

# Family Violence Prevention Fund

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## POLICY BRIEF

January 2011

### Summary of Provisions to Address Overlap of Domestic Violence and Child Abuse in CAPTA/FVPSA Reauthorization of 2010

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, and despite relatively modest amounts of funding, serves as a driving force of child welfare practices in states. Also, included in the CAPTA reauthorization was the reauthorization of the Family Violence Prevention and Services Act (FVPSA) and the Abandoned Infants Assistance program. FVPSA is the only source of dedicated funding for victims of domestic violence and their children and supports the majority of the nation's domestic violence shelters and services. One in four American women continues to experience domestic violence and one in three American children witness abuse by the time they are adults.

CAPTA does not create new programs, but instead focuses on improving existing programs to better align with research an 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 mothers 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:

- dissemination of information on training resources, effective programs and best practices in the collaboration between CPS and domestic violence services,
- collecting information on the incidence and characteristics of child maltreatment cases where there is also domestic violence, and
- discretionary grants to promote and support linkages among services for abused children and their mothers and the development of effective collaborations.

## **Section-by-Section Changes to CAPTA Addressing Domestic Violence<sup>1</sup>**

The specific changes with regard to domestic violence are:

### **1. Findings (Sec. 2)**

- Recognizes the co-occurrence of child maltreatment and domestic violence, and encourages procedures to enhance the safety of children and victims of domestic violence.

### **2. Information Clearinghouse (Sec. 103)**

- Requires HHS to maintain and disseminate information on: 1) the medical diagnosis and treatment of child maltreatment; 2) best practices in differential response; 3) training resources for substance
- e abuse treatment services and domestic violence personnel; and 4) effective programs and best practices for collaboration between CPS and domestic violence services.
- Requires HHS to gather information on the incidence and characteristics of child maltreatment cases present with domestic violence, and in cases related to substance abuse.

### **3. Research (Sec. 104(a))**

- Supports research on: 1) approaches to improving the attachment of maltreated infants and toddlers with parents or caregivers where reunification is appropriate; 2) effective practices in medical diagnosis of child abuse and neglect; 3) effective collaborations between CPS and domestic violence services that provide safety for children exposed to domestic violence and their non-abusing parents to improve investigations and delivery of services for children and families; 4) effective collaborations between CPS and medical, mental health, developmental disabilities, early childhood, and special education services; 5) the impact of child abuse and neglect on the progression of disabilities; effective practices in differential response; 6) and child maltreatment issues facing Indians, Alaska Natives and Native Hawaiians.
- Authorizes a study on the characteristics of perpetrators and victims and on the incidence of shaken baby syndrome.

### **4. Technical Assistance (Sec. 104(b))**

- Authorizes HHS to provide technical assistance in the prevention, assessment, identification and treatment of child maltreatment to providers of mental health, substance abuse treatment, and domestic violence prevention services.
- Authorizes HHS to provide information on training resources to substance abuse and domestic violence services personnel in collaboration with others in interacting on child abuse and neglect investigation and interventions.

### **5. Training and Innovation (Sec. 105)**

- Include “substance abuse” and “domestic violence service agencies” and “community-based programs” with CPS, public health, mental health, and developmental disabilities agencies in promoting linkages among services.

- Authorize grants to develop effective collaborations between CPS and domestic violence services which include provisions for the safety of the non-abusing parent and children, and services to children exposed to domestic violence.

#### **6. Basic State Grants: eligible use of funds (Sec. 106(a))**

- To develop and implement collaborative procedures between CPS and domestic violence services, including the use of differential response where appropriate, and in providing services that assist children exposed to domestic violence and also support the care giving role of the non-abusing parent.

#### **7. Basic State Grants: eligibility requirements (Sec. 106(b))**

- Provide that reunification not be required where a parent has committed intra-familial sexual abuse or must register with a sex offender registry.
- Policies and procedures for appropriate collaborations between CPS and domestic violence.

#### **8. Children’s Justice Act grants (Sec. 107)**

- Throughout, replace “handling” of cases with “assessment and investigation” of cases; and changes “particularly” to “including” child sexual abuse and exploitation cases.

#### **9. Community-Based Prevention Grants, purpose and authority (Sec. 201)**

- Include among support programs substance abuse treatment services and domestic violence services.

#### **10. Community-Based Prevention Grants, program requirements (Sec. 206)**

- Add to optional services, “child care, early childhood education and care, and intervention services” and “domestic violence services.”

### **New Children’s Services Program in FVPSA**

In addition to the changes made to CAPTA, the bill also included in FVPSA a ground-breaking new program to better address the needs of children living in shelters or served by domestic violence programs.

**Sec. 312** Specifically authorizes the creation of a new grant 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 help children living in domestic violence shelters and help improve coordination with the child welfare system.

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<sup>i</sup> Special thanks to Tom Birch of the National Child Abuse Coalition for providing CAPTA Section-by-section analysis.