



Children's Aid Society

SECTION A: IDENTIFICATION OF CHILDREN AT RISK

The following situations identify children at risk:

- Children who experience deliberate physical abuse inflicted by either parent before, during or after the assault.
- Children who are accidentally hurt when caught in the cross-fire of hitting or thrown objects or who are physically harmed when they try to protect their mother.
- Children who are threatened with physical harm.
- Children who witness incidents of woman abuse and thus experience varying degrees of emotional harm.

As a primary provider of services for children, it is the responsibility of the C.A.S. to ask questions of the mother and/or the children regarding the possibility of physical and/or emotional harm to the children.

In response to reports of woman abuse where the abused woman is a mother of one or more children under the age of 16, C.A.S. will ask specific questions of the caller, or other sources, to identify if any child has been physically or emotionally harmed according to the above definitions, or is at substantial risk of physical or emotional harm.

SECTION B: INITIAL RESPONSE

The mandate of the C.A.S. is to investigate and, if necessary, protect children who may have been physically and/or emotionally harmed or are at substantial risk of being harmed.

1. THE ROLE OF THE CHILDREN'S AID SOCIETY

There are two possible roles for the C.A.S.:

- When the assaultive partner of a woman is charged by police and restrained by bail conditions, incarceration, or Probation/Parole conditions from having unsupervised contact with his partner and/or children, the intervention of other systems may assist in protecting the mother and her children. These responses, when successful, may eliminate the substantial risk of further physical harm or emotional abuse and may result in the C.A.S. being involved in a supportive, non-direct role.
- When the intervention of other systems have not or will not be activated, the Children's Aid will play a more direct role in an effort to help protect the children involved and prevent further abuse.

To determine the appropriate role, the C.A.S. has an obligation, when receiving calls about incidents of woman abuse to:

- obtain information about children's safety and well-being -- actual or substantial risk of physical harm and actual emotional abuse
- determine if other systems, such as police, corrections and courts have been or should be activated to help protect the children involved



2. SITUATIONS WHERE THE C.A.S. WILL PROVIDE A DIRECT ROLE

- The child is physically injured as a result of the violence towards his/her mother.
- There is substantial risk that the child will suffer physical harm by the person responsible for the child or as a result of the person's failure to care, provide for, or supervise and protect the child adequately. This includes, but is not restricted to, any or all of the following situations:
 - a. C.A.S. records indicate a prior history of verified or alleged child abuse in the family .
 - b. Police and/or Crown Attorneys are unable to lay charges or satisfactorily prosecute the assailant due to the woman's fear and intimidation or her inability to seek refuge in a safe place, such as a shelter or relative's home.
 - c. The child has been threatened with serious injury or death, or almost injured, and the assaultive partner has neither been charged nor treated, and still resides with, or has unrestricted access to the child.
 - d. The mother is unable/unwilling to obtain a Restraining Order, and/or a Family Court order restraining the assaultive partner's access to a child at substantial risk of being harmed by him.
 - e. The mother reunites with the assaultive partner, who is believed to pose a threat to the children because of lack of criminal charges, unsuccessful prosecution, or failure to meaningfully participate in treatment.
 - f. Conditions of bail, probation or parole regarding the assaultive partner are known to have been violated and the woman does not report this evidence to appropriate authorities.
 - g. The mother is hospitalized, partner is arrested, and no suitable alternate arrangements for the safe care of the child are available (See Section C 6, "Care of Children When the Woman is Injured").
 - h. Children's ages limit their ability to protect themselves from harm in the woman assault situations.

As the majority of these situations require an assessment concluding the mother is unable to protect the children, staff need to be aware that in most instances where a woman does not take action or cooperate, it is as a result of fear, intimidation, lack of safety, and lack of support. It is imperative that guidelines under "Intervention" are followed to ensure that all efforts are made to support a woman and address these realities prior to the conclusion of one of the above assessments.

- The child has suffered emotional harm, demonstrated by severe anxiety, depression, withdrawal, self-destructive behaviour, or aggressive behaviour and the child's parent or person responsible for the child does not provide, refuses, is unavailable, or unable to consent to services or treatment to remedy or alleviate harm.
- There is substantial risk the child will suffer emotional harm of the kind described and the child's parent or person responsible for the child does not provide, refuses, is unavailable, or unable to consent to services or treatment to prevent the harm.
- The child is suffering from a mental, emotional, or developmental condition that if not remedied could impair the child's development. This carries with it the burden of proving:
 - a. the "condition" which must be adequately defined
 - b. that if not addressed it will **seriously** impair the child's development
 - c. the lack of parental co-operation in obtaining treatment



3. INITIAL RESPONSE SPECIFICS

A report of woman abuse in a family with children under the age of 16 will receive the following initial response:

If children are reported to have been abused before, during, or after an incident of woman abuse, C.A.S. will investigate as required by the Child and Family Services Act in accordance with Ministry Standards and Guidelines.

- If the caller does not report an incident of physical child abuse, specific questions will be asked of the caller to determine if emotional harm is occurring or if there is may be substantial risk that a child will suffer physical harm or emotional harm.
- If the caller is not the assaulted woman or her child, the Children's Aid may need to interview one or both of the latter to obtain additional information necessary to determine the appropriate investigative and/or protective response.

3.1 DETERMINING IF THE CHILD HAS SUFFERED PHYSICAL HARM

The C.A.S. will ask a number of questions of callers reporting women abuse in families with children under 16 years of age:

- Has the child been physically harmed by either or both the assaultive partner and his spouse, before, during or after the assault(s)? Who is the source of this information?
- Has anyone asked the child if he/she has been physically harmed? Who was present during this questioning of the child?

3.2 DETERMINING IF THERE IS A SUBSTANTIAL RISK THAT THE CHILD WILL SUFFER PHYSICAL HARM

The C.A.S. will inquire if:

- the assaultive partner or spouse has directly threatened the child
- the assaultive partner has assaulted or thrown objects towards his spouse while she was holding her child
- the assaultive partner has threatened his spouse by saying he will harm the child
- the assaultive partner has thrown objects towards the child
- the child has been injured in any way as a secondary result of assaultive behaviour (e.g. child's foot cut when stepping on glass broken during the course of the assault)
- the child attempted to intervene in the assaultive situation police and/or Crown are unable to lay charges or satisfactorily prosecute assaultive partner due to mother's fear/intimidation of co-operating
- the non-assaultive parent appears unable or unwilling to protect the child by seeking refuge in a safe place or obtaining a Restraining Order and substantial risk exists
- one or both parents engage in substance abuse

3.3 DETERMINING IF THE CHILD HAS SUFFERED EMOTIONAL HARM

The C.A.S. will enquire if:

- the child has heard or seen the assault(s) including whether the child was forced to observe the assault
- the child believes he/she is responsible for precipitating or eliminating the assaultive behaviour
- the child has heard the assaultive partner threatening his/her mother
- fears are being expressed by the child for his/her own safety or his/her mother and siblings' safety
- other less obvious behaviours which are clearly unusual for the child
- the child is demonstrating anxiety, depression, withdrawal, or self-destructive or aggressive behaviour



4. NEED FOR ADDITIONAL INFORMATION

It is unlikely that referring persons from outside the family would have sufficient information to address all of the preceding questions and probes. If the information presented by the caller does not result in an immediate need for an investigation to occur, then the caller may be asked if it is possible for them to obtain missing information. If the caller is unable to collect and forward additional information, the C.A.S. worker will follow statutory guidelines to determine the need for further information gathering.

The C.A.S. worker will consider accessing other sources of information, including, but not restricted to:

- child's school
- investigating Officer(s)
- telephone contact with assaulted mother
- personal interview with child, usually at his/her school
- personal interview with mother and children only, in an office setting or in their own home

5. ASSESSMENT FOR EMOTIONAL HARM

Emotional harm and risk of emotional harm, is difficult to prove. To establish risk of emotional harm there must be some evidence of anxiety, depression, withdrawal, or self-destructive or aggressive behaviour. Although severity is not a factor at this point, the Society must be able to prove that if the situation is left untreated the child's behaviour will deteriorate and become a "severe problem". This will call for assessment and expert evidence.

As previously noted, clinical data regarding children from violent environments establishes they often experience emotional and developmental difficulties. To establish the basis for intervention, data must be sought out and organized to meet the statutory criteria. This may mean speaking to the child's day care or school to ascertain the child's level of functioning, arranging for psychological or developmental testing, and/or arranging for medical tests to rule out other possible reasons for the symptoms being noted.

Each report will have to be dealt with on the totality of data available. The more information that is available the more chance of assisting a child in difficulty. Creative interpretation of the C.F.S.A. is encouraged and C.A.S. legal staff are always available to workers to provide on-going advice regarding investigations and/or possible legal action.

SECTION C: INTERVENTION

1. INITIAL CALL

If the initial call is from the woman who was/is being assaulted, information regarding resources available will be provided to her, (e.g. shelters, distress lines, financial assistance, the right to police intervention).

If the initial call is from someone outside the family unit, information about resources may also be given if it can be passed on to the woman. In any event, this information shall be provided to the woman at the earliest opportunity.

The provision of this information is an initial opportunity to support the woman through listening to her experience, exploring the dangers which confront her, and beginning to work with her towards safety and support.



2. INTERVIEW WITH MOTHER AND CHILD

The goal of the initial interview is to determine whether abuse of the children has occurred or whether the children are in need of protection. The secondary goal is to support the woman towards a position where she is safe and can act in the safe and responsible interests of herself and her child.

While mothers may be in the best position to be helpful, it is recognized that this may be expecting too much from a woman who has been recently traumatized herself. Women will need to discuss their own trauma, fears, and dangers and know there are supports and options for safety if they are to feel safe when responding to questions.

During an interview, care should be taken to provide a setting in which it is safe for the woman and her children to impart information about the abuse. If both parents are present, they should be interviewed separately. The children will be interviewed apart from both parents if at all possible, and preferably in an environment removed from where any alleged abuse took place. The assistance of the non-abusing, protective parent may be used to help interview the children.

3. QUESTIONS FOR THE DETERMINATION OF ABUSE

To determine whether abuse of the children has occurred, the following questions may be asked of the mother:

- have the children been hit?
- has your partner threatened the children?
- has your partner threatened you by saying he will harm the children?
- what are the children doing when your partner is being abusive?
- has your partner thrown anything at the children?
- has your partner hit you when you have been holding your child?
- has your partner thrown anything at you while you have been holding your child?
- what has the children's response been to the situation?
- how does your partner interact with the children?

4. ASSESSMENT OF FURTHER RISK

During the interview, the worker should be assessing further possible safety risks to the woman and her children by addressing the following:

- history of abuse/family violence
- asking specific questions about the frequency, nature of the violence, whether injuries were sustained, whether medical attention was required, whether there has been police involvement
- exploration of woman's willingness to participate in a safety plan for herself and her children

Staff interviewing children will be knowledgeable and aware of the effects on children of witnessing spousal assault (See Counselling Section C, "Treatment for Children"). When interviewing the child/children questions will be asked which will:

- assess the presence of child abuse
- determine the extent of the children's exposure to violence and each child's understanding of it
- identify the children's feelings about themselves and their situation
- dispel the myth that the child is to blame for the situation in the family

If a child has suffered physical abuse during an incident of woman abuse, the worker must ensure the safety of the child, consistent with the Child and Family Services Act.



5. ASSESSMENT OF RISK IN THE ABSENCE OF INJURY

Where the worker assesses substantial risk of physical and/or emotional harm to the children by the woman's assaultive partner, but detects no physical injury, the following action(s) are to be taken:

- The woman is given the option to go to a shelter or other safe place (safety is determined by the worker). If the woman is unable to participate in a safety plan, all efforts are made to understand the reasons and to support and ensure support for her and her needs at the time.

If the worker must discuss the Society's ultimate responsibility to protect the children with her, this is done in a supportive manner and only when all other avenues have been exhausted.

- If her partner has been charged and removed from the home, the worker refers the woman to appropriate support services in the community for herself and her children.
- The worker ensures co-ordination of services and monitors the ongoing safety of the children as required
- If the partner has not been charged, the worker provides the woman with appropriate information regarding her rights and available resources and supportively encourages her.

6. CARE OF CHILDREN WHEN THE WOMAN IS INJURED

If an assault occurs where the mother is physically or emotionally injured to the point where she is unable to care for the children and/or is unable to work with C.A.S., C.A.S. becomes responsible for developing a safe and viable plan for the children. (In most cases the male partner/father will be charged and arrested and thus unavailable.)

C.A.S. will assess the risk to the children and determine whether the father is to be seen as a viable alternative to care for the children.

Workers need to consider the emotional danger as a result of children witnessing abuse as well as physical danger to the children in considering whether the father may become a risk.

This assessment will likely require some investigation as in most cases the only persons available at the time of the crisis would be the children themselves who would likely be too frightened and overwhelmed to deal with questions about their own safety or their father. Questions at this time would be an unfair burden to place on them.

At the time of the crisis, it is the decision and responsibility of C.A.S. to determine where the children are placed during the period of investigation and it may be in the children's best interest if that placement is with a third party.

Any party who assumes responsibility for the care of the children during this period will be prepared to sign a written agreement which includes:

- a commitment to maintain the safety of the children as the priority by not allowing the children to be in the care of the father during the investigation
- access by the male parent would only be allowed if supervised in a manner acceptable to the C.A.S.

In circumstances where the male parent disputes the caretaking arrangements established by C.A.S., Children's Aid will consider a court application to protect the children until such time as the dispute is resolved.

When the male partner is being held for a bail hearing, the emergency worker will contact the arresting police officer or appropriate person prior to 8 a.m. to inform police of C.A.S. involvement in the case. A request will be



made to include a recommendation in the conditions of bail, restraining the father from active care and access to the children unless supervised.

The worker should indicate the voluntary agreement of the caregiver and their commitment to supervision. The person who is responsible for provision of care and supervision may change if/when the mother is able to provide care and safety for her children.

Workers can call Bail Officers to advise them of C.A.S. involvement and to have concerns passed on to the Crown Attorney.

When the worker is satisfied that the children are safe, the following would be available to the woman and her children:

- Advocate for provision of short-term counselling for mother and children by other agencies.
- Provide information on the effects of children who witness abuse (See Counselling Section C, "Treatment for Children").
- Provide information and education focused on empowering the woman and breaking down her sense of isolation by enabling her to develop a support network.
- Refer children to any available groups for children who witness violence.

SECTION D: INTERVENTION: ASSAULTIVE PARTNER

Where there is evidence of physical or sexual abuse of children, the C.A.S. worker should, whenever possible, avoid discussions of any nature with the alleged offender, prior to the Police interview. Any unavoidable discussions will be recorded verbatim. The alleged offender must be cautioned prior to **any** discussions regarding the fact that any statement he may make could be used in civil or criminal proceedings.

1. GOAL OF INTERVENTION WITH ASSAULTIVE PARTNER

The goal of intervention with the assaultive partner is to provide education on the effects of children witnessing violence as well as encouraging him to accept responsibility and to seek any appropriate help in the community.

It is recognized in most woman abuse situations that the mother may be the most valid source of information. It is however important to ask questions of her partner to remove total responsibility from the woman as well as to increase his awareness and sense of responsibility for the children.

It is important for staff to be aware of the safety of the woman and children while interviewing the partner. It is understood that most abusive partners will deny the nature and extent of any problem that exists.

Staff should not give information to an assaultive partner regarding the whereabouts of the children, but will assure him the children are safe.

The worker should determine the partner's ability to co-operate and participate in a meaningful manner by assessing the partner's understanding of the effects of children witnessing violence. Questions may include:

- Have the children heard you yelling at your partner?
- Have the children observed you getting angry with your partner to the point of breaking things, threatening,



or hitting her?

- Do you understand that witnessing abuse is extremely harmful to children?
- Was there violence in your childhood home?

CONCLUSION:

C.A.S. staff's primary obligation and client is always the children. The next client is the family, and the obligation is to provide assistance to support the autonomy and integrity of the family unit which is non-violent and viable. While C.A.S. is responsible for providing service to all family members, including an alleged abuser and/or non-protective parent, this is done in a manner which retains the safety and viability of the non-violent segment of the family as paramount.

For this segment of the family, support should be provided in the way that is least restrictive or disruptive to the children and family, yet provides adequate protection for the children. Intervention must focus first on the immediate needs of the children. This includes possible intervention if a parent is not taking adequate steps to protect the children. Once protection of the children is achieved, C.A.S. is obliged to try to alleviate the situation which gave rise to intervention.

If services are offered and refused, this data is included in the assessment of the risk to the children and in considering the longer term feasibility of reuniting a family unit (i.e., children with non-protective parents or abusers with protective parent and children).

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