



September 23, 2014

TO: Senator Dick Sears, Co-Chair  
Senator Claire Ayer, Co-Chair  
Legislative Committee on Child Protection

FROM: Sarah Kenney, Associate Director of Public Policy

We would like to extend our thanks to the Committee on Child Protection for your thoughtful, thorough work to analyze our state's response to children at risk, and for the opportunity to provide our perspective on the critically important task of striving to keep children in Vermont safe from harm. As a number of committee members and witnesses have noted, the problems of domestic and sexual violence are woven throughout many of the cases under review and are present in many of the families with whom DCF is interacting on a daily basis around the state. I'd like to share with the Committee some thoughts from the Network's Member Programs, based on their decades of advocacy on behalf of survivors of sexual and domestic violence.

This information is gathered from informal conversations with directors of the Network's fourteen Member Programs, conversation with advocates at those programs, as well as from reports from the Vermont Council on Domestic Violence and a forthcoming report from the Network and the Center for Court Innovation on Domestic Violence Accountability in Vermont.

I want to begin by providing some context. Recent child death cases have highlighted a concerning reality that Network Member Programs and other community providers have struggled with for years: throughout state agencies and community-based nonprofits demand for services is higher than ever, individual needs of service users are increasingly complicated, and funding levels don't begin to meet the need. As the Committee has heard over and over again in the past months, DCF does not operate in a vacuum, but instead relies on the services and collaboration of legions of community providers to fill in the gaps and pick up pieces where the state has insufficient resources. Our Network Member Programs represent some of those providers.

Over the past five years, between 2009 and 2013, the fourteen Member Programs of the Vermont Network have seen a dramatic increase in the need for the services they provide to victims and

survivors of sexual and domestic violence:

- An increase of 128% in the number of hotline calls (24,389 in 2013);
- An increase of 72% in the number of sexual violence survivors reaching out for help (1720 in 2013);
- An increase of 49% in the number of shelter-nights provided to survivors and their children (29,946 in 2013);
- An increase of 29% in the number of domestic violence victims served (8492 in 2013); and
- An increase of 29% in the number of victims sheltered (827 in 2013).

While demand for services has steadily increased, programs have struggled with decreases in federal funding levels due to sequestration, the loss of critical statewide federal grants, and state funding that has remained flat for years.

Collectively, Network Member Programs have been forced to eliminate the equivalent of more than 20 full-time positions across the state over the last five years. It is within this context that our programs – and most community providers – are doing more with less funding and providing high quality, comprehensive services to families struggling with multiple complex realities, many of them linked to trauma.

At the same time, our state has made great strides toward acknowledging the huge number of individuals in our service systems – including DCF and the family courts – who have survived various forms of trauma (including many domestic and sexual violence survivors) and the impact of that trauma on individuals' lives. Emerging research helps to inform our understanding of how we can acknowledge trauma's impact and work to mitigate it through intensive and intentional supports for survivors. The Domestic and Sexual Violence Unit within DCF is an excellent example of this kind of trauma informed lens. The unit is a result of more than a decade of collaboration between DCF and the Network and our Member Programs; it provides Domestic Violence Specialists around the state to consult on the many cases accepted by DCF that involve domestic violence. Even with the addition of one new specialist, however, the unit is under-resourced and the department cannot often provide the kind of intensive services needed to support a protective parent who is being abused by their partner.

Even with all this good work, I still routinely hear terrifying stories from around the state of victims of domestic violence who work in good faith with DCF and the family courts to try to protect their children and themselves from an abusive partner, and who still lose custody to the parent who has been abusive. Or victims who maintain primary parental rights but are forced to facilitate unsupervised visitation for their children with the person who abused those children, regardless of whether DCF has substantiated child abuse against the perpetrator. A pediatrician recently told

me of a case where a father was substantiated by DCF for sexual abusing his children, but then was granted unsupervised visitation with those children by the court. Imagine being a mother who worked with the system to try to protect her children, and now has to bring them to visit with the perpetrator with no supervision. Unfortunately, these stories are not entirely uncommon, but they don't make headlines because it's just not safe for these survivors to come forward and tell their stories while their families are still entangled with DCF and the family courts.

We appreciate the Committee's thoughtfulness in creating a confidential means for individuals to contact Legislative Council with stories that highlight these systemic issues and we sincerely hope that survivors will feel comfortable (and will have the time and capacity) to reach out. Meanwhile, the Network wanted to highlight some of the facets of the current system that advocates have identified as working well and those that are not.

### **What's working:**

- DCF's Domestic and Sexual Violence Unit (highlighted above) – a great model but requires more resources;
- Focus on trauma-informed services throughout AHS – although much more remains to be done in terms of training, policies, and cultural shifts;
- Work in recent years (mostly through the DV Unit) to prioritize supports and resources for protective parents – a focus on removing the perpetrator of violence and wrapping supports around the other parent to help them regain their safety and their footing as a parent;
- Hearsay exceptions for child victims of sexual violence (Rule 804A) – but these need to be expanded to include child victims of physical injury and domestic violence.

### **What's not working:**

- AHS Human Services Board appeals process. When a person is substantiated for child abuse, he or she has the right to appeal to the HSB, including the right to cross-examine the victim. With no evidentiary or safety protections and no right to an attorney, victims – even very young children – are subject to the traumatizing and terrorizing experience of being questioned and manipulated by the very person who perpetrated the abuse. Consequently, we understand that DCF in some cases may overturn their own substantiation in order to spare the victim this re-traumatization. Clearly, something needs to change in this process to allow the state to hold perpetrators of abuse accountable without re-victimizing children.
- Lack of funding – additional resources are needed to support the community-based organizations that form the safety net underpinning all of what DCF does. These organizations are struggling to meet the need and collaborate in intentional ways with DCF, the courts and other service providers.

- Lack of substance abuse treatment and community mental health resources – additional resources are needed for trauma-informed substance abuse treatment and community mental health resources. Vermont is lucky to have some wonderful services around the state, but not nearly enough to support the demand, and even fewer with expertise in working with trauma survivors.

### **Suggestions for Change:**

- The Safe and Together Model of intervention for child protection in circumstances involving domestic violence is being used with some success in a number of states around the country and in a couple of Vermont counties. This model, based in Connecticut, is a perpetrator pattern based, child centered, survivor strengths approach to working with domestic violence that was developed specifically for child welfare systems. We encourage the legislature and the administration to consider whether this approach makes sense to apply statewide.
- Community accountability for perpetrators of domestic violence. There are recommendations forthcoming from the Network and the Center for Court Innovation related to Vermont’s approach to perpetrator accountability. These recommendations include the following: “The impact of abusive behavior on children is a paramount concern identified by stakeholders throughout Vermont. Providers in Bennington and Washington counties are working across disciplines to provide programming specifically for fathers who have exhibited abusive behavior towards their partners. Emerge in Boston, MA, a national leader in work with domestic violence offenders, created a parenting program for domestic violence offenders due to requests from participants in their batterer program. Their curriculum is now a separate curriculum and allows for referrals from child protective services and other criminal justice stakeholders.” We encourage expansion of parenting programs for perpetrators of domestic violence as part of a re-organization of domestic violence intervention programming around the state.
- Supervised visitation – the Vermont Coalition of Supervised Visitation Programs has been working over the past several years to standardize statewide services for parents who are court-ordered to supervised visitation with their children. This service is critically important for parents with a history of violence who are working to rebuild their relationships with their children in a safe setting. The Coalition has formally requested establishment of a process for certification and base funding of supervised visitation programs to be overseen by the Vermont Council on Domestic Violence; the Council has accepted the recommendation. We recommend that the legislature consider the Council’s request for statutory language and funding to support this work.
- Economic supports for parents – Over and over again we hear from survivors of domestic and sexual violence that what they most need to keep themselves and their children safe is

money to pay bills; safe, affordable housing; and legal representation. Resources for all of these crucial supports are far too limited. If we can support protective parents' basic needs, and those of their children, then safety and stability are so much more attainable.

- Focus on the best interest of the child, especially the Title 15 statutory factor related to violence. Too often we hear that protective parents are penalized for disclosing abuse perpetrated by the other parent because they are judged as “unfriendly parents” who are not fostering a positive relationship with the other parent. Needless to say, it can be incredibly hard to appear “friendly” to the person you fear is abusing your children. Training on trauma and domestic and sexual violence, and the importance of viewing children’s best interest through the lens of the impact of violence on adult and child victims, is necessary for all involved in the child protection and court systems to make sure that protective parents are supported and abusive parents held accountable.
- Training for all child abuse investigators – law enforcement and social workers – must be expanded to include trauma response, domestic and sexual violence, and the intersections of trauma and parenting.
- Breaking down communication barriers between DCF’s Economic and Family Services Divisions and the Department Of Corrections.
- Kinship care issues – bringing a trauma-informed lens and prioritizing safe relatives in determining out-of-home placement for children (as opposed to a strict hierarchical checklist).
- Better communication among systems players that are working to support a family, while preserving confidentiality so that people can feel comfortable reaching out for help without having their story splashed on the front page of the Free Press.
- Allow minors to petition for protection orders with help from an adult other than a parent or guardian who files on their behalf – Rule 9 currently allows a minor to file for a protection order with a “next friend” signing on their behalf. This is an important protection if the victim’s parent or guardian is not a safe option (or if a parent or guardian is a defendant on the order), but is not clear in the protection order statutes. This language should be inserted into the statute governing protection orders in Title 15 and Title 12 to give child victims more options to seek safety.

Thank you very much for the opportunity to comment; we look forward to continuing to engage in this conversation with the legislature, the administration and our fellow service providers. We urge the legislature to carefully consider additional protections for children and protective parents. We would hate to lose all of the progress we as a state have made toward supporting trauma survivors – especially victims of sexual and domestic violence – to recover, find supports, and regain their ability to provide safe, nurturing homes for their children.