



Domestic Violence and Child Abuse Reporting

Head Start and Early Head Start program staff can use this resource to learn about how to serve and support families experiencing domestic violence where child maltreatment may also be a concern, and if necessary, how to file a child abuse report safely. Find questions to guide decision-making and tips for filing reports safely when domestic violence is occurring. It is also important to talk with your supervisor or a local domestic violence prevention and response program advocate.

The Head Start Program Performance Standards require that all Head Start and Early Head Start staff “follow appropriate practices to keep children safe during all activities, including reporting of suspected or known child abuse and neglect, and that staff comply with applicable federal, state, local, and tribal laws (Office of Head Start, 2020).” States and tribes have different laws and regulations defining child abuse and neglect and who is a mandatory reporter. Some states specifically list domestic violence as a cause for reporting child abuse and neglect, and some do not. For example, in some states, mandated reporters must file a child abuse and neglect report when children live in homes where there is domestic violence, even when children are not physically or sexually abused.

For more information about local laws, including tribal codes, visit the State Statutes Search page on the Child Welfare Information Gateway website.

Tribal codes are listed under the state where the tribe’s government is located. You can also check the tribes’ websites.

For guidance, Head Start and Early Head Start program staff should consult their state laws, local policies, their program’s protocol, and trusted local child welfare and domestic violence experts — while assuring families’ confidentiality. You also can use the questions in this resource to guide decision-making and identify considerations for reporting when domestic violence is occurring.

Understanding Domestic Violence and Child Abuse and Neglect

Living in a home with domestic violence can increase a child’s risk of neglect and physical and sexual abuse. Domestic violence is generally understood to affect the well-being of children. Every situation is different. Not all children or parents are impacted in the same way. Close family connections and strong relationships with loving adults may protect children from the most severe impacts of domestic violence (Quality Improvement Center on Domestic Violence in Child Welfare, 2020).

Understanding the possible connections between domestic violence and child abuse and mandated reporting requirements is challenging. Whether or not local laws mandate a child abuse report when domestic violence is present, it is important to understand the level of risk to the child. In all situations, give careful consideration to the safety of the child and the parent experiencing violence. Pay attention to issues of racial bias in reporting.

Considerations for Level of Risk

There are important safety considerations for situations where domestic violence is occurring. Consider the questions below to determine the level of risk to the child. These questions are related to some of the categories of child abuse and neglect that are common in all states. They include emotional or psychological abuse, physical abuse, and child neglect. Think about your local mandated reporting laws as you answer.

- Has the child been injured as a result of domestic violence toward the parent?
- Does the parent using violence and control allow the other parent to meet the child's needs? For example, does the parent using violence stop the child from going to school or to the doctor?
- Have any threats been made to harm or kill the child?
- If a parent experiencing violence is also struggling with addiction or mental health, is this impacting the child's health and safety?
- Has the child shown concerning changes in behavior? For example, is the child starting to be aggressive with other children?
- Has the child expressed fear that they might be hurt or that that the parent will be seriously hurt?
- Has the parent using violence used a weapon on the family (including pets) or threatened to use a weapon?
- Has the parent using violence threatened to kill the other parent or commit suicide?
- Has the violence and control gotten worse over time?

Understanding Control Tactics in the Context of Child Welfare Involvement

It is important to understand that a person using violence can use child welfare involvement to assert power and control. When staff understand these tactics, they can be more thoughtful and prepared about their approach to supporting families and to reporting, when warranted. These considerations do not change staff responsibilities as mandated reporters.

It is important to keep in mind that parents who use violence may punish and blame the parent experiencing violence for child welfare or police involvement. They may seek or threaten revenge.

Parents using violence may make physical or other kinds of threats. These threats may be about the other parents' access to money, legal status, and custodial parent status (Davies & Lyon, 2014). They may react to child welfare involvement by (National Domestic Violence Hotline, 2020):

- Becoming more violent and controlling
- Telling child welfare staff that the other parent is a bad or unfit parent
- Intimidating the other parent at work, interfering with finances, or trying to make them lose their job
- Threatening deportation or withdrawing residency papers or petitions for legal immigration status
- Threatening to hurt or take custody of the children or to hurt pets
- Filing false police reports or restraining orders

The presence of these risks does not change a staff member's obligation to file. They are serious risks for the family and must be addressed. For example, staff can:

- Find a safe place or situation to discuss these risks with the parent who is experiencing domestic violence
- Ask the adult who is experiencing domestic violence what their concerns or worries are in case a report needs to be filed. Ask if, or how, they want to share these concerns with the child welfare worker.
- Assure the parent experiencing violence that you and your program will do all you can to support the parent through this process and to protect against these risks
- Make connections to community resources and referrals. Examples include local domestic violence prevention and response programs for parents and children, legal aid, mental health, and other services.

Understanding Racial Bias and Mandated Reporting

As a result of systemic racism, children of color are overrepresented in the child welfare system in relation to their number in the total population in the United States (Child Welfare Information Gateway, 2020). Patterns of reports of child abuse and neglect are racially disproportionate. That helps explain why confirmed cases of child abuse and neglect are also racially disproportionate. Studies have found that higher rates of poverty among African American children in the child welfare system may be another contributing factor to this overrepresentation.

Given these effects of systemic racism on children of color and their families, Head Start and Early Start programs should be sure to include steps to reflect and examine racial and class bias in their program reporting policies and procedures.

Consider these examples of issues for staff to examine. Reflect on how your own perspective on culture, race, and language may impact your understanding of the family's reality. Talk to your peers and supervisor about why you want to file a child abuse report. Think together about any racial bias and procedures.

Filing Reports Safely

When you have determined that a child abuse report must be filed and have taken steps to identify any racial bias, here are some helpful tips about how to file safely.

Staff can take these steps to file a child abuse report safely.

- Discuss any safety concerns the parent experiencing domestic violence raises with your supervisor or management team.
- Remind the parent experiencing domestic violence that you are a mandated reporter, and this is a situation where you will need to file a report. Whether or not you inform the person using violence depends on safety considerations. If you do not inform that person, the child welfare or other agency who does will need to carefully consider the family's safety.
- Explain to the parent experiencing violence why you need to file a report. Explore together any of the parent's concerns about their safety after reporting and make a plan to address them. Talk about how the parent experiencing domestic violence thinks the parent using violence will react.
- File a report with the parent experiencing violence in your office, unless you feel strongly and anticipate that filing the report together could create risks for the child or the parent experiencing violence. Discuss with your supervisor.
- Share information about local domestic violence prevention and response programs. Ask if the parent experiencing domestic violence would like to talk in confidence to a domestic violence advocate who can help them make a plan to stay safe. You can also talk with the local domestic violence prevention and response program yourself to help you and the parent think about safety options and resources.

Working with Trusted Community Partners

Work with a trusted child welfare partner to discuss any questions about mandated reporting or clarify any guidance that is not clear. You can share concerns about the safety of a child and parent experiencing violence (without using the family's name). Together you can assess the information available about the family.

In situations like these, program staff should always consider working with a domestic violence advocate to brainstorm and create safety plans that would best support the child and parent experiencing violence. Domestic violence programs can also help advocate on behalf of the parents and provide direct services to families and children.

- If you are familiar with child abuse investigations, explain to the parent experiencing domestic violence what is likely to happen during an investigation. If you are not familiar, you can ask a supervisor for advice or provide the parent with resources from your local child welfare office.
- When making a report, name the parent using violence as the person who is responsible, not the parent experiencing domestic violence. It is important to note that, despite this action, in some courts the parent experiencing domestic violence may be charged with neglect or “failure to protect”.
- Offer the Head Start or Early Head Start program office as a safe place to conduct the initial investigation interview, if your program policies allow and in consultation with program leadership.
- Do not make the report in front of the child, no matter how young the child is.
- Let the parent experiencing domestic violence know if anyone else at the Head Start or Early Head Start program will need to be notified that a child abuse
- report has been filed.
- Check in again with the parent experiencing domestic violence soon after filing a report. It is important to know how the report is impacting the family and what help they may need.
- Let the parent experiencing domestic violence know if anyone else at the Head Start or Early Head Start program will be notified that a child abuse report has been filed.
- Check in with the parent experiencing domestic violence soon after filing a report. It is important to know how the report is impacting the family and what help they may need.

Remember, these are general guidelines for filing reports. The process of filing reports may vary in different states and communities. You can use these guidelines in consultation with local child welfare agencies and domestic violence prevention and response programs. Addressing possible racial bias in reporting is also critical in any process for filing a child abuse or neglect report.

Closing Thoughts

Your respect, care, and commitment for families is critical throughout the process of reporting child abuse and domestic violence to ensure the best possible outcomes for the child, family, and program staff.

Reporting child abuse and domestic violence is emotionally challenging. It can be stressful and frightening. At times, the process can lead to self-doubt and conflicting feelings.

Your relationship with the family can be a source of support. Be sure to acknowledge a family’s strengths — and challenges. This is especially important as you take action that, at least at first, can make families fearful and resentful. Tap into your relationships with trusted peers and supervisors to make sure you have support to take of yourself, too.

You can also rely on strong and positive relationships with child welfare agencies and domestic violence prevention and response programs. These partners can help you understand when reporting and follow-up are necessary. They can also help you to partner with families to strengthen their family well-being and ensure their safety.

Resources

To learn more, explore these resources on the Head Start Early Childhood Learning and Knowledge Center (ECLKC) website:

- **Head Start Programs and Child Welfare Partnerships**
 - Partnering with Child Welfare Agencies: An Overview
 - Strategies for Partnering with Child Welfare Agencies
 - Engaging Families When There is Child Welfare Involvement
- **Preventing and Responding to Domestic Violence**

To find answers to questions you might have about child abuse and domestic violence, review these helpful resources:

- **Childhelp National Child Abuse Hotline:**
800-422-4453 (toll-free)
A 24/7 hotline that offers confidential counseling, information and referrals for families and advocates about all forms of child abuse.
- **Child Welfare Information Gateway**
Find information about each state or territory's child abuse and neglect laws. The website also lists tribal laws about child abuse and neglect for tribal nations in a state.
 - State Statutes Search
 - Disproportionality
 - Causes of Disproportionality
- **National Domestic Violence Hotline: 800-799-7233 (toll-free)**
Offers 24/7 confidential support, information, and resources for people experiencing domestic violence.
- **National Suicide Prevention Lifeline: 800-273-8255 (toll-free)**
Offers 24/7 confidential hotline for people in crisis and their family and friends.
- **National Teen Dating Abuse Helpline: 866-331-9474 (toll-free)**
Offers 24/7 confidential helpline for young people experiencing dating or domestic violence.
- **StrongHearts Native Helpline: 844-762-8483 (toll-free)**
Confidential hotline for Native Americans experiencing domestic violence, daily from 7 a.m. – 10 p.m. CST.

Resources, cont.

- **Substance Abuse and Mental Health Services Administration National Helpline:**
800-662-HELP (5347) (toll-free)
Offers 24/7 confidential information in English and Spanish for individuals and family members facing substance abuse and mental health issues.
- **The State of Adoption in America**
Explore this infographic to learn more about the adoption process in the United States.
- **Tribal Law and Policy Institute**
Offers resources, training and assistance for Native Americans and Alaska Natives about tribal legal systems.

References

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