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Part 8: Guidelines for Child Support Enforcement Prosecutors and Support Staff

PRACTICE GUIDELINES FOR CHILD SUPPORT ENFORCEMENT PROSECUTORS AND SUPPORT STAFF

- ▶ Create a safe and supportive environment for the first contact or interview.
- ▶ Display educational posters and provide hotline numbers, safety cards, and resource information addressing IPV, reproductive coercion, and healthy relationships (materials should be culturally and linguistically appropriate and should be placed in bathrooms, the reception area, hallways, and other highly visible areas).
- ▶ Have a written guideline on appropriate steps to inform the parties, including minors, about the limits of confidentiality and reporting requirements for child abuse.
- ▶ During the initial paternity interview, the legal assistant or child support enforcement prosecutor should offer information about the Good Cause process (see Appendix F).
- ▶ Child support enforcement prosecutors and support staff should meet with their local community-based domestic violence and sexual assault advocacy programs to learn about their services and resources, and to develop referral lists specific to pregnant and parenting individuals.
- ▶ Provide core and ongoing training on Intimate Partner Violence (IPV), sexual coercion, and stalking to all staff that have contact with the parties throughout the case proceedings.
- ▶ Training should include staff from community-based domestic violence and sexual assault programs to discuss their services and the role of community advocacy.
- ▶ Training may be extended to other support staff such as courthouse security guards and parking lot attendants who may observe abusive or threatening behaviors and have safety concerns.

- ▶ As part of the paternity interview process, child support enforcement prosecutors or support staff should ask, “What do you think the [alleged] father’s reaction will be to establishing paternity or to pursuing child support?”
- ▶ Child support enforcement prosecutors and support staff should provide supported referrals to local community-based domestic violence and sexual assault advocacy programs.

Introduction

As a child support enforcement prosecutor, support staff, or legal assistant, you have a responsibility to identify whether the custodial parent is eligible for Good Cause. You are in a unique position to provide key referrals. While you have a mandate to ask questions about a person’s sexual partners, you probably don’t know all the ways their answers will affect the case or how the interview may affect the well-being of the person in front of you. Every day, you talk with women and teens who are pregnant or newly parenting, many of whom are experiencing domestic and sexual violence. If you are aware of these forms of abuse, you will be able to provide information to individuals who need access to the Good Cause process, allowing them to maintain safety while receiving financial or health benefits.

As part of the initial paternity interview, the legal assistant or child support enforcement prosecutor should discuss with women and teens what is legally required to be shared and what is confidential. You should be aware that issues related to intimate partner violence involving a minor can also raise questions about mandatory child abuse reporting requirements and age of consent laws (see Part 3 for more information about these topics).

By providing referral information, you have the opportunity to facilitate a better connection to a range of community services that will support the health, safety, and autonomy of the survivor of abuse and her children. Your office may be the “doorway” through which a pregnant or parenting survivor gains access to resources that will help her through a difficult time in her life.

Prepare

Develop an Appropriate Environment and Procedures

- ▶ Create a safe and supportive environment for the first contact or interview.
 - ▷ There are important steps you can take to create a safe and supportive environment for asking about IPV and sexual coercion to help determine how to proceed.
 - ▶ Have a private place to interview the parties alone where conversations cannot be overheard or interrupted.
 - ▶ Normalize difficult experiences: “We often hear that women who are involved in paternity proceedings are worried about how the child’s father may react.”
 - ▶ Use trauma-informed principles (see Part 2).
- ▶ Display educational posters and provide hotline numbers, safety cards, and resource information addressing IPV, reproductive coercion, and healthy relationships (materials should be culturally and linguistically appropriate and should be placed in bathrooms, the reception area, hallways, and other highly visible areas).
- ▶ Have a written guideline on appropriate steps to inform the parties, including minors, about the limits of confidentiality and reporting requirements for child abuse.
- ▶ During the initial paternity interview, the legal assistant or child support enforcement prosecutor should offer information about the Good Cause process (see Appendix F).

Enhance Community Relationships and Referrals

- ▶ Child support enforcement prosecutors and support staff should meet with their local community-based domestic violence and sexual assault advocacy programs to learn about their services and resources, and to develop referral lists specific to pregnant and parenting individuals.
 - ▷ There is a wide array of resources available for victims of abuse on how to get help.
 - ▷ Contact the following organizations to learn more about these resources:
 - ▶ Washington Coalition of Sexual Assault Programs (www.wcsap.org) and Washington State Coalition Against Domestic Violence (www.wscadv.org) for a listing of services available for victims, friends, and family statewide.
 - ▶ Staff can call a domestic violence or sexual assault advocate to consult and discuss issues related to abuse and assault in order to best meet the needs of survivors.
 - ▶ Referral lists should include information such as health care services, WIC (Women, Infants, and Children), and shelters.

Train

- ▶ Provide core and ongoing training on Intimate Partner Violence (IPV), sexual coercion, and stalking to all staff that have contact with the parties throughout the case proceedings.
 - ▷ Refresher training is important to introduce advances in the field and offer opportunities for staff to discuss progress, challenges, and opportunities.
- ▶ Training should include staff from community-based domestic violence and sexual assault programs to discuss their services and the role of community advocacy.
- ▶ Training may be extended to other support staff such as courthouse security guards and parking lot attendants who may observe abusive or threatening behaviors and have safety concerns.

Training Resources

Intimate Partner Sexual Abuse: Adjudicating This Hidden Dimension of Domestic Violence Cases. This free online course by the National Judicial Education Program, intended for judges but appropriate for all professionals involved in IPV cases, is available at www.njep-ipsacourse.org

Department of Social and Health Services, Community Services Division, Eligibility A-Z Manual, Good Cause Chapter - www.dshs.wa.gov/manuals/socialservices/sections/GoodCause.shtml

See Appendix F for additional Good Cause information.

Inform

When Cooperating with the Division of Child Support and/or the Prosecutor's Office is an Issue

Often in the paternity interview process, issues of domestic violence or sexual assault arise. The Good Cause exception relieves the individual of certain requirements while receiving TANF (Temporary Assistance for Needy Families). Any woman experiencing domestic violence may be eligible for the Good Cause Exception.

Inform all parties that a child witnessing domestic violence (or exposure to domestic violence) is not an automatic report to child welfare (RCW 26.44.020 (14)).

Child support enforcement prosecutors who participated in Needs Assessment interviews said they do not routinely offer information about the Good Cause process. One child support enforcement prosecutor said, "We wait until we hear something about domestic violence" (Washington State Coalition Against Domestic Violence & Washington Coalition of Sexual Assault Programs, 2012).

Good Cause

With regard to Good Cause, keep in mind that the ONLY verification of domestic or sexual abuse that a parent or caregiver needs is a written statement outlining her fears and concerns (WAC 388-422-0020(2)).

“DSHS cannot require a parent to provide court orders or police records in order to support a claim of Good Cause. There are many reasons why a victim of family violence would not be in possession of these. For example, if s/he has fled and left these papers behind, or if seeking copies of these documents would alert a perpetrator to her/his whereabouts. In addition, many victims, for a variety of good reasons, have never sought help from systems like the police, courts or medical facilities” (Washington State Department of Social and Health Services, 2011).

Ask and Refer

Ask

Asking whether the mother has concerns about retaliation, her safety, or her child’s safety will help you keep the well-being of the parties and their children a top priority.

- ▶ As part of the paternity interview process, child support enforcement prosecutors or support staff should ask, “What do you think the [alleged] father’s reaction will be to establishing paternity or to pursuing child support?”

One child support enforcement prosecutor in the Needs Assessment interview recalled a father showing up [at the office] demanding to see the mother. "The mom wanted the case to go forward, even though we had to call the police so the abuser would leave the lobby" (Washington State Coalition Against Domestic Violence & Washington Coalition of Sexual Assault Programs, 2012).

Refer to Community-Based Advocacy Programs

- ▶ Child support enforcement prosecutors and support staff should provide supported referrals to local community-based domestic violence and sexual assault advocacy programs.

Sample Script

“Thank you for coming into the office today for your interview. I want to let you know about the terrific free and confidential domestic violence and sexual assault programs we have in our community. These programs may be able to help you or just give you some more information about resources, housing, or emergency shelter. They can also help you connect to health care services. You may want to contact them because they are easy to talk to, they will understand your situation, and they can provide support for you during this legal process. We also have Safety Cards that will give you important information about your health.”

Recognizing experiences of abuse and connecting people with community advocacy resources is an effective strategy to help increase the safety of the mother and child, and to facilitate the progression of the paternity case. Everyone has a role to play in ending abuse in our communities, and making a referral to community-based advocates can be a critical step in recognizing abuse and supporting the safety of victims and families.

Community-based advocates can help someone navigate the systems that are involved, explain their options, help them secure economic and housing resources, connect with additional support services like healthcare or treatment options, and listen to and support the survivor. The services are free and confidential, and may include legal advocacy, support groups, emergency housing, and individual counseling. Community-based advocates can also work with survivors who have been charged with a crime.

Leaving or attempting to leave abusive relationships is dangerous and complicated. Violence can escalate at the point of separation.

Many women in abusive relationships stay or return because of the lack of affordable housing; studies have shown that between 22% and 57% of homeless women are homeless because of domestic violence (National Law Center on Homelessness and Poverty, 2007). Leaving is difficult, especially for women who are pregnant or have young children, and it may increase risk rather than make families safer. A review of domestic violence homicides in Washington State shows that in at least 46% of the cases, the victim had left the abuser or was in the process of separation (Fawcett, 2010). In addition to the increased risk related to separation, sexual assault by an intimate partner is related to increased risk of lethality. In a study by David Adams (2007), 75% of victims of attempted murder by a partner were also sexually victimized.

Because of all these factors, safety planning is crucial and requires expert assistance. Anticipating an abuser's reaction and planning for a life without violence takes thoughtful preparation and requires access to a variety of resources. Community-based advocates can work with a survivor as long as necessary to help her achieve autonomy and safety for herself and her children.

There is a widespread but mistaken belief that if women in abusive relationships would just leave, the violence would end. This leads to the always wrong question, "why doesn't she leave?" instead of "why doesn't he stop hurting her?" The reality is that leaving is the most dangerous time for a battered woman because the abuser is outraged that he is losing control over her. An impending separation or divorce often prompts renewed or first-time intimate partner sexual abuse (National Judicial Education Program, n.d.).