

When Do We Remove Children?

It's the constant question facing child welfare: When do we remove children? There are so many variables in so many types of cases, but we get asked a variation of this question often: In domestic violence cases, what's our threshold for removal? (For the purposes of this document, the risk/maltreatment for children is solely focused on domestic violence and not on other potential co-occurring issues in the home, such as substance abuse or physical abuse of children.)

While there are no simple or formulaic answers to this question, there are some basic guidelines for this decision-making. The core reason for removing a child in a domestic violence case is the dangerousness of the perpetrator. In a case where a perpetrator's behavioral pattern demonstrates significant harm to children, child protection's role is to learn if that risk can be mitigated through the protective capacities of other family members and/or through the intervention of the system with the perpetrator. If not, CPS may need to remove the child(ren). When domestic violence is the reason for removal, the perpetrator's actions should be the primary driver of that decision. And this focus, on the danger and harm caused by the perpetrator's behavior, should become the foundation of any neglect petition addressing domestic violence. And as a corollary of the focus on the perpetrator, the foundation facts arguing for the removal is not the behavior of the non-offending parent or the domestic violence survivor.

The importance of assessment and documentation in child protection are paramount to making good decisions for the child. It is with the information about the perpetrator's behaviors gained through interviewing adult and child victims and through collateral contacts, that CPS can make meaningful assessments of the true risk a particular perpetrator poses to a child. To be meaningful, this assessment must be focused on the perpetrator's pattern as it involves his behavior towards the adult and child victims in the current situation, and his prior relevant behavior with other partners and children. The assessment is not an assessment of the relationship, but like with pedophiles, of the perpetrator. Every perpetrator has a different level of risk and it's important to know their behavioral pattern in order to make the best prediction of a child's need. When CPS makes decisions based on these behavioral histories, it becomes much clearer which children may need to be removed and which children can stay in their homes with safety plans in place.

As important as it is to know the risk of perpetrators to children, it's equally important to know what factors do not directly relate to CPS' decision making in domestic violence related removals. Some CPS workers have asked if removal is appropriate in cases where adult victims lie, refuse to disclose details of abuse, or are seemingly uncooperative. While disclosures from adult victims are useful to CPS, the lack of them does not automatically demonstrate risk to children; in fact, in some cases an adult victim's choice not to disclose

may be a strategy she uses to keep herself and her children safe for fear of the perpetrator's retaliation. If we understand this to be true, then we should follow the logic of our own thinking: The



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perpetrator's behavior remains the reason for the removal, not the survivor's choice to withhold information as part of her safety planning. The appropriate measure of risk for children is our assessment of a perpetrator's choices, not the decisions of the adult victim.

To flesh this out more: A domestic violence survivor's behavior can be a reason for keeping children in the home but their behavior isn't the reason why we remove children in domestic violence situations. This is often a point of confusion in conversations about the decision to remove. The actions or inactions of the domestic violence survivor are not the reason why we do a removal when it's the perpetrator's actions and choices that are the ultimate source of the safety concerns. While this might seem like semantics to some, the way we write and talk about these decisions have profound implications for perpetrator accountability, partnerships with survivors around the safety of children, empowering survivors around their own decisions, the service plan and goals for both parents and ultimately the decisions related to permanency.

