

**UNIVERSITY OF CALGARY**

**Domestic Violence and Child Welfare Policy:  
An Examination of Alberta's Child Welfare Legislation and  
The Impact on Child Welfare Practice**

**by**

**Kendra L. Nixon**

**A THESIS**

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## **Abstract**

**There has been an increased awareness that many children exposed to violence within their home environment are at risk of being seriously harmed. Canadian child welfare authorities have attempted to address this risk by amending their protective legislation to include specific provisions that aim to protect children from the detrimental effects of witnessing violence within the home.**

**These amendments, however, have been severely criticized as being problematic in terms of failing to protect children, further victimizing battered women, and ignoring abusive men. The present study examines the legitimacy of these criticisms and explores how the policy context impacts child welfare practice when dealing with situations involving domestic violence. To conclude, the document offers recommendations as to how the child welfare system can better respond to families experiencing violence.**

## **Preface**

The term 'domestic violence' will be used to describe a form of abuse, which is predominately male abuse of women with whom they have an intimate relationship. I realize that there are men who are abused by their female intimate partners, but the reality is that this occurs in much smaller numbers. The research study was designed to be gender-neutral; hence, the term "domestic violence" was used in the research and the write-up of this report. However, interviews with the respondents (i.e. child welfare workers) revealed that this is, in fact, a gender-specific phenomenon. I also recognize that abuse occurs in same-sex relationships, but the term "domestic violence", as used in this thesis refers largely to the abuse by men of women with whom they have been in an intimate relationship, as this was the reality and experiences reported by the study participants.

The question of whether child protection services should intervene at all in cases of domestic violence is very controversial. Although I realize that this analysis is controversial, it is offered in the hope of stimulating constructive discussion, which, in turn, will lead to a more appropriate and effective way of dealing with battered women, their children, and abusive men within the context of child protection.

## **Acknowledgements**

I would like to thank the *Calgary Rocky View Child and Family Services Authority* for their support and for enabling me to conduct this study within their organization. Especially, I would like to extend a special thanks to the eight front-line child protection practitioners who took the time out of their very busy and demanding schedules to share their experiences with me. Having previously worked in the field of child welfare, I certainly can appreciate and empathize with the great difficulty of their job in keeping children and families safe.

Also, I would like to give my deepest appreciation and gratitude to my thesis supervisor, Dr. Jacqueline Ismael, for her continuous support and encouragement. Dr. Ismael's genuine interest and appreciation for this study was invaluable, and it was her passion towards social justice that inspired me to challenge (and keep challenging) the existing dominant ideologies and values that oppress the most marginalized groups in our society.

Lastly, but certainly not least, I would like to thank my colleagues, family, and friends who continued to provide their much needed support and encouragement throughout this long, and often tiresome, process. I would like to give special thanks to my partner, Calvin Shewchuk, for his patience, reassurance, and proud words; but most of all, for challenging me to look beyond my own view of the world.

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## **Chapter One**

### **Introduction**

In the last decade, there has been increasing recognition that children who witness domestic violence are at risk of being seriously harmed, physically, psychologically, and developmentally. Child welfare in Canada has recently acknowledged the detrimental effects of witnessing violence on children, and some provinces have begun to respond. Alberta, along with five other provinces, has included a specific clause in its child welfare legislation that attempts to address child witnesses of violence within the home. The Child Welfare Act for Alberta includes a provision that a child can be deemed to be in need of protection if that child suffers emotional harm by witnessing domestic violence. Child welfare legislation designed to address the impact of domestic violence, such as Alberta's, has been severely criticized as being problematic in terms of failing to protect children, further victimizing battered women, and ignoring abusive men.

#### *Purpose of the Study*

The purpose of this study was to explore the nexus between child welfare policy and child welfare practice as it relates specifically to domestic violence. This exploratory study examines the impact of Alberta's child welfare legislation concerning child witnesses of domestic violence on child welfare practice. Specifically, the study examines child protection workers' usage of the section (Section 3(C)) in Alberta's child welfare legislation that mandates intervention

when there is domestic violence occurring in the home. This study also examines the responses of child protection workers in such cases.

The findings from this study are examined in the light of the themes raised within the current body of literature.

### *The Problem*

In the last decade there has been a great deal of concern for children who are exposed to domestic violence from child advocates and those professionals working in the area of child maltreatment. Most of the work has focused on the clinical effects on child witnesses. Researchers have discovered the possible harmful effects of witnessing domestic violence on children, indicating that witnessing violence can be extremely damaging to a child's cognitive, emotional, social, developmental, and physical well-being (Carroll, 1994; Dawson, 1990; Hershorn and Rosenbaum, 1985; Hughes and Hampton, 1984; Jaffe, Wolfe and Wilson, 1990; Layzer, Goodson and deLange, 1986; Moore, Pepler, Mae and Kates, 1989; Straus and Gelles, 1996; Sudermann, 1997). Children who witness domestic violence often exhibit symptoms similar to children who have been physically, sexually, and/or emotionally abused (Hershorn and Rosenbaum, 1985; Jaffe, et al., 1990). Exposure to domestic violence may be related to internalizing problems as depression, low self-esteem, and withdrawal; as well as externalizing problems including rebellion, hyperactivity, and delinquency (Dawson, 1990; Jaffe, et al., 1990; Moore, et al., 1989).

Other studies have discussed the cycle of violence hypothesis, which purports that male children who witness domestic violence are at an increased risk of becoming perpetrators (Hughes and Hampton, 1984; Jaffe, et al., 1990). In addition, children exposed to domestic violence may be at risk of neglect or abuse by their mothers who are suffering from the cumulative stress of being victimized, and this may be true regardless of whether the abuse has been witnessed by children or not. Domestic violence may impact on the mother's parenting capacity, requiring her to utilize all her resources for coping with ongoing physical, sexual, and emotional abuse, as well as threats to her life, and threats to the custody of her children. Consequently, there may be less attention and emotional support remaining for the children (Sudermann, 1997).

A growing body of research evidence indicates that there is a significant overlap between domestic violence and child abuse (Edleson, 1999; Farmer and Owen, 1995; Straus and Gelles, 1996). In families where one form of violence exists, there is a likelihood that the other does, too. In one study, researchers found that 50% of the men who assaulted their wives also assaulted their children (Straus and Gelles, 1996). Another study revealed that seventy percent of children admitted to emergency shelters were direct victims of abuse and neglect (Layzer, et al., 1986).

Despite the considerable amount of literature and research conducted on the harmful effects of witnessing domestic violence, there has been much less written about the response of child protection services to child witnesses of domestic violence. The limited literature indicates a varied and haphazard

response from child protection workers in both Canada and the United States (Echlin and Marshall, 1994). There seems to be a general consensus that witnessing violence can be detrimental to a child's physical and emotional well-being; however, there has been neither a consistent response nor real discussion about what should be done to alleviate this problem.

The discussion primarily focuses on practice issues such as increased training for child protection workers and shelter workers, collaboration between child welfare and battered women's advocates, and small scale policy changes (i.e. interagency protocols). Very little has been done to examine child welfare legislation and how this impacts child welfare practice when dealing with situations of domestic violence.

The scant information on child protection policy and domestic violence contains several significant criticisms of the child welfare system's approach to dealing with the issue of domestic violence. Child advocates have argued that the sections of provincial child welfare legislation regarding domestic violence are rarely used, given the lack of a workable definition of child abuse that includes children who witness domestic violence (Echlin and Marshall, 1994). The definitions are considered to be too vague, broad, and not inclusive enough. In addition, the legislations include injuries sustained by child witnesses that are difficult to prove, and different provinces define harm differently – some address emotional harm, while others address physical and developmental harm (Echlin and Marshall, 1994). Echlin and Marshall also note that due to the lack of a workable definition, there is often little judicial support. This has resulted in

cases being ignored, while other abuse cases with a clearer mandate (i.e. physical abuse) are given priority.

The legislation has also been criticized because of its gender-neutral terminology (Echlin and Marshall, 1994). As an example, Alberta's child welfare legislation uses the terms, "domestic violence" and "domestic disharmony". Battered women's advocates have argued that the wording tends to distort reality of the situation – that the victims are almost always women and children. This gender-neutrality also fails to attribute any accountability and responsibility for the abuse to the male batterer.

The legislation has also been strongly criticized by assaulted women and battered women's advocates because the wording of the legislation suggests that when a woman is being abused and fails to report it, her child could be apprehended if the abuse is subsequently reported or discovered (Law Reform Commission of Nova Scotia, 1995). Advocates for battered women have indicated that given the probability that such legislation will include mandatory reporting, it could possibly have the opposite effect of protecting children. It may increase the chances of women remaining in abusive relationships because they are reluctant to disclose violence out of fear of losing their children. In addition, shelter workers may become viewed as "agents" of the state, rather than allies or advocates for battered women (Echlin and Marshall, 1994). Mandatory reporting of each victim to child welfare may irrevocably damage the relationship between shelters and abused women. Battered women already face tremendous obstacles in reporting their partner's violence, but the knowledge that their

children may be viewed in need of protection may exacerbate their ambivalence to seek safety out of fear of having their children apprehended. Ultimately, women may become re-victimized by a patriarchal system, and abusive men will be alleviated of any responsibility for their violent behaviour.

Additionally, if a child is apprehended adjustment difficulties may be created in reaction to this or already present problems could be exacerbated (Armitage, 1993). Such increased traumatization could result from the removal of the child from the home, uncertainty of child welfare proceedings, or even simply the added stress to the family system when child welfare workers intervene in the family. Research in the areas of separation and loss reveals that separating a child from her/his family can be tremendously emotionally damaging. Given these criticisms, one of the more difficult policy issues in the context of domestic violence is the question of how to protect children.

### *Methodology*

The purpose of this study is to explore the connection between child welfare policy and child welfare practice in regards to domestic violence. For instance, the study examines the impact that Alberta's child welfare legislation has on the practice of child welfare workers. Specifically, their usage of the particular section in Alberta's child welfare legislation that mandates intervention in cases of domestic violence is examined. The experiences of eight front-line child welfare workers are examined. A qualitative, exploratory research

methodology was utilized as it was considered to be the most appropriate design for this particular research project.

### *Research Design*

The literature review revealed little empirical research on child welfare policy issues concerning children who are exposed to domestic violence, and none within the Canadian child protection context. Therefore, an exploratory research design is recommended when “building a foundation of general ideas and tentative theories, which can be explored later with more precise and hence more complex designs” (Williams, Unrau and Grinnell, 1998).

Qualitative studies favour more open and subjective data collection and analysis approaches, setting out to understand the personal experiences of the participants (Tutty, Rothery, and Grinnell, 1996). Using qualitative methods, the experiences of child welfare workers would be learned in a more profound and personal way, and would yield information that is richer and more attuned to the complexities of context and individual differences than a quantitative approach (Tutty, et al., 1996, p. 11). Further, a qualitative approach was chosen because it lends itself well to a process of discovery, rather than testing hypothesis (Taylor, 1993).

A generic or “mainstream” approach to qualitative methodology was utilized primarily because of its flexibility and feasibility (Marshall and Rossman, 1989). The mainstream approach allows the researcher to design the research as it evolves, while utilizing various strategies to fit with the logic of the specific

inquiry (Marshall and Rossman, 1989). Feasibility issues such as time constraints and limited financial resources also made the mainstream approach an attractive option.

A preliminary review of the literature was conducted prior to the data collection and analysis phase. This was done to give some direction to the study and to help devise the research questions (Tutty, et al., 1996). However, a more extensive literature review was conducted after the data collection and analysis components were completed. The purpose of this literature review was to integrate and contextualize the research findings of this study with the current body of literature concerning child welfare's response to domestic violence. This was the primary reason why the literature review was conducted after completing the analysis.

### *Research Participants*

The method of availability sampling was used for the selection of the respondents. This form of sampling was used primarily because it was relatively simple and would be sufficient for this study. Eight front-line child protection workers participated in this study. A "request for participants" flyer (Appendix C) was distributed to the various child welfare district offices to recruit study participants. However, only one participant was recruited via this method. Because of this limited response, district office managers gave permission for me to contact workers to invite them to participate in the research study. The remaining seven participants were recruited via telephone requests. The field



research interview participants were also invited to participate in a follow-up focus group.

The research participants included only front-line child protection workers currently working with the *Calgary Rocky View Child and Family Services Regional Authority*. These were selected because of their direct client experience in the area of child protection, and because they use the child protection legislation to intervene in families where children are deemed at risk.

#### *Data Collection*

The data was collected from conducting field research interviews and one follow-up focus group. Eight individual interviews were held with front-line child protection workers from the *Calgary Rocky View Child and Family Services Regional Authority*, the child welfare authority of the Calgary and Rocky View area. The interviews ranged from one to one and a half hours in length. The interview was guided by a semi-structured interview format so that the interview remained focused but could allow for discussion if unanticipated responses arose. The questions were open-ended to allow the respondents to express their own perspectives and experiences in their own words (see Appendix A for semi-structured interview guide). The research questions primarily focused on workers' perception of domestic violence, their practice experience, and their usage of Alberta's child welfare legislation.

A follow-up focus group was held with the respondents who participated in the field research interviews once the data were analyzed. The focus group

lasted approximately one and a half hours. Similar to the field research interviews, the focus group followed a semi-structured interview format, consisting of open-ended questions (see Appendix B). Again, this format was adopted as means to direct the focus group, but at the same time, allowing for discussion for unanticipated responses.

The purpose of the focus group was threefold: to ensure that the data collected from the individual interviews were accurate (i.e. to ensure trustworthiness); to explore emergent themes; and to ask additional questions that arose for me from the data analysis process. A complete and accurate record of the field research interviews and focus group was kept by using an audiotape recorder and detailed case noting. Note taking, in addition to tape-recording, not only served as a safeguard against mechanical difficulties or audio problems but it also helped to keep track of participant comments if I needed to refer back to them (Tutty, et al., 1996). In addition, case noting enabled me to record my own comments and observations (i.e. what I was thinking/feeling and any insights or themes I identified).

### *Operational Definitions*

To aid the reader in understanding the current child welfare legislation in Alberta, the following terms and phrases have been operationally defined.

#### **a.) "in need of protection"<sup>1</sup>**

***(2) For the purposes of this Act, a child is in need of protective services if there are reasonable and probable grounds to believe that the survival,***

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<sup>1</sup> Term is defined according to the Child Welfare Act for Alberta.

*security, or development of the child is endangered because of any of the following:*

*(f) the child has been emotionally injured by the guardian of the child;*

*(g) the guardian of the child is unable or unwilling to protect the child from emotional injury;*

b.) "emotional injury"<sup>2</sup>

*(3) For the purposes of this Act,*

*(a) a child is emotionally injured*

*(i) if there is substantial and observable impairment of the child's mental or emotional functioning that is evidenced by a mental or behavioural disorder, including anxiety, depression, withdrawal, aggression, or delayed development, and*

*(ii) if there are reasonable and probable grounds to believe that the emotional injury is the result of*

*(C) exposure to domestic violence or severe domestic disharmony*

c.) "domestic violence" and/or "severe domestic disharmony"

The Child Welfare Act for Alberta does not define "domestic violence" or "severe domestic disharmony", thus leaving it open to child protection workers' interpretation. Preliminary discussions with child protection workers have indicated that they use their own subjective definition. Study participants were instructed to only focus on domestic violence situations involving intimate partners (i.e. husband/wife, spouses, boyfriend/girlfriend, etc.).

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<sup>2</sup> Term is defined according to the Child Welfare Act for Alberta.

d.) "child witnesses"

Child witnesses are those children who have witnessed or have been exposed to domestic violence in the home. They are not direct victims of physical assault. I would like to acknowledge that many children who witness or who are exposed to domestic violence can also be the direct victims of physical harm.

*Data Analysis*

The data analysis process used in this study involved three stages: transcription of the data, analysis, and interpretation.

The field research interviews were transcribed verbatim, along with comments that reflect the non-verbal behaviour of the participants (Tutty, et al, 1996).

The central purpose of qualitative data analysis is to sift, sort, and organize the masses of data acquired during the data collection phase in such a way that the themes and interpretations that emerge from the process address the original research question(s) (Coleman and Unrau, 1996).

First, the interviews were previewed to become familiar with the entire data set (Coleman and Unrau, 1996). When all of the interviews were read, the first-level coding began, whereby certain meaning units were identified, categorized, and coded (Coleman and Unrau, 1996). This method continued until all units were classified into categories and no new categories emerged. These categories were reviewed to ensure that they were the most relevant and

appropriate for the data. The next stage of the data analysis included second-level coding, whereby meanings were ascribed to the categories (Coleman and Unrau, 1996). This coding method was used to determine the similarities and differences between the categories. Again, the coding process was continuously reviewed so that the analysis accurately reflected the comments and points of views of the research participants (Coleman and Unrau, 1996).

A qualitative data analysis computer program (*ATLAS/ti 4.1*) aided in the data analysis by storing and organizing segments of the text (Coleman and Unrau, 1996).

Finally, the data were interpreted to identify themes and sub-themes, as well as the relationships and interconnections between the themes and categories (Tutty, et. al, 1996).

In addition, a journal was used to record the data analysis process. Detailed notes were kept to record my own reactions of the emerging issues that arose in the analysis, as well as any decisions and rationales that I made during this process. This helped to ensure trustworthiness of the research study (Coleman and Unrau, 1996).

### ***Biases and Assumptions***

It is important that researchers pay attention to any personal biases and preconceptions that may impact their study (Tutty, et al., 1996). These biases should be recorded so that one is constantly reminded that they need to ensure that the conclusions are dictated by the data rather than by their own beliefs.

Recording these biases and assumptions in a journal will be useful in assessing how successful one is in keeping personal biases under control during the data collection and analysis (Tutty, et al., 1996).

I bring to this study certain personal biases and/or assumptions that are important to acknowledge from the outset. The most significant assumption is that the child welfare legislation that specifically mandates intervention in cases of children exposed to domestic violence, is likely to be problematic. This is based on my own extensive review of the literature prior to conducting the research. In fact, it was the criticisms in the literature that prompted this particular research study. Therefore, this assumption may have some influence over the study findings discussed in the document.

Secondly, I believe in practice from a feminist perspective which has guided the research in a certain way. For instance, the research has been guided by a set of beliefs and feelings about the world and how it should be understood and studied. This, no doubt, influences the questions that one asks and the interpretations drawn from them.

### *Limitations*

The primary limitation to this particular research study is that the results are based on the subjective viewpoints and experiences of a relatively few child protection workers. The data collected may or may not be accurate in revealing the true or real usage of the section in the legislation that addresses domestic violence. The purpose of collecting this data was to reveal various common

themes and concepts, which will help to guide future research concerning this particular issue.

Furthermore, the respondents who participated in the study may not be representative of other child welfare workers. The eight participants were attracted to this study because they personally believed domestic violence is a serious issue confronting child welfare workers. They will likely have different responses than those child welfare workers whom do not believe domestic violence is a serious issue, or those workers whom are indifferent. This should be kept in mind when considering the study findings.

### *Significance of the Study*

New policies often emerge without adequate attention to the lessons that can be learned from research studies of various aspects of policy or similar policies adopted elsewhere. This may be a result of strongly held political or ideological beliefs, which lead to little or no attention being paid to research results (Wharf and McKenzie, 1998, p. 58). The use of research to inform policy development is not the rule in Canada (Wharf and McKenzie, p. 59).

This study can be considered to be important or worthy on several grounds. Firstly, this study explores a serious social problem that has traditionally been ignored, especially in the area of policy where there has been very little work done. Critics such as Callahan (1993) have argued that, despite the considerable knowledge on the damaging effects of witnessing violence on children, there has been a failure to develop effective policy to deal with this

problem. Therefore, understanding the implications of child welfare amendments which include domestic violence will enable policy-makers to develop more appropriate and useful policies that address this issue.

Secondly, this study not only has implications for policy, but also for practice. Designing sound, useful policy is requisite if child welfare practice is to be effective in addressing domestic violence and the impact of witnessing on children. Examining the experiences of child protection workers with this legislation will suggest the usefulness and effectiveness of the child welfare legislation and how it impacts practice in cases of domestic violence. For instance, if the legislation only mandates intervention with the guardian, child welfare workers may be unable to focus their efforts on boyfriends or other intimate partners whom have no legal guardianship of the child. Consequently, their only recourse is to concentrate their efforts on the non-abusing guardian, which is in most cases the mother. If the current legislation is problematic, it is unlikely that child protection workers will be able to respond appropriately and effectively in families where domestic violence is occurring.

Thirdly, this study will hopefully add to our current knowledge and understanding of child welfare policy and practice at a time when changes and reforms are rampant. Recent reforms have been occurring in child protective services, not only in Alberta, but also across Canada. For example, Ontario has recently reformed its child welfare system. One recommendation was the need to include a provision of protective services for children who witness domestic



violence<sup>3</sup>. Child protection workers and child advocates in Ontario have voiced their concern about the need to develop policies and legislation within child welfare to address this serious problem. For those provinces that are in the process of adopting such legislation, exploring Alberta's experience will be informative in terms of understanding the ramifications of including such a section in provincial child welfare legislation. Therefore, the significance and/or relevance of this study need not only apply to Alberta, but can be very valuable in understanding policy and practice in child welfare on a broader, national, and perhaps, international level.

### *Overview of the Thesis*

This chapter outlined the purpose and significance of this particular research study. A brief overview of the literature was provided to assist the reader in understanding the issue of child welfare policy as it pertains to cases of domestic violence. This chapter also discussed the research methodology that was utilized to explore child welfare legislation and its impact on practice with families experiencing domestic violence.

Chapter Two will present the research findings including the major themes and patterns that were identified in the field research interviews and focus group.

Chapter Three will explore the relationship between child policy and practice. The various contextual factors (i.e. ideological, historical,

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<sup>3</sup> This recommendation was not included in the latest amendments to Ontario's Child and Family Services Act as a result of the concerns expressed by the Violence Against Women sector as it was viewed as potentially damaging to battered women.

organizational, and personal) that influence and shape child welfare policy and practice will be examined.

Chapter Four will present the current body of literature on the child welfare system's response to domestic violence. The patterns or themes found in the current study are examined in the context of the existing literature concerning child welfare's response to domestic violence.

Finally, Chapter Five will present a summary of the research findings and the major themes identified in the review of the literature. Recommendations about how child welfare systems can better address the issue of domestic violence will be offered.

## **Chapter Two**

### **Research Findings**

This chapter presents the results of the qualitative analysis of the eight interviews and the follow-up focus group. First, I provide an overview of the findings from the individual interviews. These are based on the eight questions asked of the respondents. The several major themes that emerged from the interviews are discussed, these include: 'Definition of Domestic Violence', 'The Abused Woman as the Focus of Intervention', 'The Abused Woman's Inadequacy', 'Invisibility of the Perpetrator', and 'Usage of Alberta's Child Welfare Legislation'. Following the findings of the interviews, I present the results of the focus group. An overview of the focus group will be provided, in addition to the major themes that arose.

Before the results are presented, it may be helpful to discuss why I was originally interested in pursuing this research. This was primarily based on two factors. Firstly, Ontario's child welfare system recently underwent a reform, including a recommendation that the Child and Family Services Act (Ontario's child welfare legislation) be amended to include exposure to domestic violence as a risk to children. This recommendation elicited a fierce response from battered women's advocates and criticisms of such legislation quickly emerged. Secondly, after having worked in both the areas of child protection and violence against women myself, I can, indeed, appreciate the dilemmas facing workers in both sectors. I believe these dual perspectives will be helpful in the research

process, and may result in some insight about how child welfare authorities can more effectively intervene in situations of domestic violence.

### *Research Participants*

Six of the eight participants are Caucasian, and two identified as Aboriginal. Seven of the eight respondents are female. The length of participants' child welfare experience varied. One participant has worked in child welfare for ten years, five workers have worked two to five years, one worker has worked for one and half years, and one worker has worked in the field of child welfare for less than one year.

With respect to educational level, four respondents have B.S.W. degrees; three respondents have M.S.W. degrees; and one respondent has an undergraduate degree in criminology. Six of the workers reported prior experience working with abused women. Six respondents had additional training on domestic violence; five had received training through child welfare training programs. Finally, in terms of personal experiences, three respondents were victims of intimate partner violence, themselves, and one respondent grew up in a household where domestic violence occurred.

### *Overview of the Field Research Interviews*

This section discusses the major themes identified in the field research interviews. The field research interviews began by asking the respondents several general questions about the issue of child witnesses of domestic violence. For instance, they were asked if they considered children exposed to

domestic violence was a problem in the current child welfare practice. Respondents were asked to reflect on what they viewed the problem to be. Next, respondents were asked to rank this particular problem with other child protection concerns, such as physical and sexual abuse. Not only did these questions help to introduce the topic, they also provided some insight into a common criticism of child protection workers - that workers' have limited knowledge and awareness about domestic violence and its impact on children.

All eight respondents asserted that they believed witnessing domestic violence by children was a significant issue in child welfare practice. The respondents appeared quite knowledgeable about the effects of witnessing violence on children and articulated that such witnessing is indeed damaging to children, physically, emotionally, and developmentally. When asked to rank the problem of witnessing domestic violence with other child protection concerns, all the respondents viewed domestic violence as being as serious. In fact, some workers believe that witnessing can be more serious than other forms of abuse, as some children are often at great risk of being seriously injured or killed by the abusive partner. Although the participants stated that they personally believe witnessing violence is a serious child protection concern, they did not believe that the overall child welfare system treated it as such. Each participant talked about receiving inconsistent responses from supervisors and other workers. For example, some supervisors prioritize domestic violence cases, whereas others do not; some fellow workers address domestic violence as a serious issue, while

others view it as simply “fighting” or arguing between the parents. Two workers commented:

*I think that I definitely view it as serious as other forms of abuse, however, I think it isn't viewed that way system wide with child welfare workers or with supervisors. (Interview #4)*

*I've even worked under three different supervisors myself, and I've noticed for similar cases, one supervisor will take a lot firmer stand over another one. I don't know exactly why that is. It's likely a personal belief...they put it on a hierarchy sort of thing.*

*(Interview #7)*

Workers were asked if they believed that the child welfare system should intervene in cases of domestic violence. All the respondents stated that because of the harm inflicted on children, child welfare should indeed be intervening. However, although all of the workers agreed that child welfare should intervene, the degree or level of intervention differed. For example, one worker believed that child welfare should only intervene as a “last resort”; another worker stated that child welfare may not be warranted if the family is willing and able to work on the issue themselves (i.e. attend counselling); whereas other respondents believed that child welfare should always intervene in some capacity.

Next, the respondents were asked to describe their experience with children who have witnessed domestic violence. All of the workers stated that they have had cases where domestic violence was present, either as the defining problem or in addition to other child protection concerns. The perceived prevalence of domestic violence on the respondents' caseloads varied from 25%

to 100%<sup>4</sup>. All workers stated that domestic violence was an issue that they were increasingly seeing more of.

*I think the majority of the cases that I have dealt with probably at some point there has been domestic violence in the home.*

(Interview #1)

*...most of the cases have to do with family violence* (Interview #3)

*...I would say more than half [of cases] are related to domestic violence* (Interview #5)

All eight respondents have intervened in some way with families where domestic violence was occurring. The workers appear to be inconsistent in the way they intervene. For instance, the types of intervention used varied from more voluntary intervention such as support agreements<sup>5</sup> to more mandated measures such as supervision orders<sup>6</sup> and apprehensions, or to not opening a file at all. According to the respondents, the type of intervention is determined by several factors, including the history of domestic violence in the family; police involvement; acknowledgement from parents that witnessing abuse was harmful to their children; and the abused woman's willingness and motivation to seek help. The inconsistent approaches to cases of domestic violence are reflected in the following statements:

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<sup>4</sup> Respondents were asked about the prevalence of domestic violence on their caseload. Their responses reflect only their best guess or estimate.

<sup>5</sup> A support agreement is a voluntary agreement between a parent and a child welfare director. The child remains at home and the parent remains the guardian.

<sup>6</sup> A supervision order is a mandatory order made by a judge that determines what kind of services a family must allow a child welfare director to provide. The child remains at home and the parent remains the guardian.

*You have child welfare protection concerns that are indicated to you, but because the family is willing to resolve these problems, access community supports, then you can close the file on the grounds that the family's voluntarily accessing [supports]...dealing with the problem on their own. (Interview #4)*

*...would likely start with a support agreement. Put in services in place for domestic violence. Maybe request that they go to services...If that's not working we would apply for a supervision order that would court order them to...If they are not complying or are not willing to, we would go for a supervision order...this would all be if the risk to the children is not immediate. (Interview #8)*

*...a supervision order if the family is willing to go for therapy.  
(Interview #3)*

*I have personally started to use when there is little acknowledgment or not serious enough acknowledgement – the police have been out, it's clear that the child is being impacted, a first step would be to go with a supervision order. (Interview #6)*

As illustrated, the respondents differed in their approach to domestic violence. For instance, in situations where families are willing to seek treatment voluntarily to deal with issues of domestic violence, the interventions range from not opening a child welfare file to court mandated supervision order to ensure that families attend treatment.

There also appeared to be inconsistent responses among the workers as to when apprehending the children was the most appropriate intervention. One respondent claimed that children would not likely be apprehended if they were not being physically abused but the violence was still occurring in the home (i.e. only the mother was being abused). However, other respondents insisted that if the domestic violence were ongoing, the children would most likely be apprehended. Consider the following comments:



*...we do remove kids because of severe domestic violence*  
(Interview #1)

*I would say if it was a family violence issue and the child wasn't being beaten and the mother was able to protect half-ass, they wouldn't [apprehend]. And the mother was being beaten, not the children, I would say they wouldn't apprehend. (Interview #2)*

*If they [the parents] don't follow through with anything on that [the supervision orders], if there is even a sign of domestic violence, the child can be apprehended real quickly. We usually stress that.*  
(Interview #3)

*if it's a second time incident we usually go to court on a supervision order... if it continues, there's a possible apprehension.*  
(Interview # 5)

*I have used apprehensions when there's been clearly no acknowledgement. (Interview #6)*

*...it mainly depends on the victim's mindset – whether they are in denial, whether they or he snapped once, and it's not going to happen again...I think if there is an extended history, they've gone through the counselling and continue to get back together when instructed not to, we would definitely look at re-apprehension.*  
(Interview #7)

Interestingly, three workers commented that they considered the family's ability to pay for services when making decisions relating to the type of child welfare intervention. In others word, a child welfare file would be opened in cases where a family could not afford to pay for services themselves.

*...the family requires more support to access the resources, that could mean that the family is still willing to access supports but they're having problems connecting – whether there is a number of barriers, maybe transportation or child care... that maybe having a support agreement... in order to support the family. (Interview #4)*

*If they can't afford to pay for counselling, which most of the families we see can't... we sign a support agreement. (Interview #5)*

I found no obvious reason for the inconsistent responses among the respondents. For instance, there were no common characteristics in the workers' demographics nor were there any similar factors such as working in the same team or office, or having had training in domestic violence. What is even more remarkable is that not one respondent commented that she/he considers the emotional state of the children when deciding on the type of intervention. This is somewhat disturbing, especially since that, according to the legislation, it is the emotional injury that the child sustains that warrants child welfare intervention. Furthermore, none of the workers commented on the parents' behaviour and how that impacted the child's emotional injury. For instance, workers did not mention how the perpetrator's abuse impacted the child emotionally, or the victim's ability/inability to protect the child from the emotional abuse.

Other prominent themes emerged from the data analysis. These themes include: 'Definition of Domestic Violence', 'The Abused Woman as the Focus of Intervention', 'The Abused Woman's Inadequacy', 'Invisibility of the Perpetrator', and 'Usage of Alberta's Child Welfare Legislation'.

### *Definition of Domestic Violence*

As mentioned previously, the respondents readily acknowledged that domestic violence is a serious problem within child welfare practice and that witnessing violence has a significant negative impact on children. Most of the respondents construed domestic violence as "fighting" or "marital conflict". The

problem of domestic violence was conceptualized as abusive behaviour *between* the two partners. Consider the following comments:

*...you need to say to this family... "your fighting could cause you to lose your children." (Interview #1)*

*The kids hear the parents arguing and will get up and if they're [the parents] fighting, they probably will stay where they are.*  
(Interview #3)

*...the police have been out a couple of times, and clearly the statements say that the child is being held while they [the spouses] are fighting. So there is a risk of physical harm – it's domestic violence, this mother is being beat up. (Interview #6)*

*It's pretty much part of my standard interview that I do with the child – to find out what Mom and Dad do when they are mad at each other. Do they hit each other or et cetera? (Interview #7)*

*...ongoing verbal abuse is within the family, between Mom and Dad and it's chronic...parents continued arguing, threats towards Mom of physical harm, as well. Dad threatened to hurt her in front of the children, on numerous occasions, and threatened to murder her and the children. (Interview #8)*

As illustrated in these quotes, both parents were often perceived as mutually engaging in the abusive behaviour even when the abuser was clearly identified as the man. This may be attributed, in part, to the gender neutral terminology used in the legislation (i.e. "domestic violence" or "domestic disharmony"). Rarely did workers conceptualize the problem as being male violence towards the female partner, although they provided countless examples of child welfare cases where it was the male partner who was perpetrating violence towards his female partner.

Given the respondents' conceptualization of the problem it is not surprising that the interventions employed did not concentrate on the man's violence towards the mother. Instead, the interventions often focused on alleviating the violence "between" the partners, namely through mandating the parents to counselling. This is illustrated in the following statements:

*If they both acknowledge that it is going on, what I usually do is talk to both of them and make a determination that they are going to get into some counselling. If it is severe enough...I would go to court and I would seek a supervision order so that I can ensure that they will do the counselling... but all the courses in the world aren't going to help if the two people don't want to change their behaviour.*  
(Interview #1)

*If they don't follow through with anything on that [supervision order]...the child can be apprehended real quickly.*  
(Interview #3)

*You sort of give them a warning that if you get called back again, then the decision making will be taken out of their hands.*  
(Interview #5)

*...the parents are not being responsible – they are not doing anything about it [domestic violence]* (Interview #6)

*There was no appreciation, I don't think from the parents to make any changes.* (Interview #6)

Even in situations where the male partner was the obvious perpetrator, the woman was considered to be partly responsible for alleviating the problem. One worker commented:

*Dad punched Mom, she had bruises, [and] she went to the hospital. They plan to go to counselling and I want a supervision order to ensure they attend counselling.* (Interview #5)

### ***The Abused Woman As the Focus of Intervention***

Although both partners were viewed as contributing to the violence “between” them, efforts primarily focused on the battered woman. In other words, the battered woman is viewed as being responsible for alleviating the problem.

*And then you need to be saying to the parents or to the wife, specifically, and this is the majority who you say it to is, “You need to make a decision, you’re going to either keep exposing your children to this kind of behaviour, or we may be called in to take a more intrusive role which could be removing the children from the home.” (Interview # 1)*

*“If you see your husband coming home drunk, what can you do about it? First of all, you don’t get on his back. You make a decision – you are either part of the problem, which you are if you don’t address the issue with him when he is sober, or you get out. You do what you need to do for you and your children. If you choose not to, I might make that choice for you.” And that’s what I tell them. (Interview #1)*

One worker spoke of a conversation that she had with a battered woman.

*“Look, you are putting your child at risk”...If the mother chooses to stay and is saying, “Well it’s his fault, he’s doing this to me.” “Well what can you do about this? What are your options?” (Interview #6)*

From the case examples provided by the respondents, there appear to be strong expectations placed on women to separate from or remain separated from men who are violent. Take, for example, the following comments from three respondents:

*I think if it is severe domestic violence, most child welfare workers would be saying to the wife, “You need to be making a decision, you stay with your husband or you leave your husband and take*

*your children to a safe place until your family gets involved in therapy and does some of the work, and some anger management skills are learned or we remove your children.” (Interview # 1)*

*I confronted her. “Where were these kids when he kicked you”. I said, “This is not right. If you want to continue the relationship with so and so, then we’ll be more intrusive with you and your family.” (Interview #3)*

*If it’s [the abuse] a second time incident we usually go to court on a supervision order. And we would just walk into the family with the Order in hand and say, ‘Obviously things didn’t go as well as planned.’ And I think it’s made, at least I make it clear, that if I’m going out for a second time, then if it happens a third time, the kids are gone. Whether its Mom moves out with the kids, or we remove the kids. So if it continues there’s a possible apprehension. So Mom has to leave with the kids. (Interview #5)*

Clearly, the bottom line is that women are warned that if they do not follow through with the plan imposed on them by child welfare workers, they can expect more intrusive measures, including the removal of their children. In one startling case example, the respondent continued to focus efforts on the battered woman, holding her accountable when the abuse continued. Even when this woman made efforts (presumably set out in the case plan) to seek help, she was punished. Consider the following account:

*...the father of her four youngest ones wasn’t living at home but he would come around and visit. And I would say, “You know, I don’t have a problem with that as long as he’s not coming around and demanding things of you and not abusing [you] verbally, especially in front of the kids.” And so that was fine...we were visiting Mom on a regular basis, every month [as] she had a supervision order. She went to Sheriff King Phase 1 and Phase 2 [domestic violence counselling program]. She was having another baby. She had her own place and I guess he came there one weekend and got on her case about something. I think it had something to do with the service plan. He got mad and kicked her in the stomach. She phoned the police. He left. They [the police] put it down as a*

*complaint. And I confronted her, "Where were these kids when he kicked you?" She said they were sleeping. I said, "I don't think they were sleeping. This is not right. If you want to continue the relationship with so and so, then we'll be more intrusive with you and your family." (Interview #3)*

It seems that this woman did everything that a battered woman "should do" – she no longer lived with abusive partner, she attended domestic violence counselling, and she called the police when her partner assaulted her. Still child welfare focused efforts on her. Ultimately, the battered woman was held responsible for the abuse when, in fact, others should have been: her ex-partner for abusing her, the police for not laying charges or arresting the perpetrator, and child welfare for also not intervening with the perpetrator. It appears as though battered women are held responsible for the failures or shortcomings of the social structures that are supposed to protect them. Furthermore, the child welfare worker noted that the woman's ex-partner became angry and physically abusive when he found out about the child welfare service plan. If this is the case, are child welfare workers aware of the potential danger that they are putting battered women in?

In a similar case, a battered woman was the focus of child welfare intervention and her children were subsequently apprehended.

*[T]here was some speculation that Mom had gotten beaten up by her new relationship. But I found out she got beaten up by an ex-boyfriend that was the brother of this new relationship. But the kids were around – the kids were apprehended. Mom was taken... to the hospital. So there was this really big mix-up, so [we] thought it was...domestic abuse, but it was somebody else who had done it – not her new relationship. (Interview # 3)*

In this case, even when the battered woman had left the abusive relationship, she was still held accountable for the abuse perpetrated against her.

### ***The Abused Woman's Inadequacy***

Discussions about battered mothers often turned to what the worker viewed as the woman's inadequacy - her lack of parenting skills, her "inability" to protect her children, her "unwillingness" to protect her children, and/or her lack of awareness or knowledge of the impact the abuse has on her children. Consider the following comments:

*My thing is that why is she staying there if it is that bad? Why would anybody place their children at risk if the domestic violence is that bad that she needs police protection every time they start arguing? (Interview #1)*

*It gets frustrating for us too, sometimes, when you're talking to a mom who [is] just putting up with this...[she's] just not getting it. (Interview #3)*

*It [the degree of intervention] mainly depends on the victim's mindset – whether they are in denial... if mom was in denial, and it was obvious that perhaps, she would let this guy back into the home. (Interview #7)*

*They just don't have the knowledge of how [domestic violence impact children]. [They] can actually trick themselves to think that they [the children] are sleeping upstairs, that they are not hearing it. (Interview #8)*

One respondent claimed that child welfare intervention is warranted even when the abusive partner is no longer involved in the family because of the battered women's poor decision-making around future intimate relationships.

*But women leave their spouses, if they don't [receive] therapy, they will pick another abusive spouse. If you don't learn, you are going to pick the same kind of partner. So I think if you leave an abusive partner, I don't think child welfare should walk away. I think we should work with the family and with the woman when they're away from their husband or abusive male. I think we should start doing work on their self-esteem and to teach them how to recognize*



*these kinds of guys and how to work through some of these issues so they don't pick the same kind of man because they do. They pick the same kind of man over and over and over again. They don't know any better. (Interview #1)*

### *Invisibility of the Perpetrator*

As mentioned earlier, it is apparent from the participants' responses that battered women are almost exclusively the focus of child welfare intervention. Even in situations where the abuse is blatantly on the part of the abuser, he is still absent from the child welfare service plan.

Alberta's child welfare legislation mandates intervention when the "guardian" is posing a risk to the child - either by abusing the child or by being unable or unwilling to protect the child from the abuse. Even though the Child Welfare Act deems a child in need of protection when a guardian has physically or emotionally injured a child, this seems to be rarely considered by child welfare workers when it comes to domestic violence situations. Instead, the clause "*the guardian of the child is unable or unwilling to protect the child*" seems the section that is being used when there are issues of domestic violence, rather than the section "*the child has been emotionally injured by the guardian of the child*". Therefore, it appears that from the interviews that the non-abusing guardian (i.e. the abused mother) is the focus of the intervention – not the actual perpetrator of the abuse. Consider the following respondents' interpretations of how the child welfare legislation should be used in cases of domestic violence:

*I'm just looking here at the types of child abuse...we have a shortened form that's taken from the Act. I think it just has there,*

*yeah, "the guardian is unable or unwilling to protect the child from emotional injury". So I would cite that. (Interview #4)*

*...it's [domestic violence] not always explicitly defined and should it be more explicit? You know, I don't know... "Unable" or "unwilling" – we could stretch that, we would define it, we would put it under that. (Interview #6)*

Although the Child Welfare Act includes a provision where the guardian is emotionally injuring a child by exposure to domestic violence, the respondents clearly view the non-abusing guardian as responsible. This problem may be further exacerbated when the abuser is not the child's legal guardian since the Child Welfare Act only addresses maltreatment by the "guardian" of the child.

#### *Usage of Alberta's Child Welfare Legislation*

Respondents were asked to describe their experience with the specific section in Alberta's child welfare legislation that deems a child in need of protection because of exposure to domestic violence. Echlin and Marshall (1994) have criticized this type of legislation asserting that sections in provincial child welfare legislation that address domestic violence are rarely used. They contend that these clauses are often not used because of (a) the difficulty proving the damage experienced by a child who has witnessed domestic violence and (b) the lack of judicial support resulting in these cases being ignored and other abuse cases with a clearer mandate getting priority (p. 177).

Contrary to the above assumption, all of the respondents indicated that they have used the Child Welfare Act (Section 3(C)) to intervene in cases of domestic violence; some of which claimed to use this particular section

frequently. This finding contradicts the criticism that child welfare sections that address domestic violence are rarely used.

A common criticism of provincial child welfare legislation that includes exposure to domestic violence is that often the section is unworkable because the wording is vague and too broad. This appeared to be not the case in the experience of the eight respondents. In fact, many of the respondents favoured this piece of legislation because it was vague and broad. The respondents believed that they were not restricted to certain cases that would only fit a narrow definition of domestic violence. Because the legislation is vague and domestic violence is not defined, workers are given the ability to intervene in a multitude of cases where domestic violence is occurring. Consider the statements:

*I mean it's written really almost vaguely. Which works in our benefit as well because we can be creative in how we want to define domestic violence. I mean they don't say it has to be hitting or emotional. Or how much emotional, or what counts. So you can make your case to the judge on what you think domestic [violence] is and how it fits in the scenario. (Interview #5)*

*So I think the vagueness, like in all the others, it's all pretty vague. I mean a lot of times I go out on a call, to be honest, I'm not really sure which section it really would fit under. You know, I think that vagueness – we're able to stretch. (Interview # 6)*

*I'm able to go to court and say "this is what I believe domestic disharmony [to be] and I believe it's happening." (Interview #8)*

The criticism that emotional injury is difficult to prove and, therefore, the legislation is not useable was also unfounded in this study. Several of the workers insisted that they do not need to prove emotional injury when making an application to the court. According to them, it is common practice for judges to

automatically assume that children who are exposed to domestic violence are harmed and, therefore, additional evidence is not required.

*It's easy because the judges are lenient at this point, and they say there is an unwritten rule that domestic violence affects kids and they're not going to push us on how that proves to be emotional. We don't have to get up and have psych. assessments to prove that there's emotional injury. You know they just say, "Okay, fine." ...I've never been asked to prove to the Court how I know that the child is emotionally injured, which, is a blessing for me.*

(Interview # 5)

*...before I think there was more of a burden of proof to prove emotional abuse, whereas now that's not the case. De facto the courts are saying – witnessing family violence puts your children at risk. (Interview # 6)*

*You need to prove that there is a possibility of it [emotional injury].*

(Interview #8)

A number of the workers added that they often use this clause as a way of intervening with families to “prove” to them that witnessing domestic violence is harmful to children and that child protection is warranted. For instance, several workers take the Child Welfare Act in hand and show it to the parents while on home visits proving to them that domestic violence is included in the Act and that they indeed have the authority to intervene in such cases.

*That it [Child Welfare Act] clearly defines domestic violence as putting children at risk. It's spelled out. It's not just emotional injury, it's spelled out. For instance, I just went out last week on an investigation and I say, "You know, you are putting your child at risk. No I'm not, No I'm not (mimicking client). Let me show you, [it's] clearly defined under the Act, the police were out, this is what happened, child welfare is concerned. Look, read it! You're putting your child at risk." (Interview # 6)*

An interesting, yet disturbing finding was that respondents considered child welfare intervention to be appropriate in cases where the child had not yet suffered emotional injury but instead, was at “risk” of emotional injury. But according to the Alberta’s child welfare legislation, there is no provision for risk of emotional injury. Unlike physical or sexual abuse, intervention is clearly restricted to the occurrence of actual emotional injury. It appears that some workers are broadening the legislation to include situations they believe warrant child welfare intervention.

*We have to consider that any exposure to domestic violence is emotional abuse... I think the courts have definitely backed us on that...I usually write that on the application, “the child is at risk for emotional abuse because of exposure to domestic violence.*

*(Interview #7)*

*You need to prove that there is a possibility of it [emotional injury].*

*(Interview #8)*

All of the workers believed that the section was a positive step in helping to address domestic violence. The respondents favoured the legislation because it gave them the ability to intervene in families where domestic violence was occurring.

*For sure it’s important to have it, because if it is not part of your legislation, then your hands are rather tied and people are really adrift. (Interview #2)*

*I think that having that clause assists us – that we can intervene in those situations. (Interview #3)*

The workers also liked the legislation because it makes a social statement that exposure to domestic violence is harmful to children.

*I think it tells parents the same thing – that this is something that society thinks is very inappropriate and we've been designated to assist you to take care of that, because it is a problem.*

*(Interview #2)*

*It makes a statement and that we have it right there in our Act to intervene if it happens. And if we know that it's happening – it gets the message across to those people. (Interview #3)*

*I think it's great that it's in there. I mean, at least, it's in there. At least we made some attempt to recognize that it harms children in some way. (Interview #5)*

### **Overview of the Focus Group**

A follow-up focus group was conducted to answer some additional questions that arose throughout the data analysis phase of the field research interviews and to examine the emergent themes in greater detail. Six of the eight original respondents attended.

Firstly, many of the major criticisms of child welfare's response to domestic violence cases were not consistent with the eight child welfare workers' interviews. One of the most significant criticisms is that child welfare systems tend not to view domestic violence as a serious problem, resulting in cases of domestic violence being ignored. On the contrary, the child welfare workers that participated in the study considered domestic violence to be a very serious issue and prioritized these cases in much the same way as physical and sexual abuse cases. According to the respondents, they did not put less priority on domestic violence cases. However, some workers believed that although they considered these cases to be just as serious as other forms of child abuse, they did not believe that this was the standard thinking for the child welfare system, generally.

Secondly, the criticism that child welfare policies that address domestic violence are unworkable was not consistent with the responses given by the interview respondents. The workers did not view the particular clause of the child welfare legislation that deems exposure to domestic violence as a child protection concern, to be unworkable. In fact, the respondent found the clause to be very “workable”. The respondents liked that the legislation was extremely vague as they could use it to intervene in many domestic violence scenarios, not just those that fit within a narrow definition.

The other themes that emerged included the abused woman being the focus of intervention, and the invisibility of the perpetrator in child welfare practice. There was an obvious gender bias in the way the respondents intervened in cases of domestic violence. Abused women were primarily viewed as being responsible for remedying the abusive situation and, therefore, were often the sole target of intervention. The perpetrators of the violence were rarely held responsible for the abuse in the same degree, if at all.

A focus group with the original respondents was conducted to ask additional questions and to probe for more detailed information on the aforementioned identified themes.

The first part of the focus group presented the various criticisms of child welfare’s intervention with cases of domestic violence. A common criticism of the present child welfare system is that child abuse cases are being triaged and that priority is being given to neglected children who show visible signs of neglect or abuse. Therefore, child witnesses of domestic violence are being ignored by

child welfare. Interestingly, this did not seem to be the case according to the eight respondents when interviewed previously. The six focus group members were asked to respond to this criticism.

There was no consensus among the respondents. Two individuals claimed that the criticism was not valid, that domestic violence is indeed viewed as seriously as other forms of child abuse, and these cases are given priority.

*I believe that whole issue of domestic violence is very much there and we are responding. Child welfare sees it as a serious threat to children, or impacting children. So it is taken serious.*

This worker also asserted that if child welfare does not prioritize domestic violence cases it is because these cases simply do not warrant more immediate attention as other cases.

*Bottom line is that I don't think there really can be a black and white situation. Each situation, I think, is different. Priority is priority and there is never going to be a time where because it is "here" it means this. It has to be risk to child. What is [the] situation? Is there imminent risk? That's what you have to ascertain. Usually, physical injury because you have documentation and so forth, tends to take priority. Every case is individual.*

Two participants commented that they receive few referrals from the community with respect to cases of domestic violence. Instead, cases of physical injury or abuse are much more apt to be reported to child welfare authorities.

*I think there is a lack of referral from the community where there would be more community referrals from the neighbours or friends from an actual physical injury. Whereas I think that individuals and friends kind of want to stay out of that – that it's "their business". So they stay out of it. They don't quite understand the damage that*



*this is doing to the children, as opposed to a smack on the face or some kind of bruise or something where they would be much more apt to call.*

Therefore, according to these workers, if child welfare is not intervening it is likely because they are not getting referrals. One worker commented that the priority given to these cases is also dependent on the priority given by the child welfare screener<sup>7</sup>.

*The people who are taking the call are not sending those over to us as emergencies. We are upgrading them to emergencies.*

The focus group members were also asked whether or not they believed domestic violence cases are handled inconsistently within child welfare, another common criticism of child welfare practice. One worker stated that this could be a criticism for every issue within child welfare, not just specifically for domestic violence. Nevertheless, she believed that cases of domestic violence were being handled consistently, and were treated no differently than any other cases.

*I mean it's a fairly subjective field and so I think there are – it's probably a valid criticism in some areas for every part of child welfare. I mean, I think it [domestic violence] is handled fairly consistently, but every single situation is so different...every worker or investigator is also different and have their own different values.*

Another focus group respondent indicated that the way in which child welfare intervenes is largely dependent on the particular office that receives the referral.

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<sup>7</sup> A screener takes all calls from the community and if necessary refers on to child protection investigators.

*I think it really depends on what “community of service”<sup>8</sup> you are in and what the protocols are for each individual area. I know in our area we prioritize domestic violence screening or investigations as emergencies.*

The respondent claimed that this was not the standard practice in other child welfare offices.

*The SSRT [Social Service Response Team] is not sending those [domestic violence referrals] over to us as emergencies. We are upgrading them to emergencies!*

During this discussion, participants talked about how domestic violence is handled in their own offices. The respondents reported definite discrepancies in how different offices responded to cases of domestic violence. For instance, some offices had established clear domestic violence protocols whereas others had not.

*I came from another community of service as an investigator, where we wouldn’t have made that type of call [domestic violence] an emergency, and then coming to this community of service...we talked about what we [child welfare team] wanted to consider as emergencies...and included in this was domestic violence.*

One focus group respondent claimed that her office does not prioritize domestic violence referrals and does not consider them as emergencies.

The third criticism that respondents reflected on was that legislation concerning children exposed to domestic violence is rarely used. Focus group members contradicted this criticism and stated that they often use this piece of

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<sup>8</sup> The original four child welfare offices have been divided into nine smaller offices located in the community. Each office represents a “community of service”.

legislation. When asked about possible limitations of the legislation, not one respondent offered any. It is important to note that these workers may be more apt to use this section of the legislation than other workers generally, as they expressed interest in the area of domestic violence by participating in the current study.

The focus group members were asked about proving emotional injury and their experience with judges and the court process concerning domestic violence cases. Interestingly, the respondents indicated only that they have to prove that an *incidence* of domestic violence has occurred. No one talked about proving emotional injury.

*I mean we need to provide information on the incident – that the police were out... We have to say why we think there is domestic violence.*

*I think even under an apprehension order you still need to give evidence. You certainly have to give actual incidences [of domestic violence].*

This is a concerning observation given that it is the “substantial” and “observable” emotional injury that deems a child in need of protective services. The question arises, is child welfare intervening and possibly removing children when there has been no proof that an emotional injury has even occurred?

The second purpose of the focus group was to obtain more detailed information on new themes that emerged from the data analysis of the field research interviews; they include: ‘Definition of the Domestic Violence’, ‘The

Abused Woman as the Focus of Intervention', 'The Abused Woman's Inadequacy, and 'Inability of Child Welfare to Hold Perpetrators Accountable'.

### *Definition of Domestic Violence*

During the field research interviews, workers tended to conceptualize the problem as a "family" or "couple" problem, whereby the partners were perceived as mutually engaging in abusive behaviour. This was not a major theme identified in the focus group. However, when discussing how she intervenes with families, one focus group respondent suggested that the "couple" should be involved in the solution. Consider the following statement:

*What I think we do is we say, "Either you're willing to do something about this, or we are taking this [child] into care... There are a certain number of things you are going to have to do even if you want the children to come home and you want to parent as a couple."*

### *The Abused Woman as the Focus of Intervention*

In the field research interviews the workers described their efforts as tending to concentrate on the battered woman. This was also apparent in the focus group discussion. Consider the following statements from the focus group members:

*There was domestic abuse happening and I confronted the mother about it and she didn't deny it, and she agreed there was a problem. I told her I was going for a supervision order because [she] had one of [her] kids still in the home. I have two of hers under a TGO [Temporary Guardianship Order]. So I went into court with it and got my supervision order – for her to get into counselling and plus her common-law. I told her I would give her a short time to start going to domestic abuse counselling and ...for her alcohol and drug addiction. Otherwise I will go in and apprehend this boy. I'm not ready to give the other two kids back.*

*They [women] are seen as the primary guardian and as the guardian they have - they should have - they need to protect. There is more onus on them to protect than there is the partner.*

*I've had a family where there were family violence issues and they continued and I said to her, "You're going to have to make a choice here between protecting your children and being with this man."*

One focus group respondent replied that focusing on the battered woman was indeed an appropriate course of action. This respondent also added that if a battered woman makes the "choice" to be in an abusive situation, then she must deal with the consequences.

*If you choose to do that then what are you going to do about it? There could be consequences.*

To explore this issue in greater depth, the focus group members were asked whom they believed should be the target of intervention. The majority indicated that they perceived the child as their primary client and the family as their secondary client.

*We have to remember who our main client is. And our main client is the children. Okay, we have three children in a family, who is their guardian, who are we working with? And that is then our secondary client that we are going to help out, because the children are our client.*

*We are always hoping that working with the family to keep them together, but sometimes you have to just look at the children and what they need and that starts to exclude either Mom or Dad, if there is family violence.*

Interestingly, although the respondents articulated that the family is viewed as the secondary client, child welfare efforts focus on the mother as a means to protect the child.

*...there is a tendency that if Dad has left the home but still has contact with the kids, to just work with Mom and the kids...We work with Mom to make sure she can protect the kids [and] everything is okay.*

When asked, the focus group respondents did not find it problematic to focus on one (the child) and not the other (the parents). The principle that the best interests of children in families with domestic violence cannot be separated from the best interests of their mothers was not voiced by any of the respondents.

#### *The Abused Woman's Inadequacy*

As was the case in the individual interviews, the problem was again attributed in part to the "inadequacies" of battered mothers. Take for instance, the following comments:

*But when you first get involved, she may not have that ability [to protect her children from the abuse], so you may have to take more intrusive steps to protect the child so she learns those skills.*

*[The] situation right now is very frustrating...because Mom can leave this man but is already in the bed of another man.*

*Now we all know that unless she gets some therapy she is going to choose the same kind of man over and over again. There is going to be a role for us even if she leaves this first man to take a more intrusive action to make sure she gets the counselling that is necessary.*

*Sometimes you can give them [battered women] all the services you want, but they don't learn them. They are not going to attach to the services and actually follow through in learning.*

*They just don't get it!*

*Success for Mom might be that she is able to protect the children more appropriately.*

### ***Invisibility of the Perpetrator***

Like the field research interviews, the focus group members appeared to pay little attention to the perpetrator's behaviour. The perpetrator of the violence appears to be invisible. Consider the following statements:

*...our main focus is making sure that Mom is okay – Mom has got the parenting skills she needs, Mom has got the therapy so she doesn't get into another abusive relationship or is able to make sure that her goal, um, but doing the other stuff [working with the perpetrator] is somewhat difficult, probably difficult until we get funding.*

*If they are not the biological dad, they've come into the picture in the last two or three years, I don't work as hard with those guys. I sort of almost push them aside and try to get her to push them aside, because it's harder.*

*But I think there is a tendency that if Dad has left the home but still has contact with the kids, to just work with Mom and the kids. And go okay, 'Everybody is safe now, and if we work with Mom to make sure she can protect the kids than everything is okay.' And I have even seen files where if Dad has left the home, you don't even call Dad. You don't even make any connection with. So there is a tendency, I think from the Department to do that, not really realizing there is a tendency obviously, for them to get back together. And if you don't work with both of them, that is a likely. Or there will still be contact with the kids, there is still the drop off before and after the visit, how they interacted and all of them. So I mean, I think it is sort of a narrow focus.*

*It becomes a lot more difficult and we do have a tendency to leave them [male perpetrators] out because they're trouble.*

*If they're gone, if the parent has left – I mean it could be an abusive boyfriend, it could be a recent whatever, but they are out of the picture, well we're not going to be chasing them to go to some therapy if they're not connected with the family.*

To obtain a better understanding of the reasons why the perpetrator was absent in child welfare intervention, focus group members were asked what they perceived to be the limits of the child welfare system to hold male perpetrators responsible. One focus group member argued that perpetrators are indeed included in child welfare intervention. However, this was said to be the case only when the perpetrator is part of the family. Consider the following statements from two focus group members:

*When they are part of the family, we do hold them accountable. They are every bit as accountable as everybody else...If they're gone, if the parent has left. I mean it could be an abusive boyfriend...but they are out of the picture, we're not going to be chasing them to go to some therapy if they're not connected with the family. If they are still involved with the family, then we make them. There is some accountability.*

*Once they've left the family, we don't have any mandate to work with them.*

This seems paradoxical given that battered women are told by child welfare to leave their abusive partner, however, the respondents indicated that the *only* time when the perpetrators are included in the child welfare efforts is when they remain with the battered woman and her children. Furthermore, once the perpetrator leaves and is no longer a threat to the battered woman and her children, why is the pressure from child protective services kept on her?



### ***Inability of Child Welfare to Hold Perpetrators Accountable***

It appears that child welfare may be unable to intervene with the perpetrators because they lack the legislative clout – they do not have the mandate to work with perpetrators, especially when they are not the biological father or legal guardian of the child.

*[N]ormally we don't do it [work with perpetrator] because once he's out of that home, we can't say, we don't have any clout. With the wife, at least we have her children to use as a leverage point.*

*We don't have any mandate to just work with the man, alone.*

*I guess the situation is, who has the children? We have to deal with the family. Who is responsible – the guardian [that] has the child.*

*It's not in our mandate. We would have to have enough risk level to involve him. If there isn't enough risk level, I don't think we have any legal right to do that at all.*

Interestingly, another respondent alluded that it may not be a child welfare responsibility to address the perpetrator's behaviour; instead the community should deal with him.

*If the person [perpetrator] wants the support, wants whatever, wants to find new ways – that is often available in the community. You know, I mean, the community can deal with it.*

### ***Conclusion***

This chapter outlined the major findings of the field research interviews and the focus group. These findings include that battered women are oftentimes the focus of child welfare intervention while the actual perpetrators of abuse are ignored or “pushed aside”. The study participants tended to focus on the

**“inadequacies” of battered women, as these were considered the reason that children were at risk, rather than focusing on the partner’s violent behaviour. The respondents also articulated that they lack the ability to hold batterers accountable for the abuse, especially when they are not legal guardians of children.**

## **Chapter Three**

### **The Policy Context**

*Indeed, decisions are framed by ideologies and personal experience, and while research and information can complete and round out the frame, they rarely alter it to any significant extent.*

**Brian Wharf and Brad McKenzie, Connecting Policy to Practice in the Human Services**

Policy and practice are integrated and interconnected. Policies set the context for practice in significant ways (Wharf and McKenzie, 1998, p. 13). However, the relationship between policy and practice is not one that is readily acknowledged when examining child welfare's response to domestic violence. Child welfare policy (i.e. legislation) is given little thought as to how it impacts child welfare workers' ability to intervene with families experiencing domestic violence. Instead, the focus is primarily on smaller-scale changes such as mezzo policy development (i.e. inter-agency protocols), training of child welfare workers, and enhanced collaboration between domestic violence advocates and child welfare workers. While these components are necessary in improving the response of child welfare in domestic violence cases, they should not be considered the solution to the problem. Rather, attention needs to be paid to the various contextual factors (i.e. ideological, historical, organizational, and personal) that influence child welfare policy and how that influences workers' response to domestic violence. The intent of this chapter is to demonstrate those contextual factors that impact on child welfare policy and, ultimately, practice.

### ***Definition of Social Policy***

According to Wharf and McKenzie (1998) “social policy is synonymous with public policy and encompasses all of the actions of governments in their continuing but not always consistent attempts to regulate social and economic structures and citizens’ quality of life” (p. 9). In other words, social policies are governmental policies that affect the welfare of its citizens. Government formulated policies attempt to enhance people’s well-being through, for instance, the provision of social service programs and/or economic and environmental initiatives (Midgley, Tracy, and Livermore, 2000). Child welfare legislation, the focus of this research, is one form of social policy.

Although the ultimate goal of social policy is to improve the welfare of citizens, some social policies introduced with the best intentions may in fact have the opposite effect. This seems apparent from the research findings in the previous chapter. The Alberta government’s attempt to protect children from the harmful effects of domestic violence through the implementation of the Child Welfare Act may have the unintended consequence of putting children further at risk. According to the current study, the research participants tend to hold battered women responsible for their partners’ violent behaviour, further victimizing them for the abuse they experience, while the actual perpetrators of the violence are ignored. One unintended consequence is that many battered women may be reluctant to disclose the abuse and seek help if they believe their children will be apprehended. This will be discussed in greater detail in Chapter Four.

Policies are not formulated and implemented in a vacuum, but are shaped by the various contexts in which they are a part of, namely the ideological, historical, and organizational context. The implementation of policy will also be affected by the practitioner's own personal values and experiences. The specific clause in Alberta's child welfare legislation that aims to protect children exposed to domestic violence will be explored by examining these aspects – the ideological, historical, and organizational context of child welfare policy. The child welfare practitioner's own personal values and experiences will also be explored briefly.

### *Ideological Context*

Ideologies play a major role in social policy (Midgley, et al., 2000; Mullaly, 1993; Wharf and McKenzie, 1998). According to Midgley, et al. (2000) social policy is not a technical or politically neutral activity but rather draws on wider ideological beliefs. In other words, the formulation of social policy is hugely dependent on the ideology that is subscribed to. Baker (1997) argues, "political ideology remains the decisive factor in explaining the development of social and economic programs" (p. 159). The actions of policy-makers (i.e. politicians and bureaucrats) are guided by ideologies that represent firmly held beliefs of the appropriate role for the state, and these ideologies have a significant impact on social policies (Wharf and McKenzie, p. 11). Therefore, when exploring a particular policy it is essential that the ideological context in which it was

conceptualized, formulated and implemented, is examined. This section will demonstrate how certain ideologies influence the development of policy.

According to Gil (1985):

Ideologies are abstract equivalents of concrete patterns of action and social relations of every day life which they interpret, justify, and rationalize. Throughout history they reflect and legitimize a prevailing, temporary, societal status quo, and are, therefore, a potent force in the interests of those individuals, groups, and classes who benefit from system continuity in an objective or subjective sense... since ideologies are developed in interaction with evolutions of particular designs of social life, they tend to promote, directly or indirectly, particular patterns as "correct". (p.14)

The most notable ideologies are neo-conservative, liberal, and critical. I recognize the complexity of each ideology and do not intend to use the following brief descriptions as a means to summarize each theory. Instead, the descriptions are intended only to give the reader a very basic understanding of the main ideologies as they relate to social policy.

Neo-conservatism is based on the values of individualism, liberty, private property, and inequality. The role of government should be to protect, to support, to assure, and to enhance the workings of a free market. The neo-conservative view attributes social problems to individual weakness, deviance, or heredity – not on structural or environmental sources. People who fail in competitive capitalist contexts are by nature less capable and of lesser worth than those who succeed (Gil, 1985, p. 23). Furthermore, neo-conservatism asserts that social welfare programs represent the cause rather than the cure for many social programs (Mullaly, 1993).

The liberal ideology shares similar values with neo-conservatism, such as the values of freedom, individualism, and a competitive market enterprise. However, liberalism believes that the government does have a role in regulating the economic system to ensure it functions efficiently and fairly. The imperfections of capitalism cause problems for some people, which warrant government intervention. Liberals attribute social problems to social disorganization caused by a capitalist society (Mullaly, 1993).

Critical or structural theories (i.e. feminist and neo-Marxist) are based on the notion that capitalist societies and their dominant statist, corporatist, and neo-liberal institutions serve primarily the profit interests of an oppressive class (i.e. wealthy white males), which legislates for and controls the poor, women, the powerless, and cultural minorities (Iatridis, 2000, p. 393). According to the critical paradigm, social problems are caused by inequities or injustices inherent in a capitalist society.

Social policies are enacted to address particular social problems. Like social policy, the nature of social problems is a function of the ideological context (Ismael, 1998). In other words, the framing of a social problem will greatly depend on deeply held values and assumptions. For instance, the problem of domestic violence will be constructed by the ideology one adopts. Table 1 illustrates how domestic violence can be constructed using the three main ideological paradigms - neo-conservatism, liberalism, and critical.

As Table 1 demonstrates, the varying ideologies will construct a particular social problem very differently. If the policy-maker subscribes to a more

**Table 1. Ideological Analysis of Domestic Violence<sup>9</sup>**

	<b>Neo-Conservative</b>	<b>Liberal</b>	<b>Critical</b>
<b>Major Principles</b>	<ul style="list-style-type: none"> <li>• individualism</li> <li>• inequality</li> <li>• minimal government intervention</li> </ul>	<ul style="list-style-type: none"> <li>• individualism</li> <li>• inequality</li> <li>• some government intervention</li> </ul>	<ul style="list-style-type: none"> <li>• collectivism</li> <li>• equality and humanity</li> <li>• active government intervention</li> </ul>
<b>Why Domestic Violence is Defined as a Social Problem?</b>	<ul style="list-style-type: none"> <li>• creates future criminals and future unproductive members of society (i.e. young offenders and alcoholics)</li> </ul>	<ul style="list-style-type: none"> <li>• negative effects on children ("worthy poor")</li> </ul>	<ul style="list-style-type: none"> <li>• issue of social injustice</li> </ul>
<b>Nature of the Problem of Domestic Violence</b>	<ul style="list-style-type: none"> <li>• result of individual weakness, deviance, or heredity</li> <li>• defined as a gender neutral problem</li> </ul>	<ul style="list-style-type: none"> <li>• social stressors (i.e. unemployment) and/or individual's inability to react to stressors in a healthy way (e.g. poor parenting skills, substance abuse)</li> <li>• defined as a gender neutral problem</li> </ul>	<ul style="list-style-type: none"> <li>• not viewed as an individual problem but due to the power imbalances in relationships resulting from the patriarchal culture and inequities in the social and economic structures</li> <li>• defined as a gender specific problem</li> </ul>
<b>Nature of the Solution of Domestic Violence</b>	<ul style="list-style-type: none"> <li>• solutions aimed at the person or family</li> <li>• involvement with the criminal justice system and/or child welfare system as a last resort</li> </ul>	<ul style="list-style-type: none"> <li>• solutions aimed at the treatment of individuals and families (i.e. focus on personal pathology, parenting inadequacies)</li> <li>• may include involvement with the criminal justice system and/or child welfare system</li> </ul>	<ul style="list-style-type: none"> <li>• solutions aimed at ameliorating root causes (i.e. socialization patterns of gender or the structures of power in relationships) and systemic factors (i.e. economic status of women)</li> </ul>

<sup>9</sup> Tabled based on S. Ismael's (1998) model of ideological analysis.



**Table 1. Ideological Analysis of Domestic Violence Cont'd.**

	<b>Neo-Conservative</b>	<b>Liberal</b>	<b>Critical</b>
<b>Child Welfare Intervention</b>	<ul style="list-style-type: none"> <li>• child welfare as last resort</li> <li>• paternalistic, coercive measures (e.g. investigation, monitoring, removal of children)</li> <li>• intervention will focus on personal and family weaknesses and efforts will be made to get family to accept responsibility for problem and control behaviour</li> </ul>	<ul style="list-style-type: none"> <li>• child welfare may not be last resort</li> <li>• intervention may include treatment (i.e. counselling) for individual or entire family</li> </ul>	<ul style="list-style-type: none"> <li>• prevention services</li> <li>• need for immediate intervention with children and child welfare efforts will include support, social assistance, housing, parental relief, advocacy,</li> <li>• empowerment based</li> </ul>
<b>Function of Child Welfare</b>	<ul style="list-style-type: none"> <li>• function is social control</li> <li>• to preserve the "traditional family"</li> <li>• objective is to save the child from the dysfunctional family</li> </ul>	<ul style="list-style-type: none"> <li>• primary function is protection of children</li> <li>• secondary function is to repair families</li> </ul>	<ul style="list-style-type: none"> <li>• primary function is to support families</li> <li>• objective is to strengthen the family and thereby help the child</li> </ul>
<b>View of Actors</b>	<ul style="list-style-type: none"> <li>• child viewed as primary client</li> </ul>	<ul style="list-style-type: none"> <li>• child viewed as primary client</li> <li>• intervention focuses on improving mother's ability to parent and protect child</li> </ul>	<ul style="list-style-type: none"> <li>• assistance will be offered to all family members</li> <li>• perpetrator held responsible for abuse</li> </ul>

neo-conservative ideology, the problem of domestic violence will likely be attributed to individual weakness or deviance. This is premised on the neo-conservative assumption that people's problems or troubles are the result of their own shortcomings. If, on the other hand, the policy-maker adopts a liberal ideology, then the problem of domestic violence will be seen as stemming more from problems of social disorganization. In either case, domestic violence will not be seen as the result of inequities or injustices inherent in a capitalist society, but rather the result of an individual's or family's own pathology or maladaptation to social stressors. For instance, the offender's abusive behaviour will be attributed to him being under a considerable amount of stress, suffering from poor anger-management skills or a mental health problem, or being an alcoholic. Abuse may also be attributed to problems in the couple's relationship, such as poor communication or problem-solving skills. Similarly, the battered woman will be viewed as being weak, non-assertive, or even enjoying the abuse. Moreover, the battered woman will likely be held responsible for her own predicament. In contrast, policy-makers adopting a critical perspective will take a very different approach to the issue of domestic violence. A more systemic analysis would be used to understand the problem of violence against women, and would examine systemic issues relating to inequity and social injustices, (i.e. racism, sexism, classism, etc.). Violence will be attributed to unequal power and control, and patriarchal structures in society that condone or even perpetuate violence against women.

Subsequently, how a social problem is defined will have serious implications for policy. That is, how a particular policy is shaped will ultimately depend on how the problem is viewed. For instance, Gordon suggests that "social diagnoses imply social action and demand resources; psychological diagnoses may point to the need for psychotherapy but also justify criminal penalties and remove family violence from the range of problems called upon to justify welfare spending" (1988, p. 5).

Given the assumptions of both the neo-conservative and liberal paradigm, the problem of children exposed to domestic violence will likely be defined as primarily a medical problem which will require medical-psychological interventions (Peled, 1993, p. 44). The cause of the problem will most likely be attributed to the parent's inadequacies and pathology. Specifically, the failure of the parents to protect their child from developmental impairments caused by the exposure to violence is viewed as the problem. It is not surprising then, that the problem of domestic violence will be framed as a gender neutral one rather than about gender inequity. This is evident in neo-conservative or liberal provincial child welfare legislation, such as Alberta's. For instance, terms such as "domestic violence" and "domestic disharmony" are used to describe the problem of violence against women. This is despite our extensive knowledge that perpetrators are almost always male and victims are almost always female. A neo-conservative or liberal policy is unlikely to reflect this reality.

In addition, a focus on inadequate parenting implies equal responsibility of both parents for the negative consequences exposure to violence has on their

children. This results in a double victimization of the battered woman as she is blamed for victimizing her children by her own victimization (Peled, p. 46). This is evident in Alberta's child welfare legislation where a child is deemed in need of protection because "*the guardian is unable or unwilling to protect the child from emotional injury*".

On the contrary, if a policy-maker subscribed to a critical ideology, the focus would most likely be on addressing the underlying social and structural factors that perpetuate violence and thus would imply:

a need for immediate individual intervention with children and their parents as well as for social change in gender-roles and in social values regarding the use of power and violence – by attributing the cause of the problem to the battering male and to the patriarchal social structure further victimization of the battered mother is being prevented. (Peled, 1993, p. 46)

A critical or structural approach will result in significant differences in the way child protective services view and respond to situations involving domestic violence. For instance, intervention will likely occur at earlier points in time and may be viewed as preventive. Unlike the neo-conservative or liberal model, strategies adopted will be seen as preventive and proactive. Furthermore, instead of blaming battered women and holding them solely accountable for ending the abuse, the abuser will be held accountable and responsible for his abusive behaviour. Child protection services will exist to empower battered women and to provide services that will protect herself and her children. A social structural or more contextual construction of the problem may lead to a greater

focus on social mechanisms that perpetuate violence and to ultimately, greater preventive efforts.

Ideologies will also influence decisions around who is viewed as being responsible for the problem. Both the neo-conservative and liberal paradigms assume that, in the context of child welfare, the primary mandate is the protection of children. This is reflected in the notion of “in the best interests of the child”, which is articulated in Alberta’s child welfare legislation (Section 2, p. 8). This was also evident in the research findings, particularly in the focus group, when respondents claimed that their primary client was the child. According to Pulkingham and Ternowetsky (1997), “to single out children in this way, plays into existing distinctions between the ‘deserving’ and ‘undeserving’ poor” (p. 15). This distinction ignores the socio-economic factors that contribute to domestic violence and instead, places the burden on families, specifically women (Pulkingham and Ternowetsky, 1997). Furthermore, and very importantly, little accountability and responsibility will be attributed to the perpetrator of the abuse.

So one may wonder how does this impact practice? As stated earlier, policy and practice are integrated and interconnected. Policies set the context for practice in significant ways and policy is implemented through practice. According to Gil (1985):

human service work always has political dimensions: It either supports and societal status quo or it challenges it; it either validates the dominant ideology by blaming victims for their social problems or it helps people discover roots of their problems in the prevailing social order; it either pacifies frustrated and angry people or helps them organize against oppressive conditions. (p.33)

By examining Table 1, one can see that ideologies and the various policies formulated will impact practice. The previous chapter outlined the major research findings, which revealed how child protection workers intervene in cases of domestic violence. The child protection workers interviewed appear to intervene in ways that would mostly subscribe to the neo-conservative or liberal ideology.

The respondents adopted a very reductionist approach when intervening in cases of domestic violence. The problem of domestic violence was often viewed as stemming from a dysfunctional relationship where both partners equally contributed to the violence in the relationship. Respondents did not frame the problem as an imbalance of power where the man asserted power and control over the woman by abusing her. Instead, issues such as parenting inadequacy, substance abuse, heredity, cognitive deficiencies, and dysfunctional relationship patterns were often seen as creating the violence. Structural factors such as gender inequality and poverty were rarely, if at all, considered.

*...I've got her [the battered woman] in parenting classes...anger management classes (Interview #1)*

*...it [domestic violence] goes hand in hand with drug and alcohol problems [and] serious family dysfunction (Interview #2)*

*...I think it happens to do with Fetal Alcohol Syndrome. They are raised by – their parents were alcoholics, so they get into a relationship, several relationships, and still continue to be abused.  
(Interview # 3)*

*They've got such dysfunctional patterns. (Focus group respondent)*

*...[the] parents need to have the cognitive abilities (Focus group respondent)*

The way in which workers defined domestic violence may partly be due to the terminology used in the child welfare legislation as previously discussed. The legislation uses such terms as “domestic violence” and “domestic disharmony”, neither of which terms recognize the gender specificity of the problem - that women are primarily the victims and that men are primarily the perpetrators.

Further, the problem of domestic violence is attributed to the women’s personal weaknesses, suggestive of a neo-conservative perspective. In all likelihood, such an analysis will not extend beyond the personal characteristics of the victim to take into account such systemic factors as poverty and social inequity. The research participants often viewed battered women as inadequate mothers and their interventions primarily focused on changing women’s behaviour. Women were often mandated to counselling to “fix” their behaviour or were told to leave the abusive situation.

Child welfare practice within a neo-conservative framework is one of social control and coercion. Intervention often includes more intrusive measures such as supervision orders and apprehensions. As evidenced by the responses of the eight child welfare workers interviewed, their efforts tended to be reactive, intrusive, and punitive. Seldom did child protection workers offer more preventative or less intrusive services to the families. The respondents seldom recognized social and economic inequalities that often keep women from leaving abusive relationships, and, furthermore, attempts to alleviate these inequalities were not part of standard child welfare practice. Instead, they placed their emphasis on encouraging the battered mother to accept her personal and family

obligations. If the battered woman does not accept her responsibility and adjust her behaviour (i.e. leave the abusive relationship), then coercive measures, such as threats to remove her children are used to ensure that she does.

*And then you need to be saying to the wife, "You're going to keep exposing your children to this kind of behaviour or we may be called in to take a more intrusive role which could be removing your children." (Interview #1)*

*Whether it's Mom moves out with the kids or we remove [the] kids. So Mom has to leave with the kids. (Interview #5)*

Therefore, rather than a focus on assisting the battered woman, the policy objective emphasizes controlling her behaviour.

As indicated in the interviews, battered women frequently came under intense scrutiny of the child protection system and were often the focus of the intervention strategy as they are perceived as being primarily responsible for their children's safety and well-being. Battered women were often viewed as being "unable" or "unwilling" to protect their children from the harm resulting from witnessing their victimization if they did not take the "appropriate" action (i.e. leave their abusive partners). In many cases, their children were apprehended or apprehension was threatened. As indicative of a neo-conservative viewpoint, battered mothers are considered the problem, as they are viewed as irresponsible and unfit parents.

### *Historical Context*

History has great significance when trying to understand how policies are developed. According to Graham, Swift, and Delaney (2000):



**Social policies are in a constant state of change, but their roots may be traced to the earliest stages of human evolution. Familiarity with history therefore provides the reader with some of the necessary tools to think about how social policies could be constructed for today and tomorrow. (p. 19)**

**The historical context of child welfare may help to explain how domestic violence is currently being addressed by the child welfare system. Only a brief history of the Canadian child welfare system will be offered as a means to demonstrate how the historical context impacts current policies and, therefore, practices. For a more detailed discussion of the historical developments of Canadian child welfare, refer to works by Swift (1998) or Macintyre (1993).**

**According to Gil (1985), child welfare is a set of specific and overt policies and services sponsored, sanctioned, and carried out by the state and its institutions, when families are unable to carry out the normal child care and socialization function (p. 31). Each Canadian province has its own child welfare authority with different policies and standards of practice. The policies governing child welfare reflect both assumptions about the obligations of parents and the view held by the government of when and how the state should be involved (Macintyre, 1993, p. 13). Furthermore, child welfare policies and services are supplementary tools of the state employed in reproducing and preserving the social status quo and its ideology (Gil, 1985, p. 31).**

**The Canadian child welfare system grew out of concern to protect neglected, poor, or orphaned street children and to rescue them from becoming criminal or dependent adults (Macintyre, p. 14). Rather than focusing on the**

social and economic reasons that led to children being disadvantaged (i.e. poverty, inadequate housing, unemployment), the child welfare system concentrated on the families, emphasizing the individual moral shortcomings of the parents (p. 16). This trend continues today as evidenced by the research interviews. Domestic violence is viewed as stemming from individual or relationship dysfunction, and not from socio-economic realities.

To further our understanding of child welfare policy, it is essential to consider assumptions about the family. Historically, child welfare policy was developed to protect the “traditional family” (Macintyre, 1993). According to Eichler (1989), this traditional family is:

characterized by a very strong sex-role differentiation that affects all other dimensions. The roles of wives and husbands, fathers and mothers, are clearly distinguished and largely non-overlapping. This differentiation is manifested in the assignment of economic responsibility and household management as well as in the responsibility for personal care. The father/husband is seen as responsible for the economic well-being of the entire family, while the mother/wife is seen as responsible for the physical, emotional, and overall well-being of family members. Her role includes providing care to family members in need of care.... By corollary, the father/husband is not seen as responsible except in economic terms, while the mother/wife is not seen as responsible for the economic well-being of the family. (p. 59)

This view of the traditional family still exists today. In fact, a key principle of Alberta's Child Welfare Act is “supporting” and “preserving” the well-being of families as the family is viewed as “the basic unit of society” (Child Welfare Act, 1984). As revealed in the above quote, the traditional family is premised on a gendered division of labour through which mothers are the primary providers of care for children (Swift, 1998). This gender bias has been carried into the child

welfare system and in the development of child welfare policy (Callahan, 1993; Gordon, 1988; Hutchison, 1992; Miller, 1987). Women, today, are still held responsible for the well-being of the family members and the unequal ways in which parenting roles are played out are never more clearly seen than in the families served by the child welfare system (Costin, 1985, p. 201). According to Milner (1993):

The powerful constraints on social workers to pull mothers into formal systems and push fathers into the background reflect differing expectations of what fathers and mothers actually do and what qualities they should exhibit. Assumptions are made about women, motherhood and child care based on conventions about the gendered division of labour in which men are seen as providers and women as carers in the nuclear family. (p. 51)

Because women are seen as responsible for the care and control of their children, women are blamed for being inadequate and negligent when something happens to children (Milner, 1993, p. 52). Historically, mother-blaming was a prominent phenomenon so that when neglect and/or abuse was identified, women were deemed responsible because they were in charge of children's care (Gordon, 1988). This is no different today. The practice of mother-blaming is clearly evident in the research interviews presented in the previous chapter.

Holding battered women responsible for the abuse and its resolution reinforces and reproduces the historical and political construct that women are solely responsible as mothers for the well-being of the family in the private sphere (Krane, 1997; Miller, 1987). In terms of how this affects practice, Costin (1985) argues that:

**Longstanding stereotypes of women, particularly in their mothering role, have fostered a sense of powerlessness and a belief structure that continues to shape family treatment plans. Charged as she is by society with the care and nurture of her children, whenever problems in family life occur the mother is visible, available to society's agents, and at a high risk of an assigned culpability. (p. 198)**

**Another important but erroneous assumption is that all families and individuals share the same social and economic advantages – that there is a level playing field. Macintyre claims that “early policies governing child welfare were based on equally confident assumptions that the family is a stable unit, that parents possess sufficient financial resources to raise children, and that they are supported by relatives and a safe neighbourhood (1993, p. 35). This is likely still the case. Child welfare policy and practice seems to not appreciate that many battered women are economically dependent on their abusive spouses or that these women often lack the social supports necessary to help them leave an abusive relationship. They also seem to ignore that caring for children is a family matter untroubled by issues of income and other resources. According to Wharf, “child welfare policy represents a reflection of the consequences of a society that has consistently shrunk from the task of distributing power and income between men and women, between races, and between classes in a fair and equitable fashion” (1993, p. 211).**

### ***Organization Context***

**Child welfare systems are comprised of more than legislative or policy standards or of programs and services. They are embedded within complex**

organizational frameworks and management processes which are not articulated in legislation or policy (Children's Advocate, 1993, p. 257). The child welfare system operates within a management context that encompasses diverse organizational levels and functions.

The organization plays an important role in how policy is implemented by front-line practitioners. Most child welfare workers are employed by large, relatively homogenous government organizations with steep hierarchies and many regulations governing their work (Callahan, 1993, p. 66). Practitioners are often oppressed by their work environments and by the corporate approach to management that dominates these environments (Wharf and McKenzie, 1998). The work environment oftentimes makes it very difficult to provide the necessary services, especially when child welfare systems tend to be understaffed, lack resources to respond adequately to the needs of those receiving services, and are primarily crisis-driven (Wharf and McKenzie, 1998). Consequently, child protection work is primarily dominated by the investigation of child abuse and neglect complaints, with little attention paid to support and general family counselling (Callahan, p. 66). According to Swift (1998):

This way of organizing child welfare moves the social and economic issues affecting these families to the background. The tasks of workers are structured around determining the culpability of individual families and acting on those determinations. An issue such as poverty is not made actionable in such a system; data about its existence and effects are not gathered, and workers have no organizational or legal mandate to act on poverty as a problem. What becomes visible through this system must inevitably be questionable behaviours of individuals, and the language of case files reflects this. (p. 169)

This was evident in the research interviews as the respondents seldom recognized the social and economic inequities of battered women.

Divergent policies and practices relating to the way in which domestic violence is handled within the child welfare system were observed in this research. For example, some respondents had specific protocols or inter-office policies that they implemented in cases of domestic violence; others claimed they did not. The respondents also described how some of their supervisors acknowledged the problem of domestic violence and encouraged their workers to intervene, while others did not. It is important to note that I did not focus on the organizational context of child welfare. This may be an important area to study in the future.

#### *The Individual: Practitioners as Policy Makers*

In addition to the ideological, historical, and organizational context, the beliefs, values, and experiences of the practitioner will also influence the policy process, and hence, practice. Front-line child welfare workers are the connection or conduit through which child welfare policy and legislation are implemented and translated into practice. By providing direct services to clients, the practitioner becomes the embodiment or personification of policy (Wyers, 1991, p. 245). Ultimately, the practitioner's own set of values, principles, and assumptions become the actual policies that inform the nature and quality of service provided (p. 246). According to Callahan (1993):

Since [workers] must ration resources and their own energy, they make decisions about who should receive what kind and how much

**service on a daily basis often as a result of their own values and assessment of what will work rather than on official policy. (p. 92)**

**This could partly explain the divergent practices among the respondents interviewed – that the front-line child protection workers' own values and beliefs impacts how they view domestic violence and what they believe the most appropriate response to be. Therefore, how the child protection worker conducts practice is, in effect, creating policy.**

**Lipsky (1980) also examined how front-line workers carried out policy in their day-to-day work. Lipsky called these front-line workers (e.g. child welfare workers, police officers, welfare workers) “street-level bureaucrats” and argued that they have a great deal of discretion in how they interact directly with their clients. He viewed the decisions that they make as ultimately adding up to agency policy. “Fundamentally at issue is the reality that street-level bureaucrats determine policy implementation, not their superiors” (Lipsky, 1980, p. 207). In other words, policies are often developed by the bottom-up rather than the top-down.**

**The front-line child protection workers in this study are indeed policy-practitioners or street-level bureaucrats in that they have an incredible amount of discretion in how they interact with clients. Over time, workers learn by experience and reflection to react to certain situations, to select appropriate means for response, and to aim for some kind of outcome (Callahan, 1993, p. 92). The workers who participated in this research were not entirely bound by the existing policies and legislation, but changed the policies when they carried**

out their practice with clients. For instance, some respondents claimed that they often broadened the child welfare legislation to include not only children who sustained substantial and observable injuries but also children who were “at risk” of emotional injury. As noted previously, Alberta’s child welfare legislation does not address children who are “at risk” of emotional injury. Rather, a child must have sustained emotional injury to be considered in need of protection. Another example is when one worker claimed that, rather than keeping only one case plan for a family, she sometimes keeps two separate case plans for domestic violence cases – one for the mother and one for the father. It is standard child welfare policy and practice to develop and work from only one case plan. Therefore, the child protection worker’s own personal values and principles can have a profound impact on practice.

### *Conclusion*

The patriarchal policies and practices of child welfare can be attributed to how the system has been constructed ideologically, historically, and organizationally. The practitioners’ own set of values and beliefs will also impact child welfare policy and practice. The intent of this chapter was to illustrate how various contextual factors impact child welfare policy, and ultimately, practice relating to domestic violence.



## Chapter Four

### Domestic Violence in the Context of Child Protection

*Unless we are willing to remove children from their mothers permanently, we must address the issue of violence within the family as more than merely a maternal failure to protect. Mothers are abused and children are harmed by that abuse because we have not built social systems that hold abusers accountable and provide safety and protection for survivors of the violence.*

Kristian Miccio, *In the Name of Mothers and Children: Deconstructing the Myth of the Passive Battered Mother and the "Protected Child" in Child Neglect Proceedings.*

The intent of this chapter is to present the current literature on the child welfare system's response to domestic violence and to use this context to examine the patterns or themes found in the present research involving the eight child welfare respondents.

Within the literature there appears to be six prominent or re-occurring themes. They include: a) child welfare's avoidance or minimization of domestic violence, b) the gender bias in child welfare policy and practice, c) the notion of "failure to protect" and "inadequate mothers", d) the invisibility of male perpetrators, e) the lack of a policy context, and f) numerous erroneous assumptions in child welfare policy and practice relating to domestic violence. The findings from this study will be examined in the light of these six themes.

It is important to note that the bulk of the literature cited in this chapter originate from American sources. Although this information provides useful insight into this issue and supports the findings of the current research, it is

imperative that the reader keeps in mind the various contextual differences (i.e. historical, political, legislative, and organizational) between child welfare carried out within the United States and child welfare carried out within Canada.

Before the literature is presented, I would like to acknowledge that many children are indeed negatively impacted from exposure to domestic violence. This has been evident in several studies (Carroll, 1994; Dawson, 1990; Hershorn and Rosenbaum, 1985; Hughes and Hampton, 1984; Jaffe, et al., 1990; Layzer, et al., 1986; Moore, et al., 1989; Straus and Gelles, 1996; Sudermann, 1997). The purpose of this chapter is not to refute those findings. I would also like to acknowledge that clearly there are cases where battered women are abusive and neglectful toward their children, some whose children are even exposed to dangerous situations, and some who are so trapped in their horrendous circumstances that they cannot adequately parent their children.

#### *Child Welfare's Avoidance and Minimization of Domestic Violence*

The avoidance or minimization of domestic violence by child welfare workers appears to be one of the most common themes in the literature (Aron and Olson, 1997; Brandon and Lewis, 1996; Echlin and Marshall, 1994; Farmer and Owen, 1995; Humphreys, 1999; Humphreys, 1997; Milner, 1993; Shepard and Raschick, 1999; Stanley, 1997; Whitney and Davis, 1999). In Humphreys' (1999) study examining child welfare practice, the dominant theme was the minimization of or complete avoidance of domestic violence. Humphreys concluded that issues of domestic violence frequently failed to make it into

reports. If domestic violence was mentioned (i.e. in case notes), it was later lost in major decisions and agency conferences. Humphreys also found that domestic violence was often minimized or described in gender-neutral terms such as "fighting" or "marital disruption". Other ways in which domestic violence was ignored or minimized were by concentrating on other issues such as the father or mother's substance abuse or the mother's inadequate parenting. Interestingly, Humphreys also found an obvious tendency for child protection workers to swing from minimization on the one hand to highly intrusive forms of intervention on the other. The latter was a smaller, though emerging pattern. This theme was confirmed in the current research and will be explored further in this chapter.

In contrast to Humphreys, the minimization or avoidance of domestic violence by child welfare workers was not a major theme that emerged in the current research. This is likely due to the methodology employed; I asked the respondents to discuss their experience with domestic violence cases *when* domestic violence was considered a problem. I did not examine cases where domestic violence was not viewed as a problem. However, it is important to note that, during the interviews, the respondents described many work situations in which they believed domestic violence was minimized or avoided. For example, respondents spoke about the general lack of knowledge of workers concerning the issues and dynamics of abuse and the inconsistent response from supervisors.

***Gender-Bias in Child Welfare Policy and Practice***

The literature concerning child welfare's approach to domestic violence reveals that child welfare systems tend to concentrate their efforts on battered women as a means to keep children safe (Beeman and Edleson, 2000; Carter and Schechter, 1997; Farmer and Owen, 1995; Humphreys, 1999; Humphreys, 1997; Hutchison, 1992; Krane, 1997; Magen, 1999; Miccio, 1995; Milner, 1993; Schechter and Edleson, 1995; Whitney and Davis, 1999).

Hutchison (1992) asserts that there is a "gender-bias" in the child welfare system in which women are held to different standards than men. The efforts of child welfare workers tend to exclusively focus on battered women's ability to protect their children, while men who commit the violence are largely ignored. The mother's ability to manage the emotional needs of family members assumes major importance in the analysis and treatment of child protection issues (Callahan, 1993). Milner's (1993) study also revealed that mothers and fathers are subjected to markedly different investigative and intervention approaches. For example, mothers are seen as responsible for the care and control of their children. When something goes wrong the mother is blamed for inadequacy and negligence, whereas fathers not only disappear from the system but are frequently excluded by terms of the initial inquiry (p. 52).

Often the expectation to stop the abuse is placed on the battered woman, not the perpetrator. For example, strong expectations are imposed on the woman to leave the abusive relationship or to take actions against the abuser (i.e. contact the police). According to Whitney and Davis (1999), "we revert to

easy 'cookbook' solutions, such as forcing women to enter a shelter or face the loss of their children" (p. 162). Therefore, the problem becomes framed as what the battered woman failed to do rather than the perpetrator's actions (Miccio, 1995). Additionally, in order to have their children return home, battered women need to demonstrate an ability to keep the abusive partner out of the house and to refrain from involving herself in future abusive relationships (Miccio, p. 1092).

These findings are congruent with the findings of the current research – that women tend to be the focus of child welfare intervention when domestic violence is identified as a problem. Women bear the burden and experience the oppressive scrutiny and regulation of their activities. If this is, indeed, the case, battered women are being doubly victimized – once by being abused and again by the child welfare system.

In the literature, child welfare intervention often involved workers threatening and "warning" battered mothers to alleviate the abusive situation. Often women were informed that if they did not leave the abusive partner, their children would be apprehended (Aron and Olson, 1997; Farmer and Owen, 1995; Humphreys, 1999; Humphreys, 1997; 1996). In Humphreys' study (1997), 2/3 of the battered women were threatened with the removal of their children. This is consistent with the findings from my study. The respondents frequently insisted that battered women leave the abuser or their children would be removed. One can, no doubt, imagine the detrimental effect of this on women's self-esteem. The "battered woman's own image of herself may be irrevocably changed from one who is coping to one who has been labelled as inadequate" (Callahan, 1993,

p. 187). Abused women will experience this intervention as punitive and alienating, rather than helpful and supportive. Furthermore, threats of removing children from the mother are not a deterrent for the batterer, rather they may be yet another way for him to intimidate and control his partner (Aron and Olson, 1997).

In the study conducted by Beeman and Edleson (2000), child protection workers believed that their legal mandate to protect children frequently meant focusing case service plans on the mother, even if she was being abused, herself (p. 349). This was also the case in my research findings, where the respondents viewed the children as their primary client and believed that the best way to protect the children was to focus on the mother's behaviour.

The literature suggests that child welfare workers typically fail to adequately acknowledge how violence and abuse conditions responses and shapes decisions when considering the actions or inactions of the battered mother (Miccio, p. 1097). Most women who find themselves trapped in abusive situations, experience threats to remove their children as punitive, especially when they are not accompanied by effective strategies from the police and the legal system (Humphreys, 1999).

This common tactic likely has serious implications for battered women and their children. Battered women will be reluctant to disclose their abusive situation to the police and child protection system if they believe that their children will be apprehended (National Council of Juvenile and Family Court Judges Family Violence Department; 1999). Battered women may also not seek

shelter if they believe their situation will be reported to child welfare authorities. Furthermore, fear of having their children removed will present a major barrier when working with battered women in the context of child protection (Whitney and Davis, 1999).

According to Magen (1999), “the natural but mistaken focus is on the mother’s behaviour rather than the batterer’s abuse, or an inadequate police response, or a court’s failure to take action, or the unavailability of shelter space, or patriarchal social structures – all of which contribute to the existence and persistence of woman abuse” (p. 129). It appears that intervening with the mother is easier and fits more with the professional training than taking strong action against the father (Callahan, 1993, p. 187).

#### *Failure to Protect and Inadequate Mothers*

Children exposed to domestic violence are often considered at risk because of their mother’s inadequacies or deficiencies (Humphreys, 1999; Humphreys, 1997; Krane, 1997; 1996; Magen, 1999; Mullender, 1996; Peled, 1993; Swift, 1998). Often women’s inadequacies as wives and mothers become a defining feature of the problem (Callahan, 1993; Krane, 1997, Pulkingham and Ternowetsky, 1997). Hutchison (1992) found that “women’s deficiencies are likely to be noted in the child welfare system, and even when men are the known perpetrators of maltreatment, women are held accountable for controlling the maltreating behaviour” (p. 70).

When women remain in abusive situations they are often seen by child welfare systems as “failing to protect” their children (Beeman and Edleson, 2000; Beeman, Hagemeister and Edleson, 1999; Carter and Schechter, 1997; Echlin and Osthoff, 2000; Edleson and Beeman, 2000; Magen, 1999; Miccio, 1995; Milner, 1993). According to Miccio (1995), in most witnessing cases, the battered woman is charged with failure to protect<sup>10</sup> because she did not stop the abuse of herself (p. 1090). Magen (1999) asserts that:

The concept of failure to protect requires mothers to protect children from fathers who are equally responsible for and available to the children. In cases where the batterer is not a parent or guardian, such as a boyfriend, there may be a finding of neglect against the mother for failure to protect, yet the batterer can escape child protective service sanctions. This not only violates notions of fairness and justice but ignores the cause of the situation. (p. 129)

In the context of domestic violence, this suggests that the failure was due to the battered woman not taking the “appropriate” action to protect her children. In many cases, what is considered appropriate is for the battered woman to leave the abusive situation.

Whitney and Davis (1999) also found in their experience with child protection workers that:

team discussions about mothers often turned quickly to what the worker viewed as the woman's pathology, her participation in her abuse, her lack of concern for protecting her children, her repeated choice of abusive partners, and so on. (p. 159)

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<sup>10</sup> In American child welfare jurisdictions, the concept of “failure to protect” is used to describe battered mothers who remain in abusive relationships.



Peled concluded that “while the responsibility for the violence might not be attributed directly to the mother, she is likely to be accused of failing to protect her children by having a relationship with an abusive man” (1993, p. 48).

The notion that battered women are inadequate parents which was prominent in the review of the literature was consistent with the findings of the current research. The child welfare respondents often described the battered mother’s “inability” and “unwillingness” to protect her children. Women’s decision-making skills were considered faulty - women were seen as “choosing” her abusive partner over her own children and continuing to “pick” abusive men to engage in relationships with.

The viewpoint that battered women are inadequate or deficient is especially prevailing when applied to class and race. Poor women, women of colour, and Aboriginal women are likely to be viewed as even more inadequate and dysfunctional (Pulkingham and Ternowetsky, 1997).

Interestingly, the literature suggests that this gender-bias approach mirrors cases of child sexual abuse. Like domestic violence, the problem of child sexual abuse is often translated into the mother’s failure to protect. Although it is an offence predominately committed by men, sexual abuse may also be defined as an act or omission by women as wives and mothers (Cammaert, 1988; Elbow and Mayfield, 1991; Krane, 1997; Salt, Myer, Coleman, and Sauzier, 1990). Women are blamed because they *let the abuse continue* or that when women in fact did not know the abuse was occurring, they are blamed because they *should* have known. In such situations, again men’s behaviour is overlooked and

women are blamed for not having done enough to stop the abuse. According to Humphreys (1999), "[i]nvestigations, assessments, and interventions which fail to understand the full picture of abuse may continue to 'miss the mark', ineffectually, ...focusing all attention on the woman's shortcomings while ignoring the man's contribution to child abuse (p. 83).

Callahan (1993) argues that child welfare workers obscure the realities of economic disadvantage and violence against women by identifying a select group of the most vulnerable women and children and implying that they are different somehow from the rest. That is, battered women are inadequate parents and are unable to protect their children.

Child welfare policy and practice typically ignore issues of power and gender. Female inadequacy, not male power and socialization, is the primary focus in child protection work (Callahan, 1993). Levine and Estable (1981) assert that:

The prescription for motherhood rips many women apart in terms of deciding to stay in or leave a violent domestic situation. Women report that they often stay because they are fearful of losing custody if they leave alone; because their children are at risk if left even temporarily with the husband; because they worry about inflicting "unnecessary" poverty or deprivation on their children; because they don't want to deny their children a father, or a "family", because the courts usually grant fathers visiting privileges, thus providing dangerous access to the wife as well as the children; because they know the law provides no concrete protection from domestic male violence. (p. 18)

Child welfare policy and practice also often fail to recognize the economic status of women (Callahan, 1993; Pulkingham and Ternowetsky, 1997). There is

a strong link between motherhood and poverty. Women who care for their children are more likely to be disadvantaged than those who do not (Callahan, 1993). Many women remain in abusive relationships because they are financially dependent on their male partner. According to Callahan (1993), "the economic situation for a married women is only as good as her marriage. Should it end in separation or divorce, as 40 percent do, there is a good possibility that she will join the ranks of her poor sisters" (p.180). Many women are no safer and much poorer when they leave violent partners than if they remain. Therefore, many women stay in violent relationships because of their inability to support and protect themselves and their children independently (Callahan, 1993). Unfortunately, child protection workers rarely make the connection between women's parenting and poverty. The current system seldom addresses women's poverty or the reasons for poverty (Swift, 1998). This was also apparent in the research findings that were described in Chapter Two. Rarely did the front-line workers comment about women's lack of financial resources and how that impacted their ability to leave abusive relationships. Both policy makers and front-line practitioners have accepted poverty as the context for the work and within that context have set about to develop other responses, such as focusing on individual inadequacies (Callahan, p. 185).

Additionally, there is very little or no recognition of the justice system's failure to hold male perpetrators accountable and the perpetuation of violence against women (Miccio, 1995). As with poverty, the respondents articulated no

awareness of how the system fails many battered women, and how this systemic failure results in abused women being trapped in violent situations.

### *Invisibility of Male Perpetrators*

The theme of the “invisible male perpetrator” was prominent in the review of the literature concerning child welfare’s response to domestic violence. The literature on child welfare intervention in cases of domestic violence reveals that abusers are frequently invisible in child welfare policy and practice (Beeman, Hagemeister and Edleson, 1999; Edleson, 1999; Farmer and Owen, 1995; Humphreys, 1999; Humphreys, 1997; Krane, 1997; Milner, 1993; Stanley, 1997).

According to Stanley (1997), “[t]here is a growing body of evidence which testifies to the fact that fathers tend to be excluded from child protection work, leaving mothers to bear the brunt of social work assessment, monitoring, and intervention procedures” (p. 140).

The invisibility of the male perpetrator within the child welfare system is evident in a variety of ways. Firstly, in terms of even defining the problem of domestic violence and children being at risk, men's abusive behaviour is not seen as the problem. Instead, the father's abusive behaviour is viewed in the context of what the mother failed to prevent (Miccio, p. 1095).

Secondly, male perpetrators are missing in case labelling and tracking. This is especially true if the man has no biological or other legal relationship to the child (i.e. not recognized as a “legal guardian”). Instead, it is standard child welfare practice that case service plans are placed in the mother’s name

(Edleson, 1998). It is not a standard child welfare practice to maintain service plans for abusive males as a means to enhance safety for the family members they have victimized (Edleson, 1999). Stanley (1997) noted that:

Even when *fathers are known to be the perpetrators* [italics added] of child abuse, social work energy focuses on counselling and advising mothers who are thereby charged with the responsibility for controlling their partner's abusive behaviour. (p. 140)

Milner (1993) also noted that child protection workers "ended up working with mothers and systematically dropping fathers from the system" (p. 140). Fathers not only disappear from the system, but they are frequently excluded. These conclusions were consistent with the interviews from my study, where, for example, one worker talked about "pushing aside" the abuser in order to deal with the battered woman.

Although the current body of literature focuses on American child welfare practice, the invisibility of the male perpetrator may also be the standard for Canadian child welfare practice. The findings of the current research suggest that it is common child welfare practice to concentrate efforts solely on the battered woman, rather than on the abusive man. According to the respondents, the child protection system has little or no authority to hold batterers accountable for the harm their actions may cause their children.

It seems ludicrous that the perpetrators are invisible in the child welfare system, since the real problem is the partner's abuse - if he were not being abusive towards his partner there would not be a problem. Stanley (1997) argues that "without a social work focus on men that involves exposing and

examining their violence, mothers in situations of domestic violence may be left carrying intolerable burdens, and child protection intervention may prove at worst, oppressive, or at best, ineffective" (1997, 143). Krane (1997) asserts that by gradually shifting the focus from male perpetrators onto non-offending women, mother blame is perpetuated.

Furthermore, a growing body of research indicates that when the father perpetrates violence against the mother in the home, he also often perpetuates abuse against the children (Edleson, 1999; Farmer and Owen, 1995; Straus and Gelles, 1996). The overlap between domestic violence and child maltreatment should indicate to child protection professionals that the abuser must be held accountable and intervention must include him.

In addition, Haddix (1996) argues that:

Batterers have a high rate of recidivism, with anywhere from fifty to eighty percent of men repeating the pattern of abuse in new relationships. Thus, children present in the father's household are still at risk of witnessing or becoming indirect victims of violence in the new relationship. (p. 792)

This is an interesting point given one respondent's assertion that child welfare involvement is still warranted even when the battered woman is no longer with the abusive partner because she will likely "choose" another abusive mate. This claim has not been substantiated in the research. However, given the probability of recidivism in future relationships which may involve children, should child welfare not be involved with the batterer?

I question the ability of child welfare workers to protect a child if the child's primary caregiver is unsafe herself and the perpetrator is ignored in the intervention. It makes little sense to believe that the mother's (and the child's) safety will be assured if the perpetrator is ignored by child protection services.

Several authors have suggested reasons for the invisibility of male perpetrators in child protection work. Stanley (1997) and Farmer and Owen (1995) suggest that it is perhaps easier for child protection workers to deal with the battered mother because she is viewed as less threatening, more amenable to child welfare intervention, and likely to be the same gender as the worker. Whitney and Davis (1999) assert that social workers focus on assessing mothers and their parenting skills because they are available, because they are more likely to cooperate, and because they are usually the primary caretakers (p. 164). Furthermore, Whitney and Davis state that:

We focus on mother for lack of access to the batterer, for fear of the batterer, out of our sense of our lack of authority, and perhaps out of a deep belief that it is the mother's responsibility to protect her child unconditionally. The ultimate authority of the child protection system rests in its ability to remove children and terminate parental rights. Sadly, this often hurts the mother (and often the children) more than the batterer. (p. 164)

Although these reasons for focusing on the mothers may be a valid one, another reason for this invisibility exists; that the child protection system has little authority to hold batterers accountable for the harm their actions may cause their children. Especially in situations where the batterer is not living in the home and is not a caregiver or the father of the children, it is impossible to "name" the

batterer as the perpetrator and to require that he receive services. In my study, the child welfare workers insisted that in several instances they could not hold the perpetrator accountable because he was simply not the “legal guardian”.

Interestingly, Stanley (1997) notes that child protection services frequently excuse their lack of attention to male abusers by blaming the criminal justice system's failure to convict them. However, such a precondition (i.e. criminal conviction) is not required when working with women. Such thinking (and acting) demonstrates a serious gender bias when addressing issues of domestic violence. Stanley (1997) makes an important point by asserting that:

Social workers who fail to include abusing fathers in their intervention are unwittingly colluding with the gender stereotyping that places responsibility for caring solely with women. In allocating women responsibility for controlling male violence, social workers are subscribing to a cluster of ideas that characterize male violence as essentially impulsive and 'natural' and denies men responsibility for controlling their own behaviour. (p. 141)

Peled argues that holding abusive men accountable for their children's well-being is not only just, but may be developmentally important for their children (1997, p. 432). Child protection services must be involved in working with the abusive father especially if that father continues to have on-going contact with his children through visitation and access rights (Aron and Olson, 1997).

### *Lack of a Policy Context*

The review of the literature suggests that most of the discussion on domestic violence within the context of child protection focuses on practice



issues. While some authors (Edleson, 1998; Humphreys, 1999; Hutchison, 1992; Magen, 1999; Whitney and Davis, 1999) identify the need to examine policy issues, however these discussions tend only to focus on small scale inter-agency policies or protocols rather than on more grand scale policies such as provincial child welfare legislation.

Common recommendations to improve the way in which the child welfare system addresses domestic violence cases include collaboration among child welfare and battered women's services; training for child protection workers and cross-sector training among professionals, batterer intervention programs, and other agencies involved with victims or perpetrators (Aron and Olson, 1997; Carter and Schechter, 1997; Findlater and Kelly, 1999; Friend and Mills, 1998; National Council of Juvenile and Family Court Judges Family Violence Department, 1999; Schechter and Edleson, 1995). Echlin and Marshall (1994) suggest that the inappropriate response of child protection services may be related to the lack of training on domestic violence in child protection work. Certainly a lack of knowledge on the dynamics of domestic violence will negatively impact a worker's ability to act appropriately and effectively in these types of cases, but there are likely other factors that significantly impact the system's response. It is important to note that six of the eight respondents who participated in this present research study had domestic violence training and prior experience working with battered women, however, the respondents often responded inappropriately by blaming the victim and not involving the male perpetrator.

As mentioned previously, discussions relating to child welfare policy tend to concentrate on more small scale or mezzo policies. For example, changes have focused on inter-agency policy and protocol development (Beeman and Edleson, 2000; Carter and Schechter, 1997; Findlater and Kelly, 1999; National Council of Juvenile and Family Court Judges Family Violence Department, 1999). These small scale policy changes have been criticized. According to Wharf (1993):

Protocols are favoured by policy-makers and managers committed to the philosophy of corporate management and represent an attempt to specify clearly the roles and responsibilities of staff of different agencies, and indeed, to control the interaction between clients and line workers. However, research and experience suggest that worker/client relationships are largely determined by these actors. Attempts to regulate this interaction through service protocols represent yet another strategy tied to a lost cause. In addition...service protocols cannot alter the larger issues facing clients. It makes little difference if service boundaries are clearly delineated if none of these agencies involved possesses the mandate or resources to provide the kind of assistance required by families. (p. 223)

In addition, authors such as Whitney and Davis (1999) suggest that social workers rarely refer to policy manuals or protocols when there is an emergency or when they are out on a home visit.

Little has been written on child welfare policy/legislation and domestic violence. The scant information available suggests that child welfare legislation that addresses domestic violence may be problematic. According to Magen (1999), "legislative changes, in the absence of changes in practice, may do more harm than good" (p. 134). If a child welfare policy or legislation mandates action

in cases of domestic violence, but effective practice is hindered for various reasons, battered women may find themselves victimized by these statutes rather than protected. Child welfare legislation that includes exposure to domestic violence as a child protection concern may have the opposite effect to the one intended; that is, it may increase the possibility that women remain in abusive situations out of fear of losing their children (Humphreys, 1999; Law Reform Commission of Nova Scotia, 1995). Additionally, Humphreys (1999) suggests that, "while there are considerable problems associated with avoiding and minimizing domestic violence, there may equally be problems with organizations, which to date have rarely taken the issue seriously, now swinging into action to confront the relationship between domestic violence and child abuse" (p. 84). I agree with Humphreys that if legislation or policy changes are implemented too quickly it could have devastating effects on families. Simply "adding-in" domestic violence as an issue of child abuse ignores organizational constraints (i.e. lack of legislated ability to hold male perpetrators accountable, lack of resources, lack of specialized staff, and lack of specialized training). These organizational constraints will need to be addressed if perceiving witnessing domestic violence as a form of child abuse is not to become another means through which women who are already subjected to violence are further 'disciplined' by the child protection system for being 'bad mothers' in not controlling, or leaving, violent men (p. 86).

According to Humphreys, "shifting the lens of child protection to tackle men's behaviour, not just towards children but towards women, as well, requires

a substantial shift in focus" (1999, p. 84). Humphreys asserts the need for a legislative context which both acknowledges and acts upon issues of domestic violence. Policies combined with programs that effectively confront male violence and provide support for women and children are necessary prerequisites for a change in orientation (p. 84). In addition, Miccio (1995) notes that:

Because the focus is on children, mother abuse and societal failure to stop such abuse is irrelevant, and within the context of existing laws, protection of mothers is a non-issue...a public policy that attempts to protect only one part of the familial unit (i.e. children) is counterproductive. Because the underlying premise of child protection legislation is flawed, re-formulation can act only as an interim strategy until transformation is possible. (p. 1105)

Professionals working in this area have also recognized the increased difficulty of holding abusive partners accountable when they are not the legal or biological fathers of children. Carter and Schechter (1997) note that:

A related and equally thorny legal problem is that in some states CPS [Child Protection Services] has no way (except through criminal court) to hold boyfriends who batter women and abuse children accountable for the harm to children. In the vast majority of cases, this means that CPS and the courts expect the mother alone to protect herself and the children. (p. 10)

Respondents in this study expressed frustration with the system's inability to hold boyfriends accountable and consequently, their only perceived option was to hold battered women responsible for alleviating the abusive situation.

To intervene with abusive males, some jurisdictions in the United States have taken legislative or court action to classify the abuser as a significant

caregiver or even a “psychological father” of the child. Some child welfare systems have made efforts to include service plans that hold abusive males accountable, not just plans for abused mothers (Beeman, et al., 1999). At this time, it is unclear whether such changes will make a significant difference in reducing the blame and victimization of women by the child welfare system, and if these changes have improved the safety and well-being of women and their children.

### *Erroneous Assumptions In Child Welfare Policy and Practice*

The review of the literature reveals that there are a number of erroneous assumptions made by professionals working in child protection. These questionable assumptions were also reported by the respondents who participated in the current study.

The review of the literature reveals that a common assumption held by many professionals within the child protection system is the belief that witnessing or exposure to domestic violence is innately harmful to all children. This assumption was also apparent in the research interviews of the current study.

Child welfare intervention *may* be justified in situations of domestic violence given the substantial body of evidence that points to the detrimental effects of witnessing domestic violence on children (Brandon and Lewis, 1996; Hershorn and Rosenbaum, 1985; Hughes and Barad, 1983; Hughes and Luke, 1998; Jaffe, et al., 1990; Moore, et al., 1989; Rosenbaum and O’Leary, 1981). However, almost all the studies that documented the harmful effects on children

who witnessed domestic violence also identified children who were not affected (Hughes and Barad, 1983; Hughes and Luke, 1998; Jaffe, et al., 1990; Rosenbaum and O'Leary, 1981). Additionally, the literature suggests that many children are resilient and in fact, may not be affected by violence (Kolbo, 1996). Unfortunately, this idea is seldom taken into account within child welfare policy and practice. Important factors such as external support systems, affectionate family ties, communication skills, and individual coping skills are not evaluated thoroughly, if at all, in children who witness domestic violence (Magen, 1999, p. 131). Therefore, although it is important that we recognize the possible detrimental effects of witnessing violence on children, it is equally important to acknowledge that not all children are similarly affected and that children's resilience and ability to survive should not be underestimated (Humphreys, 1997). The literature suggests that the risks to children be assessed cautiously (Magen, 1999; Stanley, 1997; Stephens, McDonald, and Jouriles, 2000).

Additionally, it is important to note that the literature only indicates a correlation between witnessing domestic violence and negative behavioural and emotional responses – not causation. Unfortunately, witnessing domestic violence is not the only negative event in many children's lives, nor is it likely the only type of violence that they witness. Magen (1999) notes that many children are exposed to violent images in the media (e.g. television, video games) and in their own communities (i.e. raised in violent neighbourhoods). Many children also experience negative reactions when their parents are involved in a highly contested divorce. These factors can be associated with similar behaviours in

children who witness domestic violence, but somehow, they are not subject to the same child welfare scrutiny. It is difficult, if not impossible to tease out the different types of violence and aggression that a child may be experiencing. In other words, it is difficult to determine which factors (i.e. exposure to media violence, community violence, or exposure to domestic violence) have significantly impacted the child.

It should be noted that many child welfare jurisdictions (e.g. United States) have been reluctant to include exposure to domestic violence within the definition of child abuse because the research has not yet shown a causal relationship between witnessing domestic violence and child development problems.

A second major assumption is that children who witness domestic violence will always benefit from child welfare intervention. When discussing how child protection workers intervene in cases of domestic violence, all of the respondents in the current study insisted that children should receive some form of therapy or counselling as a way to deal with their experiences of witnessing their mother's victimization.

In contrast, several authors have asserted that child welfare intervention can often be detrimental and unhelpful, at best (Callahan, 1993; Parkinson and Humphreys, 1998). Battered women, who are already under a tremendous amount of stress because of the abuse they experience, may be further traumatized by child welfare involvement. As noted earlier, many women may be fearful of having their children removed if they report the abuse, and therefore,

are reluctant to seek assistance. This can lead to increased danger for both battered women and their children.

Callahan (1993) asserts that child welfare agencies can further endanger the well-being of children given their modest resources for caring and their inability to truly enhance the stature of mothers (p.183). Child welfare policy and practice ignore the disadvantages of women and often exacerbate them. For instance, Callahan argues that the child welfare system does not address poverty or the reasons for poverty; services are usually time-limited, and when a mother begins to show some improvement she quickly loses these services. When children are apprehended and removed from their mother's care, women often become even poorer. For instance, women face the loss of self-esteem, the regard of family and friends, a reduced income assistance allowance, the child tax benefit, and eligibility for social housing. Furthermore, women have to begin all over again (i.e. seek housing, reinstatement of benefits, etc.) when the children return<sup>11</sup>. Given the social, economic, and psychological barriers that trap battered women, sanctioning them as responsible for their children's plight is a gross injustice and does not improve the children's situations (Peled, 1993).

Research in the area of domestic violence indicates that battered women are at a high risk of having their children removed (Farmer and Owen, 1995; Humphreys, 1997; The "Failure to Protect" Working Group, 2000). Humphreys (1997) discovered that in her sample, 50% of families had children who were

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<sup>11</sup> Most children removed from their parents are returned and guardianship is restored to their parents (Armitage, 1993).



apprehended by local child welfare authorities when domestic violence was identified. Removing children from the non-abusive mother often has severe and long-lasting effects on children (The “Failure to Protect” Working Group, 2000). Children who have already witnessed violence against their mother are already victimized by fear and feelings of helplessness. Child witnesses often struggle with anger, grief, anxiety, and feelings of being responsible for the abuse and by removing them, they are victimized again by their increased fear of abandonment.

A common but mistaken assumption held by many child protection workers is that therapeutic interventions are almost always beneficial. But in terms of therapeutic interventions, children who witness domestic violence do not always benefit. Although Stephens, McDonald, and Jouriles (2000) described the need for such interventions as shelter programs for children, they also warned that these sorts of interventions may have an unanticipated detrimental impact on children. Because children have such diverse and complex needs, “one-size fits all” programs may be problematic. Children often have other concerns that are more pressing and deleterious than witnessing domestic violence. According to these researchers, “services derived from a tacit assumption that the problems of all children of battered women are primarily caused by domestic violence may result in treating the wrong causal agent or ignoring other factors that may be contributing to the child’s problems” (p. 151). They also remind us that women and children come into shelters for safety and refuge – not for counselling or therapy. Therefore, it is extremely important to

respect an individual's willingness and readiness to participate in therapeutic interventions.

As mentioned earlier, child welfare policy and practice that mandate intervention in cases of domestic violence could very well increase the danger to children as battered women may not disclose their abuse to professionals and hence, remain in violent situations out of fear of losing their children (Law Reform Commission of Nova Scotia, 1995; Stanley, 1997; Stark and Flitcraft, 1996;). Subsequently, the secrecy that surrounds the abuse is intensified and the children's need for protection remains unmet.

Bala (2000), in his examination of the legal and justice response to domestic violence, noted that:

Some situations involve a high potential for violence, and a failure to take an appropriate protective response may place children and adults at grave risk. In other situations, however, there may have been some spousal abuse but there is little risk of future harm and professionals need to avoid taking an inappropriately aggressive response that can needlessly heighten tension and exacerbate relationships. (p. 302)

Mullender (1996) noted that there is a consequent danger that, as the awareness of the impact witnessing violence has on children increases, social work concerns could lead to well-meaning and apparently child-focused, but actually intrusive and unhelpful interventions (p. 96). Mullender considers placing the children of battered women too readily on child protection registers, or threatening to remove them from their battered mother if she does not fulfill certain imposed expectations (i.e. leave the batterer), to be intrusive and

unhelpful. These typical child welfare responses do not make the mother and child safer and ignore the possibility that the mother is an adequate parent if given the proper assistance. Mullender suggests, and I would concur, that a more effective and helpful response would include an appropriate police action and the intervention of the criminal justice system with the batterer.

Armitage (1993) also speaks to the efficacy of child welfare intervention, stating that:

statutory intervention services...are always expensive and the powers necessary to their performance can have destructive secondary effects. Families that are the subject of protection investigations may never re-establish earlier patterns of trust and some are destroyed completely by the experience of being investigated, even where no child abuse, for example, is found to exist...It is thus viewed as in everybody's interest to keep the use of such services to a minimum (p. 58).

It is important to recognize that not every instance requires child welfare intervention (Women, Children, and Domestic Violence Panel Discussion, 2000). If there are concerns about domestic violence, the situation must be assessed thoroughly and cautiously if children and their caregivers are to remain safe.

Authors have linked the status of women and the well-being of children (Callahan, 1993, p. 179). The more disadvantaged the mother, the more disadvantaged the child. Generally, the best way to protect children is to protect and empower their mothers. That is, the safety and well-being of children in domestic violence cases are usually linked to the safety and well-being of the mother (Aron and Olson, 1997; Findlater and Kelly, 1999; Hutchison, 1992; Miller, 1987). Farmer and Owen (1995) note that:

the needs of parents and children cannot be compartmentalized...Neglect of parental needs at both the personal and the structural level had an adverse effect on the child's welfare. In addition, neglect of the welfare of both parent and child contributed to the risk of further harm. (p. 313)

This was not the common view expressed by the child protection workers who participated in the current study. Interestingly, during the focus group, one respondent claimed that:

*"of course if you make the mother stronger and give her resources and give her the resources to protect the child, of course, that's the best interests of the child."* (Focus group respondent)

Although the above comment indicates some insight from one child welfare worker, it does not appear to be standard thinking among the child welfare respondents. According to Hutchison (1992), "the recognition that ensuring the welfare of children is not possible without addressing the welfare of their female caregivers is notably missing the child welfare literature" (p. 67).

A third erroneous assumption is the belief that battered women must leave the abusive situation to keep themselves and their children safe. Not only is this assumption questionable, it is dangerous to think that battered women and their children will be safer by leaving the abusive partner. Separating from the abusive partner may not be the "right" solution. More importantly, several studies examining women's experiences after leaving abusive relationships have revealed that women are often at higher risk of injury (Fleury, Sullivan and Bybee, 2000; Magen, 1999; Mahoney, 1991). Women are often stalked,

harassed, assaulted, and sometimes killed after separating from an abusive partner.

Assuming that the battered mother should separate from the abusive partner implies that the abuse is her responsibility. In the present study, a respondent posed the question, *"If its that bad, why doesn't she just leave?"* This thinking implies that the battered woman has the responsibility to achieve separation and that she *can* separate. Not only is this thinking problematic because it puts the focus on the woman's behaviour, but also because it assumes both that leaving is a viable solution to the abuse and that leaving is appropriate and an option for all women (Magen, 1999; The "Failure to Protect" Working Group, 2000). Available and affordable housing does not always exist and emergency shelters are often full. Even if shelter space is available, transition houses are rarely able to meet all of the battered woman's needs (i.e. financial support, employment, housing, child care). One of the current research respondents expressed distress and frustration because of non-existent resources for her battered clients.

*"Are there resources to put her up in a place? God, you scramble, and whatever, and guess what, they're not there. So there's a big hole, somewhere. Those are gaping gaps! I think a lot of times women want to get out but the resources aren't there for her. There's still big gaps for the majority of women, I think in the community, who are in abusive relationships."* (Interview #6)

Child protection workers frequently assume that battered women have a range of viable options available to them or assume that battered women "choose" to place themselves in dangerous situations. Krane (1997) describes

the “illusion of choice” for many battered women; between partner and children, between income and poverty, between predictable and unpredictable violence.

This is illustrated by the following quote:

*“...you have a choice to do something about it”* (focus group respondent)

Research suggests that many battered women are no safer and much poorer when they leave violent partners than if they remain (Callahan, 1993). Furthermore, these women must also make their decision at a time when they are most vulnerable and least informed. Mahoney (1991) argues that:

Mothers must be very desperate to walk out without knowing how they will all survive. A large number of homeless women and children today have fled violent situations, and women often balance the possible harm to the children through inadequate housing with the harm from maintaining the relationship. Unless the children are threatened directly or indirectly, the woman may well choose for them rather than herself. (p. 23)

It is imperative to understand that battered women remain in abusive relationships for many different reasons. Many women stay with the abuser because his behaviour is predictable. Abused women can often predict when their abuser will become abusive and, therefore, can plan for her and her children's safety. When women leave the abusive situation, the potential for violence is unknown and unpredictable. Not only is the violence uncertain, but so is the women's financial situation and living relationships. Furthermore, abusive men are often granted visitation rights to their children and thus have the opportunity to continue to abuse both the battered woman and the children. By

remaining with the abusive partner the woman is able to monitor her child's safety. Furthermore, the battered woman may be restrained from leaving by violent or coercive means: by being held prisoner in her home, by being threatened with custody suits, by having her savings taken away before she could leave (Mahoney, 1991, p. 63). Therefore, leaving an abusive relationship may not always be an appropriate or available option for many battered women and their children.

In addition, battered women often remain in abusive relationships because their attempts to seek help from the police or criminal justice system have been ineffective. Some may believe that relying on the criminal justice system will put them and their children at further risk. We know that police responses to domestic violence often do not result in an arrest or may result in the dual arrest of both partners (The "Failure to Protect" Working Group, 2000). If the batterer is arrested, he is often released and if convicted, is sentenced lightly or not at all.

Another common but erroneous assumption is that battered women are poor or inadequate parents. Battered women are often perceived as emotionally unavailable toward their children, aggressive, lacking appropriate discipline skills and having impaired parenting capabilities (Aron and Olson, 1997). However, there is a growing body of literature that casts serious doubts on the assumption that battered women are helpless, inadequate, and incompetent parents (Levendosky, Lynch, and Graham-Bermann, 2000; Schechter and Edleson, 1994; Sullivan, Nguyen, Allen, Bybee, and Juras, 2000). Sullivan, et al. (2000) found no evidence that abused women are inadequate or aggressive parents. In

fact, the vast majority of mothers and children agreed that mothers were available to their children, closely supervised their children, and enjoyed being parents. The study also found no evidence to support the common perception that battered women experience greater parenting stress and increased use of inappropriate discipline.

Levendosky, et al. (2000) found in their study which examined mothers' perceptions of the impact of abuse on their parenting. The women reported not only negative effects of the violence on their parenting but also some positive effects. Battered women frequently and actively mobilize their resources to respond to the violence on behalf of their children. In addition, Sullivan et al. (2000) assert that:

It is important for social service providers involved with battered women or violent families to be aware of women's strengths and awareness as parents to their children. Empowering women to be able to work on what they already know is happening in their parental relationships may be more helpful than presuming ignorance or incompetence on the part of these mothers because they are abused. (p. 258)

Additional research suggests that, once freed from an abusive relationship, battered women frequently regain coping skills and establish normal lives (Haddix, 1996). Abused women show a high likelihood of improving the lives of their children once the batterer has been removed. Haddix (1996) asserts that, "the abused mother must be given a chance to raise her children in a non-violent environment before her parenting skills are scrutinized for possible termination of her parental rights" (p. 797).



Several studies have focused on battered women's concerns about their children's safety, suggesting that many women take active steps to protect their children despite the unpredictability of the violence and the effects of the violence on them (Schechter and Edleson, 1994, p. 7). In fact, mothers may be protective and strategic when they stay if there is a possibility that the children will be in greater danger if they leave the relationship. Again, women and children are at more risk of being murdered when they leave or attempt to leave the abuser. Often very little attention is paid to the actions that the abused woman has taken to protect her children (The "Failure to Protect" Working Group, 2000). These efforts by the battered mother must be taken into consideration when evaluating her ability to protect her children.

Respondents in the present study assumed that battered women often needed education about the effects of domestic violence on their children. Consider the following quote:

*...to educate people that it does affect their children. Every single file that I've had where its [domestic violence] been involved in, I don't believe the family has any clue how much it affects their children...they just don't have the knowledge of how [or] the extent.*  
(Interview # 8)

This common assumption has been refuted by at least one study. Henderson (1990) concluded that many abused women clearly recognize the effects of violence on their children.

As noted in the research interviews, the child welfare workers tended to assume that battered women are poor or inadequate parents because of the

possibility that they might choose future abusive partners. The literature suggests that this is a rather common belief among social workers and other helping professionals, especially if the women do not receive “proper counselling”. In the current study, child welfare intervention was deemed warranted even when the children were not considered at risk, because the mother would pick another abusive partner and she and her children would be victimized again. Research has yet to substantiate this claim. On the other hand, recidivism rates among abusive men show a different picture (Haddix, 1996). If this is the case, it seems that child welfare intervention should be directed at the abuser because of the harm he will inflict on the children. Children present in the father’s new household are still at risk of witnessing or becoming indirect victims of violence in the relationship (Haddix, 1996).

The review of the literature identified a number of themes consistent with the findings of the current study. Abused mothers are central in the child protection process – they frequently bear the brunt of child welfare intervention and often are considered responsible for the abuse and its resolution. At the same time, child welfare workers often disregard abused women’s experiences and do not take these into consideration throughout the entire child protection decision-making process.

## **Chapter Five**

### **Conclusion**

*The child welfare system is not responsible for changing the prevailing distribution of power that maintains hierarchical and oppressive gender relations, nor does this arm of the state meet all of the needs of families and children...Nevertheless, it can and must do its part in making change.*

Julia Krane, **Least Disruptive and Intrusive Course of Action...For Whom? Insights from Feminist Analysis of Practice in Cases of Child Sexual Abuse**

The child welfare system has been criticized for the way in which it intervenes in situations of domestic violence. It has been accused of failing to acknowledge the harmful effects of witnessing violence on children and, therefore, not dealing with cases as seriously as other forms of child abuse (i.e. physical and sexual abuse). In the cases where child protection workers have intervened, child welfare has been criticized for further victimizing battered mothers by holding them solely accountable, and for ignoring the actual perpetrators of abuse. These criticisms have been especially directed at those particular child welfare authorities that include exposure to domestic violence in their legislation. The present research attempted to examine the legitimacy of these allegations in one Canadian child welfare authority. The study also explored the various policy contexts (i.e. ideological, historical, organizational, and practitioners' own set of values and beliefs) that impact child welfare policy and hence, practice. The study results and the review of the literature support the assertion that the current child welfare response to domestic violence (i.e.

victim-blaming of battered mothers and failure to hold male perpetrators accountable) may be significantly impacted by child welfare legislation.

Eight child welfare workers were interviewed to explore how they intervene in cases of domestic violence. A follow-up focus group was conducted to gather additional information on the emergent themes. The respondents' experiences were compared and contrasted to the current body of literature concerning child protection responses and domestic violence. The responses of the workers were, for the most part, congruent with the criticisms of child welfare.

The respondents tended to concentrate their interventions on battered mothers as they viewed them as being primarily responsible for protecting their children from violent situations. Women traditionally have been held responsible for the emotional well-being of their children. This still occurs today, and this has significant influence on how the child welfare system responds to children who are exposed to domestic violence.

When battered women remain in abusive situations, they are often viewed as inadequate parents and their "inadequacies" are the focus of child welfare intervention. It appeared from the interviews and the focus group that child welfare workers do little to address the systemic issues confronting abused women, namely inadequate available resources, poverty, and the often problematic response of the criminal justice system. The respondents rarely considered that many abused women remain in the abusive relationship because they simply lack accessible, affordable, and safe options.

This research confirmed the common criticism found within the current body of literature that child welfare pays little attention to the actual perpetrators of the abuse. This was especially true for abusers who do not have legal guardianship of the children. Respondents claimed that they often do not have the mandate or legislative clout to hold male abusers accountable and therefore, have no other way to protect children but by focusing their efforts on battered mothers.

Child welfare, like any policy area, undergoes an ongoing process of development and change (Callahan, 1993, p. 190). The following are recommendations that may assist in how the child welfare system can better deal with the issue of domestic violence and child protection.

### ***Recommendations***

#### ***i.) Child Welfare Jurisdictions Should Exercise Caution When Amending Legislation to Include Children Exposed to Domestic Violence***

Sections such as the provision in the Child Welfare Act for Alberta can have the opposite effect to the one intended; that is, it may increase the chances of women staying in abusive situations out of fear of losing their children. Instead of protecting battered women and their children, abused women are often further victimized by the child welfare system. As indicated in this research and in the literature review, battered women are often considered inadequate parents because they are viewed as failing to protect their children from the violence. Jurisdictions that are contemplating amending its child welfare legislation to include domestic violence should be very cautious and should be aware of the

direct and indirect consequences before they quickly implement such precarious changes.

ii.) *Child Welfare Legislation Should Be Assessed from a Critical Perspective, Keeping in Mind Issues of Gender, Culture, and Class.*

Women, especially poor women, and Aboriginal families are over represented in the Canadian child welfare system. In cases of domestic violence, women and men are not treated equally as the women are primarily held accountable for the violence and are the focus of case planning. The consequences of child welfare legislations that are intended to be gender-neutral, are all but gender-neutral. Gender-neutral policies falsely assume that policies, programs, and legislations affect everyone in the same way regardless of gender (Status of Women Canada, 1996). In addition, child welfare systems should examine policies and practice guidelines for gender bias when considering the responsibilities of men for the well-being of their children. Changes in child welfare policy should be considered so it becomes clear that the onus is on the perpetrator to stop the violent behaviour rather than the leaving the policy open to interpretation. This will hopefully prevent the automatic assumption that the abused woman is responsible for alleviating the situation. This is especially critical because the perpetrator will often have ongoing contact with his children, and therefore, he should be held accountable and included in the child welfare case planning.

Within child welfare legislation, domestic violence should be named as violence by men against women and not euphemistically referred to as "marital

conflict” or “domestic disharmony” (Humphreys, 1997). This distorts the reality that abusers are almost always male.

Given that women's experiences of violence are inextricably connected to social and economic factors, child welfare policy should be linked to broader social policies. For instance, child welfare policy should concentrate on enhancing the resources for women and families instead of the usual practice of policing and monitoring (Hutchison, 1992).

Aboriginal families have experienced a long history of misuse by the child welfare system. These legislations and policies should be assessed to determine the differential impact it will have on abused clients. Policies, programs, and legislations can be effective only if they acknowledge and respond to the potential human impact (Status of Women Canada, p. 9).

iii.) *Child Welfare Systems Should Have the Required Organizational and Legislative Resources to Effectively Respond to Situations of Domestic Violence*

Frequently, many policies are ineffective because they represent a mere public display of action but, without adequate resources, policies cannot attain their desired objective (Wharf and McKenzie, 1998). Simply 'adding in' domestic violence as an issue of child abuse ignores the organizational constraints that impact child protection workers' ability to effectively and appropriately respond to domestic violence. As indicated in this study and others, child welfare legislation can be more damaging to battered women and their children as legislation

mandates child protection workers to intervene, however, workers do not have the tools to intervene with or hold the real perpetrators accountable

Policies that do not punish battered mothers for the risks to their children's safety caused by the batterer, and that effectively address the safety needs of battered women and their children must be implemented. For instance, the Law Reform Commission of Nova Scotia (1995) recommended that its child welfare legislation be altered to clarify that failure to remove a child from an abusive situation is not a basis for apprehending a woman's child.

Policies, such as Alberta's, may make it easier for child protection agencies to inappropriately remove children and sustain charges against non-abusing mothers. A legislative and policy context which both acknowledges and acts upon issues of domestic violence, combined with programs which effectively confront male violence and provide support for women and children are necessary prerequisites for a change in orientation.

Specifically, child welfare policies that mandate child welfare intervention with perpetrators, regardless of their parent or legal guardianship status, should be implemented or at least, be examined. For example, the "psychological father" policy that some American child welfare services have implemented to mandate intervention with perpetrators who are neither parents or legal guardians of their victims' children could be incorporated.

Child welfare practice in situations of domestic violence should be re-examined. Workers need extensive training in the area of domestic violence so that they understand the dynamics of abuse. Accurate identification of the



problems and appropriate service provision can decrease risk and prevent unnecessary out-of-home placements. As mentioned earlier, not all families will require child welfare intervention. A thorough assessment should be conducted to fully understand the strengths and resiliency and other protective factors of battered women and children. I would agree that domestic violence has a negative impact on children, however there is a danger in equating witnessing domestic violence with child abuse – as we know, battered women may be deterred from seeking help for fear of losing their children, and all families do not require the level of intervention provided by the child protection system.

Furthermore, one has to question the ability of child welfare agencies to meet the increased demand for service if all children exposed to domestic violence are considered in need of protection. Most child protection agencies complain about the already broad scope of child maltreatment, scarce resources, shortage of foster homes, and high staff burn-out. Broadening the mandate when the child welfare system is already over-burdened, under-resourced, and under-staff, will likely worsen these conditions and result in more children being identified without the appropriate resources to help them.

**iv.) *Resources Must be Made Available to Battered Women and Their Children.***

Battered women must have access to resources to assist them and these resources should not be dependent on whether they have child welfare status. In other words, resources in the community should be made available to women and children without having to open a child welfare file. Battered women must

have access to services that enable them to care for and protect themselves and their children. Services must be supportive, empowering, and non-coercive.

Furthermore, and most importantly, child welfare policy and practice, in order to be effective, must acknowledge women's experiences. The findings of the present study and the literature review reveal that battered women's efforts have frequently been ignored, minimized and dismissed. All too often, "there is a general silencing of women's voices in "matters" that are rife with consequences for women" (Krane, 1997, p. 59). Battered women need to be included in policy and practice decision-making.

v.) *Other Systems Outside Child Welfare Must Do a Better Job at Protecting Battered Women and Their Children.*

No one system is equipped, nor should it be held responsible, for meeting all the needs of victims of domestic violence (Whitney and Davis, 1999). The criminal justice must be more vigilant at holding male perpetrators accountable. Battered women should not have to be responsible and accountable for the ineffective response of the very systems that exist to protect them. It is unfair to characterize our collective failure to rein in abusive men as battered mothers' failure to act (Edleson, 1998).

In addition, governments need to do a better job at meeting the economic realities of women. Broader social policies must be re-examined to more effectively meet the needs of women (e.g. child tax credit, mother's allowance, spousal support, social assistance, child care, housing, and employment equity).

### ***Conclusion***

The issue of domestic violence has, and continues to be, a very controversial one - one in which policy-makers have been reticent in addressing, most likely due to its potentially disruptive issues. The findings of this research along with current body of literature raise serious questions about how child protection workers intervene in cases where domestic violence occurs. Unfortunately, the heightened awareness of the harm domestic violence causes children has also resulted in punitive policy towards battered women in the child welfare system (The "Failure to Protect" Working Group, 2000). As the public becomes more educated about the harmful effects of domestic violence on children, it is likely that there will be more reports to child protection services in domestic violence cases and therefore more opportunities for victimizing battered women and their children.

There are clearly some battered women who abuse and neglect their children and child welfare intervention is warranted. However, it is also clear the many battered women are good mothers who are simply caught in bad situations. Sanctioning battered mothers as responsible for the protection of their children is not only tremendously unjust, but it is illogical and ineffective. In situations of domestic violence, good child protection also includes good protection of women.

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**APPENDIX A****Semi-Structured Interview Guide**

The purpose of this study was to examine and analyze the impact of Alberta's child welfare legislation on the practices of child protection workers concerning children who witness domestic violence. The following semi-structured questions will guide the field interview research process:

1. Is there a problem with children witnessing domestic violence? If so, what is the problem? How does this issue rank with other problems in child welfare practice?
2. Is it a problem that should be addressed through the child welfare system?
3. What is your experience with children who have witnessed domestic violence?
4. What is your experience with child welfare intervening in these cases? How has child welfare intervened?
5. What is your experience with the child welfare legislation that mandates intervention in these cases (i.e. Section 3C)? Have you ever used it to mandate intervention? How have you used it (i.e. alone or in conjunction with other clauses)?
6. What are the strengths and limitations of this piece of legislation?
7. Is this piece of legislation a solution (or partial solution) to addressing the issue of child witnesses? How?
8. Are there any other alternatives? If so, what are they?

## APPENDIX B

### Semi-Structured Focus Group Guide

Please reflect on the following statements:

1. a.) *"Child abuse cases are being triaged. Priority is being given to abused and neglected children who show visible signs of neglect or abuse. Child witnesses of domestic violence do not fit this definition."*  
  
 b.) If you believe the answer to be true, what is contributing to this (i.e. lack of resources, lack of domestic violence training, not viewed as being detrimental to children, child welfare's lack of clout to protect abused women and their children)?
2. *"Domestic violence cases are not handled consistently with Child Welfare."*
3. *"The legislation that addresses child witnesses of domestic violence is not being used."*
4. What do you see as the best way to intervene in cases of domestic violence?
5. How do you define success when working with cases of domestic violence? In cases that you believe were successful, what contributed to their success?
6. Who do you see as "the client" – the child, the parents (victim and abusive partner), or the family?

Do you find a contradiction to focus on one and not the other?

Who do you believe has the most to lose in your intervention?

7. What are the limits of the child welfare system to hold male perpetrators responsible? Do these limits need to be changed (i.e. is this a problem? Should child welfare be intervening with abusive partners)? Why or why not?

What types of services or programs could Child Welfare offer the abusive partner?

8. *"Children who witness domestic violence would be better served if Child Welfare and battered women's services worked collaboratively."* Agree or disagree? Explain.

If you agree, how can these two systems work more collaboratively with one another?

**APPENDIX C****PARTICIPANTS NEEDED FOR STUDY****CHILD WITNESSES OF DOMESTIC VIOLENCE AND ALBERTA'S CHILD WELFARE LEGISLATION****THE STUDY**

This study will involve an examination of child protection workers' experience and usage of the particular section in Alberta's child welfare legislation that mandates child protective intervention in the case of exposure to severe domestic violence. The research is being undertaken in fulfilment of degree requirements for a Master's Degree in Social Work at the *University of Calgary*.

**THE PARTICIPANTS NEEDED FOR THE STUDY**

The participants needed for this study are frontline child protection workers employed at the *Calgary Rockyview Child and Family Services*. Participation will involve attending an audiotaped interview conducted by the researcher. You will also be asked to take part in a focus group at a later date as a means to follow up the findings. Participation in the focus group is optional. Participation is completely voluntary and your participation can stop at any point during the study, including during the interview. All information will remain in confidence and no names or other identifying information will be used in the study. All hard copies of the collected data will be securely stored in a locked filing cabinet at my home and will be destroyed after three (3) years.

**THE FOCUS OF THE STUDY**

The research study will explore the experiences of child protection workers in terms of intervening with child witnesses of domestic violence. The study will explore child protection workers' usage of Section (3)(C) of the Child Welfare Act for Alberta, the clause that deems a child in need of protection when the emotional abuse is a result of "severe domestic disharmony". The factors that contribute to the level of usage will also be examined.

**THE PURPOSE OF THE STUDY**

The purpose of this study is to gain a better understanding of having child welfare legislation/policy that mandates intervention in cases of child witnesses of domestic violence, and its impact on child welfare practice. An evaluation of Alberta's child welfare legislation through examining the experience of child protection workers may be a key source of information in analyzing the future effects of policy on child welfare practice.



**THE TIME COMMITMENT**

Participants will be asked to take part in an audiotaped interview conducted by the researcher, which will take approximately 1.25 hours. Participants will also be invited to attend an optional focus group after all interviews have been completed. The focus group will be conducted so the findings can be checked for accuracy and comprehensiveness. The focus group will take approximately 1.5 hours.

**APPENDIX D****Research Participant Consent Form**

**Research Project Title: An Exploration of Alberta's Child Welfare Legislation and Its Response to Child Witnesses of Domestic Violence**

**Investigator: Kendra Nixon, B.S.W. (M.S.W. Student)**

**This consent form, a copy of which has been given to you, is only part of the process of informed consent. It should give you the basic idea of what the research is about and what your participation will involve. If you would like more detail about something mentioned here, or information not included here, please ask. Please take time to read this form carefully and to understand the accompanying information.**

- 1. Purpose and Usefulness:** This study will explore the experiences of frontline child protection workers with respect to child witnesses of domestic violence and Alberta's child welfare legislation. The study will examine child protection workers' experience and usage of Section (3)(C) of the Child Welfare Act for Alberta – the legislation that mandates child protective services in situations where children are witnessing "severe domestic disharmony". Furthermore, factors that contribute to workers' experience and level of usage will also be investigated.

The purpose of this study is to gain a better understanding of having child welfare legislation/policy that mandates intervention in cases of child witnesses of domestic violence on child welfare practice. An evaluation of Alberta's child welfare legislation through examining the experience of child protection workers may be a key source of information in analyzing the impact that policy has on practice.

- 2. Participants, Procedures and Your Participation:** Participation in this research study will involve attending an individual interview with the researcher. In the interview, you will be asked about your own experience and perceptions with Alberta's child welfare legislation and its response to child witnesses of domestic violence. If you choose to participate in the interview, you will also be invited to participate in an optional focus group that will be held once all field research interviews have been completed. The purpose of conducting a focus group is to verify and enhance the accuracy of the findings.

3. **Research Design:** All field research interviews will be audiotaped and transcribed. The responses will be analyzed to discover common themes, patterns, and concepts so that theory can be developed.
4. **Risks/Costs/Benefits:** This research does not pose risks to anyone who will be participating in the research. The research is no way intended to imperil respondents' jobs and all efforts for anonymity and confidentiality will be made. The only cost to you is the time that it will take in order to complete the field research interview and focus group. The individual interview will take approximately 1.25 hours and if you choose to participate in the focus group, approximately 1.5 hours. There will be no monetary compensation. The benefits of participating in this study include having an opportunity to express your experience and concerns with child welfare policy as it relates to child witnesses of domestic violence. As a participant in this research study, a copy of the study's findings will be made available to you if you would like.
5. **Your Choice:** Your involvement with this research study is **completely voluntary**. You may opt out at anytime during the study.
6. **Confidentiality:** Your involvement with this study is entirely confidential. The final copy of this study will not include your name or any other information that may identify you. The transcribed responses will be stored on computer and any hardcopies will be secured in a locked filing cabinet. Data will be destroyed after three (3) years.
7. **Further Information:** You are encouraged to ask for any additional information during the course of this research study.

Your signature on this form indicates that you have understood to your satisfaction the information regarding participation in the research project, and agree to participate as a subject. In no way does this waive your legal rights nor release the investigators, sponsors, or involved institutions from their legal and professional responsibilities. You are free to withdraw from the study at any time. Your continued participation should be as informed as your initial consent so you should feel free to ask for clarification or new information throughout your participation. If you have further questions concerning matters related to this research, please contact:

Kendra Nixon, Faculty of Social Work, University of Calgary at (403) 202-0551

If you have any questions concerning your participation in this project, you may also contact my supervisor, Dr. Jacqueline Ismael, Faculty of Social Work, University of Calgary at (403) 220-5034.

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Participant

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Date

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Investigator/Witness (Optional)

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Date

❖ If you would like to have a copy of the findings of this research, please provide your complete mailing address.

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**APPENDIX E****CHILD WELFARE ACT for Alberta**

- 2) For the purposes of this Act, a child is in need of protective services if there are reasonable and probable grounds to believe that the survival, security or development of the child is endangered because of any of the following:**
- (a) the child has been abandoned or lost;**
  - (b) the guardian of the child is dead and the child has no other guardian;**
  - (c) the guardian of the child is unable or unwilling to provide the child with necessities of life, including failing to obtain for the child or to permit the child to receive essential medical, surgical or other remedial treatment that has been recommended by a physician;**
  - (d) the child has been or there is substantial risk that the child will be physically injured or sexually abused by the guardian of the child;**
  - (e) the guardian of the child is unable or unwilling to protect the child from physical injury or sexual abuse;**
  - (f) the child has been emotionally injured by the guardian of the child;**
  - (g) the guardian of the child is unable or unwilling to protect the child from emotional injury;**
  - (h) the guardian of the child has subjected the child to or is unable or unwilling to protect the child from cruel and unusual treatment or punishment;**
  - (i) the condition or behaviour of the child prevents the guardian of the child from providing the child with adequate care appropriate to meet the child's needs.**

**(3) For the purposes of this Act,**

**(a) a child is emotionally injured**

**(i) if there is substantial and observable impairment of the child's mental or emotional functioning that is evidenced by a mental or behavioural disorder, including anxiety, depression, withdrawal, aggression or delayed development, and**

**(ii) if there are reasonable and probable grounds to believe that the emotional injury is the result of**

**(A) rejection,**

**(B) deprivation of affection or cognitive stimulation,**

**(C) exposure to domestic violence or severe domestic disharmony,**

**(D) inappropriate criticism, threats, humiliation, accusations or expectations of or towards the child, or**

**(E) the mental or emotional condition of the guardian of the child or chronic alcohol or drug abuse by anyone living in the same residence as the child;**

**(b) a child is physically injured if there is substantial and observable injury to any part of the child's body as a result of the non-accidental application of force or an agent to the child's body that is evidenced by a laceration, a contusion, an abrasion, a scar, a fracture or other bony injury, a dislocation, a sprain, hemorrhaging, the rupture of viscus, a burn, a scald, frostbite, the loss or alteration of consciousness or physiological functioning or the loss of hair or teeth;**

**(c) a child is sexually abused if the child is inappropriately exposed or subjected to sexual contact, activity or behaviour including prostitution related activities.**