

DSS Policy and Procedure Guide

Division 03: Child Welfare

Chapter 03: Initial Response/Detention

Item 38: Investigating Domestic Abuse Allegations

Suggested changes send to: [DSS PSOA Mailbox](#)

Issued: **October 14, 2011**

References: [Penal Code Section 13700\(d\)](#); [Welfare and Institutions Code Section 213.5](#); [Welfare and Institutions Code Section 18291 \(a\)](#); [Family Code Section 3031\(a-c\)](#), [Div.31 Regulations](#); [Title 22 Regulations](#)

Replaces Issue: **NEW**

Policy

Department of Social Services (DSS) investigating social workers will utilize a uniform and standardized method for investigating referrals of domestic abuse.

Purpose

To provide investigating social workers with a series of questions they can use when interviewing victims, and batterers, in a domestic abuse relationship. To provide guidance to social workers on how to develop a safety plan with victims in a Domestic Abuse relationship.

Procedure

Reviewing Prior CPS/Criminal History

Prior to Leaving the Office the Investigating SW shall:

- Review CWS/CMS for prior CPS history and review any prior referrals for neglect physical/sexual abuse or domestic violence.
- Review all CLETS and/or Live-Scan records on file on all adults involved to determine if there were any convictions for domestic violence, weapons, drugs and/or alcohol.

Responding to the Home

The investigating SW shall follow the policies and procedures set forth in DSS PPGs [3-3-8](#) and [3-3-37](#) when investigating allegations of child abuse and neglect, including allegations of Domestic Abuse.

At the Home Visit the Investigating SW Shall Note Potential Indicators of Domestic Abuse Such As:

- Evidence of physical abuse (such as a black eye, or bruises) on victim and/or child;
- Evidence of damage to property or emotionally important items (i.e. holes in wall, destroyed furniture, torn pictures, phone ripped out of wall, no working phone);

- Reluctance of adults to be interviewed separately (batterer speaking for battered parent);
- Battered parent/child appears fearful of batterer;
- Child appears overly protective of battered parent;
- Evidence of pet abuse

The Investigating SW Shall Determine if anyone in the Home Has a Disability, Either by Direct Observation, or by Asking Specific Questions About Disabilities.

- If a victim is deaf or has a communication barrier, the batterer will tend to answer or insist on translating for the victim.

Interviewing the Victim, Batterer and Child (ren)

If batterer is present and the situation appears volatile, hostile and/or dangerous, the investigating SW shall leave the home and immediately obtain assistance from law enforcement prior to resuming the interview.

- Interview victim, child, and batterer separately.
- Establish a trusting relationship with the victim by emphasizing the need for safety for both victim and the victim's child and by identifying yourself as a resource for support.

Interviewing the Victim

The investigating SW shall obtain the following information from the victim:

- Does the batterer have a history of abuse with those living in the home or with others (e.g., prior relationships, work)? Ask for a description of behaviors, including the most and least severe actions, to understand the victim's perceptions.
- Does the batterer isolate the victim from friends, family, and work?
- What is the nature of the abuse and the frequency of occurrence?
- Does the abuse involve the victim and the child?
- Is there a disruption in the relationship between child and victim parent or among siblings?
- How does the victim/batterer discipline the child?
- Have threats been made involving suicide, homicide or child abduction by either the batterer or the victim?
- Does the victim/batterer have a diagnosed mental disorder for which prescribed medication is either being used or not used?

- Does either the batterer or the victim use drugs/alcohol?
- Are there any guns in the home or access to weapons?
- Has the batterer ever been arrested or on probation/parole?
- Has the victim ever received medical treatment for injuries or had prior involvement with shelters, court or law enforcement from domestic violence incidents?

NOTE: The victim may minimize either the severity or frequency of the abuse. As a result, *the investigating SW must assess whether the explanation for an injury appears to be consistent with the type of injury observed.*

Interviewing the Batterer

If the situation is too dangerous the investigating SW shall request that law enforcement be present during the interview.

If it is safe to do so the SW shall attempt to obtain the following information from the batterer:

- How is anger expressed?
- Has the batterer ever used physical violence and/or threats against the victim/child?
- Is there a criminal history with prior arrests for domestic violence?
- Does the batterer acknowledge that (s)he has a problem with abuse/violence and is willing to cooperate by staying away from the family and obtaining required treatment?

Interviewing the Child (ren)

When interviewing the child (ren) the investigating SW shall ask age appropriate questions regarding:

- General life experiences, including eating, sleeping patterns, school attendance/performance, friends, relatives, activities.
- How the parents express anger toward each other and toward the child
- Has the child ever been hurt when his or her parents are fighting?
- What does the child do when the parents fight?
- How is the child disciplined?

Note: The investigating SW shall complete the Structured Decision Making Safety Assessment and Family Risk Assessment upon completion of the initial contacts.

Imminent Danger

If the victim and child are assessed to be in imminent danger the investigating SW shall:

- Determine whether they have a safe relative, or friend's home where they can stay, or
- Assist with referrals to shelters and/or disability support services.
- Verify that the relative/friend/shelter, has accepted the victim and all the children.
- Verify that they have a plan to get to the relative/friend/shelter or transport them.

Developing a Safety Plan with the Victim and Child

The investigating SW shall complete the following steps to ensure an appropriate safety plan is in place:

- Identify a list of needs (e.g., housing, employment, transportation, child-care, health care, legal assistance) or whatever service/resource is needed to keep the victim and child (ren) safe.
- Link the victim with a domestic violence service in their area.
- Advise the victim to keep a set of car keys, extra money, clothes, and important documents (e.g., court orders, birth certificates, social security and identification cards, addresses/telephone numbers, etc.) with a relative or friend.
- Advise the victim to memorize important telephone numbers that can be called in case of emergency and keep change for pay phones or a phone card.
- Advise the victim to formulate and rehearse an escape plan with the child.

Services to Family

- Refer family for long-term support and treatment to safely resolve domestic violence issues.
 - For lower risk cases where the victim, child and batterer have been thoroughly assessed for levels of danger, the investigating SW shall assess whether Voluntary Family Maintenance services are appropriate
 - The SW shall consult with and obtain approval from the Social Worker Supervisor.

Determining Whether a Protective Hold is Appropriate

A protective hold may be necessary to ensure the safety of the child whenever:

- The child has been injured, physically abused or severely neglected by either parent.

- There is consistent evidence that domestic abuse is so pervasive that it has profoundly affected the child's ability to function.
- All services provided to protect the victim and child were ignored by the batterer (or were ineffectual in changing the abusive behavior) and/or were refused by the victim.
- No reasonable efforts made by the victim have prevented the batterer from continuing the abusive behavior towards the victim, resulting in the child being at permanent risk
- The batterer resides in the home and/or has continued access to the victim/child.
- The batterer has exhibited high-risk, violent behaviors.

Documentation

- The SW shall document all observations and findings in the CMS Contact Notebook.
- All documentation shall be entered in CMS within the time limits established in DSS [PPG 3-1-1](#)

Restraining Orders

A restraining order is never a guarantee of safety for the family- it is only one possible tool. Deciding upon the appropriateness of a restraining order is an important step.

Civil Court

A restraining order through Family Law (Civil) Court must meet specific legal requirements, in particular there must be a recent violent assault or threat (usually within 30 to 60 days) and the parent seeking the order must write in a declaration detailing a history of the abuse and exactly why they fear the abuser. If the at-risk parent, for any reason, does not feel afraid or does not want the order, it will not be granted. Further, once a temporary restraining order (TRO) is obtained the parent must go back to court for a permanent order.

Dependency Court

If filing a petition in Dependency Court is necessary to keep the children and at-risk parent safe, DSS can recommend that at the Detention Hearing that the Court consider a restraining order for further protection (i.e., victim requests one and the circumstances meet the legal requirements).

These orders can be effective in resolving the situation which places the child and non-offending parent/caretaker in danger, with the result that the child can remain safely at home and the SW can terminate services to the family. However, if the risk to the child and parent/caretaker increases, existing law allows for steps to be taken to ensure the child's immediate safety.

Overview of Statutes/Regulations

Family Code Section 3031(a-c), states in part that whenever custody or visitation is granted to a parent where a emergency protective order is issued due to allegations of domestic violence, the court shall not make a visitation plan inconsistent with the protective custody order. Further the court shall specify the visitation plan if visitation is in the best interest of the child.

Penal Code Section 13700(d): Describes domestic violence.

Welfare and Institutions Code Section 213.5: Addresses restraining orders.

Welfare and Institutions Code Section 18291 (a): Domestic violence” means abuse committed against an adult or minor who is a spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has had a child or is having or has had a dating or engagement relationship.