

**Vermont's
Partnership Between
Domestic Violence
Programs and
Child Protective
Services**

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Child/Youth
Confidentiality
in
Domestic Violence
Programs

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I. Introduction

In our work to end violence against women and children, domestic violence programs are charged with empowering simultaneously both battered women

and children/youth. Domestic Violence Programs are set up to offer services for women and children together, such as shelter and legal advocacy, as well as separate services such as support groups, school groups, prevention education and individual support. In terms of confidentiality, our challenge is to empower women and children both together and separately, while respecting the confidentiality of each of them and regarding the family's safety as paramount. This is challenging for many reasons including issues surrounding child abuse, child abuse where mom is the abuser, child abuse reporting, and teen dating violence.

The framework reflected in this document is a result of ongoing meetings between Vermont domestic violence advocates and the Vermont Department for Children and Families, Family Service Division (child protective services agency) Domestic Violence Unit around issues of information sharing, confidentiality and service provider role in rural areas in cases where domestic violence and child maltreatment co-exist. These discussions took place from July 2001 until October 2003 as a working group of the Vermont collaboration established through the statewide Rural Domestic Violence and Child Abuse Project.

This document is one in a series that explores issues of confidentiality and information sharing, poses some guiding questions, and makes recommendations for programs and for multi-disciplinary teams who work with affected families. Each document is the culmination of a collaborative effort and identifies the lead author who captured the rich discussions. Thus while there may be one or two lead authors, the work is truly a reflection of the collaborative efforts of many people involved in the discussions over the years. For more information about the documents' content and development or how to reach the lead authors, you may contact The Vermont Network Against Domestic and Sexual Violence, 802-223-1302 or The Vermont DCF Domestic Violence Unit, 802-241-1206.

Battered women's advocates have historically identified confidentiality as a key component of safety for battered women. Child protection workers have historically said that children are safest when information about their abuse is shared with those in positions that might help them. Making decisions about child/youth confidentiality is challenging when issues of confidentiality and safety appear to conflict with each other. One example of this challenge could be illustrated in a situation where a child discloses abuse and asks that her mother not be told, yet the mother will be crucial in keeping the child safe. Another illustration could be a teen victim of dating violence who is accessing a protection order and does not want her parents to know.

II. Coordinating services for women and children

A philosophy that focuses on 'coordinating' services for women and children is recommended as best

practice for meeting this challenge. This coordination happens most clearly

when programs offer concurrent women's and kids' groups, when shelter services are outlined and synchronized, etc. It is more challenging, for example, when support groups and education programs for children are offered in schools where parent contact and involvement is minimal.

When addressing this challenge, it is important to remember that safety for women and safety for children are tied closely to each other. In efforts to 'coordinate' services, advocates are encouraged to avoid designing interventions that create safety for children but inadvertently create more risk for the mother, which would eventually create more risk for the entire family.

Issues of child/youth confidentiality can arise in many situations not specifically outlined in this document. The following concepts are useful in addressing youth confidentiality broadly:

- Children/youth and their mothers should be *kept informed* about what kind of information will and will not be shared and with whom.
- If the person working with a child/youth is a mandated reporter of child abuse, then the child/youth and his/her mother should *be given this information as soon as possible*.
- Information should be shared with mothers if there is reason to feel that a child is in danger of being hurt or hurting another so that the mother can make appropriate safety decisions for herself and her children.

Some questions that programs may ask themselves when grappling with this issue are:

- What are our philosophies about working with both women and children/youth?
- What are our obligations to each as clients?
- Based on their individual needs, how can we coordinate services to both women and children/youth?
- How should our policies reflect our philosophy?

III. Direct Service to Children: Best Practice Ideas about Confidentiality

Support Groups with Children and Teens

- Support group facilitators should incorporate early and ongoing discussions with children/youth group members about what kinds of information will and will not be shared with others. For instance, what information will and will not be regularly shared with parents (such as themes not specifics) and how; what the facilitator's obligations are to share information about child abuse and safety issues; and how the school's or program's guidelines on reporting child abuse will be incorporated.
- Generally, facilitators should assure children and teens that detailed information offered by them in groups will not be shared with anyone outside of the group except for in cases involving safety concerns (child abuse, suicide, homicide, etc.).
- Information should be shared with mothers if facilitators feel concerned that a child is in danger of being hurt or of hurting another. This will help ensure the mother's ability to make the appropriate decisions around safety for her and her children. After first establishing clarity and agreement with group members, advocates may decide to share other information with mothers that reflect themes about their children's participation in group or specific things that children may want passed on.
- Safety considerations about what and with whom information is shared when batterers are present in the home should be thoroughly thought out and followed through with caution. In these situations, advocates and/or school personnel should strategize with both mothers and children about what safety issues may arise for their family during group. Together, moms, children and advocates may identify 'safe' people for children to talk to about group. They may also design safety mechanisms that include not bringing group materials home and practicing responses if asked questions about group.
- It is recommended that child protection staff do not co-facilitate domestic violence focused support groups for children and youth as their role prohibits them from offering children and youth the same level of confidentiality available from other facilitators.

School Based Support Groups

- When school based groups are facilitated or co-facilitated by DV Program staff, it is helpful for schools and domestic violence programs to have memoranda of understanding. The agreements outlined should address responsibilities regarding the confidentiality of children/youth, child abuse reporting including who will do the reporting, communication with parents, what will be addressed in the groups, whether or not a school official should be in the room while group or presentation is happening (i.e.: a school counselor, nurse or teacher), how any conflicts may/may not be handled, etc.
- Advocates and school personnel should develop protocols that identify what information should be given to parents prior to a group starting. They should also design processes which identify who will share information with parents (school personnel or DV advocate) and how often information will be shared.

In-house Support Groups

- Programs should make sure that their child abuse reporting policy clearly addresses confidentiality and reporting in relation to in-house support groups. This information should be shared with both moms and kids at the onset of group.

In Shelter

- Maintaining children/youth confidentiality in domestic violence shelters can be supported by shelter policies and procedures. Intake processes and programmatic structures often outline guidelines around confidentiality for both adults and children who reside in emergency shelters.
- Generally, child advocates/advocates should assure children and teens that detailed information offered to advocates by children while in shelter will not be shared *without permission* with anyone outside of the shelter or with their mothers, except in cases involving safety concerns (child abuse, suicide, homicide, etc.).
- Children/youth should be given options on how to report abuse and information on potential responses by advocates, *parents*, police, Family Services, etc.
- As is the case with support groups, information should be shared with mothers in shelter if there is concern that a child is in danger of being

hurt or of hurting another. This will help ensure the mother's ability to make the appropriate decisions around safety for her and her children.

- After first establishing clarity and agreement with child shelter residents, child advocates/advocates may decide to share other information with mothers that reflect themes about their children's feelings, participation in the children's program, or specific things that children may want passed on.
- It is more challenging to balance confidentiality and safety when children have themselves been abused. Situations might include: when a woman has abused her children, when a woman returns to a batterer who has abused her children, when the woman is anticipating child visitation with a batterer who has abused her children, or when there has been child abuse and a protection order is not in effect. In these situations, it is recommended that advocates consult with the DCF Domestic Violence Unit to strategize about ways to maximize safety for both the children and the battered woman.

Other Shelter Specific Confidentiality Issues

- **Shelter Confidentiality:** Discussions about confidentiality with families who live in shelter are often centered around keeping the location and nature of the shelter and the identities of the other shelter residents confidential. This may be confusing to children depending on their age and how much contact they have with family, school, friends, and the community outside of the shelter during their shelter stay. It is recommended that child advocates/advocates spend ample time with children and their mothers strategizing safe ways to respond to the outside community when asked questions about where they are staying, etc. Internal conflicts often arise for children as they attempt to reconcile the confidentiality requirements of their stay with the concepts of "keeping secrets", "lying", and feeling ashamed. Advocates should be available to support children around their specific concerns in these areas.
- **Confidentiality with other systems:** It is quite possible that families will be involved with outside systems while staying at an emergency shelter. Youth related systems might include schools, mental health agencies, family support agencies, childcare providers, and child protection. It is a good idea for programs to have clear protocols about the circumstances under which information would be shared with other systems, how the program shares information with other systems, and what is shared with and without release forms. (*Refer to Information Sharing section for more guidance.*)

- **Educational/Recreational (schools, child care programs, camps, etc.):** If shelter programs regularly send children to local schools, child care programs, recreational centers, camps, etc., it is recommended that shelter programs develop a consistent and ongoing relationship with these systems. It is also essential that DV programs provide ongoing trainings for all staff members at these community programs about domestic violence, the effects on children, the reality of shelter living for children, and the heightened need for confidentiality. Protocols should be put in place to assure that paper work is kept confidential both during and after the children's participation. Files and immunization records should not be requested from the children's home schools to prevent information from getting to the batterer (when developing safety plans and/or screening a mother for shelter, it is a good idea to ask her to include immunization and school records in her emergency bag).

Protocols should also include:

1. Guidelines about keeping information which connects children to the shelter confidential;
2. What to do if a father shows up on campus/school property;
3. Filing protection order copies at the school/center office;
4. Individualized schedules and include teachers and counselors, if possible, that will help to make children's participation less stressful;
5. Safe and confidential transportation; and
6. Ideas on how to provide daily emotional support for children who are shelter residents.

Sheltering teen victims of intimate partner violence (Usually 16-17 year olds)

(Note: the age of consent in Vermont is 16)

1. It is recommended that domestic violence shelters have **discussions and eventual** written policies about sheltering *teen* victims of **intimate partner violence**. **Discussions should include age parameters, screening procedures, and a brainstorm of potential dilemmas and responses to issues such as substance use and health emergencies.**
2. In order to protect shelter programs from liability issues, it is important to have some level of "permission" granted from a guardian in order for a *teen* victim of domestic or sexual violence to stay in a shelter alone.

3. However, it is also very important that programs strive to preserve the confidentiality of a *teen* victim once permission to stay in shelter has been granted by her guardian. Preserving this confidentiality should look the same as preserving confidentiality for an adult victim.
4. Both the guardian and the *teen* should understand that the program will not relay information about detail of services or day to day communications with the victim to the guardian or any outside organizations including Family services without consent from the *teen*.
5. A *teen* shelter resident could be encouraged to communicate with her guardian in whatever way feels most comfortable for her and with respect to the confidentiality agreements of all shelter residents.

Other Teen-specific direct service issues

1. **Family Services (Vermont’s Child Protection and Youth Justice Division under the Department for Children and Families) investigates alleged physical abuse and neglect perpetrated by a caretaker towards a child or youth and sexual abuse perpetrated by anyone towards a child or youth. Physical violence or emotional abuse inflicted on a teen by a dating partner is not reportable as child abuse. However, for teens victims of intimate partner violence, it is possible that they are also experiencing abuse that is child abuse and reportable to FS. DV programs should respond in accordance with their program’s child abuse reporting policies.**
2. *Teens should know that parents or guardians will be notified if there is a reported and investigated case of child abuse by FS. This will happen even if the case is not substantiated.*
3. It is recommended that programs have clear guidelines about how sexual abuse *or assault of teens* will (or will not) be reported to FS.
4. *Some DV programs have instituted policies that strive to treat teen victims as women with independent choices.* For example one program developed the following policy (*Vermont crisis workers are not mandated to report child abuse, but often institute child abuse reporting policies*):

“We will report all abuse of children under the age of 14. We will NOT report dating violence that involved girls 14-17 years old. We will NOT report sexual assault of girls 14-17 years old. We will make exceptions to the above if the perpetrator of the sexual violence is a caretaker.”

Teens and RFA’s

1. Teens seeking *Relief from Abuse* Orders against dating partners **should** be able to get help without the need to contact a parent or guardian (Family Services or otherwise). *In reality, however, various courts and judges may require a guardian or adult to be with teens when filing and/or when appearing in court.*
2. Teens are encouraged to have an available support person when seeking support or filing for Relief From Abuse Orders. However, program staff should always meet with the person seeking help separately. Programs find it helpful to post that it is their policy/practice to meet with victims alone.
3. Children/youth should be given options on how to report abuse and information on potential responses by advocates, *parents*, police, Family Services, etc.
4. Some requests for Relief From Abuse Orders might be forwarded to Family Services by the courts. Orders containing information about a sexual assault by anyone or abuse by a caretaker might be investigated by Family Services.