

Audio Conference Training

Domestic Violence and Supervised Visitation Training Series

Crafting Visitation Center Policies that Account for Battering

Part 3: Fatal Flaws and Remedies in Writing Policies Tuesday, March 17, 2009

Policies typically backfire and fail to protect not because they are bad-intentioned but more likely because they were poorly designed. This session will: 1) explore the design of a good policy, 2) identify how to avoid harmful, unintended consequences, and 3) provide potential tools to use when crafting policies to account for the safety, complexities, identities, and life circumstances of each person.

Trainers: Ellen Pence and Jane Sadusky, Praxis International

Ellen Pence has been an advocate in the battered women's movement since 1975, focusing her work on legal reform efforts. She received her Ph.D. in 1996 from the University of Toronto. She has developed the process of safety and accountability audits based on Dorothy Smith's institutional ethnography work. Ellen is one of the original organizers of the Duluth Domestic Abuse Intervention Project, which serves as an international model of legal reform work for battered women.

Jane M. Sadusky, Madison, WI, is a writer and independent consultant on community response to violence against women. Her experience in the battered women's movement spans 25 years and includes work with shelter and advocacy programs, coordinated community response projects, and law enforcement agencies. Her publications include: *Violence Against Women: Focus Groups with Culturally Distinct and Underserved Communities*; and, with Ellen Pence, *The Praxis Safety and Accountability Audit Tool Kit*. She is a Praxis Safe Havens technical assistance partner.

This Audio Conference Training is presented by Praxis International in partnership with the National Council on Juvenile and Family Court Judges

Training Agenda

Primary Learning Objectives:

- 1) Identify how to avoid harmful, unintended consequences when crafting policies
- 2) Provide potential tools to use when crafting policies to account for the safety, complexities, identities, and life circumstances of each person

A. Welcome & Introductions

B. Fatal Flaws and remedies in writing domestic violence related policy

- 1) Flaw #1: The policy does not distinguish among different types and levels of domestic violence.
- 2) Flaw #2: The policy uses categories that lump dissimilar situations, people or events into single groups.
- 3) Flaw #3: The policy uses jargon and does not define the terms used.
- 4) Flaw #4: The policy does not commit to a client-centered approach to services and interagency work.
- 5) Flaw #5: The policy does not adequately reflect the Supervised Visitation Program Guiding Principles.

C. Break for questions and comments

D. Anticipating and avoiding unintended harmful consequences

E. Four key phases of policy making

- 1) Determine the need, purpose, and scope
- 2) Craft the policy language
- 3) Integrate the policy within the organization's infrastructure
- 4) Evaluate the policy's effectiveness

F. Questions and comments

G. Closing

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Supervised Visitation Services Policy Check: Anticipating and Avoiding Unintended Harmful Consequences

Yes: The policy is on track to help the visitation center (1) address each person in all of their complexities, identities, and life circumstances; and, (2) create an opposing experience to battering.

No: How is this a problem and who is it a problem for? Go back to the policymaking drawing board. Talk with those affected by the policy, from parents using the center (and sometimes children) to staff and other practitioners in the community. How do we correct the problem? New language? Clarify supervision or decision-making authority? Provide more resources or training? Get rid of the policy and start over?

Maybe: What additional information do we need? Who should we talk with? Do we need to test it first?

| Policy language: | | | | |
|--|-----|----|-------|-------|
| This policy ... | Yes | No | Maybe | Notes |
| 1) Anticipates how batterers might circumvent its intent and find ways to use the policy against victims. | | | | |
| 2) Anticipates how it might be used against victims of battering by other interveners (e.g., custody evaluators, social workers, judges). | | | | |
| 3) Reflects an understanding that different levels of dangerousness and risk require different levels of response. | | | | |
| 4) Recognizes its different impacts on people depending on their cultural and social identities, and minimize harmful impacts accordingly. | | | | |
| 5) Relays an understanding of the distinction between battering, resistive violence, and other forms of domestic violence. | | | | |
| 6) Recognizes the gender differences in separation violence and the implications for risk and safety (i.e., stalking, sexually abusing children, and killing children are far more likely to be committed by fathers). | | | | |

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| Policy language: | | | | |
|--|-----|----|-------|-------|
| This policy ... | Yes | No | Maybe | Notes |
| 7) Acknowledges how batterers draw children into the abuse of their mothers. | | | | |
| 8) Acknowledges how batterers undermine children's relationships with their mothers. | | | | |
| 9) Accounts for victim vulnerability to consequences and retaliation if a batterer sees an action as hostile or confrontational (e.g., limiting sweets for children or restricting gifts). | | | | |
| 10) Prioritizes people's needs over the organization's needs. | | | | |
| 11) Avoids inadvertently lumping dissimilar situations into the same category (e.g., treating all non-custodial parents as batterers). | | | | |
| 12) Limits how workers might get around or misuse it. | | | | |
| 13) Allows for flexibility when needed. | | | | |

Adapted from "Developing Policies and Protocols," Ellen Pence and Coral McDonnell, In *Coordinating Community Responses to Domestic Violence: Lessons from Duluth and Beyond*, Sage Publications, 1999.

Guiding Principles for the Supervised Visitation Grant Program

1: Equal Regard for the Safety of Child and Adult Victims

- Safety of children AND adult victims of battering
- Adult victims' safety needs visible and acknowledged in all center practices
- Hold a unique position in protecting adult and child victims from actual violence or from a batterer's attempts to use the center to continue the abuse

2: Valuing Multiculturalism and Diversity

- Reject "one-size-fits-all"
- Recognize, include, and respond to different cultures, backgrounds, and circumstances of individuals using center services
- Proactive, intentional

3: Incorporating an Understanding of Domestic Violence into Center Services

- Understand dynamics of battering and its impact
- Alert to ways in which separation can increase danger and shift battering tactics, including attempts to use visitation center as a tool and to involve children
- Recognize victims' fears and how protective behavior may be misinterpreted

4: Respectful and Fair Interaction

- Recognize center's power and influence over families
- Treating individuals with respect and fairness does not mean being neutral toward the violence or overlooking abusive behavior
- Recognize inherent power imbalance when one person is battering another

5: Community Collaboration

- Shared responsibility: center and community
- Broad support and community action help ensure safety during the process of separation
- Provide services to individuals; identify and eliminate barriers to safety and stability

6: Advocacy for Child and Adult Victims

- Link victims with knowledgeable domestic violence advocates; distinct from direct advocacy
- Provide meaningful access, not passing out a brochure or phone number
- Hold a unique position in to identify needs and gaps for individuals and in community at large

Adapted from *Guiding Principles – Safe Havens: Supervised Visitation and Safe Exchange Grant Program*, U.S. Department of Justice, Office on Violence Against Women, December 2007. Download at www.praxisinternational.org, Visitation TA Materials.