

**Santa Clara County Social Services Agency
Department of Family and Children's Services**

FAMILY VIOLENCE PREVENTION - BEST PRACTICE GUIDE

I. PURPOSE AND GUIDING PRINCIPLES

- A. The purpose of this practice guide is to provide guidance to Child Welfare staff managing child abuse / neglect cases where domestic violence is involved. In many respects the behavior patterns so prevalent in domestic violence originate from intergenerational cycles of family violence. It is a well-substantiated fact that children who witness or experience violence in the home frequently perpetuate that pattern into adulthood, either as the victim or as the perpetrator of family violence. For this reason, we view domestic violence in the context of family violence.
- B. The primary focus of DFCS intervention, in those instances where domestic violence occurs, is assessing the risk to the child and the protection of the child, including the development of a safety plan. The preferred way to protect children in most domestic violence cases is to assist the non-offending parent to develop a child / family safety plan and to hold the offender accountable. To do so requires working closely with battered women's advocates, the criminal justice system, and domestic violence offenders treatment programs.

II. DEFINITION

Family Violence is an attempt to establish power, control and fear in a relationship through the use of violence and other forms of abuse. The offender exerts control by using physical abuse, emotional abuse, sexual abuse, economic oppression, isolation, threats, intimidation, and maltreatment of the children. Relationships involving family violence may differ in terms of the severity of abuse, but power and control are the primary goals of all offenders.

III. FACTS YOU SHOULD KNOW

- A. Nationwide, domestic violence is the leading cause of injury to women between the ages of 15 and 44 - more than car accidents, muggings and rapes combined. More than three million children each year witness the brutal victimization of a parent at the hands of an intimate partner.
- B. An extremely high percentage of spousal assaults are committed by men against women. However, arrests of women involved in domestic violence disputes are rising, sometimes at even faster rates than men. A 1995 report by the Los Angeles police department indicated that 14.3% of domestic abuse arrests were of women, more than double the rate five years earlier. This escalation in the rate of women arrested in domestic violence situations can be misleading. To keep this fact in perspective, a proper assessment must determine who actually has the history or pattern of aggression / violence in the relationship. A female victim may be arrested for simply trying to defend herself from the aggressor. Domestic violence can also occur in gay and lesbian relationships.
- C. Women and children are often victims within the same family. Children who live in homes where domestic violence occurs are abused at a rate that is 15 times higher than the national average.
- D. Witnessing domestic violence is the single best predictor of juvenile delinquency and adult criminality. For example, the Rochester Youth Development Study (1988) examined the relationship between family violence and youth violence. In this study it was discovered that adolescents who had been direct victims of child maltreatment are more likely to report involvement in youth violence than non-maltreated subjects. Similarly, adolescents growing up in homes exhibiting partner violence, generalized hostility, or child maltreatment also have higher rates of self-reported violence. The highest rates were reported by youngsters

from multiple-violence families. In these families, over three-quarters of the adolescents self-reported violent behavior. In other words, children exposed to multiple forms of family violence report more than twice the rate of youth violence as those from nonviolent families.

- E. Further local studies reveal that in Santa Clara County, according to Santa Clara County's Domestic Violence Council for the year 1995, 33% of emergency room patients throughout the county were victims of domestic abuse. Also, in 1995 police records show there were 21 deaths in the county due to domestic violence.
- F. Additionally, a 1991 study of Santa Clara County and neighboring San Mateo County conducted by the Stanford Center for the Study of Families, Children and Youth, showed that considerably more than half of the shelter and street teens surveyed cited family violence as an issue. Their findings also suggest that there may also be a high correlation between family violence and the 56% of teenagers who were physically abused in their homes and the 38% of teenagers who were sexually abused in their homes. The study also concluded that family violence may be associated with the high percentage of teenagers involved in negative behaviors such as theft, gang activity, substance abuse, and violence against self and others
- G. Records of law enforcement agencies in Santa Clara County show that in 1995 there were 5,138 responses to domestic violence incidents. Compared to 1994 records, there was an increase of 16% from 1994 to 1995. In addition, records show that 683 Emergency Protection Orders were issued due to domestic violence in 1995, up from 258 issued in 1994 - a 62% increase in a year's time. There were also 2,169 Temporary Restraining Orders issued in 1995 that were attributed to domestic violence situations. Is domestic violence occurring more often or is law enforcement and the general public more aggressive in addressing this problem?

IV. PRACTICE APPLICATIONS FOR CHILD WELFARE SERVICES WHERE DOMESTIC VIOLENCE IS PRESENT OR SUSPECTED

- A. The priority of Child Welfare intervention is to provide for the safety of the child. The safety of the child is often best accomplished by ensuring the safety of the non-offending parent.
- B. The following are specific practice applications for Child Welfare Services social workers. These intervention strategies have been identified as crucial to achieving the primary goal of safety for children.
 - 1. Child protection laws and policies must be the organizing framework that guides all child welfare interventions and insures that the child's safety remains paramount.
 - 2. Even when a parent is identified as a victim of domestic violence, under no circumstances is violence against children to be condoned or ignored. Adult victims must understand how the decisions they make may place their child at risk and ultimately affect their possible placement outside the home.
 - 3. The presence of family violence should not be used as the sole basis for a child's removal from the home. Adult victims of family violence should be supported in their efforts to protect themselves and their children. However, the strength of the non-offending parent's ability to protect the child must be demonstrated.
 - 4. When there is family violence and it is determined that the non-offending parent is willing and capable of protecting the child, a safety plan must be developed with the adult victim and the child.
 - 5. The autonomy of the adult victim to decide one's own life and course of action must be respected. No adult victim of family violence should ever be encouraged to stay in an abusive or dangerous relationship, nor should they be forced to leave.

6. Where family violence has been identified but the child's safety can be reasonably assured, the relationship between the non-offending parent and her child should be supported and preserved. The non-offending parent should be supported in her efforts to protect herself and her child.
7. The social worker must inquire about the existence of domestic violence with every member of the household. This inquiry should be done in a confidential interview.
8. Social workers need to be aware of their own belief systems and understand that domestic violence cuts across cultures and family lifestyles including gay and lesbian families.
9. If the offending parent reveals information to the social worker about the existence of domestic violence, this information should be discussed with the non-offending victim, and a safety plan must be developed with the non-offending parent and child. This information should never be discussed while the offending parent is present.
10. Interventions that require discussions of the family violence with the offender and the non-offending parent present, such as couples counseling and mediation, should not be utilized or recommended by the social worker, as they can increase the danger to the non-offending parent and child.
11. Child Welfare workers should work collaboratively with domestic violence advocates, domestic violence offenders treatment programs, health services providers, and the criminal justice system to both increase the safety of the non-offending victim and the child and hold the offender accountable for the violence. Two protocols have been developed in our county that facilitate the exchange of information and the coordination of a family safety plan when there is a probation officer involved. Contact that probation officer, and integrate your service plan with the probation officer's own monitoring program. (See appendix C for a copy of the protocol.)
12. In addition to advocating for the use of criminal sanctions, in order to hold the offender accountable for the violence, social workers must be knowledgeable of local batterer intervention services and should make referrals when appropriate. The social worker must coordinate the development of a family risk / safety plan with the Adult Probation Department as well.
13. Social workers must be knowledgeable of existing state domestic and stalking laws and use the laws as a resource to provide protection to the non-offending parent and child. For example, the recent enactment of AB 2474 requires the juvenile court, in making a determination of the best interests of the child, to consider any history of abuse by a person seeking custody of the child, including abuse against a spouse, a parent, a cohabitant, a person with whom the person seeking custody has a dating relationship, or the child. Be cognizant of existing domestic violence resources in the community, and be open to their involvement with the victims of the family violence.

V. ATTACHMENTS

- Appendix A: Massachusetts Department of Social Services Safety Assessment.
- Appendix B: Standing Order from Juvenile Court Re: Exchange of Information Between Adult / Juvenile Probation and the Department of Family and Children's Services.
- Appendix C: List of Community Resources

APPENDIX A

(From the Massachusetts Dept. of Social Services, Domestic Violence Protocol)

SAFETY ASSESSMENT

I. INTERVIEW OF THE MOTHER

- A. Always interview the mother alone. Interviewing battered women separately from their offenders can be difficult and sometimes impossible. Creativity is usually necessary in designing these interventions (e.g., meeting mother at her office, coffee shop, park, etc.).
- B. Being unable to talk to a mother alone may be a signal of danger and may be related to the level of control the offender has over the family. You should always consult with your supervisor before you proceed further with gathering information from the family.
- C. Assure the mother that you will not confront the alleged offender with information she has shared, but explain the limits of confidentiality.
- D. Ask the mother the following questions:
 - 1. Tell me about your relationship
 - 2. How are decisions made in your relationship?
 - 3. Do you feel free to do, think, and believe what you want?
 - 4. Does your partner ever act jealous or possessive? If yes, tell me more about that.
 - 5. Have you ever felt afraid of your partner? In what ways?
 - 6. Has your partner ever used physical force on you (e.g., pushed, pulled, slapped, punched or kicked you)?
 - 7. Have you ever been afraid for the safety of your children?

Through this line of questioning, and careful listening, you should be able to get a feel for the tone of the relationship. If you ascertain that violence and/or severe control is or may be present in the family, you should begin an assessment of severity. These questions will help you determine if the pattern of incidents is changing, if the abuse is escalating in frequency, and if the victim or victims are in danger.

The following questions will help you identify the offender's controlling behaviors and the amount of freedom a woman has to act independently.

Has your partner:

- Prevented you from going to work / school / church?
- Prevented you from seeing friends or family?
- Listened in on your phone calls or violated your privacy in other ways?
- Followed you?
- Accused you of being unfaithful?
- Acted jealous?
- Controlled your money?
- Stolen your money?

The following questions will help you identify patterns of verbal, emotional, physical and sexual abuse:

Has your partner:

- Called you degrading names?
- Emotionally insulted you?
- Humiliated you at home? In public?
- Destroyed your possessions (e.g., clothes, photographs)?

- Broken furniture?
- Pulled the telephone out?
- Threatened to injure you, himself, your children, or other family members?
- Hit, slapped, pushed, kicked, choked or burned you?
- Used or threatened to use a weapon?
- Threatened to kill you?
- Hurt your pets?
- Engaged in reckless behavior (e.g., drove too fast with you and the kids in the car)?
- Behaved violently in public?
- Been arrested for violent crimes?
- Forced you to perform sexual acts that make you feel uncomfortable?
- Prevented you from using birth control?
- Withheld sex?
- Hurt you during pregnancy?
- Forced you to engage in prostitution or pornography?
- Forced you to use drugs?

The next group of questions will help you to assess the level of risk to the children:

Has your partner:

- Called your children degrading names (e.g., "stupid")?
- Threatened to take the children from your care?
- Called or threatened to call DFCS?
- Accused you of being an unfit parent?
- Threatened to hurt or kill your children?
- Hurt you in front of your children?
- Hit your children with belts, straps, or other objects?
- Touched your children in a way that made you feel uncomfortable?
- Assaulted you while you were holding your child?
- Asked your children to tell him what you do during the day?
- Treated one child significantly differently from another?
- Forced your children to participate in or watch his abuse of you?

Has your child:

- Overheard the yelling and/or violence?
- Behaved in ways that remind you of your partner?
- Physically hurt you or other family members?
- Tried to protect you?
- Tried to stop the violence?
- Hurt him / herself?
- Hurt pets?
- Been fearful of leaving you alone?
- Exhibited physical / emotional / behavioral problems at home / school / day care?

The last section of questions will help you to understand the woman's history in seeking help.

Have you:

- Told anyone about the abuse? What happened?
- Seen a counselor? What happened?
- Left home as a result of the abuse? Where did you go? Did you take the children? If not, why?

- Called the police? What happened?
- Pressed criminal charges? What happened?
- Filed a restraining order? What happened (e.g., did your partner respect the order)?
- Used a battered women's group or shelter? Was it helpful?
- Fought back? What happened?

General questions:

- How dangerous do you think your partner is?
- What do you think he is capable of?
- Do you have any current injuries or health problems?
- How has this relationship affected how you feel about yourself, your children, the future?
- How do you explain the violence to yourself?
- How do you believe your children understand the violence?
- What do you believe would help you and/or your children be safe?

Once the mother's interview is complete, you should have an understanding of the power structure within the family. If there is extreme danger for the woman, and her children have learned to survive by identifying with the offender (i.e., cannot keep confidentiality from the offender), then direct questioning of the children may be postponed until safety can be achieved. This same thinking applies to interviewing offenders. If a woman is fearful of the consequences of questioning the offender, then it should not be done until safety can be achieved. Safety always comes first.

II. **INTERVIEW OF THE CHILDREN**

(Adapted from materials written by the Child Witness to Violence Program, Boston City Hospital)

Questions in this section will focus on three areas:

- The child's account of what he/she saw and how he/she understands the violence.
- The impact of witnessing violence.
- The child's worries about safety.

A. **Child's Account of What He / She Saw**

Worker: "Sometimes when parents fight they get angry... maybe too angry and they may start to yell at each other or even hit each other. We know this is scary for children. I want to ask you a few questions about when your parents fight and what you think about it."

Note: Older children are more likely to minimize reports of parental fighting out of loyalty to parents; They will protect parents. Younger children may be more spontaneous and less guarded with their reports.

Questions:

1. What kinds of things do Mom and Dad (boyfriend, partner) fight about?
2. What happens when they fight?
3. Do they yell at each other?
4. Do they hit one another?
5. How does the hitting usually start?
6. What do you do when this is going on?
7. What do you think about when this is happening?
8. Do you ever get hit or hurt when Mom and Dad are fighting?

B. Assessment of the Impact of the Exposure to Violence

Questions:

1. Do you find that you think about your parents fighting a lot?
 - a. When do you think about it?
 - b. What do you think about?
2. Do these thoughts ever come in at school or while you are playing?
3. Do you ever have trouble sleeping at night? Why? Do you have nightmares?
4. Why do you think Mom and Dad (boyfriend, partner) fight so much?
5. What would you like them to do to make it better?

C. Child's Worries About Safety

Questions:

1. What do you do when Mom and Dad (boyfriend, partner) are fighting?

<input type="checkbox"/> Stay in the same room;	<input type="checkbox"/> Go to older sibling;
<input type="checkbox"/> Leave or hide;	<input type="checkbox"/> Ask parents to stop;
<input type="checkbox"/> Phone someone;	<input type="checkbox"/> Other (describe):
<input type="checkbox"/> Run out / get someone;	
2. When Mom and Dad are fighting, what do you worry about the most?
3. In an emergency:
 - a. Whom would you call?
 - b. What is their telephone number?
 - c. What would you say?

If children don't have some idea of whom to call, the social worker should give them basic information or help the mother think of where the children could go if the parents are fighting or engaged in assaultive behavior. Could they go to another room? A neighbor's house? Information gathered from this interview should always be shared with the mother to help her understand the effects of domestic violence on her children, as long as the children's safety will not be compromised.

III. ASSESSMENT OF OFFENDER LETHALITY

Although all offenders are potentially lethal, some are more likely to be highly dangerous. The typical offender blames his partner and/or other systems and attempts to excuse or deny his behavior, but some have empathy for their partners and may eventually admit to violent and coercive behaviors. However, if the offender fits one of the three profiles below, there is more serious cause for concern.

- A. **The Obsessed Offender:** This person *cannot seem to tolerate separation from his spouse*. He is very *jealous*, even to the extent of making irrational accusations, and he frequently monitors his spouse's whereabouts through calls, questioning the children and others, drive-by check-up visits, etc. He *makes threats* to kill or harm her if she leaves him, asks for a separation, divorce, etc. He often says, "If I can't have you, no one will." This type of offender is *most likely to stalk, kill or injure his partner, even months or years after she has left him*, obtained restraining orders, etc.
- B. **The Sadistic Offender:** This person's pattern of violence is vengeful and has a *bizarre, depersonalized* character. He treats his partner with a *profound absence of consideration* of her as a person. For instance, he forces her to have sex just after an operation or childbirth, or he chokes her by stuffing her head in a drawer and closing it. His violence usually involves *inflicting severe pain or torture*, such as burning her, starving her, beating her for hours, etc. These offenders often assault their spouses *without any warning or apparent provocation*. Usually, a

sadistic offender terrifies his spouse profoundly through torture and continuous degradation, and (understandably) she is not likely to attempt to flee. He is *very likely to retaliate against her* even when he appears to accept what she says. This type of offender frequently does not have a criminal record. He is usually employed and may have a prestigious position in the community. He is capable of injuring his partner severely.

- C. **The Hyper-Violent Offender:** This offender takes offense easily; a look, a question, even the most reasonable or mild attempts at limit-setting by others can trigger a violent response. He feels all "challenges" place his manhood and courage in question and that he *must always prove* himself. He often has a *long criminal record* resulting from bar fights, brawling, assault and battery charges, etc. He is *generally violent*. This offender can be very dangerous to his partner, particularly if she fights back (not a usual response for many victims). He usually has very *conflicted and belligerent relationships with authority figures*, and *HE MAY ASSAULT YOU* if he feels strongly or directly challenged. It is extremely important to set limits very clearly with this sort of offender and to refuse to continue to work with him if there are threats or attempts to intimidate you. (*Fernando Mederos, Common Purpose, Inc.*)

If an offender resembles any of the profiles listed above, and you suspect current alcohol or drug abuse, access to weapons, or training in martial arts / boxing, there is increased potential for danger.

Assessing the dangerousness of offenders is important in order to protect yourself and to lessen the risk for children and their mothers. Lessening the risk for yourself and for a battered woman and her children will mean safety planning. If you obtain information that indicates an interview with the offender is too dangerous (for you or the woman and children) consult with your supervisor and/or Domestic Violence Specialist before you proceed. If you decide not to interview the offender because it is not in the best interest of the children, document your reasons in the case record. Third-party reports are critical in these instances. If you determine from your interview of the mother and/or children that the offender can be safely interviewed, proceed with the following preliminary line of questioning to determine the offender's perception of the problem:

1. Tell me about your relationship
2. Tell me three things that you like about your partner and family
3. How does your family handle conflict?
4. What kinds of things do you expect from your partner / family?
5. What do you do when you don't get your own way?
6. Have you ever been so angry that you wanted to physically hurt someone?
7. Have you ever forcefully touched anyone in your family? In what way?
8. Have you ever been told that violence is a problem for you? By whom?

IV. **PLANNING AN INTERVENTION STRATEGY**

- A. After you have completed interviews and made collateral contacts, the next step is to formulate an understanding of the problem. Ask yourself these questions:
1. Is the mother or the offender denying or minimizing the abuse? Do they offer similar or different accounts of the incident(s)? What have the children reported?
 2. Is the mother afraid and openly asking for help? Does she fear disclosure of the abuse because she doesn't want to lose her children; because she doesn't want the offender to retaliate; and/or because real help is not

available because of past non-responsiveness by family members or agencies?

3. Has the mother been so severely traumatized that her ability to assess danger is impaired? Does she believe that she is at fault or that her spouse (boyfriend, partner) can change with counseling?
- B. If the mother is openly asking for help, move immediately to safety planning. Inform the mother of appropriate community resources, such as family supports, battered women's programs, legal services, welfare and housing advocacy, mental health services, etc.
- C. If the mother appears uncooperative or resistant, it is counter-productive to attempt to force a disclosure. Reiterate your concern for her safety and the safety of her children and continue to educate the mother about available options and services. In these situations, it is more important than ever to pay attention to safety and to err on the side of caution. Most often these women and children are in the greatest danger and the mother is protecting the family by keeping silent. Outside intervention will increase risk, and it is critical to inform the mother in advance of any plans by the Department. In these complex situations, you may want to contact your Domestic Violence Specialist for support and guidance.

V. **ADDITIONAL CONSIDERATIONS IN DOMESTIC VIOLENCE ASSESSMENTS**

It is important to identify the influence of a family's culture as it pertains to domestic violence. Issues regarding family roles, male dominance, and other beliefs must be understood in order to do an accurate assessment and effective intervention. If you are unaware of the values of a certain culture, consult your supervisor, the Domestic Violence Specialist, or a local community group for assistance.

- A. Does the mother have a **history of childhood abuse** and/or has she found herself in repeated battering relationships? Does she look to each new partner for a sense of safety and security? Does she lack family support? Does she lack access to information? Women who have experienced chronic abuse may need greater assistance in accessing resources and strong reinforcement for positive service outcomes.
- B. Does the mother present as severely depressed? If so, assess carefully for hidden suicidal ideation. Does she present as passive and cooperative, yet nothing changes? *Depression* is symptomatic of trauma and may not subside until safety is achieved. Interventions and services should be decided in partnership with the woman in order to promote a personal sense of competence and power.
- C. Does the relationship appear to involve battering by both partners? Does the mother behave in aggressive and violent ways? This can be confusing when we are trying to ascertain who is the primary initiator of the violence within the relationship. To assess self-defense and other responses to violence accurately, examine who holds the control in the relationships, who has been injured, who is afraid, and who has access to resources. Court records, police reports, and documentation from probation, and the batterer's treatment, may provide critical information.
- D. **Substance abuse** may exacerbate but does not cause domestic violence. Does substance abuse impede the woman's ability to assess the level of danger in the home? Does it impede her ability to safely plan for herself and her children? How does the offender use his partner's substance abuse to exercise control? Does the offender offer his substance abuse problem or his partner's as an excuse for bad behavior? Does the woman blame herself for the violence? Does she feel a deep sense of shame and hopelessness? Always assess for the potential of self-harm. Safety planning is critical. Never confront the offender or victim when they are under the influence of substances. Refer to the Substance Abuse Protocol for further details.

SERVICE PLANNING ACTIVITIES

The primary goal of service planning with battered women and their children is to promote enhanced protection for victims and to have offenders take responsibility for their own behavioral change.

A. Service Plan Tasks for Women and Children

These may include:

1. The parent will participate in evaluation and counseling to address personal safety issues in order to protect herself and the children from the abusive partner.
2. The parent will participate in safety planning for herself and the children.
3. The parent will participate in supportive counseling for herself and the children.
4. The parent will participate in educating herself regarding the effects of domestic violence on the children.
5. The parent will not use excessive discipline with the children.
6. The children will have a safety plan that is consistent with their willingness, age and development.

B. Services for Women and Children

These may include:

1. Individual / group counseling through battered women's programs or other community services.
2. Legal, housing, welfare advocacy.
3. Shelter and transitional living services.
4. Visitation Center services.
5. Specialized assessment services focusing on issues of domestic violence.
6. Day care.
7. Parent support groups

C. Service Plan Tasks for Offenders

These may include:

1. The offender will not behave in a manner that is verbally, emotionally, sexually, or physically abusive toward his/her partner and/or children.
2. The offender will not involve the children in attempts to control his/her partner or force them to witness or participate in other abusive behaviors.
3. The offender will participate in an evaluation and specialized treatment program, if indicated, and follow all recommendations.
4. The offender will be educated regarding the effects of domestic violence on children.
5. The offender will follow all conditions of court orders and probation.

D. Services for Offenders

These may include:

1. DPH-approved treatment programs.
2. Visitation Center services.
3. Specialized assessment services focusing on issues of family violence.

E. Inappropriate Services / Interventions

The following services / interventions are **not** appropriate in cases involving domestic violence:

1. Options for protection of the mother that in her estimation increase the level of danger.
2. Couples or family therapy.
3. Court mediation / divorce mediation.
4. Anger management groups and other non-DPH-approved batterer's treatment options.
5. Visitation arrangements that endanger mothers and/or children.

To ensure that information regarding the victim's whereabouts and safety plans are not disclosed to the offender, it may be appropriate to have two service plans - one for the non-offending parent and children, and one for the offender.

DOCUMENTATION AND DISCLOSURE

The documentation and disclosure of domestic violence may dramatically increase risk for women and children. The following guidelines may help to reduce risk when information must be shared.

- A. Any information in the case record pertaining to a confidential address of a battered woman should be redacted.
- B. Any disclosure made by a battered woman or her children regarding their safety should not be shared with the offender.
- C. When information must be shared, such as in court proceedings, the battered woman should be notified so that she may plan for her safety.
- D. When disclosure of domestic violence is made during care and protection proceedings, the attorney(s) may want to privately share with the judge the possible consequences of such disclosure.

APPENDIX C

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SANTA CLARA COUNTY SOCIAL SERVICES AGENCY
DFCS MEMORANDUM # 95 - 108
October 27, 1995
All DFCS Social Worker Staff

Information Exchange Between DFCS and Adult Probation Department / Domestic Violence Matters

Attached is a standing Order of the Superior Court permitting social workers and probation officers to exchange information in certain cases in which a child and family members are being supervised by both agencies. It was developed with the assistance of staff from both agencies and with the advice of County Counsel. It is hoped that this Order will enable the two agencies to work together in these cases so that the children and family members will be better served.

This order is also particularly relevant to the Agency and Department's commitment to collaborative efforts in the area of Domestic Violence. The Superior Court Order delineates its concerns regarding Domestic Violence matters in the resolution of Juvenile Court / Child Welfare issues and the importance of working with the Probation Officer to coordinate case related activities.

In addition, the Department will be coming out shortly with a further coordination of Domestic Violence issues for the clients we serve in all aspects of the Child Welfare System. In the meantime, I encourage you to take part in the training that we have provided including a forthcoming Visions Training on April 18, 1996 on Domestic Violence Protocols in Santa Clara County (Course B-010). Also we want to encourage those interested staff that wish to participate in the activities of the Domestic Violence Council's subcommittees to contact our agency representative, Ken Borelli, at (408) 441-5460.

To participate as an Agency representative on the subcommittee you will also need your supervisor's and program manager's approval. There will also be additional training, including co-trainings with the Probation Department, and workshops as we refine this area of integrating new legislation and practice models in working with families where domestic violence is a critical concern.

Please note this memo focuses on our coordination of services with the Adult Probation Department. All previously agreed upon procedures and protocols with the Juvenile Probation Department are to remain in effect. Information sharing for the purposes of coordinated service plans are encouraged to the full extent of previously agreed upon protocols.

(signed)
JOHN OPPENHEIM, DIRECTOR
DEPARTMENT OF FAMILY AND CHILDREN'S SERVICES

Contact Person: Ken Borelli, Agency Representative
Domestic Violence Committee
(408) 441-5460

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SANTA CLARA COUNTY SOCIAL SERVICES AGENCY
DFCS MEMORANDUM # 96 - 29
March 8, 1996
All DFCS Social Worker Staff

**Information Exchange Between DFCS and Juvenile Probation Department /
Domestic Violence Matters**

In October, 1995, a Standby Order permitting exchange of information between the DFCS and Adult Probation was signed by Presiding Judge Leonard Edwards. Refer to Department Memo 95-103. This Standby Order has now been followed by an order relative to DFCS and the Juvenile Probation Department. This order is attached to the memo.

Both Standby Orders were developed with the intent of fostering greater coordination of case planning when there is a joint Probation Department and DFCS involvement in a case. It is hoped that the exchange of information will reduce a duplicity of services and facilitate time management requirements for parents and children while providing our social workers with the necessary information to facilitate a child safety plan, particularly in the area of domestic violence.

With these two protocols in place, we now have the ability to go forward with one of our Departmental goals of developing a domestic violence protocol for the Department and promoting greater integration of joint Child Welfare / Probation coordination of domestic violence matters.

(signed)
JOHN OPPENHEIM, DIRECTOR
DEPARTMENT OF FAMILY AND CHILDREN'S SERVICES

Contact Person: Ken Borelli, Agency Representative
Domestic Violence Committee
(408) 441-5460

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**Superior Court
State of California**

FILED OCT 18 1995

Santa Clara County Superior Court Building
191 North First Street
San Jose, California 95113
(408) 299-3949

Chambers of
Leonard P. Edwards, Judge

SUPERIOR COURT FOR THE STATE OF CALIFORNIA
COUNTY OF SANTA CLARA
JUVENILE DIVISION

ORDER

The Court finds that as of this date there are more than 3,000 domestic violence criminal cases being supervised by the Santa Clara County Adult Probation Department, with approximately 1,500 of those cases under active supervision and approximately 200 under intensive supervision. The Court further finds that there are over 300 juvenile dependency cases in which domestic violence is the presenting problem and still more where domestic violence is a part of the family dynamic.

The Court finds that there are more than 300 criminal defendants who have been convicted of child abuse who are currently being supervised by the Probation Department. The Court further finds that there are more than 3,000 abused and neglected children who are currently under the supervision of the Department of Family and Children's Services, and that many of these children's parents are under the supervision of the Probation Department because of a criminal conviction.

The Court further finds that there is a substantial number of cases in which the Department of Family and Children's Services is supervising a child and his/her family members while at the same time one or both parents or other family members are being supervised by the Probation Department.

The Court further finds that it would benefit the children who are under the supervision of the juvenile court were the social worker supervising a child under a dependency order to be able to share information about the case with the probation officer supervising some of the adults in the same family. Moreover, the Court finds that the administration of justice would be served were the probation officer and the social worker assigned to supervise members of the same family able to exchange information with each other concerning the child and family members.

The Court further finds that for certain types of information the confidentiality interest of the child and family members is outweighed by the benefits of sharing certain case information between social workers and probation officers in the cases where there are common family members under the jurisdiction of two courts.

Based on these findings, and Good Cause Appearing, the Court hereby permits social workers investigating allegations of child abuse or neglect or supervising dependent children under the jurisdiction of the juvenile court and probation officers supervising family members who are on probation to the criminal courts to speak to one another and reveal the following information:

- the names and addresses of the child and other family members, except that no names or addresses of foster families shall be disclosed by DFCS to the Probation Department
- the specific orders the juvenile court has made concerning the services parents have been ordered to complete
- the specific orders the criminal court has made concerning the conditions of probation
- the progress or lack thereof that the parents have made towards completing the service plan
- any violation of court orders that the parents may have committed.

All of this information may be exchanged without further order from the Court.

This order does not include any exchange of any psychological reports of any family members. Any such reports may be discussed or exchanged only upon court order after any affected family members receive notice and an opportunity to be heard.

(Signed)
LEONARD EDWARDS
Presiding Judge, Juvenile Court

THIS IS A FACSIMILE NOT A COPY

**Superior Court
State of California**

FILED FEB 21 1996

Santa Clara County Superior Court Building
191 North First Street
San Jose, California 95113
(408) 299-3949

Chambers of
Leonard P. Edwards, Judge

SUPERIOR COURT FOR THE STATE OF CALIFORNIA
COUNTY OF SANTA CLARA
JUVENILE DIVISION

ORDER

The Court finds that there is a need for the Santa Clara County Probation Department (Juvenile Division) and the Department of Family and Children's Services to coordinate case plans and share background information between their respective agencies when there is an active delinquency case on a minor, and/or when a family is served by both agencies. Accordingly, the Court permits both the Santa Clara County Probation Department (Juvenile Division) and the Santa Clara County Social Services Agency to provide the following information, either orally or in writing, to their counterpart agency when there is an active delinquency matter / child welfare case pending before the Court:

- (1) The name and telephone number of the assigned social worker;
- (2) The name and telephone number of the assigned probation officer;
- (3) The names and addresses of the minor and other family members;
- (4) The formal and informal history of dependency referrals, or status of JPD minor, and the dispositions of said referrals by either agency;
- (5) The specific orders of the Juvenile Court currently in effect;
- (6) The agency's case plan for the minor;
- (7) The progress or lack thereof that the parents have made towards completing the service plan;
- (8) Any violations of court orders that the parents or minor may have committed;
- (9) Any history of out-of-home placements of the minor and the minor's adjustments in said placements that would help either agency in making recommendations to the Court.

All such information is confidential juvenile information and not be otherwise released, except as provided by Welfare and Institutions Code § 827.

(Signed)
THOMAS C. EDWARDS
Presiding Judge, Juvenile Court

LEONARD P. EDWARDS
Supervising Judge, Dependency Division