

Helping Abuse Victims Keep Their Children

by Gotham Gazette Staff

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One night in 1999, Sharwline Nicholson's former boyfriend showed up at her house and assaulted her when she opened the door. While she was in the hospital being treated for her injuries, the city's Administration for Children's Services took her children from the neighbor's home where they were staying and charged Nicholson with "engaging in domestic violence."

Nicholson became the lead plaintiff in a class action suit against the New York City foster care system aimed at stopping the practice of removing children from victims of domestic violence solely because the parent has been abused. The plaintiffs won the case. Since then, ACS has had to dramatically change how it handles cases involving domestic violence. It can no longer remove children from victims of domestic violence solely because they are victims.

As a result of the lawsuit, a committee of experts reviewed the child welfare system's policies and training. The agency then directed more staff and funding to domestic violence programs and improved training. Since the lawsuit, experts say, there is more of an institutional commitment to work with victims of domestic violence and to get them the help that they want or need. The city, however, still removes children from the homes of victims of domestic violence.

While ACS needs to protect children from abuse, it also does not want to unnecessarily separate children, many already scarred by scenes of violence in their homes, from their parent.

The Dangers of a Violent Home

Research shows that domestic violence between adults frequently goes hand in hand with child abuse, and the U.S. Advisory Board on Child Abuse suggests that spouse or partner abuse violence may be the major precursor to child abuse and neglect fatalities in the country. About half of men who batter their partners also frequently abuse their children, and women who have been hit by their husbands are twice as likely to hit a child. Children who are exposed to domestic violence are more likely to exhibit behavioral and physical health problems including depression, anxiety and violence toward peers than children who are not exposed to violence at home. Children in homes with domestic violence are also more likely to attempt suicide, abuse drugs and alcohol, run away from home, engage in teen prostitution and commit sexual assault.

This is something that Princess, a former writer for [Represent](#), a magazine written by teens in foster care, knows firsthand. "I've gone through a lot in my life, including being abused myself, but watching my mother being hurt is the worst thing I've ever gone through," Princess wrote in

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Represent. "I'm 21, and I still feel such a fear of an unexpected attack that I always double check my doors and windows to make sure they're locked. Sometimes I wake up crying. And I don't think I will ever be able to hear the words 'I'm sorry' without feeling anger at the fact that you may not mean them."

Child protective services can still remove children in Princess' situation if the violence is repeated and serious, and the children are clearly suffering serious emotional harm or the risk of physical harm. They can also remove children if the mother is offered meaningful help and decides not to act on it — if, for instance, a caseworker recommends that the mother goes to a shelter but she does not. In those cases, the battered parent can be charged with "child neglect," meaning that she did not protect her child from violence or the threat of violence.

Keeping Children and Mothers Together

The Nicholson case raised awareness that many children living in homes with domestic violence should stay with their mothers, so long as the mother is taking steps to protect her children from the violence at home. It's something that many children living with domestic violence want as well.

Merli, another writer for Represent, remembers the trauma of watching her father beat her mother, but she says it would have been even more traumatic to be separated from her mom. "My mother was the most important person in my life," she wrote in Represent. "She needed help to get away from my father, but I needed her. If I had been taken from her, I would have been devastated."

Now removal solely on the grounds that a parent is being abused is not supposed to happen. "Obviously, that doesn't mean that it never happens," says Jill Zuccardy, one of Nicholson's lawyers. "Some caseworkers make threats of removal inappropriately, but now it's the exception and it's against the law."

The Victims' Perspective

An increasing awareness of the perspective of domestic violence victims as well as the overlap

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between child welfare and domestic violence has permeated the foster care system over the past decade. Advocates say ACS workers are far more sensitive to the issues surrounding domestic violence. The agency has begun working closely with advocates and survivors to develop better policies for cases involving domestic violence, and Commissioner John Mattingly has met with domestic violence survivors to learn about their experiences with the agency. [Members of Voices of Women Organizing Project](#)

, an advocacy group of domestic violence survivors, now sit on ACS' Domestic Violence Advisory Committee and the Parent Advisory Workgroup.

Batterers often make false accusations of child abuse or neglect against their victims. Voices of Women and ACS have worked together to come up with protocol for child protective workers to follow when they suspect a report is false. Voices of Women founder and director Susan Lob said the group recently worked on a case where ACS was called about 30 times to a home because of a false allegation. "That's traumatic to the family and a waste of the city's time and resources," said Lob.

Determining whether a report is false or not can be a life or death matter for a child. But partly due to the work between the two groups, ACS developed a protocol that acceptable to both child advocates and advocates for domestic violence survivors. When ACS workers suspect false reports, they now are supposed to contact the liaison between Child Protection and the district attorney's office. In their latest media campaign, ACS even included a line warning that false and malicious reports are a crime, and the warning now appears on their Web site and brochures as well.

Turning the System Around

Voices of Women members also have made recommendations about the kind of training about domestic violence ACS workers should receive. But coming up with policies has been easier than changing day-to-day casework, said Lob. "On paper, the policies are really great," she said. "Now we're working on actually making those policies happen on the front lines."

Voices of Women keeps a 16-point list of recommendations of policy and practice improvements and tracks the progress made on each point.

"Changing the system is often compared to turning the Queen Mary around in a small channel," said Lob, "but I feel positive about the direction that ACS is going in. It's a good sign that survivors are, for the first time, involved in giving feedback to the commissioner and staff and

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that the domestic violence staff are responsive.”

Sharline Nicholson remembers that, before her lawsuit, survivors of domestic violence would advise each other in court, “Don’t fight the system. Whatever they give to you, just do it so you can get your kids back.”

After the lawsuit and lobbying for changes, Nicholson has begun to sense a shift. “I could truly sense the anger the parents were feeling and the encouragement and empowerment I had to give,” she wrote in [Rise](#), a magazine by and for parents in the child welfare system. Nicholson hopes her efforts will help “push forward legislation that will encourage more parent voices in the system, and bring about changes for the better for parents and children dealing with domestic violence.”

This article is adapted from [Rise](#), a magazine by and for parents in the child welfare system, published by our partner, [Youth Communication](#). Â