
**Juvenile Justice & Family Law
Committee**

HB 2395

Brief Description: Addressing the impact of domestic violence on children.

Sponsors: Representatives Dickerson, Williams, Hasegawa, Darneille, Morrell, Roberts, Kagi, Flannigan, B. Sullivan and Miloscia.

Brief Summary of Bill

- Establishes protocols for intervention with families experiencing domestic violence and child maltreatment.

Hearing Date: 1/18/06

Staff: Sonja Hallum (786-7092).

Background:

The Washington State Coordinated Response Protocol Project was developed by a multi-disciplinary Leadership Network that included representatives from a wide range of community and state agencies. The project was supported by a grant from the U.S. Department of Justice.

This statewide collaborative leadership network was established to:

1. In conjunction with regional implementation groups and stakeholders, design a statewide protocol template.
2. Provide technical assistance to local jurisdictions implementing the protocol template; and
3. Provide oversight and guidance in the development of statewide policy and procedures to support implementation of the protocol.

The Leadership Network, in conjunction with regional implementation sites, created a protocol template as a set of principles and intervention guidelines for communities across the state to guide practice when responding to families experiencing domestic violence and child maltreatment.

Summary of Bill:

When the Department of Social and Health Services (DSHS) investigates an allegation of child abuse or neglect, the DSHS is required to determine whether domestic violence was a contributing factor to the alleged child abuse or neglect. If there is probable cause to believe that domestic

violence was a contributing factor, the DSHS must conduct an assessment of the alleged domestic violence perpetrator. The assessment must include the following information:

- Whether risk of abuse or neglect to the child is related to the alleged domestic violence by the adult victim of domestic violence;
- The level of risk posed to the child by the alleged perpetrator of domestic violence, including the alleged perpetrator's history of domestic violence;
- The safety of the adult victim of domestic violence and the child;
- Potential protective behaviors that may reduce the risk of harm to the adult victim and the child; and
- The capacity of the adult victim for self-protection and protection of the child.

The DSHS is required to provide training to persons who conduct the investigations of child abuse or neglect and the assessments of the alleged perpetrators of domestic violence. The training shall include the following:

- Identifying indicators of domestic violence;
- Interviewing techniques that do not increase the risk of danger to the adult victim of domestic violence or child;
- Identifying protective behaviors that may reduce the risk of harm to the adult victim or child;
- Determining risks posed by an alleged domestic violence perpetrator to the adult victim or child;
- Appropriate interventions for the adult victim and the child; and
- Appropriate interventions for the alleged domestic violence perpetrator.

The DSHS is encouraged to coordinate with courts, local law enforcement agencies and other agencies and systems that are involved with domestic violence. Each agency that intervenes with co-occurring allegations of child abuse or neglect and domestic violence must document its role in handling the case and its coordination with other agencies. The agency must adopt protocols for its involvement in the cases that define the roles, responsibilities, and limitations of the agency, and should include copies of the policies, procedures, or legislative directives shaping the organization's roles and responsibilities for responding to domestic violence and child maltreatment.

Each county shall also develop a written protocol for intervening in cases where allegations of child abuse or neglect and domestic violence co-occur. The protocol must address the coordination of interventions between the department, local advocacy groups, courts, local law enforcement agencies, and any other local agency involved in responding to domestic violence.

Protocols should:

- Outline the notification process to be used, the development and implementation of interagency case staffing for cases with co-occurring domestic violence and child maltreatment, and a plan for routine cross-training opportunities;
- Include a formalized understanding of the information exchange process, including a description of the confidentiality mandates of participating organizations, as well as the safety issues considered, in order to ensure confidentiality, protection of the child, and protection of the adult victim;

- Identify the organizations responsible for implementing interventions:
 - The resources necessary to implement routine screening;
 - Assessments, including separate assessments for the safety of the adult victim, child, and alleged perpetrator;
 - Safety planning; and
 - Services for victims, children, and perpetrators;
- Specify the dispute resolution process among agencies and courts;
- Identify outcomes to be measured including, but not limited to, increased coordination between agencies, increased safety of adult victims and children, and increased accountability for perpetrators; and
- Specify the gathering of data and the measuring of outcomes.

The protocols should articulate a mission statement identifying the target population of the protocol, consistent with the following principles:

- Domestic violence, independently, shall not be considered child maltreatment. A thorough assessment should be conducted to determine the level of risk posed to the child by the occurrence of domestic violence;
- Increasing the safety, autonomy, and emotional well-being of the adult victim generally leads to safer outcomes for children;
- Considering the best interests of the children, by keeping them in the care of the adult victim and non-offending parent;
- Each family should receive an individualized response that allows for participation in the development of a plan for increased safety for all members of the family;
- A perpetrator of domestic violence should be held accountable for the domestic violence and any subsequent risk posed by such behavior;
- Attending to a family's cultural strengths and resources is paramount, and services should be provided in a culturally responsive manner; and
- Effective treatment and support resources for families experiencing domestic violence where children are present are essential components of a coordinated community response system.

Local protocols required under this section must be adopted by July 1, 2007, and submitted to the Legislature for review before that date.

Subject to local resources and court processes, courts are encouraged to implement the court improvement recommendations in the template for coordinated response to child maltreatment and domestic violence developed by the Washington State Gender and Justice Commission.

Appropriation: None.

Fiscal Note: Requested on 1/10/06.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.