



Domestic Abuse and Violence

STATE of Maine
OFFICE OF CHILD AND FAMILY SERVICES POLICY

Section

Subsection

Approved by: *Todd A. Casady*
Director, OCFS

7

2

EFFECTIVE DATE:
November 8, 2005

LATEST REVISION:
May 1, 2023

Table of Contents

I. SUBJECT	2
II. STATUTORY AUTHORITY	2
III. DEFINITIONS.....	2
IV. POLICY	2
V. PROCEDURES.....	3
Child Protective Intake.....	3
Investigation.....	3
Prior to Initial Contact.....	3
Initial Contact with the Family.....	4
Interview of the Child.....	4
Interview of Adult Victim.....	5
Assessment of the Alleged Domestic Abuse Offender Lethality/Dangerousness.....	6
Interviewing the Alleged Domestic Abuse Offender.....	7
Planning for Adult Victim Safety.....	8
Findings.....	8
Family Team Meetings (FTM).....	9
Permanency Cases.....	9
Documentation and Discovery.....	11
VI. POLICY SUPERSEDES	12
VII. LINKS TO RELATED POLICIES.....	12
VIII. APPENDICES.....	13
Appendix A: Interview Questions for Children.....	13
Appendix B: Interview Questions for the Adult Victims and Alleged Offenders.....	13
Appendix C: Tips for Engaging and Supporting the Adult Victim and Child	13
Appendix D: List of the Domestic Abuse and Violence Resource Centers (DAVRC)	13
Appendix E: Ontario Domestic Assault Risk Assessment (ODARA): Quick Facts	13
Appendix F: Domestic Violence Handbook (2018)	13

I. SUBJECT

Domestic Abuse and Violence

II. STATUTORY AUTHORITY

[Title 22 MRS – §4004](#)

III. DEFINITIONS

For a complete list of definitions, see the [OCFS Policy Manual Glossary](#). In this document, the first reference to any word that is defined is hyperlinked to the Glossary.

IV. POLICY

[Domestic Abuse and Violence](#) is one of the more complicated and dangerous situations child welfare professionals must address when seeking [child](#) safety. The primary focus of the Office of Child and Family Services (OCFS) intervention in domestic abuse and violence cases is the ongoing assessment of the risk posed to children by the presence of domestic abuse and violence. OCFS focus is child safety, [domestic abuse offender](#) accountability, and support for the adult victim. The preferred way to protect children in most domestic abuse and violence cases is to join with the adult victim in planning for their and their child(ren)'s safety. Child safety can often be improved by helping the adult victim to become [safe](#) and by supporting that [parent](#)'s efforts to achieve safety. It is important to work closely with:

- Domestic violence resource centers,
- The criminal and civil justice systems, when appropriate, and
- [Certified Domestic Violence Intervention Programs](#).

It is also important to consider the safety of OCFS staff, service providers, and community members.

OCFS works collaboratively with local and state law enforcement and other agencies to hold the domestic abuse offender accountable for their behaviors. OCFS also works collaboratively with the Maine Coalition to End Domestic Violence (MCEDV) member agencies to provide education, support, and planning for the safety of the adult victim(s) and their child(ren).

The guidelines for working with adult and child victims of domestic abuse offenders and the alleged domestic abuse offenders themselves are extensive. These guidelines are contained within the Domestic Violence Handbook (2018) (See Appendix F).

V. PROCEDURES

Child Protective Intake.

- a. Intake caseworkers should ask the referent if they have any knowledge or information regarding the following:
 - i. Whether the parent who is primary [caregiver](#) is being abused, threatened, or coerced.
 - ii. Whether the alleged domestic abuse offender has criminal charges pending or prior criminal convictions or arrests for domestic abuse and violence related crimes.
 - iii. If a temporary or final protection from abuse order is in place, what court issued it and when was it issued.
 - iv. When the referent is a law enforcement official, whether the [Ontario Domestic Assault Risk Assessment \(ODARA\)](#) scale has been completed, and if so, request the score. The ODARA score predicts the likelihood of the assaultive behavior continuing, it does not predict the likelihood of lethality. If someone has a low ODARA score, it does not mean they are not dangerous. The specific behaviors and information on the scoring sheet can inform safety considerations for all parties as outlined in Appendix E.

- b. If the referent provides information indicating current or past domestic abuse and violence in the family, the Intake Caseworker should ask the referent if they have any information regarding:
 - i. The whereabouts of the child during incident.
 - ii. If the child or adult victim were injured or if any other impact is known.
 - iii. The frequency and severity of incidents.
 - iv. Whether weapons were involved.
 - v. Steps taken to ensure safety for the adult victim and child.

Investigation. When investigating situations of domestic abuse and violence, the caseworker will follow the [2.2 Child Protection Investigation Policy](#) as well as the procedures outlined below.

Prior to Initial Contact. When completing the assignment activities, the caseworker will:

- a. Gather information regarding the domestic abuse and violence from collateral contacts to inform the decisions made regarding precautions that may be necessary when interviewing [critical case members](#), the level of lethality/dangerousness of the alleged offender (see list in section Assessment of the Alleged Domestic Abuse Offender Lethality/Dangerousness), and the safety of the caseworker.

- b. Consult with the district DV Advocate from the Domestic Violence Resource Center (DVRC) to help plan for ways to keep the adult victim and child safe during the interview process, such as not asking for disclosures of [abuse](#) or their strategies for staying safe in the presence of the alleged offender, as well as assistance in assessing the level of lethality/dangerousness of the alleged offender. **Note:** The DV advocate has experience in the identification of lethality.

If there is evidence, or additional information is learned during the course of the investigation that a child has been abused or neglected by a person not responsible for that child, the caseworker will make a referral to the District Attorney's office if OCFS personnel has not already made a report. ([Title 22, Section 4011-A, Subsection 2](#)).

Domestic abuse and violence is potentially dangerous to family members and to caseworkers. Measures should be taken to ensure that investigation activities do not compromise safety (see the [10.1 Staff Safety Policy](#)).

Initial Contact with the Family. In conducting a Child Protection Investigation with allegations of domestic abuse and violence the caseworker will gather the following information:

- a. The nature and severity of the domestic abuse and violence;
- b. The impact of the domestic abuse and violence on both adult and child victims;
- c. The [safety threats](#) present;
- d. Any supports, formal or informal, and strategies the adult victim uses to maintain safety for themselves and their child;
- e. The alleged offender's potential level of lethality/dangerousness in consultation with their supervisor and the district DV advocate; and
- f. The current services the family is involved with as well as any additional service needs of each family member. This would include those resources or practical supports that may be needed in order for the adult victim to successfully implement any plan developed.

Interview of the Child. In all CPS interviews of children, the [Fact Finding Child Interviewing](#) Protocol must be followed. Due to the allegations of domestic abuse and violence, the caseworker should also explore the following areas:

- a. The child's account of what they saw and/or heard, where they and their siblings were, as well as how they understand the violence and abuse;
- b. The impact of witnessing violence; and
- c. The child's worries about their safety, the safety of the adult victim, the safety of their siblings and other people in the home, and the safety of any pets.

It is important to remember that the child may blame themselves for the abuse, blame the adult victim, or align with the alleged offender. It is critical to assess the impact on each child, not just what the child observed or was exposed to. When possible and appropriate, consult with the supervisor about telling the child what information you will be sharing and what might happen next. See Appendix A for suggested questions for interviewing children regarding domestic abuse and violence.

Interview of Adult Victim.

- a. The caseworker will always attempt to interview the adult victim in a safe location without the alleged domestic abuse offender present. If the alleged offender is present, do not ask questions regarding the domestic abuse and violence as it may create a potentially dangerous situation for victims.
 - i. If unable to interview the adult victim without the alleged offender present, consult with the supervisor and the district DV advocate to determine a safe course of action to gather information regarding the domestic abuse and violence.
 - ii. Plan with the supervisor and district DV advocate how you may be able to interview the adult victim alone such as going the home when the alleged abuser is at work or asking to meet the adult victim in a safe location.
 - iii. Document in the child welfare information system that the adult victim was not able to be interviewed separately.
- b. The caseworker will take the following information into consideration when interviewing the adult victim:
 - i. Due to their experience parenting through abuse, victims' information about the impact of abuse on them and on their child tends to be more accurate than the alleged domestic abuse offender's.
- c. The caseworker should gather information regarding the alleged offender to include:
 - i. Pattern of the alleged offender's abuse and/or violence;
 - ii. Frequency/severity of abuse in current and past intimate or familial relationships
 - iii. Use, presence, or threats of weapons;
 - iv. Threats to kill the victim, child, or family members;
 - v. Suicidality of domestic abuse offender;
 - vi. Hostage taking/isolation of the adult victim (or "not allowing them to leave")
 - vii. Stalking, ([Title 17-A, Section 210-A](#)), including harassment via technology and violations of protection orders;
 - viii. Violence toward their partner in public;
 - ix. Strangulation, suffocation, or restricting their partner's breathing;
 - x. Sexualized violence;
 - xi. Treatment of animals/pets in the home.
- d. The caseworker will explain the limits of confidentiality regarding the child and legal mandates.
- e. The caseworker will not share information regarding the domestic abuse and violence with the alleged domestic abuse offender without first informing the adult victim. The caseworker will ask the adult victim if there is specific information that may increase the level of danger to themselves or their child should it be revealed to the alleged domestic abuse offender, and if the adult victim has suggestions regarding how the caseworker can talk with the alleged domestic abuse offender safely.

- f. The caseworker will assess the protective capacities of the adult victim, and the resources available to help the adult victim, to determine if they have the ability to ensure the safety of their child as well as the most appropriate intervention. The caseworker should inquire if the adult victim has a plan for their and their child's safety. The adult victim's actions or inactions regarding the child must be viewed within the context of family violence.
- g. The caseworker will not blame the adult victim for unsuccessful attempts to obtain assistance, and they will remain non-judgmental and supportive. Caseworkers should document the attempt made by the adult victim to access resources, identify ways in which the Department could meet those needs, and refer them to domestic violence resource centers to assist in planning for their safety and the safety of their child.

Note: Remember tone of voice can convey significant meaning and a supportive approach can help elicit accurate information.

See Appendix B for suggested questions for interviewing the adult victim regarding domestic abuse and violence.

Assessment of the Alleged Domestic Abuse Offender Lethality/Dangerousness.

- a. Prior to interviewing the alleged offender, the caseworker should consult with the supervisor to assess the potential lethality/dangerousness using all available information. The safety of the adult victim, child, and caseworker must be considered.
- b. Any new information learned during the interview of the adult victim that may affect the assessment of lethality/dangerousness should also be considered.
- c. If there are safety concerns for the caseworker or family members, law enforcement or another caseworker must accompany the caseworker for the interview (see the [10.1 Staff Safety and High Risk Situations Policy](#)).
- d. If the caseworker and supervisor determine that interviewing the alleged domestic abuse offender is not in the best interest of the child, these reasons will be documented in the child welfare information system. **Note:** Considerations should be given to interviewing the alleged offender in an environment that provides more safety, such as the OCFS office or the police department.
- e. Factors to consider in making assessment of lethality:
 - i. Pattern of the alleged offender's abuse and/or violence;
 - ii. Frequency/severity of abuse in current and past intimate or familial relationships;
 - iii. Use, presence, or threats of weapons;
 - iv. Threats to kill the victim, child, or family members;
 - v. Suicidality of the alleged domestic abuse offender;
 - vi. Hostage taking/isolation of the adult victim (or "not allowing them to leave");
 - vii. Stalking ([Title 17-A, Section 210-A](#)), including harassment via technology and violations of protection orders;
 - viii. Strangulation, suffocation, or restricted their partner's breathing; and
 - ix. Sexualized violence.

Note: These factors are from the review conducted by the Maine Domestic Abuse Homicide Review Panel. <https://www.maine.gov/ag/docs/DAHRP-Report-for-Posting-ACCESSIBLE.pdf>

- f. If an alleged offender displays any of the above indicators it is important to share both the information and your concerns for their safety with the victim. The plan to ensure the safety of the adult victim and child may need to be revised.
- g. Assessing the lethality/dangerousness of the alleged offender is important to protect yourself and to lessen the risk for the child and adult victim. Planning for the adult victim's safety is important to reduce that risk.

Interviewing the Alleged Domestic Abuse Offender. When interviewing the alleged offender, the following will occur:

- a. Inform the alleged offender that the questions asked are a routine part of the investigation;
- b. Do not ask the alleged offender about the domestic abuse and violence in front of the adult victim or child;
- c. **Do not confront the alleged offender with information provided by a victim or the child.** When available, the caseworker will use police reports or other agency reports about the violence during the interview with the alleged offender. If there are no reports, the caseworker may use the victim's statement during the interview with the alleged offender. When using information provided by the adult victim, the caseworker will discuss any information from a victim's statements that will be used and explore how this may impact the victim and/or the child, and plan for their safety.
- d. Ask specific questions about behaviors;
- e. Remember that the alleged offender may appear calm, controlled, or present themselves as the victim. Alleged offenders often minimize and deny their abuse and violence and its impact on their partner and child;
- f. Minimization, denial, and blame are common tactics of domestic abuse offenders, so offenders often misrepresent the impact of their actions on others. The offender's perception, regardless of accuracy, may provide insight about their willingness to acknowledge their abusive conduct and to commit to change; and
- g. If the alleged offender reveals information that indicates imminent danger or harm to a known victim, then the caseworker must immediately notify their supervisor, the adult victim, and the appropriate authorities. The caseworker will also enter this information in the Special Instructions in the child welfare information system.

See Appendix B for suggested questions for interviewing the alleged offender.

Planning for Adult Victim Safety. When working with an adult victim it is important to plan for their safety. The caseworker must involve the adult victim and the district DV Advocate in the development of this plan. Specific considerations when planning for safety with adult victims of domestic abuse and violence include:

- a. Identifying options available to the adult victim to keep themselves and their child safe, including what has been tried before and the risks and benefits associated with each option;
- b. Connecting the adult victim with the local Domestic Violence Resource Center to assist with and support planning for their safety;
- c. Helping the adult victim identify and gather important documents and personal items that will be necessary for relocation of the victim and child if relocation is part of the adult victim's plan for their safety;
- d. Collaborating with the adult victim to inform their informal and formal supports of the situation and any protection orders in effect; and
- e. Identifying and connecting the adult victim to supports and resources that OCFS can make available to help them implement their plan for safety.

Findings. Findings shall be determined at the end of the investigation by analyzing all facts gathered during the investigation and informed by the results of [SDM Safety Assessment Tool©](#) and [SDM Risk Assessment Tool©](#) and the [2.8 Child Abuse and Neglect Findings Policy](#).

Findings cannot be reached regarding the adult victim in the following situations as outlined in the Child Abuse and Neglect Findings Policy:

- a. Neglect, High Severity
 - i. That person failed to protect that child from experiencing high severity physical, sexual, emotional abuse and/or neglect caused by another person that could have been prevented. However, in domestic abuse and violence cases, this finding can only be reached for the adult victim of the offender when that person is a party to a child protection petition that has been filed that seeks to ensure child safety.
- b. Neglect, Low or Moderate Severity
 - i. That person failed to protect the child from experiencing low to moderate severity physical, sexual, emotional abuse and/or neglect caused by another person that could have been prevented. This finding does not apply in a domestic violence case where the person having failed to protect is the adult victim of the offender.
- c. Emotional Abuse, High Severity
 - i. The person has exposed a child to a pattern of or at least one serious incident of domestic abuse and violence. Exposure to very serious physical violence equates to high severity impact. However, in a domestic abuse and violence case, this finding

can only be reached for the adult victim of the offender when that person is a party to a child protection petition that has been filed that seeks to ensure child safety.

[Family Team Meetings \(FTM\)](#). When conducting an FTM, the [7.1 Family Team Meeting Policy](#) will be followed. In addition, if an investigation or case involves domestic abuse and violence, the caseworker will:

- a. Work with the DVRC Advocate to address safety concerns for the child and the adult victim. Safety of adult victims and children must be considered when planning case transfers (e.g., notifying the alleged offender of the adult victim's and child's whereabouts may be dangerous);
- b. Invite the DVRC Advocate to the meeting;
- c. Schedule separate meetings for the alleged offender and the adult victim; and
- d. The adult victim's FTM should be held first, and the team should discuss the information that will be shared with the parent who is the alleged offender in their meeting so that planning for the adult victim's safety addresses their concerns and fears. It is important to ensure that the adult victim does not have the responsibility to hold the alleged offender accountable to any plan developed.

Note: Exceptions to completing FTM preparation will not be granted in circumstances where domestic abuse and violence is a concern.

[Permanency Cases](#). In all permanency cases, the [3.1 Permanency Policy](#) will be followed.

In addition, Preliminary Rehabilitation and Reunification Plan, Rehabilitation and Reunification Plan, and Prevention Services Plan should include services that address the domestic abuse and violence and its impact on child safety, permanency, and well-being.

Note: Domestic abuse and violence offenders should be referred to a Certified Domestic Violence Intervention Program. OCFS only pays for the intake then payment is the responsibility of the offender as this is part of the program requirements. The offender and adult victim should not be referred to joint therapy. Victims should not be referred to a Certified Domestic Violence Intervention Program.

Service expectations and/or safety plans should never include language that places the burden of the alleged domestic violence offender's behavior or compliance on the victim. The adult victim should never be required to facilitate services or supports for the alleged offender or supervise visitation between the alleged offender and the child. Victims should not be held accountable for an offender's non-engagement in services. Planning for the adult victim's safety is fluid and should be updated as circumstances change.

- a. Prevention Service Cases:

The primary goal of a prevention service case is to ensure that the child can safely remain in their parent's care and custody after an investigation with a finding of child abuse or neglect. In cases involving domestic abuse and violence the caseworker will also:

- i. Work with the adult victim and their child to promote their safety. **Note: It is imperative that information in plans developed for the safety of the adult victim and child NOT be shared with the alleged offender.**
- ii. Hold the alleged offender accountable for their behaviors and document their actions and behavioral change in regard to the OCFS [Safety Plans](#), the [Prevention Service Family Plan](#), and court orders.
- iii. Assist the adult victim in obtaining appropriate services. Services for victims and domestic abuse offenders should be offered.
- iv. Request, where appropriate, collateral information from hospitals, shelters, Certified Domestic Violence Intervention Programs, counselors, etc.

b. Reunification Cases:

The primary goal in reunification cases is to partner with the family to help ameliorate the safety threats and [jeopardy](#) that caused the child to enter the custody of the department. In cases involving domestic abuse and violence the caseworker must consider that the domestic abuse offender may be trying to undermine the adult victim's success in reunification. It is important that the caseworker addresses services to both assist the adult victim in providing a safe environment for their child and also hold the domestic abuse offender accountable for the domestic abuse and violence.

c. Service Planning:

Additional services for adult victims may include:

- i. Connecting them with the domestic violence resource center to learn about the services offered;
- ii. Participating in planning for their and their child's safety;
- iii. Supportive counseling for themselves and learning how domestic and abuse and violence may impact their child; and
- iv. Providing practical supports, including economic supports to help the adult victim carry out the plan for their safety that has been collaboratively developed and facilitating the adult victim's timely access to those supports.

Additional services and requirements for the alleged offender may include:

- i. Leaving the home (consider friends, family, homeless shelter, hotel, etc.);
- ii. Participating in an intake and complete a Certified Domestic Violence Intervention Program, certified by the Department of Corrections, and follow all recommendations. **Note:** Certified Domestic Violence Intervention Programs can be found on the Department of Corrections website (<https://www.maine.gov/corrections/victimservices/cdvip>);

- iii. Not engaging in behavior that is verbally, emotionally, sexually, or physically abusive toward their partner or child;
- iv. Not involving their child in attempts to control their partner or force them to witness or participate in other abusive behaviors; and
- v. Educating themselves regarding the effects of domestic abuse and violence on their child.

Note: Caseworkers should not refer to services/interventions to specifically address the domestic abuse and violence that are not appropriate, such as:

- i. Options for protection for adult victims that the adult victim believes will increase the level of danger to them or their child. An example of this is the increased risk that can happen when the adult victim is required or expected to initiate civil litigation (protection from abuse orders, parental rights cases, etc.);
- ii. Couples, marital, or family therapy;
- iii. Co-parenting classes;
- iv. Anger management and other non-certified domestic abuse and domestic violence offender interventions;
- v. Visitation arrangements that endanger the adult victim and/or child or that do not adequately address the safety concerns of the adult victim; and
- vi. Mental health or substance use disorder treatment when the referral is for the purpose of addressing domestic abuse and violence.

Documentation and Discovery. Documentation and disclosure of domestic abuse and violence may dramatically increase risk for adult victims and children. The following guidelines may help to reduce risk when information must be shared.

Documentation:

All documentation of domestic abuse and violence should be written in a manner that holds the alleged offender accountable for their behavior, describes the abuse and violence, and additional tactics used to undermine and/or interfere with the adult victim's efforts to achieve safety for themselves and their child.

The caseworker's documentation will include the following:

- a. Who did What to Whom and with What Impact?
 - o Impact on the child
 - o Impact on adult victim
 - o Impact on [household](#) and family functioning from the alleged offender's actions;
- b. Description of the alleged offender's abusive actions, tactics, and the interference on the adult victim's ability to provide safety and stability for themselves and their child;
- c. Description of the efforts taken by the adult victim to increase safety and stability for themselves and their child, information about the violence perpetrated by the alleged offender against them (and child); and
- d. All documentation of domestic abuse and violence, e.g., affidavits, should be written in a manner that holds the offender accountable for their behavior.

Discovery

When required to release information, the caseworker will consider the safety of the adult victim and child as a priority. Disclosure of certain information in cases involving domestic abuse and violence may dramatically increase the risk for the adult victim and child. The following guidelines may reduce this risk.

- a. Notify the adult victim immediately about the obligation to release certain information, explaining concerns, and developing strategies for safety with the adult victim, child, and when possible, the domestic violence liaison.
- b. Consult with the DVRC Advocate regarding potential impact and if the parent's plan for safety needs to be revised.
- c. Any information in the case record pertaining to the confidential address of the adult victim (e.g., shelter, or relocation to new housing), or other information that may disclose the adult victim's location must be protected (e.g., childcare provider, child's school, doctor's offices, etc.).
- d. Any disclosures made by an adult victim or their child regarding their plan for ensuring the safety of themselves and the child must not be shared with the alleged offender.
- e. When preparing discovery for a court proceeding from the child welfare information system the caseworker must:
 - i. Look through all documentation in the case print selection to ensure that information is shared only with the appropriate parties, with attention to the Prevention Service Family Plan, Preliminary Reunification and Rehabilitation Plan and the Rehabilitation and Reunification Plan; and
 - ii. Ensure this is done through either deselecting or redacting the information in consultation with their supervisor and the AAG assigned to the court case.
- f. When disclosure of certain information in the context of discovery and litigation could endanger a party to the case, the AAG should be consulted so that appropriate protective measures may be taken with the parties and the court.

VI. POLICY SUPERSEDES

IV.D. 4. (2005) Domestic Violence and Child Abuse/Neglect

VII. LINKS TO RELATED POLICIES

[2.2 Child Protection Investigation](#)

[2.8 Child Abuse and Neglect Findings Policy](#)

- 3.1 Permanency Policy
- 7.1 Family Team Meeting Policy
- 7.3 Domestic Violence Homicide Emergency Assessment
- 10.1 Staff Safety and High Risk Situations Policy

VIII. APPENDICES

Appendix A: Interview Questions for Children

Appendix B: Interview Questions for the Adult Victims and Alleged Offenders

Appendix C: Tips for Engaging and Supporting the Adult Victim and Child

Appendix D: List of the Domestic Abuse and Violence Resource Centers (DAVRC)

Appendix E: Ontario Domestic Assault Risk Assessment (ODARA): Quick Facts

Appendix F: Domestic Violence Handbook (2018)

Note: The hyperlinks to these documents only work on DHHS issued computers. If you would like to request a copy of these documents, please email your request to:

OCFSPolicyTraining.DHHS@maine.gov