



NEW JERSEY DEPARTMENT  
OF CHILDREN AND FAMILIES

## New Jersey Department of Children and Families Policy Manual

Manual:	CP&P	Child Protection and Permanency	Effective Date: 5-10- 2008
Volume:	VIII	Special Interest Topics	
Chapter:	B	Domestic Violence	Revised Date:5-20 - 2019
Subchapter:	1	Domestic Violence	
Issuance:	100	<b>Domestic Violence</b>	

### Purpose:

This issuance establishes policy and procedures for CP&P staff working with families where domestic violence is alleged, suspected, or co-occurs with child abuse or neglect. The term “non-offending parent” denotes a parent, whether through blood, marriage, adoption, or a temporary caregiver, who is, or appears to be, a victim of domestic violence.

### Authority:

- N.J.S.A. 2C:25-17 et seq., The Prevention of Domestic Violence Act
- N.J.S.A. 30:14-1 et seq. and N.J.A.C. 3A:57, The Shelters for Victims of Domestic Violence Act
- N.J.S.A. 30:4C, Dependent and Neglected Children
- N.J.S.A. 9:6, Abandonment, Abuse, Cruelty and Neglect
- N.J.S.A. 9:6-8.55, Order of Protection
- N.J.S.A. 47:4 et seq., Address Confidentiality Program
- 34 U.S.C. §12291 et seq., Violence Against Women Act, Section 3
- 42 U.S.C. § 5106a, Child Abuse Prevention and Treatment Act (CAPTA)
- 42 U.S.C. 10406c(5), Family Violence Prevention and Services Act FVPSA

### Policy:

#### A) The Health and Safety of a Child Is Paramount

Put safety first:

- Children must not remain in homes that have been assessed as unsafe, without a Safety Protection Plan, CP&P [Form 22-22](#), in place. And, if removed from the home, reunification can occur once safety concerns have been remediated or a safety intervention is in place.
- Use appropriate and timely identification, assessment, and intervention to promote successful outcomes regarding child safety, well-being, and permanency.
- Use a collaborative approach which may include the CP&P Worker, Supervisor, Case Work Supervisor (CWS), Local Office Domestic Violence Liaison (DVL), Deputy Attorney General (DAG), law enforcement, and the courts to ensure child safety and well-being.

## **B) Screening for Domestic Violence at the State Central Registry**

Domestic violence screening starts with the initial referral to the State Central Registry (SCR) and continues with every subsequent contact with the family. SCR provides 24 hours, 7 days a week access for reports of suspected child abuse or neglect, requests for services and referrals.

During the screening process, the SCR Screener always asks a series of domestic violence questions starting with: “Are you aware of any incidents of any domestic violence or any violence involving the adults living in the home?” The Screener ask additional questions depending on the response to the above question and or presenting situation. [Click here for questions to ask when screening for domestic violence.](#)

A domestic violence incident must be specified and meet substantial risk of harm criteria for a referral to be screened in as domestic violence. See, [CP&P-II-E-1-100](#), Allegation Based System (ABS).

The non-offending parent in a domestic violence allegation is rarely coded as a perpetrator. For a Child Protective Services (CPS) allegation, the alleged perpetrator is selected as the aggressor for the report.

When an incident does not meet the CPS criteria, but there is concern regarding the child’s well-being or a service request from a victim of domestic violence, a child welfare service assessment (CWS) is conducted to assess the well-being of the child in the household, to determine what services are needed for the family, and to assist with connection to appropriate services for the family.

## **C) Court Referral Evaluations for Parenting Time/Visitation**

A court may request that CP&P conduct an evaluation to assess risk of harm to a child prior to granting a visitation order when domestic violence is present. The SCR Screener accepts the referral and processes and makes the most appropriate coding decision.

## **D) Assessing Domestic Violence**

Conduct routine assessments on the family to determine the safety of each child and to develop effective interventions with the family. The nature and extent of domestic violence is continually assessed throughout the life of every case accepted for child protective services (CPS) or a child welfare services assessment (CWS). In cases with an abuse or neglect allegation, complete the Structured Decision-Making (SDM) Tool, [Form 22-22](#). For suspected cases of human trafficking of the non-offending parent or child, refer to [CP&P-VIII-C-1-100](#).

## **E) Indicators or Signs of Domestic Violence**

During the investigation or child welfare assessment, and throughout the supervision of a case, the CP&P Worker looks for potential indicators of domestic violence, which include, but are not limited to:

- Child injury and child endangerment
- Physical and environmental signs
- Coercive control behaviors
- Withholding care
- Economic abuse
- Police reports

The Worker may observe signs of domestic violence rather than the actual behavior itself. Click her for Signs of Domestic Violence.

The CP&P Worker continues to assess for domestic violence on an ongoing basis when domestic violence is suspected or confirmed.

## **F) Buddy System and Other Safety Precautions for Worker Safety**

When the alleged batterer resides in the home, CP&P policy dictates a teamed response in cases that involve domestic violence situations. A teamed response is also preferred if the batterer does not reside in the home. A team can consist of the Worker and the Human Service Police. See [CP&P-IX-A-1-100](#)

## **G) Interviewing**

When domestic violence is suspected, the non-offending parent and each child are interviewed in supportive and confidential sessions, separate from the alleged batterer.

If possible, the Worker interviews the family members in the following order:

- The non-offending parent (unless the Worker believes this will cause risk to the child, then begin with the child);

- The children, beginning with the child who is the alleged victim, then siblings, and then other children in the home; and
- The alleged batterer

When a non-offending parent reports domestic violence, the information provided must not be shared with the batterer. Under no circumstance is information from the separate session(s) with the non-offending parent and child(ren) revealed to the batterer. Sharing even seemingly insignificant information provided by a victim or child(ren) may endanger the lives of the victim and child(ren).

## **H) Domestic Violence Safety Planning**

Safety planning is a critical process when engaging with the batterer, non-offending parent, and family during case management activities.

All CP&P interactions and meetings require careful and strategic safety planning with the non-offending parent to assess the safety of each family member. For the safety of the non-offending parent and child(ren), it is best practice that the alleged batterer not be in the same Family Team Meeting (FTM) and other Division meetings where the non-offending parent is present. Consult with the non-offending parent prior to any meetings to get his or her perspective on the current family dynamics and any safety concerns that may arise as a result of conducting individual meetings.

In consultation with the Supervisor, Case Work Supervisor, Domestic Violence Liaison (DVL), Deputy Attorney General (DAG), and Local Office Manager (LOM), the Worker discusses whether the FTM's, or other agency meetings, need to be conducted with the non-offending parent and batterer in the same meeting.

## **I) Order of Protection**

Under N.J.S.A. 9:6-8.55, a CP&P Worker may seek an Order of Protection (this is not a DV restraining order), if there is no objection from the victim, to require a perpetrator of child abuse or neglect, or a batterer to stay away from the home, the child, and the non-offending parent, or for other relief. Consult the DAG assigned to the Local Office when considering whether to pursue an Order of Protection.

## **J) Decision Making (Immediate Action Required)**

High risk situations that may require the immediate relocation of the non-offending parent and child to a safe place may warrant advocacy from a domestic violence agency if the child or non-offending parent feels in danger, or if the information provided indicates:

- The batterer has used or threatened to use a weapon

- The batterer is violent outside the relationship
- There have been previous episodes of strangulation
- The non-offending parent is pregnant
- A child in the home is not the biological or adoptive child of the alleged batterer
- There was a recent separation or threatened separation
- The batterer abuses alcohol, illegal drugs, prescribed medications, or other substances
- The batterer has threatened to kill
- Frequency or severity of the violence has increased
- The batterer has contemplated or threatened suicide
- The batterer has injured or killed pets, or
- The batterer demonstrates excessive control, isolation and sense of possessiveness.

It may be too dangerous for the non-offending parent to leave the home or seek a restraining order because some batterers increase their use of violence at the point of separation or when formal legal intervention occurs. The CP&P Worker shall assist the non-offending parent in contacting a domestic violence agency for safety planning and enhanced advocacy. Removal of the child(ren) from the family home shall be considered in cases when a Safety Assessment (In-Home), CP&P [Form 22-22](#), cannot alleviate safety concerns for the child(ren).

#### **K) Case Planning**

CP&P case planning for families experiencing domestic violence focuses on the safety of the child, and the non-offending parent, in order to keep the child safe. Best practice is to develop separate Case Plan Family Agreements, CP&P [Form 26-26](#), for the non-offending parent and the batterer, unless the non-offending parent expresses concern about having separate plans.

All batterers shall have Case Plan Family Agreements requiring the cessation of the abusive behavior and, if appropriate, compliance with any court orders and recommendations for batterers' treatment, and any other appropriate treatment (e.g., mental health and substance abuse treatment). The Case Plan Family Agreements shall be in place whether the adults in the family intend to stay together or separate.

Unless ordered by the courts or requested by the non-offending parent, case plans shall not include action items such as restraining orders or couples counseling as they may increase danger to the non-offending parent and child(ren).

Specialized domestic violence services can be accessed in every county for the non-offending parent and in many counties for the batterer. DCF funds at least

one Domestic Violence program in each county that provides services, including: 24-hour hotline, shelter services, specialized counseling, legal, financial and housing advocacy, children's services, and community education and networking.

Contact information for domestic violence programs, including culturally specific domestic violence programs, by county, can be accessed through:

The NJ Coalition to End Domestic Violence <http://www.njcedv.org/help>

#### **L) In-Home Service Providers**

Consider the protection of in-home service providers during the referral process of families where domestic violence is suspected or identified. Full disclosure, to the extent of the law, is recommended when referring families to agencies providing in-home services. This includes but is not limited to: Youth Advocate Program (YAP); Family Preservation Services (FPS); homemakers; and Children's System of Care, Care Management Organizations (CSOC CMO's).

#### **M) Out-of-Home Placement**

Whenever possible, the child remains in the care of the non-offending parent when domestic violence is present, in order to secure safety, stability, and well-being. Removal of the child from the non-offending parent is a last resort and is done only after reasonable efforts to prevent placement have been made.

When the Worker, Supervisor, and Casework Supervisor have determined that an In-Home Safety Protection Plan, CP&P [Form 22-22](#), is not feasible and out-of-home placement is required to protect the child, even with the child's removal from the home, every attempt is made to engage the family members in domestic violence support services.

When reunification as a family unit is not appropriate, separately work with each parent towards the permanency planning case goal of reunification with the non-offending parent.

#### **N) Case Closing**

When considering the closing of a case where domestic violence and child abuse or neglect have co-occurred or have been suspected, additional case closing criteria are required as follows:

- Police Checks- to determine whether any subsequent police reports or incidents of domestic violence have been filed.
- Service Provider Collaterals- to determine whether the service providers are in agreement with the assessment that the threat of harm has been minimized for the child and non-offending parent.

- Updated Promis/Gavel and Family Automatic Case Tracking System (FACTS).

## O) Confidentiality and Documentation

Document all casework in the family's electronic case record. Consider the safety and confidentiality of the non-offending parent when documenting. Do not use the name or physical address of the shelter, temporary, or new residence where the non-offending parent and child are residing in the case documentation. Per the New Jersey Address Confidentiality Program (NJACP) <http://www.njcedv.org> for domestic violence shelters, document the business address only in the case record. When using the business address, it is imperative this information be redacted from the file if the family is involved in litigation.

Be mindful of discovery. Consider documented information may be redacted, if necessary.

### Procedures:

#### 1) Screening for Domestic Violence at SCR

The SCR Screener is to:

Screen for the presence of domestic violence on every report received and document the response in the DCF [Form 1-1](#), Screening Summary.

Ask a series of six domestic violence questions. If the answers to the six questions are no, the SCR Screener stops and continues with regular screening questions. If the answers are yes, the SCR Screener continues asking domestic violence questions. [Click here for Specific DV Screening Questions.](#)

Conduct a Children In Court (CIC) check on the alleged batterer, who has harmed a child, or placed the child at risk of harm, as a tool to assist with making a coding decision.

Assess each factor in the circumstances reported in determining his or her decision.

Accept the call as a child protective service report, if the report alleges a specific harm to the child that meets the four criteria for accepting a case. The SCR Screener identifies the specific allegation of harm and forwards the report to the Local Office for investigation.

#### 2) Interviewing

a). When interviewing the **Non-Offending Parent**, the Worker:

- Accepts the non-offending parent's word when he or she says he or she is in danger;
- Educates the non-offending parent that domestic violence is against the law;
- Informs the non-offending parent about his or her confidentiality rights;
- Connects the non-offending parent to domestic violence agencies and provides information on DVL services;
- Explains to the non-offending parent how and when an interview with the batterer will be held or attempted; and
- Asks the non-offending parent about possible consequences to him or her and the child from the batterer. If it appears the batterer may endanger the child or non-offending parent, the interview is delayed, and a domestic violence safety plan is put in place. It is best practice to include the DVL or local DV agency to assist in the development of this DV safety plan.

b). When interviewing the **Child**, the Worker:

- Assesses for the presence of domestic violence during all interviews with the child. It is extremely important to obtain the child's account of what he or she saw or heard, and how it has impacted the child. Older children are more likely to minimize reports of domestic violence; they may want to protect one or both parents, fear the batterer, or normalize the violence and abuse.
- Assures the child that the violence is not his or her fault or the fault of the non-offending parent. The Worker tells the child what will be shared from the interview and who it will be shared with. Use a safe and private location to conduct the interview where the child cannot be overheard by the alleged batterer.

For questions on what to ask the child during the interview, refer to [CP&P-II-C-5-1000](#).

c). When interviewing the **Alleged Batterer**, the Worker:

- Discusses the issue with the batterer when domestic violence is alleged, or when the child has been physically harmed as a result of a domestic violence incident, as well as visible physical or behavioral indicators.
- Uses caution when talking directly with the batterer about domestic violence. The Worker, in his or her approach, conducts the interview in a broad and general manner to promote a neutral response.
- Remains factual and neutral.
- Never discloses what the victim or the children have shared.



For a guide to interviewing a known or suspected batterer, refer to Batterer Engagement Tools.

### 3) Decision Making and Case Planning

Individual Safety and Case Plans- No One Size Fits All

#### a) In-Home CP&P Safety Plan

- After the Worker completes the Safety Assessment (In-Home Cases), CP&P [Form 22-22](#), if there are any safety factors present, the Worker, in collaboration with his or her Supervisor and Casework Supervisor, determines whether the child remains in the home with an In-Home CP&P Safety Protection Plan, CP&P [Form 22-22](#), in place, or whether the child must be placed out of the home for safety reasons. If the child remains in the home, the Worker and family, in consultation with the Supervisor and Casework Supervisor, complete the In-Home CP&P Safety Protection Plan, CP&P [Form 22-22](#), to document actions that will be taken to ensure the child's safety.

#### b) Safety for Child and Non-Offending Parent

- Safe intervention and case planning by a CP&P Worker involve activities that reduce the risk posed to both the child and the non-offending parent. The CP&P Worker discusses the immediate and future needs with the non-offending parent in order to develop the most appropriate In-Home Safety Protection Plan, CP&P [Form 22-22](#). The non-offending parent and child may, in fact, fear retaliation or harm by the batterer due to CP&P involvement. The CP&P Worker shall seek additional guidance from a Domestic Violence Liaison or domestic violence expert.

#### c) Incorporating services into the Case Plan Family Agreement, CP&P [Form 26-25](#), and Case Plan Family Agreement (Developed with the Family without a Team), CP&P [Form 26-26](#).

- The CP&P Worker follows up on referrals, incorporates the services information and time frames into the Case Plan Assessment, CP&P [Form 26-81](#), and the Case Plan Family Agreement, CP&P [Form 26-25](#).

### 4) Documentation

The CP&P Worker documents the following information:

- Physical or emotional harm to the child sustained as a result of domestic violence;
- Specific behaviors of the batterer that pose risk to the non-offending parent and child;
- Safety concerns and continued risk that the batterer creates for family members; and

- Potential risk of retaliation and harm to the non-offending parent and child.

### Key Terms (Definitions):

- **Allegation Base System (ABS):** is the system in which CP&P categorizes abuse and neglect allegations. Refer to [CP&P-II-E-1-100](#).
- **Batterer:** is a perpetrator of ongoing domestic violence that institutes a pattern of coercive control.
- **The Batterer Intervention/Responsible Fathers Program:** is a 26-week program (at minimum) that provides intense counseling services to known or suspected batterers. The program is not available in every county but can be linked to another county if space is available. This program is not an anger management program and payments are determined using a sliding scale fee.
- **Child Injury and Child Endangerment:** are injuries resulting from a domestic violence incident(s) having a very different dynamic than child abuse that does not occur in a domestic violence context.
- **Coercive Control:** is active deprivation of the victim's rights and freedom to safety, self-expression, independence, and autonomy constraining his or her options and access to services. The risk is highest when the control includes child physical or sexual abuse or when the non-offending parent or caregiver decides to leave.
- **Domestic Violence (DV):** is a pattern of coercive behavior used by the batterer to establish power and maintain control in a relationship against an intimate partner, including: physical, verbal, sexual and emotional abuse, isolation, intimidation, threats, economic control, deprivation of rights and freedom, and abuse or neglect of children.
- **Domestic Violence Liaison (DVL):** is a partnership between the Department of Children and Families and the NJ Coalition to End Domestic Violence at the State level and the CP&P Local Offices and domestic violence programs at the county level. Domestic Violence Liaisons are domestic violence specialist co-located at the CP&P Local Offices (when available), to provide case consultation, support and advocacy for domestic violence victims and their children. The purpose of this collaboration is to:
  - Increase safety, improve outcomes, and reach the primary goals for children and their non-offending parent in domestic violence situations.
  - Strengthen DCF/CP&P capacity to provide effective assessments and intervention for families in domestic violence situations.
- **Domestic Violence Safety Plan:** is an individual plan a victim develops, with or without assistance, to reduce the risks he or she and the child face. Plans include

strategies to reduce risk of physical violence and other harm caused by a batterer, and also include strategies to maintain basic human needs such as income, housing, health care, food, child care, and education for the children. The particulars of each plan vary depending on whether a non-offending parent has separated from the batterer, plans to leave, or decides to stay, as well as what resources are available to him or her and the children.

- **Economic abuse:** is an abuser's **tactic** to control a partner's ability to acquire, access, and maintain economic resources, to hinder the partner's economic self-sufficiency, and to damage the partner's economic self-efficacy.
- **New Jersey Address Confidentiality Program (NJACP):** is a program to assist individuals who, as a result of DV, have relocated for their safety. NJACP provides eligible victims with a substitute mailing address, which has no connection to their actual location and may be used when creating new records with state or local government agencies.
- **Non-Offending Parent:** is any person who may clearly be defined as a victim of domestic violence under the Prevention of Domestic Violence Act of 1991 (N.J.S.A. 2C:25-29). Some non-offending parents may be charged with domestic violence or have restraining orders filed against them. This could be a result of the non-offending parent using force to protect or defend himself or herself or the child(ren) against the violence perpetrated by the batterer or because of law enforcement not determining the primary aggressor when investigating a domestic violence incident. A non-offending parent can also be a person in a caregiving role who is not related to the child(ren) by marriage, adoption, or blood. For example: the live-in partner of the alleged batterer.
- **Reproductive Coercion:** is a form of power and control where one partner strips the other of the ability to control their own reproductive system. It is sometimes difficult to identify this coercion because other forms of abuse are often occurring simultaneously. Examples of reproductive coercion can be: continually keeping their partner pregnant ("getting them pregnant again shortly after they give birth"); refusing to use a condom or other type of birth control; and purposefully trying to pass on a sexually transmitted disease.
- **Withholding Care:** is when batterers withhold medical care, control the family finances, or use other coercive control techniques that may result in some form of child neglect. Neglect that is the result of a batterer's controlling behavior is part of the domestic violence.

#### Forms and Attachments:

- DCF [Form 1-1](#), Screening Summary
- CP&P [Form 4-6](#), Domestic Violence Central Registry Check Form
- CP&P [Form 22-22](#), Safety Assessment (In-Home Cases)

- CP&P [Form 26-25](#), Case Plan-Family Agreement
- CP&P [Form 26-26](#), Case Plan Family Agreement- (Developed with the Family without a Team)
- CP&P [Form 26-52](#), Contact Sheet
- CP&P [Form 26-81](#), Case Plan Assessment
- Domestic Violence Liaison Referral Form
- Domestic Violence Liaison Project Case Practice Form

**Related Information:**

- Statewide Domestic Violence Hotline, 1800-572-SAFE
- The NJ Coalition to End Domestic Violence <http://www.njcedv.org>
- Division on Women <http://www.nj.gov/dcf/women/>
- State Central Registry (SCR) 1-877-NJABUSE (child abuse hotline)
- DCF-III-C-1-300, Confidentiality of Domestic and Family Violence Information

**Policy History:**

- 4-25-2011, Guiding Principles When Domestic Violence and Child Abuse Co-Occur
- 5-10-2010, Domestic Violence
- 10-6-2008, Domestic Violence Laws
- 4-25-2008, Guiding Principles When Domestic Violence and Child Abuse Co-Occur
- 4-21-2008, Authority of Domestic Violence