

Section 4 - Domestic Violence Overview

“Families coming before the dependency court are likely to present with a number of problems, and domestic violence co-occurs with substance abuse and mental health with some frequency.”

- Leigh Goodmark, JD: National Center of Juvenile and Family Court Judges Family Violence Department

Domestic violence is found in every culture, in every race and in every socio-economic group. As such, the likelihood of issues regarding domestic violence entering dependency proceedings is significant.

Children’s exposure to violence, whether directed at them or another person within the family, is a complex issue that can have a significant impact. Judges overseeing dependency court proceedings are likely to encounter situations in which domestic violence profoundly impacts the child’s safety and the family’s well-being. Judges overseeing dependency proceedings have a core responsibility for child safety. This focus on safety begins at the Shelter Care Hearing or earlier (i.e., emergency custody order) and is re-visited at every subsequent judicial review. It is the cornerstone issue for dependency proceedings. The Dependency Benchbook introduces the concept of “safety” at the very first contact. Domestic violence can and often does impact child safety.

This section provides three primary and seven additional resources containing general information regarding domestic violence, the impact of violence exposure at various developmental stages, and how judges might respond.

- I. What are the effects when a child is exposed to domestic violence? Is there a checklist that can assist? Who can collaborate using a multi-disciplinary approach to respond to domestic violence? This technical assistance brief provides answers to these and other questions. (See, *National Council of Juvenile and Family Court Judges, 2006*)
- II. A useful checklist that is divided into five sections to assist dependency court judges in identifying facts that should be considered when making reasonable efforts determinations involving domestic violence. (See, *National Council of Juvenile and Family Court Judges, Family Violence Department, 2008*)
- III. How can judges hold perpetrators of domestic violence accountable while ensuring engagement in a mindful manner respecting the children and victim parent’s safety and well-being? (See, *National Council of Juvenile and Family Court Judges, 2011*)