

In Whose Best Interest?

The Social Impact of Child Welfare Policies on Women and Helping Professionals in Cases of Domestic Violence

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Acknowledgements:

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Overview of Presentation

- Issue of DV and the intersection with Child Welfare
- Research Questions
- Research Objectives
- Methodology
- Results: Key Themes
- Future Directions



Domestic Violence & Child Welfare

- Over 650,000 Canadian women have experienced domestic violence in the past 5 years (Statistics Canada, 2005)
 - 23% have been threatened with life-threatening violence
- In Toronto, more than 1 in 4 violent offence charges laid by police are for domestic assaults

Domestic Violence & Child Welfare

- Since changes to the child welfare legislation (Ontario Child and Family Services Act) there has been an increase in reporting of children who are exposed to woman abuse to child welfare authorities
- For example, the Children's Aid Society of Toronto has experienced a 500% increase in child welfare cases involving domestic violence since the new legislation came into effect (Environmental Scan, CAST, 2003)

Research Questions

- 1) What is the social impact of child welfare legislation that defines children exposed to domestic violence as a form of child maltreatment on disclosure of domestic violence and help-seeking actions of abused mothers?*
- 2) How does this legislation impact on the practices of social service providers/social service agencies?*

Research Objectives:

- **The following objectives were aimed at examining the impact of child welfare legislation on:**
 - *abused women in relation to disclosing domestic violence*
 - *abused mothers accessing services in Toronto for themselves and their children*
 - *the practices of service providers in the VAW sector, health care services, police and legal services and the child welfare system itself*

Research Methodology

- Participatory Action Research (PAR) Framework (Maguire, 1997)
- Research Advisory Committee (RAC)
- Culturally diverse sample (location: Toronto)
- Key informant interviews and focus groups with representatives from the following sectors:
 - Child Welfare, VAW (Violence Against Women), Police, Health and Justice/Legal
 - Women who have experienced abuse, Child Witnesses

Data Collection

- Basic statistics collected (e.g., # cases reported) from social service agencies where available
- Key informant interviews
 - Informed the development of the focus group interview guides
 - Highlighted salient issues within the service community
 - Helped identify other stakeholders and research participants
- Focus groups with stakeholders
 - Mother previously in abusive relationships, child witnesses, Child welfare workers, shelter workers, VAW advocates

Procedures

- Participant consent and introduction to the study aims and objectives
- Audio-taped (with consent) and manually transcribed
- Raw data supplemented by interviewer notes to ensure trustworthiness of the data

Participants

- Interviewed 27 key informants from the full range of sectors:
 - Violence Against Women
 - Child Welfare
 - Healthcare
 - Police
 - Legal Services
 - Ethno-specific Services
 - Survivors of Woman Abuse
 - Child Witnesses
- Held 7 Focus Groups

Data Analysis

- Analysed for themes using content analysis on a line-by-line basis:
 - 66% of interviews analysed in greater depth
- Analysis conducted using N*Vivo
- Double-coded by multiple investigators and research assistants with consensus agreement
- RAC provided member-checking reviews of the coded data

Themes Across Sectors

Disclosure and Reporting

- Impact of legislation on reporting
- Women's awareness of legislation
- How safe is disclosing woman abuse for mothers and children?

Issues with the Legislation

- Positive/Negative Impacts
- Suggested Improvements

Safety, Accessibility and Accountability

- Marginalization and Access
- Perpetrator Accountability
- Woman Abuse does not Occur in Isolation

Systemic Service Issues

- Sectoral Isolation
- Coordinated, Integrated and culturally based services
- Differential response

Disclosure and Reporting: Impact of Legislation on Reporting

“I think the sense of not only disclosing abuse and what that is going to mean along with the multiple kind of reporting that is happening in the system. So police call, Crown’s call, the shelter calls, just the impact of that over reporting and scrutinizing has meaning in systems right, huge. So I think that has really created a lot of new fears for women. “

-VAW Participant

Disclosure and Reporting: Women's Awareness of Legislation

“ ...I think with a lot of women is that if they report something Children's Aid will be called and my child or children will be taken away. I think that perception is out there. Does that legislation have a direct effect on women not coming forward? I am sure it does, to what degree it's really tough to know...”

– Police Participant

Legal Services Participant:

“ It’s a problem that simply women won’t report. You have a guy in the house that may be on probation or parole. You don’t want to report because he’s not just going to be removed, he’s going to jail, um not just for a little while but for long to finish up his sentence. There’s a distrust of the police so there’s just this real concern that people don’t want to report. So again it leaves people in violence rather than out of violence...I just think the impact certainly in the Aboriginal community has been one that isn’t particularly helpful...”

Disclosure and Reporting: How Safe is Disclosing Woman Abuse for mother's and children?

“Is it better to report because it happens? It feels like very damaging to do so. Hit and miss with the worker... Woman's decision about reality of living without partner's income. Structure of CAS is paternalistic, reproduction of abusive dynamics. Even if domestic violence is present it becomes about the mom's parenting, mental health, addiction history. Lacking sensitivity of domestic violence... What is happening is not working.”

-Ethno-Specific Services Participant

Domestic violence survivor:

“...even if the child is not being hurt, the child is being emotionally hurt. I don’t care what anyone says. Every kid in the world loves their mom and it can’t be very nice to see your mom get beat up or cut up or put down. I know I used to hate it when my dad did that to my mother...”

Impact of the Legislation: Positive Impacts

“ I don’t think there is a debate today about the harm that is caused to children that are living in these situations. I think the totality of the changes to the legislation plus the understanding that we have today of how serious this is, in terms of its impact on children have enabled a better protection response, at least in terms of reporting and hopefully in terms of being part of a coordinated response to the problem then we had before.”

-child welfare participant

Child Witness Participants:

“I wish it was around when I was 10 years old”

“Thank God children’s aid came into my life”

“Before I was born this should have been implemented....we could have been a family”

Domestic abuse survivor:

“ But see I would welcome it, I would say come and help me get this idiot to stop doing this, help me get out of this situation, help my kids have a healthy environment....”

Child Welfare Informant:

“... I think a lot of times we are reaching kids we might not have reached. The information that informed the legislation also informed our practice, so we know for instance a lot of kids diagnosed with ADD, maybe domestic violence was going on and that has an impact. So now you have a child who has that profile and we may be asking some questions we might not have asked before. .. maybe doing things a little differently, and sometimes it's helpful and sometimes its not so helpful, but in the long run it might be helpful...”

Impact of the Legislation: Negative Impacts

“ I think it has created quite a, both confusion and anxiety, not so much with myself because I certainly feel very strongly that children who witness violence are at risk but I know when I teach physicians and when I give rounds on violence and when I am doing workshops around responding to disclosures of violence the issue about mandatory reporting, when should they be reporting....It is the reason why physicians don't ask about violence because if they get a yes answer...they are going to have to deal with it and often it is better not to ask the question.”

-healthcare participant

Child Welfare Participant:

“ I think sometimes we may intervene in ways that may also be harmful, like taking a kid out of a home is harmful. If you apprehend a child because you think the situation needs that and then you go to court and....the judge doesn't agree sometimes and the kid gets sent home...what messages has that family had, is that child any safer and dad is in the home....So there are times when I think the legislation can be harmful because we use it in certain ways and not everyone sees domestic violence in the same way.”

Impact of the Legislation: Suggested Improvements

“I think the Act needs to be clarified and there needs to be less ambiguity about reporting in the case of intimate partner violence or violence in the home. I would like to see communication strategy with resources being put into communications for both the provider and for the client or potential client.”

-Healthcare Participant

Accessibility and Accountability: Marginalization and Access Issues

Women from marginalized communities have greater barriers in disclosing and accessing services for themselves and their children and include:

- women of colour
- lesbian mothers
- women with disabilities
- mothers of children with disabilities
- immigrant and refugee women, women without immigrant status
- women of various cultural and religious backgrounds
- financially disadvantaged women
- women with mental health issues or addictions

VAW Participant

“... especially for individuals who have mental health concerns or who have been labeled with developmental disabilities... Another barrier is physical accessibility or inaccessibility, so not even being able to get into an agency. A whole other issue is if some women want to leave and their partner is also their caregiver, where do they go...there is fear of being re-institutionalized...women with disabilities who have children is the whole fear of them not being viewed as competent parents, competent and capable...”

Healthcare Participant:

“...women who are in the process of immigration...often they are being sponsored by their male partner, and in the case of intimate partner violence if that partner is the perpetrator, my experience is that the immigration is used as a threat. So women are threatened to be deported...and that keeps women in abusive relationships...The other group of women is refugee claimants ... if they have come in as a claimant with the husband....he was charged, convicted, deported and what happens to her refugee claim? So she is being deported now with four children back to the country where he is waiting for her....we have thousands of undocumented migrants who have no papers, no status and for those people any involvement with the state or a state agency is a threat.”

Accessibility and Accountability: Perpetrator Accountability

“ I think it would be good if we could also make the perpetrator more accountable for what he has done in the sense that a lot of the times when they are charged with assaulting and they are given certain order or conditions, we a lot of times don't know where that perpetrator is...we're following up with mom, following up with the children but,....Dad's off the hook”

-child welfare participant

VAW Participant:

“... It was asked is this legislation going to hold the abuser accountable and there was talk about that in the beginning and in the end that is not what it was. No matter how you cut it, the abuser gets off most of the time, he is not held accountable, and not made responsible and the onus is still on the woman in keeping her kids safe. So somehow there needs to be more of a shift in making the abuser accountable for his actions and using this legislation as a way to do it. “

Accessibility and Accountability: Woman Abuse Does not Occur in Isolation

- No two situations are the same
- Comprehensive assessment required in order to appropriately consider mother's and children's safety needs
- Take into consideration the complexities of multiple issues

Systemic Service Issues: Sectoral Isolation

Isolation between sectors occurs due to:

- Differing interpretations of CFSA
- Conflicting mandates of service provision
- Competition for scarce resources
- Unfamiliarity with other sector roles and responsibilities
- Lack of communication
- Perceived power imbalances between systems
- Lack of training

Systemic Service Issues: Coordinated, Integrated and Culturally based services

Delivery of Services seems to occur more smoothly when:

- Internal policies specific to DV are in place
- Agreed upon protocols have been established and implemented
- Professionals are trained in DV and Woman Abuse Specifically
- Meetings are held between sectors to identify and find solutions for dilemmas
- Specialists are available (DV teams, Liaison Workers etc.)
- Services and interventions are culturally based

What constitutes culture-based interventions?

Participants representing services for Aboriginal families, emphasized the need to implement culture-based interventions from an Aboriginal perspective. These included making use of:

- community councils for perpetrators of abuse
- restorative justice approaches for perpetrators of abuse
- traditional healing approaches from Aboriginal teachings for victims
- family preservation and extended family and community involvement
- involvement of Aboriginal community elders to counsel families

Child Welfare Participant:

“I am not convinced that we are all working as integrated way as we could or should, that is child welfare, authorities, police, perhaps the shelters and that has less to do with the specific issues of domestic violence then it does the police department and the breadth of responsibility it has and their ability to support the protocol that all Children’s Aid Societies have to have for the investigation of abuse. ...In terms of where to go next, I think we need to start looking at again a more coordinated response, both with respect to investigation but also with the aftermath with respect to service part. I don’t think we are there yet...”

Systemic Service Issues

Differential Response

Assumes that each case is different and does not require the same level of response from child welfare

Although there are still questions need to be addressed with respect to :

- Screening and assessment tools
- Availability of resources that are coordinated, integrated and culturally responsive
- Referral and Follow-up Options

VAW Participant:

“Ideally it could be that children were not taken away but children got the support and both children and mom got the support, rather than her being punished which really that is how it is presented, you messed up and for whatever reason you weren’t able to. I think there is an underlying message of blame the woman for being in the situation that she is and we know it is incredibly complex.”

Limitations of the Research

- Large urban context leaves out experiences in rural settings
- Heterosexual relationships only
- Not all women's experiences are represented
- Educators were not sampled
- Existence of CAS/VAW collaboration agreement in use in Toronto

Future Directions: A Work in Progress

- Community Symposium to address the findings of the research and to further incorporate discussion and feedback into the research itself
- Formulation of recommendations for policy and practice
- Exploration of avenues for future research and programming

Thank You

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- Methodology
- Results: Key Themes
- Future Directions



Domestic Violence & Child Welfare

- 29% of women ever married, or living in a common law relationship have been physically or sexually assaulted by their intimate partners at some point in their relationship (Statistics Canada 2000)
- In Toronto, more than 1 in 4 violent offence charges laid by police are for domestic assaults

Domestic Violence & Child Welfare

- Since changes to the child welfare legislation (Ontario Child and Family Services Act) there has been an increase in reporting of children who are exposed to woman abuse to child welfare authorities
- For example, the Children's Aid Society of Toronto has experienced a 500% increase in child welfare cases involving domestic violence since the new legislation came into effect (Environmental Scan, CAST, 2003)

Research Questions

- What is the social impact of child welfare legislation that defines children exposed to domestic violence as a form of child maltreatment on disclosure of domestic violence and help-seeking behaviours of abused mothers?
- How does this legislation impact on the practices of social service providers/social service agencies?

Research Objectives

- Examine the impact of child welfare legislation on:
 - Abused women in relation to disclosing domestic violence
 - Abused mothers accessing services in Toronto for themselves and their children
 - Current practices of those sectors engaged in service delivery to this population

Research Methodology

- Participatory Action Research
- Culturally diverse sample (location: Toronto)
- Key informant interviews and focus groups with representatives from the following sectors:
 - Child Welfare, VAW (Violence Against Women), Police, Health and Justice/Legal
 - Women who have experienced abuse

Research Process: Advisory Committee

- Representation from community sectors impacted by this research (Violence Against Women, Child Welfare, Health, Police, Survivors of Woman Abuse)
- Aided in identification of key informants and recruitment for focus groups
- Collaborated on the development of focus group question guide

Results

- Interviewed 20 key informants from the full range of sectors:(VAW, Child Welfare, Health Care, Police, Survivors of Woman Abuse etc.) to:
 - Highlight salient issues in the field
 - Assist in development of interview guides
 - To identify stakeholders and research participants
- 10 Focus Groups

Key Themes: Referrals

- Child Welfare referrals for children exposed to domestic violence
 - Referral sources
 - Nature of referrals

Key Themes: Disclosure & Access

- Women disclosing abuse in light of Child Welfare legislation
 - Awareness of legislation
 - Impact of legislation on disclosing abuse
- Women accessing services for themselves and/or their children
 - Barriers

Key Themes: Engagement

- Families' involvement with Child Welfare
 - Support available
 - Removal of children
- Ideological issues with Child Welfare approaches
 - Re-victimizing women

Key Themes: System Entry Issues

- Police involvement in domestic violence and referrals to child welfare
- The role of healthcare professionals in reporting domestic violence and serving women
- Immigration and cultural issues and domestic violence

Future Directions

- Community Symposium to address the findings of the research
- Formulation of recommendations for policy and practice
- Exploration of avenues for future research and programming



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