



Formerly Family Violence Prevention Fund

To: Marylouise Kelley, Director, Family Violence Prevention and Services Office  
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From: Lonna Davis, Director of Children's Programs, Futures Without Violence  
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Re: **Recent Legislation Addressing Child Maltreatment and Domestic Violence**

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Per your request, please find enclosed a summary of recent legislation that addresses the overlap of domestic violence and child abuse and neglect that could serve as potential funding for services to improve child safety and well-being and reduce domestic violence and child abuse.

### **Child Abuse Prevention and Treatment ACT (CAPTA)**

On December 20, 2010, President Obama signed into the law The Child Abuse Prevention and Treatment Act (CAPTA) Reauthorization of 2010, (P.L. 111-320). While other legislation funds child welfare services, CAPTA is the only law dedicated to the *prevention* of child abuse and neglect. Also, included in the CAPTA reauthorization was the reauthorization of the Family Violence Prevention and Services Act (FVPSA), *see below*, and the Abandoned Infants Assistance program. CAPTA does not create new programs, but instead focuses on improving existing programs to better align with research and effective practices in preventing and responding to child abuse and neglect. One of the most significant changes in the bill was the increased emphasis on addressing domestic violence and increasing collaboration between agencies that serve abused parents and their children and child welfare agencies. Through CAPTA, the U.S. Department of Health and Human Services is mandated to address the co-occurrence of domestic violence and child maltreatment through:

- National Clearinghouse (now the Child Welfare Information Gateway) is required to collect and disseminate information in conjunction with FVPSA Resource Centers on effective programs and best practices for developing and carrying out collaborations between entities providing CPS and entities providing dv services
- Child Information Gateway is also required to collect information on the incidence and characteristics of child maltreatment cases where there is also domestic violence

- Research and Assistance Activities under CAPTA include effective collaboration between CPS and dv service providers that provide for the safety of CEDV and their non-abusing parents that improve the investigations, interventions, delivery of systems and treatments provided for such children and families
- Technical Assistance under CAPTA now includes DV Prevention Services
- Grants to States, Indian Tribes and Non-Profit Organizations – discretionary authority to Secretary to award to public or private agencies to develop or expand collaborations between CPS and DV services entities to improve collaborative investigation and intervention procedures, provide for the safety of the nonabusing parent involved and provision of services to children exposed to DV that also support the caregiving role of the nonabusing parent
- State Plans under CAPTA - required to carry out policies and procedures that promote and enhance the collaboration among CPS agencies, DV service agencies, substance abuse treatment agencies, and other agencies in investigations, interventions, and delivery of services and treatment provided to children and families affected by child abuse or neglect, including children exposed to domestic violence where appropriate
- Title II – Community-Based Grants for the Prevention of Child Abuse and Neglect – formula grant program - for the purpose of – (among other things) financing the start-up, maintenance, expansion, or redesign of specific family resource and support program services (such as respite care services, child abuse and neglect prevention activities, disability services, mental health services, substance abuse treatment services, **domestic violence services**, housing services, transportation, adult education, home visiting and other similar services) identified by the inventory and description of current services required under section 5116d(3)(!1) [Application section] of this title as an unmet need, and integrated with the network of community-based family resource and support programs to the extent practicable given funding levels and community priorities.

### **Family Violence Prevention and Services Act (FVPSA)**

FVPSA was first passed in 1984 and serves as the primary federal funding source for domestic violence shelters in the United States. It was most recently reauthorized in December 2010 (*as a part of CAPTA, see above*) and includes a new program to fund domestic violence and community-based agencies to provide counseling and advocacy services for children exposed to domestic violence and support programs that help mothers and children who have been victimized by domestic violence be safe and heal from the abuse. Funds will go to help children living in domestic violence shelters and to help improve coordination with the child welfare system and other community-based support systems once appropriations for FVPSA exceed \$130 million, the legislative trigger for the program. Appropriations have yet to exceed the \$130 million threshold, though, the Family Violence Prevention and Services Office at the Administration for Children, Youth and Families, does operate a small children's services program, largely by utilizing one-time programs and its small discretionary funds. This program supports services, program development, training and technical assistance to help those who serve children and their abused parents or caretakers.

## **Violence Against Women Act (VAWA)**

The Violence Against Women Act was first passed in 1994 as part of the Violent Crime Control and Law Enforcement Act and has since been reauthorized twice, most recently in January 2006. The legislation is due to be reauthorized again in 2011. While the majority of programs created and funded in VAWA focus on the law enforcement and criminal justice response to domestic violence, dating violence, sexual assault and stalking, two new programs were created in the last reauthorization of VAWA that specifically addressed the overlap of domestic violence and child maltreatment.

The first program attempted to codify and create a designated funding stream for continuation of what become known as the “Greenbook Initiative.” The Greenbook Initiative was a joint effort undertaken by the U.S. Departments of Health and Human Services and Justice to develop and disseminate best practices and policy for families where there was both domestic violence and child maltreatment. It was based on a national consensus set of recommendations for improving the nation’s response to families with co-occurring domestic violence and child abuse that was published in 1999. (The publication with the recommendations had a green cover, hence “Greenbook.”). The initiative brought together experts and activists from the child welfare, domestic violence and juvenile and family court systems to improve services for families experiencing family violence, and included six demonstration sites as well as national and local evaluations. It lasted about seven years and informed important changes in the child welfare system. While advocates were successful in getting the program officially authorized as part of VAWA, it was never funded, so while the recommendations and best practices remain in many systems throughout the country, the program itself no longer exists. For additional information about the Greenbook Initiative or to see the recommendations and lessons learned, go to: <http://www.thegreenbook.info/>.

The other new program created in VAWA was the Services for Children and Youth Exposed to Violence. This program focused on meeting the specific needs of children who had witnessed domestic violence or sexual assault as well as improving communities’ capacities to identify children who may be witnessing abuse and link them and their families --- typically an abused mother --- to supportive services. This program was created as part of the prevention title of the bill given the strong link between children’s exposure to violence in childhood and later victimization or perpetration in adolescence and adulthood. This program has received modest funding for the last three years, between \$2.8 and \$3 million annually; however the Department of Justice, Office on Violence Against Women just recently released the request for proposals for this program so grantees have not yet been announced.

## **Fostering Connections (Child Welfare/Foster Care)**

The Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351) was signed into law on October 7, 2008, and is intended to improve outcomes for children and families in foster care by promoting permanent families for them through relative guardianship and adoption and by improving education and health care. Additionally, it provides states with the option to extend federal support to youth to age 21. For the first time, the act also offers many American Indian and Alaska Native children

important federal protections and allows tribes the opportunity to receive support through federal foster care and adoption assistance programs.

The law addresses domestic violence in two ways. First, the law requires that all adult relatives of a child be notified of a child's placement in foster care, but carves out an exception to this requirement in cases of family or domestic violence. The law also established Family Connections Grants that provide funds on a competitive basis for a range of programs, including supporting "family group decision-making," meetings designed to enable families to come together to develop plans to protect children from abuse and neglect. Family group decision-making is often considered a best practice in child welfare, but has the potential to increase danger to a mother and her children in cases of domestic violence, so the legislation creates exceptions to certain requirements when that potential exists. Importantly, it also mandates that special attention be paid to helping children exposed to domestic violence and linking them to appropriate services.

### **Foster Care Waivers/[State Child Welfare Innovation Act, S.1013](#)**

New legislation was introduced in May 2011 to renew authority for the U.S. Department of Health and Human Services (HHS) to extend through 2014 waivers of federal foster care regulations to enable states to use funds flexibly to develop innovative strategies for serving children in the child welfare system as alternatives to traditional foster care.

States that apply for a waiver to use federal foster care funds would be required to address one of three goals listed in the legislation: 1) to increase permanency for children and promote the successful transition to adulthood; 2) to increase efforts to better serve children and families being served in-home or in placement by improving safety; and 3) to prevent abuse and neglect and the re-entry of children into foster care with a special focus on the services provided in-home and in communities.

The bill focuses on enabling states to make changes in their policies, procedures or other aspects of the state child welfare program to achieve the goal of the project funded under the legislation. Specific child welfare program improvement policies related to prevention identified by the bill include: family counseling, family group decision-making, and in-home peer support for families; family-based substance abuse treatment programs; and addressing domestic violence that puts children at risk of entering foster care.

### **Affordable Care Act – Home Visitation**

Another important opportunity to address the overlapping needs of children exposed to violence and their abused mothers was created as part of the Affordable Care Act, health care reform legislation passed in 2010. The ACA created a new state-level program to expand home visitation programs that offer help to vulnerable pregnant women and new, often young, mothers around caring for their babies. Home visitation programs have been documented to reduce child abuse and improve child health and educational outcomes for the children as they grow, however in homes where mothers are experiencing domestic violence, the beneficial effects of home visitation are reduced or eliminated. Recognizing this relationship, the legislation included "decreasing crime or domestic violence" as one of the outcomes by which state home visitation programs will be measured. States must choose three out of the available five outcome measures on which to be evaluated. While not all states have chosen this one to focus on, several states including California have,

and in so doing are increasing the funding, programming and knowledge base around how to help moms who have been or are being victimized increase safety and well-being for themselves and their children.

### **Snapshot of FVPSA funded Coalition projects on co-occurrence issues**

Alaska has and continues to develop statewide policies on co-occurrence issues under the Enhanced Services grant

Arizona trains 100% of child protection workers on domestic violence (screening and assessment)

California created a set of policy recommendations and developed a report to the State Inter-Agency Team on the co-occurrence of child maltreatment and domestic violence

Georgia developed a statewide protocol for child witness and co-occurrence issues to be implemented in the coming year

Maine trains all statewide CPS workers

New Hampshire has addressed co-occurrence issues by co-locating dv advocates in CPS

### **Conclusion**

We hope you find this summary helpful to your efforts and as always we stand ready to help you work with states and local agencies to reduce violence and abuse and improve safety and well-being for children and their families. If we can be of further assistance, please do not hesitate to contact us. Lonna Davis is at [ldavis@futureswithoutviolence.org](mailto:ldavis@futureswithoutviolence.org); 617-262-5900. Kiersten Stewart is at [kstewart@futureswithoutviolence.org](mailto:kstewart@futureswithoutviolence.org), 202-595-7383.