Check back at your county and/or court administration

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Protective orders specifically

256.87, Subd. 8. Disclosure Prohibited.

- Notwithstanding statutory or other authorization for the public authority to release private data on the location of a party to the action, information on the location of one party may not be released to the other party by the public authority if:
- (1) the public authority has knowledge that a **protective order** with respect to the other party has been **entered**;
 - What does "entered" mean?
 - What orders are we looking for? How deep should we look? Don't ask/don't tell? What's our duty?
 - What about expired orders? 5 years ago or 5 months ago? Does it matter?

IN ANOKA

- We are searching court records on all cases
- If protective order was entered – it must be marked as safety concern yes absent authorization from the other party
- NOTE: IF an OFP is loaded as a court order on the SUOD screen on PRISM (gets loaded as a “DAB” court order), PRISM is programmed to automatically changed the safety concern indicator to Yes
- Protective orders are:
 - DANCO – (DOMESTIC ABUSE NO CONTACT ORDER)
 - ORDER(S) FOR PROTECTION
 - HARASSMENT/RESTRAINING ORDER(S)



If there is not a protective order

- Statute Requires a basis to protect location information – Need reason to believe – support request
- Court Rules require location information for parties - not be withheld unless there is statutory basis
- Parties are required to cooperate to receive services so we must balance court rules and their safety but ultimately need cooperation
- If no alternative address or order - risk for not getting notice of hearings and orders from the court.
- If we have reason to believe there is risk of harm to the party if location information is provided and no alternative address is available – may need to seek order from the court in order to protect the location information and/or we would become responsible for serving them with documents.



Making changes to safety concern indicators



- Authorization to **disclose** location information can be provided by the protected person when the other party knows the location information or may no longer have conflict with each other and no longer have a need to protect their location information
- Anoka uses an Affidavit Allowing Disclosure that the protected party can sign
- We have to recognize that parties' safety concerns can change – keeping the safety indicator yes for the life of the case has pitfalls (notice issues, for example)

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State policy to change safety indicator from Yes to No – need written form



- If a participant indicates they no longer have a safety concern after a CSO has entered 'Y' in the 'Safety Concerns' field on the GCSC screen, the CSO updates that field only after all of the following apply:
 - The CSO sent document F0446 - CHANGE IN SAFETY CONCERNS STATUS to the party.
 - The party has signed and returned the F0446 document.
 - The CSO has added the appropriate activity to the CAAD screen:
 - L8006 - RELEASE OF SAFETY CONCERNS FORM SIGNED - CP
 - L8007 - RELEASE OF SAFETY CONCERNS FORM SIGNED - NCP

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State policy cont.



- The participant cannot complete the F0446 form if any of the following apply:

- Good Cause is either pending or granted.
- There is an active order for protection.
- There is an active nondisclosure order.

*Note: Anoka uses the Affidavit of Disclosure even with active OFPs or nondisclosure orders, when the other party already knows the address.

- Note: Only use the F0446 - CHANGE IN SAFETY CONCERNS STATUS form if the participant contacts the Child Support Agency to report they no longer have a safety concern. Do not generate this form because the order for protection expires or the participant does not request Good Cause.

Where do we go from here?



- Acknowledge Risk
- Ask the questions and focus on location information and statutory requirements
- Domestic Violence Awareness and Prevention
- We cannot avoid the fact that there are conflicting requirements for our cases
- DHS is looking at policy revision
- Courts are considering options



What should counties do now regarding addresses?



Questions?





Signs of Abuse

Johanna Klinkner,
Anna Marie's Alliance

Johanna Klinkner

- Manager of Community Advocates
- Anna Marie's Alliance
- 27 Years of DV Experience



Domestic Violence



It's about Power and Control

Abuse is not always physical

Threats

More Red Flags



OFP, HRO, DANCO

Not wanting to file for child support

Request a DV waiver



Victim signs

You may be a victim if:

- You have a poor self-image
- Put up with abuse behaviors
- Economically and emotionally dependent on the abuser
- Uncertain of your own needs
- Have low self-esteem
- Unrealistic belief you can change the abuser
- Feels powerless to stop the violence/abuse
- You believe jealousy is proof of love



Behaviors of Victims

Victims may:



Possible signs during a phone call or one-on-one meeting



- You're on the phone with the victim and you hear the abuser in the background telling her what to do, what to say, or making threats, or even sounds of possible physical violence (slaps, etc.)
- Client is scheduled to come into the office, and the abuser comes with them and insists on being part of the meeting
- Talking for her or for the other person
- Is very controlling of the conversation

Red flags during a meeting with both parents



- One parent trying to control the actions of the other parent or answer for the other parent
- Possible non-verbal signs of concern
- **Do not** ask with both parties present if they are comfortable being in the same meeting
 - this should be done ahead of time or asked separately
 - It's okay to tell clients you need to meet with them individually

Red flags for lethality



- Handout: Anna Marie's Alliance – Domestic Violence Lethality Screen for First Responders
- NOT suggesting that you fill out this form or ask these questions
- As you come across information about a client's answers to these questions, how does it impact your practice in child support:
 - To mark a case as a safety concern
 - To protect an address or use an alternative address
 - To provide information and referrals
 - To think about extra protections needed at court or at the office

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What do I do?



When someone discloses they are or have been a victim of domestic violence, what can you say?

- You are not alone
- It is not your fault
- There are resources available to help you
- LISTEN

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DV Resources Provide

- Information
- Referral
- Advocacy



Resources

- MN Safe at Home address confidentiality program
<https://sos.state.mn.us/safe-at-home/>
(brochures available at workshop)
- National Domestic Violence Hotline
 - <https://www.thehotline.org/>
 - 1-800-799-7233; 1-800-787-3224 (TTY); En Español
- Minnesota Coalition for Battered Women -
<https://www.mcbw.org/>
- Standpoint - <http://www.standpointmn.org/> (formerly known as the Battered Women's Legal Advocacy Project)
- www.lawhelpmn.org (fact sheets and links to Legal Services programs)
- For a more comprehensive list of resources, email Johanna (email at end of presentation) and she will send you a list



Questions?



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State Role – A road map

Melissa Froehle, Staff Attorney, Policy & Planning Unit,
Minnesota Child Support Division

State role in DV and Safety Concerns



- Computer system
 - Policy
 - Training
 - Working with partners, such as the Courts
 - Liaison to OCSE
 - Consistency across counties
- COMING ATTRACTION! **Convening Stakeholders to Improve DV Response**

Big picture: what the Feds say...



- Federal government has increasingly encouraged states to improve their response to domestic violence in the child support caseload
- IM15-02 from OCSE (Feb 2015)
 - <https://www.acf.hhs.gov/css/resource/safe-access-to-child-support-services-scope-of-the-issue>
- New research indicates prevalence of domestic violence in the child support caseload much higher than previously thought
- "Data highlights several critical issues for child support agencies' attention"

IM 15-02 - Main points



1. Underreporting of domestic violence in the child support system is significantly more prevalent than previously estimated.
 - one study found 37% by child age 3, this is more than 4x higher than the rate of Family Violence Indicator flags on CP cases in FCR
2. Many victims do not have a formal child support order and would like one.
 - one study found 90% would pursue if they could do so safely
3. Additional safeguards are needed for in-hospital voluntary paternity procedures.

Why? What's the link between child support and domestic violence?



- Financial instability is one of the primary reasons victims of domestic violence stay with or return to abusive partners
- Abuse may be the reason the relationship is breaking up and the CP is seeking financial assistance or child support
- Child support takes actions that can increase safety risks
- Yet/And: Child support's core purpose is to help with financial stability
- Providing safe child support services could help DV survivors leave or not return to abusers by improving financial stability and self-sufficiency

IM 15-02 – So now what?



- Feds are encouraging states to **review their domestic violence response** and **adopt best practices**
- Feds are able to provide **training** and **technical assistance**
- Feds have suggested **method/process** for improving state wide response to DV
 - IV-D program inventory and planning resource - https://www.acf.hhs.gov/sites/default/files/programs/css/enhancing_safe_access_inventory.pdf

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Best practices



Best Practice

- Establish and **maintain partnerships** with domestic violence service providers
- Provide **multiple opportunities in multiple ways to disclose** DV & safety concerns
- Develop **safe and confidential responses to DV disclosures and meaningful referrals** for expanded services

Current Status of Practice in MN

- None at state level; county level?
- Very few forms discuss; county level?
- Not discussed in state policy or training; county level?

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Best practices cont.



Best Practice

- Enhance **legal practice** to promote safety-informed establishment and enforcement of orders
- **Train all child support and judicial/administrative hearing staff** using DV curriculum tailored specific to child support process
- Expand **public education and outreach** about child support processes to promote informed, empowered decisions by victims

Current Status of Practice in MN

- State policy says little about this; county level?
- DV training not required of anyone in CS; county level? Judicial officers?
- No state outreach currently; county level?

August 2019 – Model Procedures for DV cases



- <https://www.acf.hhs.gov/css/resource/model-procedures-for-domestic-violence-cases>
- Looks at processing cases with previous good case closure
- Recommended family violence indicator (safety concern) practices
- Recommended practices for protecting address and personal contact information in medical notices etc.
- ****One-page Domestic Violence Expert-Informed Model Screening Questions and Practices****

OCSE Model Screening Questions (handout)



Sample Script for CSO:

We take the safety of families receiving child support services seriously, and we can modify some of our processes to help with safety concerns. Here are a few questions we ask everybody getting our services to provide the right mix of services...

- Best Practice: Universal Notification to all parties
- Best Practice: Telling clients WHY we are asking and educating them about WHAT we can do

Important questions



- Sometimes parents meet with us in the office or at court when we are trying to resolve issues related to your case. **Do you have any safety concerns about meeting together with the other parent at our office?**
- We don't routinely share address or contact information for either parent, but that information may appear on court documents or orders. **Would you be concerned if the other parent knew your address or how to contact you?**

Minnesota's next steps



- Statewide DV plan – starting process
- 3 Rs:
 - **Recognize** – improve the ability to recognize domestic violence and safety concerns
 - **Respond** - required and best practices
 - **Refer** – to services / supports /resources

A road map



Current state: Largely based on compliance; protecting address; not interwoven throughout the case; vague or unclear what qualifies as safety concern; competing interests

Improvements
CSD is revising the questions in the NPA application that ask about safety concerns (coming in spring 2020)

Training 2020
Planning to bring OCSE training and resources to Minnesota

Goal is to convene a **stakeholder group in 2020** to do a comprehensive statewide DV Plan

Recognizing Complex Issues
State/MCAA
County/SCAO
workgroup on confidential address issue



Laying the Ground Work
2019 CSD Internal Domestic Violence Work plan Group – Assessing “what-is”, identifying gaps, opportunities, resources

2020 – 2021 Revising policies, procedures, forms & improving interactions with clients to reduce risk & improve safe access to child support
Implementing Best Practices!

What can you do now?



- Learn more about DV resources in your area and/or hotline numbers – provide information and referral
- Child support officers have power to empower clients
- Incorporate changes in how you ask about safety concerns (OCSE handout, for example)
- Explain all options for addresses and safety to party and be aware of heightened safety risks (e.g. OFP; lethality)
- Bring this issue back to your county to make sure others are aware – organize a discussion or “lunch and learn”
- Child support workers (anyone) can ALSO call hotline numbers and can get anonymous or confidential help if they are struggling with these issues or how to help clients (vicarious trauma)

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Questions?



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10-minute table discussion



- What are the current practices around these topics where you work?
- What do you see as things you or your work place is currently doing well or starting to do well in this area?
- What areas of opportunity do you see?
- What help/assistance do you need to improve in this area?
- What concerns do you have about an enhanced domestic violence response?

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4. DOMESTIC VIOLENCE LETHALITY SCREEN FOR FIRST RESPONDERS



Officer:	Date:	Case #:
County of Assault:	Arresting Agency:	
Victim:	Offender:	
<i>Check here if victim did not answer any of the questions.</i>		
> A "Yes" response to any of Questions # 1-3 automatically triggers the protocol referral.		
1. Has he/she ever used a weapon against you or threatened you with a weapon?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Answered	
2. Has he/she threatened to kill you or your children?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Answered	
3. Do you think he/she might try to kill you?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Answered	
> Negative responses to Questions # 1-3, but positive responses to at least four of Questions # 4-11, trigger the protocol referral.		
4. Does he/she have a gun or can he/she get one easily?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Answered	
5. Has he/she ever tried to choke you?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Answered	
6. Is he/she violently or constantly jealous or does he/she control most of your daily activities?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Answered	
7. Have you left him/her or separated after living together or being married?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Answered	
8. Is he/she unemployed?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Answered	
9. Has he/she ever tried to kill himself/herself?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Answered	
10. Do you have a child that he/she knows is not his/hers?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Answered	
11. Does he/she follow or spy on you or leave threatening messages?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Answered	
12. Has he/she ever forced you to have sex when you did not wish to do so?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Answered	
> An officer may trigger the protocol referral, if not already triggered above, as a result of the victim's response to the below question, or whenever the officer believes the victim is in a potentially lethal situation.		
Is there anything else that worries you about your safety? (if "yes") What worries you?		
Check one:	<input type="checkbox"/> Victim screened in according to the protocol. <input type="checkbox"/> Victim screened in based on the belief of officer. <input type="checkbox"/> Victim did not screen in	
If victim screened in: After advising her/him of a high danger assessment, did the victim speak with the hotline counselor?		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Answered

Note: The questions above and the criteria for determining the level of risk a person faces is based on the best available research on factors associated with lethal violence by a current or former intimate partner. However, each situation may present unique factors that influence risk or lethal violence that are not captured by this screen. Although most victims who screen "positive" or "high danger" would not be expected to be killed, these victims face much higher risk than that of other victims of intimate partner violence.

Safe Access to Child Support Services: Scope of the Issue

IM-15-02

Published: October 21, 2015

INFORMATION MEMORANDUM

IM-15-02

DATE: October 21, 2015

TO: State and Tribal Agencies Administering Child Support Enforcement Plans under Title IV-D of the Social Security Act and Other Interested Parties

SUBJECT: Safe Access to Child Support Services: Scope of the Issue

ATTACHMENT: Enhancing Safe Access to Child Support Services: IV-D Program Inventory and Planning Resource

(https://www.acf.hhs.gov/sites/default/files/programs/css/enhancing_safe_access_inventory.pdf)

INFORMATION:

The existence of domestic violence in the child support caseload has been acknowledged as a given for decades, but until recently, scant research has been conducted on the incidence of domestic violence between parties in the child support system. The Child and Family Research Partnership (CFRP) at the University of Texas conducted the first large-scale study to gather information on domestic violence, paternity, and child support participation. The CFRP study was based on a representative sample of approximately 1,200 mothers and 300 fathers with a non-marital birth in the state of Texas. The sample was split between parents surveyed three months after their child's birth and a sample of parents three years after their child's birth.

For the first time, child support program administrators have data specific to domestic violence experienced by custodial parents in the IV-D program and the data highlights several critical issue areas for child support agencies' attention. Unless otherwise noted, all research reference comes from CFRP and can be found at: <http://www.childandfamilyresearch.org>

(<http://www.childandfamilyresearch.org>).

- 1. Underreporting of domestic violence in the child support system is significantly more prevalent than previously estimated.** Thirty-seven percent of custodial parents with formal child support orders in the CFRP Paternity Study reported domestic violence by the time their child was 3 years old - a rate more than four times greater than the rate of family violence indicator (FVI) flags on custodial parents in the Federal Case Registry (FCR). The rate of custodial parent FVI flags on the FCR is 8 percent.
- 2. Many victims do not have a formal child support order and would like one.** Almost half of mothers (43 percent) who do not have a formal child support order and who are not receiving any informal support three years after their child was born report domestic violence with the father of their child. Previous research reported that 90 percent of domestic violence victims would pursue child support if they could do so safely . The high rates of domestic violence among mothers who are not in the system may be attributable to uncertainty about protections available or fears about lack of protections within the child support system, fears about losing custody or their abuser being granted visitation that does not include safety measures (e.g, supervision, neutral exchange), and the potential for further violence from the father related to pursuing child support.
- 3. Additional safeguards are needed for in-hospital voluntary paternity procedures.** Nearly one in ten unmarried mothers completing a voluntary paternity acknowledgment at the hospital report being injured by the father during pregnancy. When expanded to include being put at risk of physical or emotional harm, approximately one in five unmarried mothers experienced relationship violence from the father of their child. Among the 20 percent of unmarried fathers who are abusive, half come to the hospital for the birth of their child, and 85 percent of those fathers execute a voluntary paternity acknowledgment with the mother. Medical clinicians perform regular domestic violence screening as part of pre- and post-natal care but those screening activities do not appear to carry over into medical records practices and the potential for coerced “voluntary” completions of paternity acknowledgments.

One of the primary reasons that victims either stay with their abuser or return to their abuser after leaving is the lack of financial resources to live independently. The core purpose of the child support program, ensuring families receive consistent and reliable support, is ideally aligned to promote victims’ ability to safely leave violent relationships and establish safe, independent living situations for themselves and their children. When victims do not know what protections are available to them in the child support process, victims go without critical financial support. Not only can consistent financial support help victims leave an abusive relationship, but knowledge of the dynamics of domestic violence can help child support

professionals understand customers, lead to improved case processing, and increase safety for parents and staff.

A short list of best practices for enhancing safe access to child support includes:

- establishing and maintaining partnerships with domestic violence service providers;
- providing multiple opportunities using multiple modalities to promote disclosure of domestic violence and related safety concerns;
- developing safe and confidential responses to domestic violence disclosures and meaningful referrals for expanded services;
- enhancing legal practices to promote safety-informed establishment and enforcement of orders;
- training for all child support and judicial/administrative hearings staff using domestic violence training curriculum specifically tailored to the child support process; and
- expanding public education and outreach about child support processes to promote informed, empowered decisions by victims.

There is no “one size fits all” plan that works in every setting, and as such, states, local, and tribal child support agencies have flexibility in crafting a domestic violence plan that is appropriate for their unique legal and administrative settings. OCSE’s **“Enhancing Safe Access to Child Support Services: IV-D Program Inventory and Planning Resource** (https://www.acf.hhs.gov/sites/default/files/programs/css/enhancing_safe_access_inventory.pdf)” is designed to be a logical, practical first step in developing a comprehensive domestic violence plan. States have previously crafted practices on the placement and removal of a Family Violence Indicator (FVI). But FVI policies should not be viewed as a complete domestic violence policy or plan. A domestic violence plan explains the child support agency’s overall approach to identifying and responding to domestic violence at various stages of case processing.

INQUIRIES: Please contact Senior Program Specialist, Michael Hayes at Michael.hayes@acf.hhs.gov

Vicki Turetsky
Commissioner
Office of Child Support Enforcement

DOWNLOAD

Enhancing Safe Access to Child Support Services (https://www.acf.hhs.gov/sites/default/files/programs/css/enhancing_safe_access_inventory.pdf)
(198.88 KB)

Last Reviewed: August 9, 2019

ENHANCING SAFE ACCESS TO CHILD SUPPORT IV-D Program Inventory and Planning Resource

Many state, local, and tribal child support programs have implemented a range of policy and procedural safeguards to address concerns survivors of domestic violence (DV) have about seeking child support services. As these practices are implemented on a daily basis, they evolve with time, changes in personnel, feedback from stakeholders, and identification of gaps in knowledge or resources to respond effectively to survivor concerns.

Conducting an inventory of current program policies and practices provides a structured way for child support agencies to reflect on current efforts to create safe access to child support services and identify areas needing attention or improvement. For jurisdictions that are starting to develop DV policies and procedures, the inventory can help guide and focus stakeholder resources and attention and identify actionable, incremental steps to reach long-term goals of increased survivor safety.

First Steps: Some child support agencies have ongoing, active collaborations with local, regional, or state DV experts and can call upon those partners to participate in conducting (and customizing) the attached program inventory. In those jurisdictions where a formal partnership is yet to be developed, establishing this collaboration is a critical first step in the process to enhance safe access to child support services and encourage survivors to seek services in the first place.

Establishing DV Partnerships: Identify and invite local and state DV coalitions, providers, and experts to participate in an ongoing partnership to enhance safe access to child support services. Staff in the Division of Program Innovation at OCSE, the Family Violence Prevention Services Program in the Administration for Children and Families, and the National Resource Center on Domestic Violence can help identify programs and experts in your jurisdiction (contact information is provided below). The invitation to this meeting sets the stage for beginning or enhancing the child support agency's long-term commitment to:

- assess current practices,
- identify policy and procedures that need to be revised or newly developed,
- build capacity of the program to provide safe and effective child support services to survivors,
- create clear avenues for receiving and responding to feedback from victims and DV advocates on agency practices, and
- connect child support's efforts to secure financial and emotional support for children to the economic justice work of the DV community.

The first meeting needs to include DV and child support agency leadership as well as any program-level staff that will ultimately take a lead role in ongoing implementation. The participation of the IV-D Director, chief legal/policy director, operations director, or comparable executive staff will help reflect the serious commitment being made. It's also helpful to have field office management and training department staff represented as background for the ongoing work in which they will be involved.

Prior to this first meeting, identify an agency "lead" for the collaboration to function as the point of contact for ongoing communication and to facilitate meetings, prepare materials, and ensure follow-up on action items. The project lead needs to be recognized as an agency leader and have adequate decision-making authority.

The format for the first meeting should allow IV-D leadership to express their goals/hopes for a long-term collaboration and to hear from DV advocates about the child support issues facing survivors.

It is critical that IV-D leadership and meeting attendees recognize that, just like child support workers are not experts on domestic violence programs and services, most DV advocates have limited knowledge of the IV-D child support program and much of the information they have comes from what has been portrayed to them by survivors. Providing a brief "primer" or overview of the IV-D program and processes either before the first meeting or as part of the first meeting may be helpful to establish a baseline understanding of program requirements and functions. It may also be helpful for the DV leadership to provide the child support staff with a brief "primer" on DV and DV program services.

While a neutral/outside facilitator might be helpful for this first meeting, it is not necessary as long as the meeting facilitator is not entrenched in promoting or defending current practices. A key goal should be to determine what actions/changes are most urgently needed from the DV leadership perspective and develop concrete action steps.

A sample agenda might include:

- Introductions with some sharing of why safe access to child support is important to the attendees
- Background/purpose of establishing an ongoing collaboration (IV-D director)
- Child support/DV overviews (if needed)
- Identification of the "big/urgent issues" from an advocates' perspective
- Develop a set of action items/tasks – assigning responsibility for completion
- Discussion of constraining/limiting factors
- Identify additional stakeholders needed/desired
- Establish a timeline and next steps, including regular meetings (it can be helpful to alternate meeting location - DV coalition/program office and child support offices)
- Identify how feedback from child support staff, DV staff, and survivors will be collected as policy and program actions are implemented

IV-D Program Inventory and Planning Resource

The following inventory is one resource that could be used by child support staff and DV advocates to identify areas where practice or policy needs to be changed or new procedures or services developed. It should not take priority over urgent issues identified by DV leadership, but may help establish a common understanding of "where we're at currently."

This tool can be reviewed as a template with additional elements added at the first meeting. Then assign a team of child support and DV experts to complete it and report back to a leadership team of child support and DV program executive staff. Reporting back to the leadership team on needs identified, actions taken, and feedback from child support staff, DV advocates, and victims is essential for promoting accountability and maintaining the momentum for organizational change.

For information on additional DV resources, state and local DV program contact information, or additional guidance and support using this program inventory, please contact:

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Inventory of current policies and practices to promote safe access to child support services

- a) **Screening for and promoting disclosure of domestic violence**
- i. What is the current approach to identifying domestic/family violence issues for parents?
 - ii. Are there any questions on applications or intake documents related to domestic violence? Do staff ask questions about safety to promote verbal disclosure, or only provide opportunities for written disclosure?
 - iii. Are those questions focused on specific behaviors (e.g. "have you ever been injured by the other parent," instead of "are you a victim of domestic violence")?
 - iv. Are questions about DV asked in a safe and secure place? Are parents given the opportunity to answer questions about DV away from their children and the other party?
 - v. How do mandatory laws related to reporting child abuse apply and how are parents informed about those?
 - vi. Is there context given for the reasons behind asking questions about DV and how information will be used (e.g. would they have any reason not to feel safe giving information about the other parent in court)? Do parents know how the answer to family violence questions might influence their case?
 - vii. Does the child support agency have an electronic interface with the protective order registry? Or with a criminal justice database to match cases with protective orders or criminal domestic violence charges? How will child support staff deal with parents who have a protective order against them?
 - viii. Is information about steps to make pursuing child support safely distributed to all parties at multiple points in the child support process? Do appointment notices/court reminders include information about safety?
 - ix. Are easy-to-understand forms provided to parents for documentation of DV? Have parents provided feedback on those forms and their ease of use?
 - x. Do staff have guidance and protocol for follow-up screening interactions cause staff to have concerns but there was no disclosure of domestic violence?
 - xi. Has staff completed training on the dynamics of family violence and how to promote disclosure and respond effectively?
 - xii. Are there posters and brochures displayed in child support offices about safe access to child support? Information on the child support website?
 - xiii. Do all staff with parent contact know about local DV resources and how to make referrals to those resources? What about referrals for services for perpetrators?

- xiv. Do staff have clear guidelines/plans of action for how to respond to different types of disclosure, e.g. immediate crisis, children's safety, address confidentiality needs?
- xv. Are there other stakeholders that impact this process? (e.g., what are the screening processes at "sister" agencies?) Does the agency determining good cause need to be consulted?
- xvi. Are there resources to address the custodial parent's concerns for child custody, visitation and exchanges? How are these shared?

Action planning for this section:

- What needs attention?
- Who will take the lead on developing the action plan for this section?
- Who else needs to be involved in addressing needed improvements for screening and disclosure?
- What is the timeframe for actions needed?
- Are there any urgent changes needed — and what are they?

b) Family Violence Indicator (FVI) policy and procedures

- i. What is the purpose of the FVI?
- ii. How do parents learn about the FVI?
- iii. What steps must a parent take for an FVI to be placed on their case? Documents required?
- iv. Who does the FVI flag (victim, child of victim, other party to case)?
- v. What information is shared with person flagged with the FVI as to its impact?
- vi. How and when is the FVI designation reviewed?
- vii. What steps must be taken for the FVI to be removed?
- viii. Are there other stakeholders in this process (e.g. do judges have a stake? other agencies?) and who are they?

Action planning for this section:

- What needs attention from this section of the inventory?
- Who will take the lead on developing the action plan for this section?
- Who else needs to be involved in addressing needed improvements for the FVI?
- What is the timeframe for actions needed for this section?
- Are there any urgent changes needed — and what are they?

c) Specialized case management for cases with disclosure

- i. Is the FVI the only flag to identify a case as a DV case on your automated system? How does a case flagged for DV show up on the system?
- ii. Are court/hearings files and docket lists specially marked to indicate which cases have DV?
- iii. Are DV cases assigned to specific or specialized caseworkers?
- iv. What kinds of adjustments are made when working on DV cases, (e.g., do staff contact the parent who has disclosed DV prior to sending notices to the other party)?
- v. What safety options are available to victims for in-office meetings?
- vi. Does staff proactively offer prevention strategies for victims as part of case management (e.g. telephonic hearings, safety informed enforcement actions, address confidentiality programs)?
- vii. What procedures are in place for responding to a victim who is receiving assistance and didn't claim good cause? Are second chances for good cause offered? Are there case processing deferrals available?
- viii. What protocols are in place to assess lethality and respond to high-risk situations?
- ix. Are there other stakeholders that need to be included in specialized case management (e.g. judicial officers and court staff, agency responsible for good cause determination, legal assistance for custody and visitation orders)?

Action planning for this section:

- What needs attention?
- Who will take the lead on developing the action plan for this section?
- Who else needs to be involved in addressing needed improvements for specialized case management?
- What is the timeframe for actions needed?
- Are there any urgent changes needed — and what are they?

d) Safety procedures for court/hearings/in-office conferences

- i. What safety options are offered to DV survivors at court/administrative hearings? Staggered entrance/exit? Escort in and out after court/hearings? Separate waiting areas? Presence of court security between parties?
- ii. Are DV survivors offered the opportunity to appear telephonically?
- iii. Must DV survivors appear at court on assistance cases?

- iv. Are advocates from local DV programs allowed to accompany victims? Are advocates encouraged to accompany victims in IV-D courts/administrative hearings?
- v. What training do child support judges/hearing officers have on DV?
- vi. What procedures are in place to ensure alleged perpetrators are treated fairly and given full due process?
- vii. If meetings are scheduled in child support offices, are both parents present and if so, are both made aware prior to the meeting that the other parent will be present and offered an opportunity to stagger meeting times?
- viii. What other stakeholders need to be involved in improving court/office safety (e.g. court security personnel, judges, hearing officers)?

Action planning for this section:

- What needs attention from this?
- Who will take the lead on developing the action plan?
- Who else needs to be involved in addressing court and office safety for survivors?
- What is the timeframe for actions needed?
- Are there any urgent changes needed – and what are they?

e) Training

- i. Do all child support staff with customer contact receive training on DV and child support? Who conducts that training? Is there a refresher course? Are these mandatory or optional trainings?
- ii. Is there additional training for legal staff on DV and trauma?
- iii. Does staff training include content on interacting with alleged batterers and how battering behavior might present in child support interactions?
- iv. Do child support outreach staff conduct training with DV advocates on the child support process to help advocates be navigators of the child support system for victims?
- v. Do all child support staff receive training on local DV resources and how to make referrals to those resources?
- vi. What other stakeholders need to be involved in DV training development and delivery (e.g., court administrative staff, legal aid providers, judicial training providers)?

Action planning for this section:

- What needs attention from this section of the inventory?
- Who will take the lead on developing the action plan for this section?
- Who else needs to be involved in addressing training development?
- What is the timeframe for actions needed for this section?
- Are there any urgent changes needed – and what are they?

f) Legal practice

- i. Is any specialized docket prep included for cases with DV (e.g., pre-court contact with parent to find out new information, discussion of what will happen in court and determine safety issues, reminder to bring documentation)?
- ii. Do child support staff attending court/administrative hearings know the impacts of trauma on DV victims and modify hearing practices to enable traumatized victims to offer testimony?
- iii. As representatives of the state, are legal teams aware of the state's goals for safe and workable orders?
- iv. Are legal staff trained on lethality assessments and are protocols in place to respond to high-risk situations?
- v. What other stakeholders need to be included to address safety informed legal practice in child support cases (e.g., policymakers to define state policy goals, family law bar, judiciary and court staff)?

Action planning for this section:

- What needs attention from this?
- Who will take the lead on developing the action plan?
- Who else needs to be involved in addressing safety informed legal practice?
- What is the timeframe for actions needed?
- Are there any urgent changes needed – and what are they?

g) Feedback and accountability

- i. Does the agency have a clearly described and widely communicated procedure for DV survivors and advocates to provide feedback on current practice as well as on new policies and procedures as they are implemented?
- ii. Is there a mechanism for elevating urgent safety/lethality feedback related to DV and child support actions so that it receives urgent attention?
- iii. Is there an opportunity for child support staff to provide feedback on policy/procedure changes and training?

IV-D Program Inventory and Planning Resource

- iv. Is there clear agency policy on how customer feedback is reviewed and used for policy and procedural accountability?
- v. Does the child support agency participate in lethality reviews of DV homicides that occur within its jurisdiction/caseload?

Action planning for this section:

- What needs attention from this?
- Who will take the lead on developing the action plan?
- Who else needs to be involved in addressing feedback and accountability?
- What is the timeframe for actions needed for this?
- Are there any urgent changes needed – and what are they?

Model Procedures for Domestic Violence Cases

IM-19-06

Published: August 21, 2019

INFORMATION MEMORANDUM

IM-19-06

DATE: August 21, 2019

TO: State and Tribal IV-D Agencies

SUBJECT: Model Procedures for Domestic Violence Cases

ATTACHMENT: Domestic Violence Expert-Informed Screening Practices and Questions.pdf

(https://www.acf.hhs.gov/sites/default/files/programs/css/dv_guidance_and_model_questions.pdf)

Financial instability is one of the primary reasons victims of domestic violence stay with or return to abusive partners. Approximately one in three custodial parents have experienced domestic violence with the other party on their case, and many victims who don't have a formal child support order would like one.¹ The core purpose of the child support program, ensuring families receive consistent and reliable support, is aligned with victims' ability to establish stable, violence free homes for themselves and their children. To effectively provide child support services to parents impacted by domestic violence, it is essential that child support agencies have domestic violence expert-informed screening and case management procedures in place.

OCSE has developed domestic violence technical assistance and training resources and provides comprehensive training to child support staff upon request. This IM provides guidance and model procedures that address challenges consistently identified by child support agency staff when processing cases that involve victims of domestic violence.

¹ Osborne, Cynthia et al. (2013). In-Hospital Acknowledgment of Paternity (AOP): A Portrait of Father Involvement and Support in the First Three Years after a Nonmarital Birth. Child and Family Research Partnership

Processing cases with previous good cause closure:

Should the agency take enforcement actions to collect state-owed arrears after good cause ;case closure?

If the child support agency has opened a child support case because the custodial parent receives TANF or Medicaid assistance and the agency determines during case work that there is good cause to close the case, it should terminate all enforcement actions immediately. This includes efforts to collect state owed arrears, as ongoing enforcement actions are likely to create additional risk of physical or emotional harm to the parent and/or child(ren). The only exception to this is if the child support agency successfully contacts the protected party, explains the enforcement actions planned by the agency, and receives assent from the protected party that the proposed enforcement actions are not likely to increase risk of physical or emotional harm to the parent or the child(ren). The child support agency should explain that the protected party has the option to request termination of enforcement actions at any time.

How should the agency process a new public assistance case referral for a parent that has previously had their case closed due to good cause?

In situations where a case has been closed for good cause, and the protected party subsequently applies for a form of public assistance that has a child support cooperation requirement, the IV-D agency should contact the protected party prior to opening the case to determine if it is now safe for the agency to establish or enforce a child support obligation. Additionally, the child support agency should consult with the referring agency, if possible, to assess any new information the referring agency may have received from the party. If the child support agency cannot successfully contact the parent to determine if the previous safety risks ;have been resolved, the agency should not reopen the case since it has reason to believe it is not safe to proceed with child support based on the previous good cause closure.

Recommended family violence indicator (FVI) practices:

Explain to case parties the family violence indicator and how it impacts child support case processing. The child support agency should identify any local court practices that might include requirements for address and other personal information disclosure. Child support agencies should, at a minimum, ask basic screening questions of both the applicant and the respondent. **Model screening questions** are included as an attachment to this IM.

Who receives a family violence indicator?

"A State should attach a family violence indicator to any person who is at risk of physical or emotional harm and should consider attaching a family violence indicator to any person residing with such a person where the disclosure of information could be used to locate the at risk person." (**OCSE-AT-98-27** (<https://www.acf.hhs.gov/css/resource/policy-responses-regarding-prwora->

family-violence-indicator) The family violence indicator should not be placed on all parties to the case, only the party(ies) needing protection.

What constitutes "reasonable evidence" and "reason to believe"?

"At a minimum, a State has reasonable evidence of domestic violence or child abuse when a protective order has been entered or the State has reason to believe that the release of information about an adult or child may result in physical or emotional harm to such adult or child. It is up to the State to establish standards or criteria as to when the release of information about an adult or child **may result in physical or emotional harm.**" (**OCSE-AT-98-27** (<https://www.acf.hhs.gov/css/resource/policy-responses-regarding-prwora-family-violence-indicator>) emphasis added)

- Family violence experts recommend that child support agencies reduce burdens placed on survivors by accepting any disclosure (verbal, written, administrative records match) of safety concerns as meeting the standard of reason to believe. The child support agency should gather additional information related to the initial disclosure to help determine if protections in addition to the FVI are needed to safely provide child support services.
- The child support agency should provide all recipients of FVI protections with a template form for making a sworn statement that the health, safety, or liberty of a party or a child would be unreasonably put at risk by the disclosure of identifying information for purposes of UIFSA. The agency should assist with completion of the form as needed. The sworn statement does not require a witness or a notary and may be self-certified by the party making the statement.

How should the child support agency determine if a protected party no longer needs the FVI?

- The child support agency should maintain the FVI on a protected party until that party notifies the child support agency that the protections are no longer needed. The FVI should not have an expiration date nor require renewal by the protected party. If the FVI is placed due to a parent having a civil or criminal protection from abuse or restraining order - the FVI protections should continue on regardless of a termination date associated with the civil or criminal protection order.
- Family violence experts recommend that child support agencies not send out notices to protected parties asking if they still need the FVI, since an abusive partner may intercept the victim's mail. This inadvertent disclosure of the FVI protections poses a risk. Instead, experts recommend using routine contacts with protected parties, by phone or in office, to remind them of the FVI protections currently on their case and offering to remove the FVI when a party no longer needs or wants that protection. The child support agency

should not limit the number of times an individual can ask to remove or to reinstate an FVI as risk for victims tends to change when there is a change in circumstance.

- The child support agency should review FVI status on an individual when that individual changes roles on a case. For instance, if a child was protected with the FVI because the parent with whom they were living needed the protection, and now that child is an adult and a parent on a different case, the child support agency should contact the former dependent who is now a parent as part of case processing to determine if the FVI is still needed.

Recommended practices for protecting address and personal contact information on medical support notices, insurance cards, and explanation of benefits notices:

Child support agencies should recognize that unintentional disclosure of a protected parent or child's address can occur when the noncustodial parent is ordered to provide healthcare coverage as part of their child support obligation. This may happen when the agency sends a medical support notice that includes a protected party's address to an employer for employer provided health insurance enrollment, when a noncustodial parent is providing health coverage on their own, or when a protected party and/or child receive healthcare services and the insurance company sends an explanation of benefits to the policyholder.

Since the FVI protects a party's address, that address should never be included in a medical support notice. The child support agency can use its own address, a vendor's address (if the agency uses a vendor for medical support notices) or an alternate address provided by the protected party for purposes of receiving insurance information and policy cards. The child support agency or its vendor is responsible for forwarding the insurance information and card to the protected parent when the agency or vendor address is used.

Protection of addresses on medical support notices is only the first step when it comes to victim safety in health insurance enforcement. Explanation of benefits notices are required under the ACA and frequently result in the disclosure of patients' sensitive information to the holders of the policies through which they are insured. This can expose the patients (victims) to danger, or deter them from seeking health care. Cash medical support payments and custodial parent provided health care coverage both provide the greatest possible safety and autonomy for victims of domestic violence.

Address confidentiality and protection of due process rights of the non-protected party:

The child support agency should review the court rules or rules of civil procedure in their jurisdiction and explain those practices to parties whose address is protected with the FVI.

Many jurisdictions will redact or seal the protected party's address from all public court documents and if the non-protected party needs to file service upon the protected party, the court clerk will accept the filing and execute service. Some jurisdictions will provide an alternate address or PO Box to a protected party for purposes of accepting service. The child support agency should confirm that local court practice provides adequate protections for cases flagged with the family violence indicator to ensure address information is not in the public court records. In jurisdictions where the court requires a filing for non-disclosure the child support agency should incorporate the non-disclosure filing into its initial filing as well as in any subsequent court filings as long as the parent has FVI protections.

INQUIRIES: Please contact Senior Programs Manager, Michael Hayes at michael.hayes@acf.hhs.gov

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Commissioner
Office of Child Support Enforcement

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Domestic Violence Expert-Informed Screening Practices and Questions.pdf
(https://www.acf.hhs.gov/sites/default/files/programs/css/dv_guidance_and_model_questions.pdf)
(1.06 MB)

Last Reviewed: August 29, 2019



Domestic Violence Expert-Informed Model Screening Questions and Practices

Background guidance on screening practices for caseworkers

- DV victims are frequently reluctant to share their history with strangers. It's critical to build trust through an interactive process that empowers a victim by respecting their self-knowledge and choices.
- DV victims, and their children, may have suffered trauma that can affect the victim's ability to process information and participate in the process.
- It's important to provide opportunities for the victim to share important information at all stages of the interview, and during subsequent contact points, to develop trust in the process and the case manager's supportive role.
- It's also essential to provide repeated opportunities to ask questions and receive information for a procedurally just and transparent process.
- Validate the importance of what is shared by the victim and support them as they disclose information.
- Respecting the victim's right to make choices for themselves and their children is a key strategy for engagement.
- Don't force disclosure – that should not be the goal. Instead, provide repeated opportunities for universal education on domestic violence and how the child support agency can enhance survivors' safety throughout the child support process.
- You will not be conducting a forensic type of interview. Our goal is to ask questions to get information on domestic violence or safety concerns to make this process safe for the victim and children, and to provide information, resources, and referrals, as appropriate to their situation.

Model Framing Language and Screening Questions

(Caseworkers: Below is a script of framing language and screening questions to use with both the applicant and the respondent.)

We take the safety of families receiving child support services seriously, and we can modify some of our processes to help with safety concerns. There are a few questions we ask everybody receiving our services to help us provide the right mix of services for your case. We don't share your answers to these questions with the other parent. We also know that things in relationships can change and so you can change your answers to these questions in the future.

- We usually have both parents come to our office for a conference to try and reach agreements on child support and parenting time. Do you have any safety concerns about meeting together with the other parent at our office?
- We don't routinely share address or contact information for either parent, but that information may appear on court documents or orders. Would you be concerned if the other parent knew your address or how to contact you?
- Do you have any reason not to feel safe giving information about the other parent or party in court?
- Do you have concerns about the other parent having parenting time with your children?
- Do you have concerns about contact with the other parent when exchanging the child(ren) for parenting time?
- Do you have or have you had any orders of protection that we should be aware of?
- We often work with parents who have experienced violence or are afraid of the other parent. I have information about resources that are available in our area. Would you like information about these resources?

(Caseworkers: If you are working with a specific advocate or staff person at a local domestic violence program, include the name and the role that person can play; for example, safety planning, counseling, connecting children to services, advocating for civil legal protections.)

